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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 30, 2020.

I hereby appoint the Honorable HENRY CUELLER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2020, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

RECOGNIZING DR. DONALD MOORE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX of North Carolina. Mr. Speaker, I rise to recognize Dr. Donald Moore of Madison, North Carolina. For over 40 years, Dr. Moore has served as a physician at Western Rockingham Family Medicine.

Dr. Moore understands that God humbly uses him as an instrument to care for those who are entrusted to him, and he believes each patient is an extension of his own family. That mindset, Mr. Speaker, encapsulates the true essence of a servant's heart.

After graduating from Madison-Mayodan High School with the title of valedictorian, Dr. Moore attended the University of North Carolina at Chapel Hill where he majored in biology. Dr. Moore was then accepted at Bowman Gray Wake Forest School of Medicine.

Upon graduation, Dr. Moore had many opportunities presented to him that might have awarded him more comfort and stability in life, but for him, this was not the primary goal.

Instead, he turned his gaze to returning home to care for the teachers, family members, and friends who had loved him and equipped him with the necessary tools to pursue medicine.

Mr. Speaker, it is clear to see that Dr. Moore not only possesses a servant's heart, but he also understands that service to a community is intrinsic to bettering the lives of those around us. His daughter Lindsay describes him as: ''A man who knows that he's made in the image of God, and he understood at a young age what it meant to be a servant leader in the community he so loves.''

Dr. Moore's wife, Sue, and three daughters believe that he is more than just a father; he is a healer, a teacher, and a hero to the countless people he has cared for.

Mr. Speaker, may God continue to bless Dr. Moore and his family as he enters retirement. I have no doubt that Dr. Moore's legacy, as well as his future service, will continue to impact the lives of those in the community.

CONGRESS MUST SEIZE THIS OPPORTUNITY TO END CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. CASTEN) for 5 minutes.

Mr. CASTEN of Illinois. Mr. Speaker, in 1896 Svante Arrhenius hypothesized that carbon dioxide pollution would trigger a greenhouse effect.

Since then, we have emitted 1.4 trillion tons of carbon dioxide, and it has gotten hotter.

In 1987, the Reagan administration crafted the Montreal Protocol to close the ozone hole. It used market tools to solve environmental problems, and it worked.

The Kyoto Protocol was supposed to apply that logic to carbon dioxide. But as many of you know, we then decided to just go collectively crazy. Scientific truths got politicized. Crackpot theories got weaponized. Meanwhile, it got hotter.

Today, the Select Committee on the Climate Crisis will release a comprehensive report with a roadmap to turn this ship around. It provides policy recommendations to reduce carbon dioxide emissions by almost 90 percent, save our country $9 trillion, and save 62,000 lives per year by 2050.

It goes further than that. It identifies negative emission tools to take us back to the sustainable carbon dioxide levels we had in 1985. 1985 by the way, is that point in history where prior to that point we had emitted 50 percent of all the CO_2 emissions as a species we have emitted up to this point. Back to the future indeed.

I urge my colleagues to seize this opportunity. This is an opportunity to grow the economy and to protect the environment, but more importantly, it is an opportunity to tell your children that when the times called on you to act, you rose to that challenge.

Please. Seize this opportunity.

CELEBRATING INDEPENDENCE DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BYRNE) for 5 minutes.

Mr. BYRNE. Mr. Speaker, this weekend America will celebrate its 244th

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birthday. Unfortunately, we do so in a time of pandemic, a struggling economy, and violent protests. But it is still our birthday, and we should both commemorate and celebrate it.

We usually do a good job in our celebration, although this year will be different since social distancing means we will be in smaller groups, and public fireworks displays have been canceled. I suspect most of us will find a way to gather with family and close friends to cook out and show the red, white, and blue.

But a commemoration is more than that. Merriam-Webster defines ''commemorate'' as ''to call to remembrance'' or ''to serve as a memorial of.'' How many of us will stop and remember what it meant for the Second Continental Congress to not only declare our independence from Britain, but also to state our reasons for doing so in majestic language positing the highest ideals?

Let me make a suggestion: This Fourth, get a copy of the Declaration and read it. My extended family and friends usually get together and have several of us read the various portions of the Declaration out loud and then we talk about its meaning. It doesn't take much time, and we always experience a renewed appreciation for the gift that is our country. This year we will do it virtually, in smaller groups.

The Declaration was meant to be read out loud. Indeed, on July 4, Congress not only voted to accept it but also provided for its distribution to the States and to the Continental Army.

On July 6, John Hancock as president of Congress, sent letters to the States and to General Washington enclosing broadsides of the Declaration requesting that they have it ''proclaimed.'' It was read out loud to celebrations in dozens of cities and towns in July and August and to the Continental Army on July 9 as it prepared for the British invasion of New York.

To some extent these events were meant to inform and inspire the people of a newly independent Nation. But then, and now, the Declaration is a defining document. It not only said we were an independent Nation, but also who we aspire to be. Freedom and equality were to be at the heart of the Nation's character. And the rights stated in the Declaration, life, liberty, and the pursuit of the happiness, are clearly labeled gifts from God himself to all of us.

The story of our country is really the unfolding of the efforts to live up to these aspirations. President Lincoln used it as a primary basis for arguing against slavery, as in the Gettysburg Address where he famously said: ''Four score and 7 years ago our Fathers brought forth, on this continent, a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal.'' As a result of the Civil War these ideals were enshrined in the 13th, 14th, and 15th Amendments to the Constitution.

Martin Luther King used it in his 1963 ''I Have A Dream'' speech, referring to the Declaration and to the Constitution as a promissory note to all Americans, which he and others of the civil rights movement called upon the Nation to honor. As a result of the movement, Congress passed the 1964 Civil Rights Act and in 1965 the Voting Rights Act.

I know it is fashionable now among our Nation's elites to view America as evil from our birth, evil in our institutions, and evil in our character. That view is a myth untethered to the reality of our history. This myth is just a false preamble to lay the groundwork for their efforts to radically reorganize our society and have government run every detail of our lives all the while piling tax upon tax upon us. Isn't this type of government what caused the Founders to declare independence in the first place? These elites call themselves ''progressive,'' but their plan is actually a regression to a tyrannical central government taxing us against our will.

Despite our faults, some of which have been grievous, we are a Nation established upon the highest ideals which has the strength of its character and institutions to self-correct as we strive toward those ideals. Our history repeatedly demonstrates that is who we are.

David McCullough, the Pulitzer Prize winning author and historian, several years ago told a gathering of those of us in Congress that Americans would be more hopeful if we only knew our history. How true. Complicated and contradictory, yes, but it is also a history of spectacular success and of a major force for good here and abroad.

So this week let's celebrate and commemorate who we are. Let's pause in the middle of our present troubles to renew our pride as Americans and draw lessons from our founding and history for the resolution of the issues of the day. And let us, like our Founders, ''mutually pledge to each other our lives, our fortunes, and our sacred honor.''

ALL AMERICANS DESERVE ACCESS TO CLEAN AIR, CLEAN WATER, AND A PLANET FREE FROM TOXIC POLLUTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Ms. BONAMICI) for 5 minutes.

Ms. BONAMICI. Mr. Speaker, the coronavirus pandemic, racial violence, and the climate crisis have all highlighted systemic and pervasive inequalities in our country, especially for Black communities and other people of color. Racial, economic, and climate justice are intrinsically linked.

As a member of the Select Committee on the Climate Crisis, I am pleased to stand with my colleagues this morning to release our climate action plan. It is centered on the principles of justice and equity because all people deserve access to clean air, clean water, and a planet free from toxic pollution.

After more than a year of hearings, round table discussions, and feedback from people and groups across the country, we have a bold, science-based, comprehensive plan to address the climate crisis. It sets our Nation on a path to reach net-zero emissions no later than mid-century and net-negative thereafter. Our plan focuses on the needs of frontline communities, accelerating our transition to a 100 percent clean-energy economy, and opportunities to create good-paying jobs. Climate solutions are economic solutions.

The climate crisis is an existential threat, and we cannot wait to act. In the Pacific Northwest, climate change is already our reality. Raging wildfires each summer result in hazy skies, smoky conditions, and hazardous air quality comparable to some of the most polluted places on the planet. Decreased snowpack in the winter is upending the outdoor recreation industry. Our ocean is absorbing carbon dioxide and becoming more acidic, devastating commercial fisheries. Warmer water temperatures in the Columbia River are further endangering salmon, which are a fundamental part of the identity and culture of northwest Tribes. Droughts and extreme weather jeopardize the livelihoods of our specialty crop farmers who were already struggling to make ends meet. Despite these conditions, there are reasons to remain hopeful.

As I travel across northwest Oregon, I have visited with constituents who are already hard at work to protect our planet. At 46 North Farms near the majestic Oregon coast, Teresa Retzlaff and her CSA members are using dry farming practices to provide sustainable food and beautiful flowers for their community. In Hillsboro, Oregon, First Tech Community Credit Union constructed its headquarters out of cross-laminated timber, which creates an airy and healthy workplace and is an example of how we can reduce emissions with our choice of building materials while helping to revitalize rural communities.

In Astoria, more than 100 people filled a community room on a Friday afternoon to hear from scientists about how the climate crisis is affecting the health of our ocean. TriMet and Portland General Electric launched the region's first battery electric bus powered by 100 percent renewable wind energy.

In Portland, workers at Vigor constructed a massive wave energy buoy that was deployed off the coast of Hawaii to capture the power of our ocean in generating clean energy.

And to mark the 50th anniversary of Earth Day, I joined environment and labor leaders to discuss a green road to recovery that creates good-paying jobs. These examples, and so many more, informed our work on the select committee.

Our climate action plan is a comprehensive road map for Congress to build a healthy, resilient, and just America. By enacting our recommendations, we would achieve net-zero carbon pollution by no later than mid-century, save more than 60,000 lives each year from reduced air pollution, and generate health and climate benefits that would help save close to $8 trillion.

I am also pleased to see many of our recommendations, included in H.R. 2, the Moving Forward Act.

As a leader on the Education and Labor Committee and the granddaughter of a coal miner, I know the way we transition to a clean energy economy and support workers is as important as the transition itself.

□ 0915

At a time when more than 47 million workers are unemployed, our recovery package must focus on creating and restoring good-paying jobs. We have the opportunity to incorporate investment in climate resilience and clean energy in the process.

As co-chair of the House Oceans Caucus and the Congressional Estuary Caucus, I am pleased that our climate action plan recognizes the power of the ocean to be part of the solution.

The climate action plan calls for the conservation of at least 30 percent of our ocean by 2030 to help preserve and protect blue carbon ecosystems that can help serve as a natural climate solution by absorbing carbon dioxide from the atmosphere.

Our plan provides solutions to protect the planet and make it more resilient for future generations. It will result in communities and an economy that is stronger, healthier, and fairer.

Now, we must turn this roadmap into action.

Mr. Speaker, I thank Chair CASTOR and the select committee staff for their tireless work.

CONGRATULATING DALE WATTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. NORMAN) for 5 minutes.

Mr. NORMAN. Mr. Speaker, I rise today to celebrate the service and accomplishments of Dale Watts, a resident of Tega Cay, South Carolina.

Dale and his wife, Barbara, and family have been a part of the greater Fort Mill-Tega Cay community for over 40 years.

Dale began his career in medical sales, and after retiring after 30 years, he entered the field of real estate with his wife, Barbara, where he successfully owns and manages commercial and residential properties.

Dale's involvement in the community is legendary, as he has volunteered for numerous groups and civic organizations, including joining the Tega Cay Fire Department No. 56, where he became a certified firefighter; joining the Tega Cay Lions Club, where he served as president for three terms; his tireless work with the Lake Wylie Lutheran Church Community Cafe; his activities as a member of Grace Presbyterian Church, where he was active with the Meals on Wheels program, the Senior Citizens Christmas Party, the International Student Exchange, and the Tega Cay Community Service Committee; and the list goes on and on.

As a result of his tireless efforts, he received numerous awards, including Firefighter of the Year in 1990, Tega Cay Voluntary Fire Department Officers Award in 2009, the Fire Chief's Award in 2010, and the Melvin Jones Fellow Humanitarian Award in 1995. He was inducted into the South Carolina Lions Hall of Fame in 2018 and was named the Tega Cay Citizen of the Year in 2005–2006.

Dale has been married to his wife, Barbara, for 41 years and has five children and five grandchildren.

In the words of many friends in the Tega Cay-Fort Mill community, ''If you need something done, just call Dale.''

Dale Watts has dedicated his entire life in service to others and exemplifies the slogan ''Service Above Self.'' As a result of his tireless work, the community, the State, and the Nation are a better place to live and raise a family.

SETTING U.S. ON PATH TO REACH NET-ZERO GREENHOUSE GAS EMISSIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BROWNLEY) for 5 minutes.

Ms. BROWNLEY of California. Mr. Speaker, in December 2017, the Thomas fire destroyed over 280,000 acres, with almost all of it in my district in Ventura County. It is the second largest wildfire in all of California's recorded history.

The day it started, my constituents Trisha and Jed received a terrifying call. Evacuation orders were just issued. A wildfire was fast approaching their home, and their children were put in a car and whisked away.

It was an unbearable week for Trisha and Jed. They couldn't stop thinking of what might have happened to their children, all while mourning the loss of their home that was burned to the ground, including the invaluable keepsakes Jed had just moved to the house after his father's passing.

Natural disasters like these are becoming all too common, not only in Ventura County, but throughout California and the Western States.

Floods, tornadoes, and hurricanes, from Texas to Florida and all along the East Coast, are increasing with alarming frequency. Glaciers in the Arctic are melting faster than ever before. Ocean temperatures have increased in the last three decades at a pace greater than recorded history. Sea level rise is accelerating. Atmospheric temperatures are also on the rise.

These are facts. They are destroying homes. They are taking lives. They are wreaking havoc on our communities and communities across the planet.

Over the last year and a half, the Select Committee on Climate Crisis has been tasked with finding bold and transformative solutions to tackle this global emergency.

This report, the most comprehensive report on the impact of climate change and how to address it in the history of Congress, lays out policies, legislation, and a roadmap that will put the brakes on global warming while creating equitable, good-paying jobs of the future, and, at the same time, putting American innovation and ingenuity first.

The select committee has written a report that identifies 12 pillars on which Congress can make actionable changes and sets the U.S. on a path of reaching net-zero greenhouse gas emissions by 2050.

The report takes a deep and wide dive into all the sectors of our economy that contribute to climate change, from agriculture and transportation to how we build our buildings; to water, electric, and telecommunications infrastructure; to energy production, manufacturing, tax policy, and national security.

The impact of climate change is broad, and it can be addressed only through comprehensive and bold solutions.

I am very proud that the select committee offers up so many of those solutions, and where solutions don't exist, it lays out the challenge that American ingenuity can and will overcome.

Today, we face what appears to be an even more imminent crisis: a pandemic that has crushed the global economy and taken almost 130,000 American lives and half a million lives worldwide.

We are struggling with long, deep racial injustice and how to address it. But we will rise from this darkness, and how we rise from it will impact everyone on the planet, not only alive today, but for generations to come.

I hope that we will search for solutions that draw on the ideals that created this great Nation: equity, justice, and ingenuity.

As we rebuild our economy, let's do so by investing in the technologies, practices, and methods for the future and with the urgency of now that our changing climate demands.

As we seek to right injustice and inequity, let's not forget the role the rise of American industry played in creating some of that injustice and inequity, as it did with the climate crisis we have before us, and let's choose a path forward that rights that ship.

We are suffering now, but we should, we must, rise up with a clearer vision for a better future.

Climate change provides the greatest existential threat to human existence, but it also offers the greatest opportunity for mankind and womankind to meet that threat and to beat it.

I know that everyone in this Chamber came here to make their mark, to better their communities, to strengthen our Nation. We must seize this moment. We must seize it for Trisha and Jed. We must seize it for their children. We must seize it for their children's children.

We must show the Nation that Congress is up to the task that is before us now. We must and will act now.

RECOGNIZING INDEPENDENT COMMUNITY BANKERS ASSOCIATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arkansas (Mr. HILL) for 5 minutes.

Mr. HILL of Arkansas. Mr. Speaker, I rise today to recognize the Independent Community Bankers Association and Little Rock's Venture Center. Together, they have renewed their partnership and commitment to the ThinkTECH Accelerator program for an additional 3 years.

The ThinkTECH Accelerator brings community banks and fintech innovators together to develop new technologies specifically for community banks and the customers they serve. Not only has it received high praise from local government and top business leaders, but this renewal will keep tech entrepreneurs coming back to Arkansas for mentorship and much-needed capital.

I look forward to working alongside the ICBA, the Venture Center, State leaders, and our entrepreneurs to continuously aid our small banks and enhance our economy here at home.

RECOGNIZING KAYLE BROWNING

Mr. HILL of Arkansas. Mr. Speaker, I rise today to recognize Ms. Kayle Browning's great achievement of representing Arkansas and the United States of America at the Tokyo Olympics as a part of Team USA's Olympic trap team.

Kayle is from Wooster, Arkansas, and graduated from Greenbrier High School. She went on to attend the University of Central Arkansas.

Kayle started shooting at the young age of 8 in the yard with her dad, who is also an avid sporting clay shooter.

She began her target shooting career in sporting clay and then made the All-America Team at the age of 12. Kayle also represented Arkansas and Team USA as an alternate in the 2012 Olympics in London.

Kayle has shown dedication and determination over the years, and I am proud to have her represent our State on the national stage as an Olympian.

I congratulate her on her achievement of joining Team USA's Olympic trap team.

RECOGNIZING COACH MARCUS DAVIS

Mr. HILL of Arkansas. Mr. Speaker, I rise today to recognize Coach Marcus Davis on his recent retirement from the Little Rock School District.

Coach Davis has been an integral member of the Little Rock School District for 36 years, 33 of which were spent at Cloverdale Middle School.

In his tenure in the Little Rock District, Coach Davis has served as the head boys basketball coach, head girls volleyball coach, and the head girls track coach. In addition, Coach Davis taught both physical education and health education.

The lasting connections Coach Davis made with his athletes and students over the course of nearly four decades is truly inspirational.

On behalf of all Arkansans, I thank Coach Davis for his devotion to educating and coaching our youth, and I congratulate him on a terrific career and a well-deserved retirement.

CONGRATULATING LITTLE ROCK ON BICYCLE FRIENDLY AWARD

Mr. HILL of Arkansas. Mr. Speaker, I rise today to recognize and congratulate the city of Little Rock, Arkansas, for being awarded the Bronze-level Bicycle Friendly Community Award from the League of American Bicyclists.

As a biker and former board member of Bicycle Advocacy for Central Arkansas, I am pleased that my hometown was honored for its commitment to improving biking and safer streets for everyone.

The Bronze-level Bicycle Friendly Community Award recognizes the city of Little Rock for creating transportation and recreational resources that benefit its residents of all ages and abilities while encouraging healthier and more sustainable transportation choices.

Mr. Speaker, I thank the League of American Bicyclists for highlighting Little Rock's efforts to make biking a safe, accessible option for people whether they are commuting to essential jobs or simply enjoying our growing, amazing network of trails.

SUPPORT STRUCTURAL CHANGE IN CRIMINAL JUSTICE SYSTEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FOSTER) for 5 minutes.

Mr. FOSTER. Mr. Speaker, on Thursday of last week, I was proud to join my colleagues to vote for the historic George Floyd Justice in Policing Act.

This legislation represents the first of many steps we need to take to achieve structural change in our criminal justice system, our police, and our society. The American people are demanding action, and they are not interested in more studies or talking points or half measures.

I have been inspired by what I have seen in the Illinois communities that I represent, in places like Naperville, Aurora, and Joliet, where people of all backgrounds have come together to say enough is enough. I have been proud to stand with those in my district and across the country who are calling for change, and I am proud to help amplify their voices.

We are all frustrated that prior action was not taken to prevent the horror that we have witnessed far too often of Black Americans being unjustly killed at the hands of law enforcement.

For a lot of people, the video of George Floyd being killed when a Minnesota police officer knelt on his neck for nearly 9 minutes was shocking and put this problem front and center, as did the senseless and brutal killing of Breonna Taylor in Louisville.

But for Black Americans, this is not a new problem. It is just more of the same, more senseless, unjust killings of Black Americans by abusive police officers, who often seem to be protected by law enforcement systems plagued by structural racism.

Black Americans shouldn't have had to wait this long for Congress to take action. They deserve a Congress that is responsive to this longstanding crisis, and they deserve a President who wants to lead our Nation to a more just place for people of color instead of the opposite.

□ 0930

No, Mr. President, white power is nothing to celebrate.

So I am proud that the House took action and a step in the right direction with the Justice in Policing Act, which includes key reforms like banning chokeholds and no-knock warrants, mandating the use of body cameras, ending racial and religious profiling by the police, demilitarizing the local police departments, and strengthening accountability measures to hold abusive police officers accountable for their actions.

Most Members of this House can share stories of similar incidents in their own districts, often leading to the deaths of their constituents that should have been prevented. And I know that my colleagues join me in honoring the memory of Black lives that have been unjustly lost to police brutality.

As I cast my vote, I carried with me with one of Naperville's very own, Sandra Bland. Sandra grew up in Naperville before moving to Texas to pursue her education and earn a degree in agriculture. She then returned to Illinois, where she was a brave activist who worked for social justice and community engagement.

A few days after celebrating the Fourth of July with her family back in Naperville, Sandra went back to Texas to begin a job at her alma mater, Prairie View A&M, a historically Black State university.

On July 10, 2015, she was pulled over on an empty suburban street for failing to signal a lane change. She was arrested and 3 days later found hanged to death in her jail cell.

Sandra Bland should never have been arrested. She should be alive today and looking forward to celebrating another Fourth of July with her family this weekend, just like George Floyd, Breonna Taylor, and the countless Black Americans who have been the

victims of discrimination and brutality throughout the history of our country.

Two months before her death, Sandra Bland posted a video raising awareness about this important and deadly issue. ''Black lives matter,'' she said. ''They matter. In the news that we've seen as of late,'' Sandra said, ''you could stand there, surrender to the cops, and still be killed.'' That is what Sandra said 2 months before it happened to her.

Well, I am here on the floor of the House to say that Sandra Bland's life mattered, George Floyd's life mattered, Breonna Taylor's life mattered, and Black lives matter, and it is past time that the laws of our Nation reflect it.

HONORING GROCERY AND CONVENIENCE STORE WORKERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, America found itself in the middle of the COVID–19 pandemic. It is a crisis, the likes of which many have not experienced in their lifetimes. There are those who run from the crisis, those who run toward it, and those who find themselves right in the middle without any say in the matter.

Today, many of those in the middle are the men and women stocking, sanitizing, and serving our communities in grocery and convenience stores throughout our country. These employees are among the unsung heroes in the fight against COVID–19 who have been overlooked not only in appreciation, but also in our support.

Grocery stores and convenience stores play a critical role in our Nation's food supply chain, and reliable access to healthy foods is essential for all Americans, as we have seen throughout this crisis.

To thank them for working around the clock and putting themselves at risk throughout the pandemic, I would say that the employees working our grocery stores and our convenience stores have probably had more exposure to the public than any other position out there.

To thank them for what they do, I have introduced the Giving Retailers and Our Convenience Employees Relief Act, or the GROCER Act. The GROCER Act would alleviate the Federal tax burden for grocery store and convenience store workers from February 15, 2020, to June 15, 2020, for individuals making less than $75,000 a year. The bill also gives the Treasury Secretary discretion to extend this benefit for an additional 3 months.

The hardworking men and women stocking our shelves are among the unsung heroes during the COVID–19 pandemic. These frontline workers are putting in overtime to ensure that we have the resources we need to weather this storm.

In times of crisis like these, we learn to fully appreciate these workers who play a valuable role in our food supply chain. Food is something that connects all of us, and access to food is something we all depend upon.

I am proud that this is a bipartisan bill, and I would like to thank my colleague, Congressman DWIGHT EVANS from Philadelphia, for joining me to lead this effort.

The GROCER Act is a simple way to say thank you to these workers who leave their families each day, risking exposure to the virus, in order to ensure that our families and constituents have access to the food and resources we need. Without these workers, millions of Americans would struggle to access necessities.

The GROCER Act is a commonsense way to compensate and support our grocery and convenience store workers. The Federal tax holiday for these workers would put more of their hard-earned money back into their pockets to support themselves and their families.

I would like to urge my colleagues to join me in thanking these frontline workers by supporting and cosponsoring the GROCER Act.

REBUILDING AND RENEWING AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, people every day are struggling to make sense of the most challenging times our Nation has seen in more than a century, and that is saying something.

A hundred years ago, we were recovering from the Spanish flu pandemic that hit America hard and people around the globe. Ten years later, we had the stock market crash, the Great Depression, and massive unemployment.

But today, we have all of those circumstances and more. We are in the middle of a pandemic. We have the resulting economic upheaval. We reached near depression-era levels of unemployment, and rather than take 3 years, as happened in the 1930s, it has happened in a matter of 3 weeks.

We have the climate crisis which my colleagues have addressed so eloquently today both in terms of the challenge and what we can do about it. Luckily, the world is finally acknowledging that, but it is still too slow to respond.

We have some lessons that we, I think, have learned from what we quaintly called the Great Recession of 10 years ago. As somebody who was legislating in the middle of it and watching the impact in my community and around the country, it seemed horrific. But it pales by comparison with what people are facing today and the demands for racial justice.

My colleagues in introducing their handiwork of the Select Committee on the Climate Crisis all acknowledged that that is at the forefront of our thinking. There is a recognition that demands for racial justice, long overdue and now widely acknowledged, is more than just law enforcement and criminal justice reform.

Racial justice means addressing the dramatic health disparities that have been put in the spotlight as a result of the COVID–19 disaster. It means they must address the housing defunction in this country, the lack of affordable housing, a crisis of homelessness, people on the verge of losing their homes to eviction, and foreclosure that is looming on the horizon.

We need more affordable housing and we need more of it if we are going to deal with those demands for racial justice. We need safer, sustainable communities and economic justice and opportunities.

Luckily, the House this week is dealing with ways to advance a vision that addresses all of those. The climate blueprint that has been acknowledged, the hard work of the Select Committee on the Climate Crisis to protect the climate, protect the planet, also has embedded in it: opportunities to improve the quality of life in every community, new economic opportunities that will be widely shared, reducing costs for families, and strengthening the capacity of local government to meet their climate challenge.

H.R. 2, the handiwork of my friend and colleague, PETER DEFAZIO, the chair of the Transportation and Infrastructure Committee, is a modest 1,067 pages. It is full of opportunities to rebuild and renew America in a sustainable fashion, to share economic opportunity, to have a low-carbon future, energy efficiency, and electrification of the transportation system. Part of it rescues the post office, replacing hundreds of thousands of their vehicles with electric cars which will help build the platform for further electrification.

These are a variety of elements that, woven together, is a new vision for Congress and this country. It can start yet before we adjourn this Congress. I hope that we will have some bipartisan cooperation to embrace these critical principles and move that forward.

But the extent to which there is delay, we are setting the stage for the next Congress, for the next administration being able to engage people around the country with a new way of rebuilding and renewing America, making our families safer, healthier, and more economically secure.

RECOGNIZING KIM CHAMBERLAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Mr. Speaker, I rise this morning to recognize my good friend Kim Chamberlain for her service to Shasta County.

Kim was born and raised in a pear orchard just out of Seoul, South Korea,

during the Korean war. She is a refugee and a survivor of the war. Kim eventually married a U.S. Army medic, Paul Chamberlain, and came to the United States in 1971.

As a new resident, Kim's goals in America were to learn English, drive an automobile, and get a job. After working as a strawberry trimmer at Lassen Canyon Nursery for several years, Kim went to school and earned her cosmetology license in 1978. In 1981, Kim opened a beauty salon, a shop she owned until 2012. I wish it were still open right now.

In 2012, Kim was diagnosed with breast cancer, but she is a fighter and a survivor in getting through it—very admirable. After entering remission, Kim became a local cancer awareness activist, helping others and meeting with other breast cancer survivors for encouragement and support.

As the wife of a veteran and a war survivor, you won't find a bigger champion for veterans' issues than Kim Chamberlain. I don't know of anybody who works harder to advance the causes for our veterans and be sure they are properly honored on Veterans Day and Memorial Day.

She is one of the fiercest advocates for bringing a veterans clinic, a veterans cemetery, and a veterans home to northern California in Shasta County. She helped raise funds for an endowment that actually pays for landscaping at the Northern California Cemetery and served on a nonprofit board that built a memorial chapel there.

A 29-year member of both the VFW Auxiliary and Northern California Korean War Veterans chapter, Kim hosts an annual luncheon to honor and thank Korean war veterans in the area. They come from far and wide to be part of this. I have taken part in several of those.

2020 marks the seventieth anniversary of the beginning of the Korean war, and this year would have been the 30th annual luncheon Kim would have hosted to show appreciation for the Korean war veterans. Unfortunately, this is yet another event that has been wiped out by the coronavirus pandemic.

Kim's work on behalf of veterans has been recognized by the city of Anderson, the Anderson Chamber of Commerce, Shasta County, and even the Prime Minister of South Korea.

Kim's story embodies the American Dream. She has worked hard and is always working to help her community many, manyfold over.

More than her contribution to local veterans or support of local cancer survivors, Kim is a wonderful friend to me, to many, all who come in contact with her. She, indeed, is a blessing to us who know her and those who have come in contact with her and have been helped by her.

I wish her all the best, and God's blessing upon Kim in everything she does as a neighbor in northern California.

□ 0945

CLEAN ENERGY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEVIN) for 5 minutes.

Mr. LEVIN of California. Mr. Speaker, as a freshman Member of Congress, it has been an honor and a privilege to get to serve on the Select Committee on the Climate Crisis, and I am so grateful for that opportunity. I commend Speaker PELOSI and Chair CASTOR for their outstanding leadership.

Long before I pursued public office, I was a proud clean energy advocate, and I knew then, as I know now, that solutions to the climate crisis could also be solutions to many economic challenges we face.

We have seen that come true in my home State of California where we have embraced ambitious measures to combat climate change and have seen strong economic growth, particularly in the clean energy sector.

Last year, California supported more than half a million clean energy jobs in areas such as energy efficiency, renewable energy, and clean vehicles. Through 2019 job growth was nearly 10 percent annually.

Clean energy technology, clean domestic manufacturing, and environmental restoration is already putting Americans to work.

Our report highlights a number of ways that we can combat the climate crisis and create more jobs at the same time. For example, the report includes bipartisan legislation I introduced to reduce our dependence on fossil fuels by promoting environmentally responsible development of renewable energy on public lands.

We can expand those technologies and grow our economy by extending important tax credits like the solar investment tax credit which drives job creation, reduces greenhouse gas emissions, and helps level the playing field for clean energy. We will also create jobs with strong Federal funding for infrastructure, investments in new and retooled domestic manufacturing facilities, new buy clean procurement rules, expanded loan opportunities for decarbonization technologies, and the creation of a civilian conservation corps and a climate resilience service corps.

Alternatively, if we fail to act, we will allow other countries to take the lead on developing clean technologies. China, India, and nations in Europe will reap the economic rewards, and we will find ourselves purchasing foreign products that should have been made right here in America.

Some might take issue with the perceived cost of climate action, but it is also important to note the cost of inaction. My friend, Marshall Burke, a researcher at Stanford University, has studied this extensively and found that if we don't take substantial action to mitigate the climate crisis, it will cost the U.S. economy $25 to $35 trillion over the coming decades.

That is why we must act. I have a 6-year-old and an 8-year-old at home, and, like any parent, there is a lot that I worry about for their future; but I am most concerned about the planet that we are going to leave behind for them and for their children. The path we are on right now leads to a grim future for our planet. Our report charts a new hopeful course for the future.

Mr. Speaker, I thank my colleagues and the outstanding staff who made this report possible. Now let's get to work.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 47 minutes a.m.), the House stood in recess.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAKANO) at 10 a.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

God of us all, thank You for giving us another day. Coronavirus diagnoses and deaths continue to mount throughout our Nation. Please bless with healing and comfort those whose lives have been so severely disrupted. Continue to protect and empower those who tend to the sick and those who seek medical solutions to this dangerous pandemic.

Unfortunately, there are many other issues pressing upon us. Bless the Members of the people's House whose responsibilities press them to address such seemingly overpowering challenges. Help them and help us all to trust that You have not abandoned us but are with us now, as You have been throughout American history.

We thank You for those who live heroic lives during this time. Give them strength and perseverance in their service. May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 4(a) of House Resolution 967, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. THOMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. THOMPSON of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 26, 2020.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 1(b)(2) of House Resolution 965, following consultation with the Office of Attending Physician, I write to provide you further notification that the public health emergency due to the novel coronavirus SARS–CoV–2 remains in effect.

Sincerely,

PAUL D. IRVING,
Sergeant at Arms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

COMMEMORATING THE LIFE AND LEGACY OF RIK PAULSEN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, I rise to commemorate the life and legacy of Rik Paulsen.

Rik Paulsen was a committed community leader, a dedicated sailor, and a dear friend of mine for many years. He passed away on Sunday, May 24, at the age of 78.

Mr. Speaker, a graduate of the U.S. Merchant Marine Academy, Rik truly lived up to the academy's motto, Acta Non Verba, or Deeds Not Words.

I have had the pleasure of working with Rik as he served on the Service Academy Selection Board in my district for more than 30 years. It was an honor to have his input and his help while choosing the best and brightest men and women to nominate for service to our Nation's Armed Forces. Rik was truly passionate about service and was committed to helping these students fulfill their dreams of serving this country.

Mr. Speaker, Rik's wife, Pamela, and the rest of the Paulsen family are in my thoughts and prayers. He will truly be missed.

ACT NOW TO SAVE OUR ESSENTIAL WORKERS

(Mr. ROSE of New York asked and was given permission to address the House for 1 minute.)

Mr. ROSE of New York. Mr. Speaker, over 125,000 Americans dead, economic destruction all around us, and cases spiking across the country.

States and cities are facing budget gaps that are going to force our essential workers to get kicked to the curb, all because MITCH MCCONNELL feels zero sense of urgency.

Rent and mortgage payments due tomorrow.

Taxes due in a few weeks.

Small businesses hanging on for their dear life.

And MITCH MCCONNELL, sitting on his hands, caring only about politics.

Mr. Speaker, what happened in my city is happening in Texas, Arizona, and Florida. These States need our help, too. This is about the people who saved our country, our essential workers, doctors, nurses, cops, firefighters.

We passed the HEROES Act. Where is your bill, MITCH? Do something. Do your job because the rest of America is doing theirs right now.

MARKING TODAY'S PPP DEADLINE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful for the Paycheck Protection Program, PPP, which has been crucial to helping families, small businesses, and communities maintain and promote jobs.

President Donald Trump's leadership of achieving record job growth, and now job recovery, is appreciated.

This program has helped 4.4 million small businesses procure loans, and over $511 billion has been processed in aid. The deadline to apply for the loans is today, and so far, these loans have been great news for small businesses making a difference for jobs. I am thankful that the Paycheck Protection Program has been so widely successful to support small businesses and maintain jobs in the midst of the global pandemic of the Wuhan virus.

Mr. Speaker, in conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CONGRESS NEEDS ANSWERS ON RUSSIAN BOUNTIES FOR U.S. TROOPS

(Mr. SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEIDER. Mr. Speaker, yesterday, it was reported that U.S. officials were aware more than a year ago of Russian bounties on the lives of our troops and, further, that President Trump received written intelligence in February, 4 months ago. If true, this represents a gross dereliction of duty.

I shudder at the idea that the men and women defending our Nation might not have the full confidence that their Commander in Chief has their back.

Mr. Speaker, I am the father of a young Navy officer. I represent Naval Station Great Lakes, where every enlistee receives basic training on their journey from recruit to sailor. I feel a great personal responsibility for everyone who volunteers to risk their lives in service to our Nation. I wish I had confidence that the President felt the same.

Mr. Speaker, Congress needs answers as to the truth. Every Member of Congress needs to be briefed by the CIA and the intelligence community. With the truth, Congress can better protect our troops, fulfill America's role as a global leader, and make sure that Russia is held to account for their heinous actions.

HIGHLIGHTING VOTER FRAUD AND ALL-MAIL BALLOTS

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, voter fraud and all-mail ballots are going to be quite a problem this year if we don't have safeguards in place.

In my home State of California, more needs to be done in order to clean up the voter rolls. That doesn't mean voter suppression, as all the caterwauling we hear around here. It means that you are taking people off who are no longer at a particular address or deceased. That way, you will have more confidence in who is voting.

Look at what happened recently in Paterson, New Jersey, where voter fraud caused 19 percent of the ballots being tossed out, by four different people being involved with that, including a city council member.

So, what do we have? An issue where all-mail ballots are going to be the solution this year? No.

In many States, including my own, you can request an absentee ballot, but at least there is some type of a paper trail of a person asking for a ballot and receiving it, versus willy-nilly sending ballots to every name that is on the rolls that are not cleaned up.

If you have ever campaigned in an apartment complex, for example, so many people are no longer even at the name that is on the list on the door. So, you have ballots being sent in heaps to these areas where no one is even living anymore. So, you have a big problem with the availability of fraud when you have that.

CALLING FOR IMPEACHMENT OF ATTORNEY GENERAL BARR

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, we have been experiencing a very unusual pattern of behavior by the Attorney General of the United States, behavior that has scared many, and should scare all, for he has abused his power; he has obstructed justice; and he has violated the First Amendment.

He has destroyed almost every norm that existed for Attorneys General and their relationship to the rule of law, the rule of law that makes America stand out as the beacon on the hill to nations all over the world. No longer, for the rule of law has been diminished by his actions with Michael Flynn, a person who pled guilty twice, admitted to lying, and, yet, wanted to withdraw the prosecution. And the same for the change in the plea agreement for Roger Stone and that recommendation.

He violated the First Amendment at Lafayette Park when he cleared the park for a photo op for the President.

He abused his power in the Mueller report when he misled the people in what the Mueller report really said.

Mr. Speaker, for those reasons and others, I have been joined by 35 of my colleagues today in introducing a resolution calling for the impeachment of William Barr and calling on the Committee on the Judiciary to look into it.

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, I rise today to pass on the floor of the House H. Res. 1001.

If we can recall our history, we will know that 155 years ago, on June 19, General Gordon Granger rode into Galveston, Texas, and announced the freedom of the last American slaves, belatedly freeing 250,000 slaves in Texas, nearly 2.5 years after Abraham Lincoln signed the Emancipation Proclamation.

Mr. Speaker, I am very proud of the 200-plus Members of Congress who signed H. Res. 1001 that deals with recognizing June 19 as this year's observance of the historical significance of Juneteenth Independence Day.

The reading of this order ended shadow slavery, a form of perpetual servitude, and, as well, the 13th Amendment that then forever banned slavery in this Nation. That servitude held generations of Africans in bondage in the United States for 248 years and opened a new chapter in American history.

Mr. Speaker, it is America's original sin. I hope this legislation and the legislation to come will allow us to have a unified, dignified, peaceful discussion of race and systemic racism in this Nation, and Juneteenth will become a living symbol of freedom for people, including the proposed Juneteenth official Federal holiday.

Juneteenth remains the oldest known celebration or commemoration of slavery's demise.

RECOGNIZING JUNE 19, 2020, AS THIS YEAR'S OBSERVANCE OF THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Ms. JACKSON LEE. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Reform be discharged from further consideration of H. Res. 1001 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The text of the resolution is as follows:

H. RES 1001

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2½ years after President Lincoln's Emancipation Proclamation, which was issued on January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19th, commonly known as ''Juneteenth Independence Day'', as the anniversary of their emancipation;

Whereas African Americans from the Southwest continue the tradition of celebrating Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 150 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) recognizes the historical significance of Juneteenth Independence Day to the Nation;

(B) supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(C) encourages the people of the United States to observe Juneteenth Independence Day with appropriate ceremonies, activities, and programs; and

(2) it is the sense of the House of Representatives that—

(A) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(B) history should be regarded as a means for understanding the past and solving the challenges of the future.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 2, INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT

Mr. MORELLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1028 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1028

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-54, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure; (2) the amendments en bloc described in sections 2 through 7 of this resolution; (3) the further amendments described in sections 8 and 9 of this resolution; and (4) one motion to recommit with or without instructions.

SEC. 2. After debate pursuant to the first section of this resolution, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part B of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 3. At the conclusion of the consideration of the amendment en bloc described in section 2 of this resolution, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part C of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 4. At the conclusion of the consideration of the amendment en bloc described in section 3 of this resolution, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part D of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 5. At the conclusion of the consideration of the amendment en bloc described in

section 4 of this resolution, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part E of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 6. At the conclusion of the consideration of the amendment en bloc described in section 5 of this resolution, it shall be in order for the chair of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part F of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 7. At the conclusion of the consideration of the amendment en bloc described in section 6 of this resolution, it shall be in order for the ranking minority member of the Committee on Transportation and Infrastructure or his designee to offer an amendment en bloc consisting of the further amendments printed in part G of the report of the Committee on Rules accompanying this resolution. The amendment en bloc offered pursuant to this section shall be considered as read, shall be debatable for 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 8. At the conclusion of the consideration of the amendment en bloc described in section 7 of this resolution, each further amendment printed in part H of the report of the Committee on Rules accompanying this resolution shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

SEC. 9. (a) Prior to the offering of an amendment en bloc pursuant to sections 2 through 7 of this resolution, the chair of the Committee on Transportation and Infrastructure or his designee may designate amendments that shall not be considered as part of the amendment en bloc to be offered pursuant to such section.

(b) Any amendment designated pursuant to subsection (a) shall be in order at the conclusion of the consideration of the further amendments pursuant to section 8 of this resolution if offered by a Member designated in the report of the Committee on Rules accompanying this resolution, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(c) All points of order against amendments en bloc described in sections 2 through 7 of this resolution, the further amendments described in section 8 of this resolution, and the further amendments described in this section are waived.

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. MORELLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Georgia (Mr. WOODALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. MORELLE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORELLE. Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 1028, providing for consideration of H.R. 2, the Moving Forward Act, under a structured rule.

The rule provides 2 hours of general debate on the bill, equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The rule self-executes a manager's amendment offered by Chairman DEFAZIO, makes in order six en bloc amendments in total, and makes in order three further amendments.

Prior to the offering of an en bloc amendment, the chair of the Committee on Transportation and Infrastructure may designate amendments that shall not be considered as part of the en bloc and shall be considered separately.

And, lastly, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, the Moving Forward Act provides more than $1.5 trillion to rebuild American infrastructure. The state of disrepair of our roads cost Americans $160 billion in 2014, and 200,000 of our Nation's bridges are more than 50 years old.

Our aging water system loses trillions of gallons of treated water each year and leaves some families without clean water to drink at all.

Children across the Nation are trying to learn in classrooms that are falling apart, without climate control in extreme temperatures, and without reliable internet access.

At the same time, more than 200 million Americans are facing unemployment during a global pandemic.

Our Nation is facing long-term economic repercussions of our inability to stem the spread of COVID–19. We must do something.

Nearly a century ago, President Franklin Delano Roosevelt lifted this Nation up during the height of the Great Depression by putting Americans back to work. By investing in good-paying jobs and public works to improve our communities across the Nation, we were able to provide direct help for working families and invest in much-needed infrastructure. This shaped the face of America for generations to come.

The time has come again to invest in desperately needed infrastructure projects that can put Americans to work right now in their own communities.

There has been tremendous bipartisan agreement from leaders at every level of government, from our village mayors to the President of the United States, that this country must invest in infrastructure that will carry the next generation. The Moving Forward Act is the first step in meeting that need.

With H.R. 2, we will be investing not only in transportation, housing, schools, and broadband, but in families, workers, and communities across this country. This legislation supports American manufacturing and ingenuity, and together we will create millions of jobs right here at home. We will secure the future of our children by forging a path toward zero carbon emissions, making our streets and transit safer, and bringing a better learning environment to every child.

This legislation provides more than $300 billion to repair and upgrade existing roads and bridges, railways, and ports. We are going to provide $100 billion to put zero-emission buses on American roadways, cutting congestion, providing new options for families and workers. We are working to make roads smarter and safer for all users, including children, pedestrians, and cyclists.

We will also provide over $100 billion to create or preserve 1.8 million affordable homes, reducing housing inequality, creating local jobs, and increasing resiliency in the face of natural disasters.

I am proud to support provisions to triple funding for Amtrak to allow long-awaited upgrades and expansion of our Nation's passenger rail network. America has long lagged behind in accessible and efficient rail travel, and this funding will improve safety and assist local traffic congestion.

The Moving Forward Act represents a true partnership between the Federal Government and American States and localities.

The bill also permanently reinstates Build America Bonds and advance refunding bonds as well as increasing the issuance of private activity bonds, spurring private investment in community projects that our Nation desperately needs.

We have $70 billion for clean energy and a plan to upgrade America's electrical grid to make it more efficient and more resilient.

H.R. 2 also delivers affordable high-speed internet access to all parts of the country by investing $100 billion to

promote competition for broadband internet infrastructure to unserved and underserved rural, suburban, and urban communities.

□ 1030

As our Nation battles this global pandemic, and so many of our hospitals have been stretched to the brink, the Moving Forward Act invests $30 billion to upgrade hospital facilities to increase capacity, strengthen care, and prepare for future health emergencies.

This bill invests $25 billion to modernize postal infrastructure and operations, including a zero emissions postal vehicle fleet, and puts Americans to work strengthening our coast with a $3 billion grant program for shovel-ready projects to restore Great Lakes, coastal habitats, and marine ecosystems.

As we discuss the far-reaching benefits of the Moving Forward Act, I would like to note the significance of one particular provision that I was proud to advocate for along with my colleagues in the Education and Labor Committee, the Reopen and Rebuild America's Schools Act.

Even before the COVID–19 pandemic, chronic neglect of America's public schools forced students and educators across the country to learn and work in outdated and hazardous school buildings. Now the pandemic is exacerbating this crisis and making abundantly clear how unprepared and underresourced many of our Nation's school districts are.

The Reopen and Rebuild America's Schools Act takes great strides to move beyond the traditional brick and mortar school infrastructure to support schools and designing the types of building and classrooms needed to serve students, especially those from low income families. This critical legislation is needed now more than ever.

Today, we can work to not only help teachers and students get back to school, but commit serious investment in high poverty schools with facilities that pose health and safety risks to students and staff, expand access to high-speed broadband to ensure that all public schools have the reliable and high-speed internet access that students need for digital and distance learning.

This legislation, the Moving Forward Act, represents a significant step we must take to invest in the future of American infrastructure from our highway systems to our classrooms.

Mr. Speaker, I strongly urge my colleagues to support the rule and support H.R. 2.

Mr. Speaker, I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I serve on the Transportation Committee as well as the Rules Committee, Mr. Speaker, so I always get excited when there is a transportation bill that is coming to the floor. I am less excited today.

My friend from New York is a wonderful leader for his constituents and a wonderful bipartisan leader in this institution. I look forward to his time when we get to question witnesses in the Rules Committee because invariably he asks a question that I might have asked or should have asked, and invariably I learn something from the gentleman and his line of questions that I believe is going to benefit this institution and benefit the Nation.

And, candidly, as you know, Mr. Speaker, that is not always the way it is. Some folks are asking questions to get their next 30-second film clip so they can send it out on social media for purposes that perhaps are less valuable to the institution and to the Nation. And so I look forward to an opportunity to be down here and talk about a partnership issue, like transportation, with the gentleman from New York.

He mentioned that this bill is designed to be a partnership between the Federal Government and the States and localities. Sadly, I must tell you that is where any suspicion of partnership ends.

I went back and pulled the video from 2015 when we did our last transportation bill. As the gentleman from New York knows, we are assigned, so often, our Rules Committee legislation based on our other authorizing committee assignments, so I got to carry that bill back in 2015. I was reminded how long it has been since I got to tell the Speaker that I will, by order of the Committee on Rules, call up a resolution. I miss that opportunity. I hope to get that back in January.

But I had this big smile on my face, Mr. Speaker, because the speech that I got to deliver that day in 2015 was that the House was bringing the most open Transportation Committee bill in decades to the House floor. The bill I got to bring that day, Mr. Speaker, talked about how the bill passed out of committee on a voice vote, a voice vote, because Republicans and Democrats, as is so often true on the Transportation Committee, were arm-in-arm moving forward on an issue that is important to all of our constituencies.

I had not even finished my Rules debate time, these 30 minutes, before I had to offer an amendment to the rule to make even more amendments in order than the amendments we had already made in order. And then we came back the next day and made even more amendments in order. At that time, Mr. Speaker, having had a bill that was worked through the process in a bipartisan way, that passed out of committee on a voice vote, we then brought rules to the floor that made in order about equal number of Republican amendments, Democratic amendments, and bipartisan amendments. To be precise, it was 45 Democratic amendments, 47 Republican amendments, and 34 bipartisan amendments after the process had been worked in a bipartisan way already, after the bill had passed out of committee on a voice vote already.

Today, that is not the kind of rule we are bringing. And I recognize that COVID has made our voting requirements different today. But this bill didn't pass out of committee, the committee on which I sit, the Transportation Committee, on a voice vote with everybody in agreement. This bill passed out of committee on a strictly party line vote, because this bill, unlike the bill that had been worked through in a bipartisan way when last we reauthorized service transportation, this bill had been worked in a purely partisan way.

Mr. Speaker, I mentioned that at that time we made in order, roughly, a number of Republican amendments and Democratic amendments and bipartisan amendments. The rule before us today makes in order a roughly equal number of bipartisan amendments and Republican amendments, 17 bipartisan amendments and 19 Republican amendments. Less than half the number that we had made in order when last we worked this bill when we did in it in a partnership way.

But while the bill makes in order an equal number of Republican amendments and bipartisan amendments, again, 19 Republican amendments, 17 bipartisan amendments, it makes in order 134 Democratic amendments. Now, mind you, Mr. Speaker, I tell you that this process has been a partisan process from the beginning in the Transportation Committee, meaning, it was worked entirely through on the Democratic side of the aisle. So as Republicans come to the floor, those Republicans who don't serve on the Transportation Committee for their only opportunity to influence this process, and I said it, and the gentleman from New York knows it to be true.

Back in 2015, I said what is wonderful about opening up the process is that every single one of us has something to contribute. The more than 700,000 people that sent each one of us here have something to contribute. The wonder and uniqueness of this institution comes from the variety of Members who come here to serve and the varied experiences that they bring.

Seventeen bipartisan amendments, 19 Republican amendments, and 134 Democratic amendments made in order by this rule. Even the Democrats were shut out of the partnership process, because any serious legislator on Capitol Hill knows the right time to get your language included isn't in an amendment on the House floor, it is by going to your chairman or your ranking member.

If I want to get something done on the Transportation Committee, I go to my ranking member, SAM GRAVES, and I talk to him about it, and he talks to the chairman about it, and then we get it done together because that is the partnership in which the committee works, or at least the way that it used to work.

It is unbelievable to me that in a time of great national distress that one

of the sole remaining vestiges of bipartisanship on Capitol Hill, the Transportation Committee, and one of the primary vehicles for moving those partnership ideas, the highway transportation bill, has devolved into the partisan exercise that we find ourselves in today. It is not too late to fix that.

Mr. Speaker, I will be urging defeat of this rule. If you listen to the reading clerk read it, you will know that if you have been watching this institution for any period of time, 2 years, 4 years, 8 years, 10 years, 20 years, 30 years, you have never heard a reading clerk read a rule that looks like this. We have just never seen one that looks like this.

So partisan have things become, Mr. Speaker, that the Rules Committee historically has offered en bloc authority to the chairman, because the chairman has been working in partnership with the ranking member. Because the way to dispose of amendments on the floor of the House in an expeditious manner, which we absolutely positively need in a COVID–19 environment, is through partnership. In this case the partnership never started.

I would like to tell you the partnership eroded, but that is just not true, the partnership never began. There was never an opportunity for erosion, and thus, we have the kind of en bloc authority that you see today, not designated to the chairman to enact, but created by the Rules Committee, and the chairman has an opportunity to oppose it if he would like.

Mr. Speaker, I am disappointed. But for my colleagues who are also disappointed, this doesn't have to be the end of the conversation. My ranking member—I haven't talked to him in the last 2 or 3 days, but when last I heard him speak—said he was still committed to working in a partnership way. That he was absolutely available. From day one, he said, make me a part of this conversation, don't rule anything out. In fact, the chairman said exactly that last night, that the ranking member approached him early on in the process, and said, don't count us out for anything, we want to work in a partnership fashion.

Mr. Speaker, we can defeat this rule. And defeating this rule isn't going to slow down surface transportation. Anybody who believes this bill is going anywhere is kidding themselves. This is a partisan messaging exercise. This is not legislating that we are doing here today, but we can move on to legislating. We can defeat this rule, and we can go back and—you know, just one crazy idea—we can make the Transportation Committee the partnership place it has always been.

We can make infrastructure the partnership issue it has always been. We can make a difference, instead of just making a point.

Mr. Speaker, I reserve the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am always excited to be with my friend from Georgia, and we do get to sit through long hours of the Rules Committee and question back and forth our witnesses. And he is right, I am not particularly media savvy, I have a face for radio, as they say. But we do find that time to be very informative. I struggle a little bit, I was not here in 2015, but I do know what has happened over the last 18 months or so.

First and foremost, I just note that in the midst of a pandemic, I think we can hardly be excused had we just done a closed rule. Put the bill before us for a vote without a structured rule, which is in front of us.

I also note, and this is one of the challenges of trying to engage in bipartisanship, which I am not only a big fan of, but I engaged in in my previous life as a member of the New York State Assembly where we had a Republican Senate and a Democratic House, much as we find ourselves in here today, and we worked across the aisle to find common ground when we could.

But I will say that I think that the difference between 2015 and now is the opposition of the minority, particularly as it related to a number of issues that dealt with climate change, and made it, as I understand listening to the chair of the Committee on Transportation and Infrastructure, effectively mitigated any chance of having a bipartisan agreement on this. But that is not to say that there aren't Republican amendments before us.

I know Ms. FOXX will have an amendment here later. The ranking member of the Education and Labor Committee on which I serve, as well as the ranking member of the Committee on Transportation and Infrastructure will advance an en bloc amendment. So there will be, and there continues to be an effort on our part to work across the aisle. But I do find it hard to be bipartisan, and I think if it was a voice vote, then I think there was general agreement. Clearly, there were differences of opinion here that we could not get past, and we felt the need very much to advance this.

Mr. Speaker, I also will say, just to note—and I hate to keep hearkening back to my experience in State government, but I will, nonetheless, even though I hate it, I will do that, which is to say, I served under Republican and Democratic Governors. And something that would have been this important would clearly have engaged the Governor of either party in discussions with the members of the legislature in both houses.

□ 1045

And I note that while the President has indicated support for an infrastructure bill, I think it was over a year ago, back in May of 2019, where the President hosted a meeting at the White House after having talked about a $2 trillion infrastructure package and broke up the meeting in anger and left, and as far as I know has not engaged either House in substantive discussions moving forward.

So I don't disagree with my friend from Georgia. I know that he is profoundly interested in this institution and in working across the aisle, but there are times when, unfortunately, for various reasons that is not the case, and we have it in front of us today. And I feel compelled that we move forward on the Moving Forward Act because this is vital to the interests of the American public.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I rise today in support of the rule for H.R. 2, the Moving Forward Act.

America cannot remain competitive in the 21st century without modern, efficient infrastructure. Unfortunately, our roads, bridges, airports, and schools are falling behind.

H.R. 2 makes transformational investments in our country's infrastructure that will revitalize America's backbone while improving safety, reducing pollution, and getting Americans back to work.

To address our crumbling roads, the bill provides $300 billion for construction and maintenance of Federal highways and bridges. In Sacramento, my hometown, this will mean money for more projects like the new I Street Bridge that will help move people and goods safely and effectively.

H.R. 2 also provides provisions to reinforce our commitment to fighting the climate crisis. It provides more than $70 billion to expand renewable energy sources and strengthen clean energy infrastructure.

Additionally, the State of California and transportation authorities in my district will benefit from this bill's funding to increase walking, biking, and public transit options, all with the goal of cleaning up our air and limiting human contributions to climate change.

H.R. 2 also accelerates the use of zero emission vehicles and ensures we keep up with demand by installing necessary charging infrastructure across the country.

In addition, to keep Americans connected to the internet, this bill provides broadband payment support for low-income households and the recently unemployed. The COVID–19 pandemic has required our schools to fundamentally change the way they engage with students, and H.R. 2 ensures children have access to digital equipment and affordable broadband options for remote learning.

For America to remain the global center of innovation and growth, we must have 21st century infrastructure. This bill makes the forward-looking investments to help get us there.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

I think my friend from New York is right that in the time of a healthcare pandemic that having a closed rule could have been a possibility. In fact, I

have no doubt that the only reason we have any amendments at all available on the floor of the House today is because my friend from New York, and particularly my chairman from Massachusetts, fought on behalf of having a more open process.

I have no doubt that there are folks all across this institution who would have loved to have shut out all the voices altogether. And had we moved this bill out of committee with my ranking member's consent on a voice vote the way we did it last time, I would have supported the majority in trying to be more expeditious on the floor, because when you move things in a bipartisan way you get bipartisan partnership to get them across the finish line. But that is not the way this bill has moved.

It is a valuable thing to be the chairman of a bipartisan committee, Mr. Speaker, and I would tell you it comes with a stewardship obligation to make sure it remains so.

I yield 5 minutes to the gentleman from Missouri (Mr. GRAVES), who will be the next chairman of the Transportation Committee, the current ranking member.

Mr. GRAVES of Missouri. Mr. Speaker, I wish I could say to my colleagues that we were putting our time to good use today, but we all know that we have an incredibly important obligation, and we have got a lot of work to do when it comes to infrastructure.

We need to pass a long-term surface transportation bill to provide States and local communities the certainty to plan and execute highway, bridge, and transit projects across this country.

If we don't do that, or if we pass short-term extensions, it throws their plans into chaos and it jeopardizes needed improvements.

But that is exactly what we are going to do because the infrastructure bill in this entire process got highjacked by a partisan agenda that has more to do with pushing the Green New Deal than it does fixing our infrastructure.

During all my time serving on the committee, Republicans and Democrats have always been able to work out their differences and find common ground to pass a surface transportation bill. We have always been able to do that.

It is the most important legislative product that we produce on the committee, and members have always treated it as such.

Time and again, that has been our committee's hallmark because that is the only road to actually getting something done for the good of our infrastructure, for transportation workers, and for the economy.

But on this bill, that didn't happen. And I can assure you that wasn't my choice. This highjacked process began with a $500 billion my-way-or-the-highway bill developed exclusively by one party.

At a time when entire industries, workforces, and our States still face incredible uncertainty over the COVID pandemic, our committee passed a partisan bill to completely upend the functions and programs of the transportation system.

Then immediately after the committee approved the majority's bill along party lines just over a week ago, the Speaker took the bill and tripled the size with so many air-dropped provisions that the only thing that isn't included is the kitchen sink. But, please, don't quote me on that, Mr. Speaker, because as far as I know the kitchen sink could be funded in this, as well.

Although we do know one green thing that is not in this bill, and that is the money to pay for it. This $1.5 trillion climate bill, camouflaged as an infrastructure bill, piles another mountain of debt onto the backs of future generations.

This irresponsible bill very well might pass the House, but that is as far as it is going to go. The Senate is never going to take up this unserious, progressive wish list. The Speaker may earn praise of her most liberal Members for this bill, but she is failing the American people and wasting the House's time on an issue that we all know could garner bipartisan support.

We could be getting something done to improve America's infrastructure and provide the stability and certainty that workers and stakeholders need right now, if only the Speaker of the majority hadn't unnecessarily chosen partisanship over partnership throughout this entire process.

Mr. Speaker, I would urge my colleagues to oppose this rule.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, I do note that we certainly could have entered into a bipartisan agreement if we didn't care about climate change, if we weren't interested in the greatest impact on our carbon footprint by transportation and automobiles, and we create a number of provisions in this bill which we could not get support on, which is why we had to go on our own way.

I do also note for my great friend from Georgia, 17 bipartisan amendments are included in this package. So there is bipartisanship, despite the feelings that the White House has given as it relates to this bill.

Before I yield, I insert in the RECORD a May 8 Industry Week article titled, ''Crumbling Infrastructure is Hurting America's Competitive Edge.''

[From Industry Week]

CRUMBLING INFRASTRUCTURE IS HURTING AMERICA'S COMPETITIVE EDGE

(By Michael McGarry)

With unemployment rates in the U.S. at historic levels due to the economic impact of the COVID–19 pandemic, it is more important than ever to invest in areas that help get more people back to work. Today, lawmakers should prioritize the passage and implementation of a comprehensive infrastructure program, as part of a future round of stimulus funding that would immediately provide employment opportunities for many Americans.

Even before we started feeling the economic impacts of COVID–19, our country was in dire need of these upgrades. Data from the National Association of Manufacturers (NAM) reveals that underinvestment in U.S. infrastructure worsens by the year, and infrastructure investment before the pandemic was only one-third of what it was in 1960.

Manufacturers, who today continue to provide essential resources to the medical community and other front-line workers, are currently relying on outdated roads, bridges, waterways, ports, runways and drinking water systems, many of which are more than 50 years old. More than 54,000 bridges across the U.S. are rated ''structurally deficient'' according to NAM. Roadways, ports and waterways are in disrepair. The American Society of Civil Engineers (ASCE) released a report card in 2017 of infrastructure in the country and gave the nation a rating of D+. According to the U.S. Department of Transportation, 65% of major U.S. roads are rated as ''less than good condition.''

In addition to the challenges we will now face due to the current economic environment, these deficiencies take an additional toll on manufacturers' bottom lines, causing unreliable delivery times and increased fleet maintenance costs. Congested highway networks add $74.5 billion to transportation costs for manufacturers moving goods and raw materials by truck, according to the American Transportation Research Institute.

In order for America to remain globally competitive now and after this pandemic, our leaders must be committed to improving our infrastructure. China's infrastructure investment is almost double the size of the infrastructure spending in the U.S., and India's infrastructure investments are growing at a rate that triples the infrastructure outlays of the U.S., Canada and Mexico combined. Manufacturing workers in the U.S., and all Americans, should refuse to settle for infrastructure that lags behind the rest of the world.

Many have acknowledged that the current economic challenges bring an opportunity to upgrade the nation's neglected transportation systems. Stay-at-home orders covering nearly the entire country in March and April kept Americans off the road, and gas tax revenues have plummeted as a result. According to the American Association of State Highway and Transportation Officials, state and local governments need $50 billion to ensure that they can continue existing transportation construction and maintenance programs without disruption. The nation's airports also need a backstop to make up for lost user fees. Keeping current infrastructure projects afloat is only a start.

Our deteriorating national infrastructure is not solely a state or federal issue. It is not a small or large business issue. It is not a Democratic or a Republican issue. Infrastructure is an American issue that directly affects our ability to compete in the global marketplace and provide financial security for millions of American families.

Once it is safe to work, the U.S. government should mobilize to rebuild our nation's infrastructure. It would ensure that the nation emerges on the other side with a stronger, competitive economy. Infrastructure projects put people to work at high wages, create demand for materials and equipment and generate tax revenues for governments at all levels. They build systems of lasting public benefit, improving the safety, convenience and efficiency of commerce, communication and travel.

Making substantial investments in America's infrastructure will not only put Americans back to work, but it will improve the

lives of workers, while helping all manufacturers better serve their customers and communities. It will bolster the security of our nation, and it will strengthen the ties that bind us together as a country, improving commerce and communication and paving the way for the success of the next generation.

Congress must invest now. I urge our elected leaders to work together to prioritize a bold vision for improving infrastructure. Congress's next stimulus bill must include aggressive investments in infrastructure such as highways, bridges and airports. It's good for our citizens, our economy, and our country to remain globally competitive. We cannot afford to wait.

Mr. MORELLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman for yielding.

I think it is important for the American people to know that it has been 5 years since we have been able to put pen to paper and develop a massive infrastructure bill going out to desperate Americans who can't find good roads, who need mass transit, who need housing, need better schools, and, yes, even in urban areas like the one I represent that is a combination of urban and rural broadband.

When we went into COVID–19, our children in our school districts did not have access to be able to have online classes. Yes, we need the Moving Forward Act and I rise to support it. As well as I rise to support and thank the Rules Committee for my amendment dealing with asking the Federal Aviation Administration to deal with all of those satellite aspects of aviation that have not been helped by COVID–19 funding.

In particular, I know for a fact that the parking companies at the airports have not received any COVID–19-related funding and that requires prioritizing of funding to those areas. My amendment would ask them to report on those areas that have not gotten funding, like the parking areas where there are a lot of employees, but then to be able to prioritize those areas.

We are going to continue working, however, on some very vital issues that I believe are important. And those are, in particular, large highways that destroy minority and African American neighborhoods. For example, the I–45 extension in my community is about to destroy 158 houses, 433 apartments or condos, 486 public housing, 340 businesses, 5 churches, and 2 schools.

There must be the implementation of the requirements under the environmental aspects, and that is why I also support the climate change aspects in this bill. But the environmental aspects must be looked at as well as the historic aspects to ensure that when you build, you build with the involvement of the community. I will ensure that that is going to happen.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MORELLE. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. My amendment creates a national program to reduce pedestrian-motor vehicle accidents by identifying locations where deaths have occurred and supports local efforts to address those conditions. It is very important to the Nation, very important to the State.

I look forward in going forward to be able to continue to work on these vital issues that were supported by any number of safety entities called under the umbrella of the road advocates. And I know that they will encourage us to work diligently on this.

To my constituents in Houston, we will work together on making sure that I–45 is not intrusive.

I support the Moving Forward Act.

Mr. Speaker, I include in the RECORD this particular Houston Chronicle article of June 9.

[From the Houston Chronicle, June 9, 2020]

INTERSTATE 45 REALIGNMENT WOULD CUT THROUGH A HISTORIC BLACK NEIGHBORHOOD IN HOUSTON

(By James Brasuell)

The construction of America's downtown highways destroyed thousands of black neighborhoods during the height of the urban renewal era in the 1940s and '50s—and a new impact study of a controversial highway project in Houston serves as a reminder that the racist policy never ended.

The latest estimates of the human cost of the Interstate 45 project reveal that the highway expansion would require the destruction of 158 houses, 433 apartments or condos, 486 public housing units, 340 businesses, five churches and two schools; the Houston Chronicle reported. The buildings that the Texas Department of Transportation seeks to demolish are disproportionately located in low-income communities of color, including many within the borders of Texas's first black-formed municipality, Independence Heights, a region of major historic significance.

BIPOC activists have long cited displacement and the destruction of black communities in their fight against the $7 billion megaproject, which would functionally rebuild most of the downtown freeway system in the process of expanding and rerouting the interstate. But the scale of the estimated destruction hits particularly hard after a week of civil unrest and consequent police brutality in response to the killing of George Floyd by Minneapolis police. The Black Lives Matter movement is demanding that cities across the country defund their bloated law enforcement budgets and make reparative investments in black communities—precisely the opposite of projects like the I–45, which would raze black neighborhoods and destroy black wealth.

The relationship between highways and racial injustice exemplifies the kinds of systemic issues that many protesters are now seeking to challenge, Linda Poon wrote at Citylab last week. Policies that on their face may have appeared to be about easing transportation barriers and revitalizing cities were—and still are—often rooted in long-standing racial prejudice, and carried with them cascading effects that worsened pre-existing inequalities.

The highway would almost certainly result in an increase in traffic violence, too—a phenomenon that disproportionately impacts black communities. Black drivers are at serious risk, as well; three of Houston's highways already ranked among the most dangerous roads in the nation in 2018. The state of Texas itself warned that the I–45 project would cause disproportionate high and adverse impacts to minority or low-income populations; and that the project's [d]isplacement of bus stops could affect people who do not have access to automobiles or that are dependent on public transportation.

And that's not even to mention how the project will increase air pollution in black communities—a direct contributor to fatal COVID–19 outcomes that are contributing to the disproportionate death toll among black Americans—exacerbate flooding, and reinforce segregation, which Streetsblog has explored in depth in the past.

If the destructive potential of the I–45 project is all too clear, the benefits of it are dubious at best. Decades of studies of the effect of induced demand show that highway expansions do not relieve congestion or stimulate meaningful economic development—facts of which Houston advocates have been reminding officials since the earliest days of the project.

The I–45 project has always been a massive boondoggle that perpetuates structural racism—and our national conversation over the last week (and the much longer-standing conversation among BIPOC activists over the past decades) only underscores how deeply misguided it has always been. But as activists push to defund all the institutions that kill, harm, and destroy black communities and black lives, there is perhaps no better moment to stop it, once and for all.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of this body and an original cosponsor of the legislation, I rise in strong and enthusiastic support of the rule governing debate of H.R. 2, the Moving Forward Act, and the underlying bill.

H.R. 2, the Moving Forward Act, is a more than $1.5 trillion plan to rebuild American infrastructure—not only our roads, bridges, and transit systems, but also our schools, housing, broadband access, and so much more.

The bill makes a bold down payment on sound investments that address resiliency and climate change to address the impact of extreme weather events on a wide range of critical infrastructure.

By investing in families, workers, and communities across the country, we can support American manufacturing and ingenuity and create millions of jobs that cannot be exported, all while putting our country on a path toward zero carbon emissions, making communities and roads safer, and addressing long-standing disparities.

Mr. Speaker, this transformational legislation makes robust investments in the infrastructure necessary to support the well-being of all Americans and connect them with the services and opportunities needed to succeed in the global economy, which will create millions of American jobs rebuilding our country, so desperately needed in light of its wreckage by the COVID–19 pandemic.

It is way past time to act on a major effort to improve our nation's infrastructure.

The World Economic Forum ranked the United States is ranked thirteenth among nations with a score of 87.9 percent.

The infrastructure score is calculated based on the following factors: road connectivity index, quality of roads, railroad density, efficiency of train services, airport connectivity, efficiency of air transport services, linear shipping connectivity index, efficiency of seaport services, electrification rate, electric power transmission and distribution losses, and exposure to unsafe drinking water, reliability of water supply.

It is essential that our nation make investments in infrastructure because it enables trade, powers businesses, connects workers to employment, creates opportunities for struggling communities, protects the nation from an increasingly unpredictable natural environment, and allows the country to respond to the COVID–19 Pandemic.

Mr. Speaker, our nation's airports experienced a significant economic impact due to COVID–19 and the level of support to airports and airlines has been generous, but not enough, especially regarding what I have learned about airport parking service areas.

I thank the Rules Committee and the Committee on Transportation and Infrastructure for allowing the Jackson Lee amendment that requests a report on all areas at airports that have not received funding and asks that funding be prioritized for these areas, which include airport parking.

There are two Jackson Lee Amendments H.R. 2 that are important to the constituents I serve, so I will continue to work with the Committee and leadership as the bill moves through Congress to have these concerns addressed.

The Jackson Lee resolutions were intended to protect documented and locally recognized historic places in the areas planned for development in anticipation of the designation of a National Historic Trail that would travers the area of Houston where planned I–45 construction will occur.

Earlier this year, H.R. 434, the Emancipation National Historic Trail Report Act became law and it paves the way for the establishment of only the second nationally, recognized historic trail that chronicles the experience of African Americans in their struggle for equality and justice.

The law directs the National Parks Service to conduct a study of 51 miles starting at the historic Osterman Building and Reedy Chapel in Galveston, Texas, the location where news spread of the Emancipation Proclamation finally freeing the last slaves in the United States.

The historic trail will follow a path along Highway 3 and Interstate 45, north to Freedmen's Town, which will include Independence Heights, and Emancipation Park in Houston, Texas where freed slaves settled.

Local preservationists have labored for generations to secure historic sites in and around the planned route of the proposed new national historic trail and have lost significant buildings to past highway projects, specifically to those projects related to past I–45 construction, which cuts through Independence Heights the first black town to receive a charter from the state of Texas.

The project, which has not begun yet is scheduled to begin in 2021 and is expected to cost at least $7 billion and will rebuild most of the downtown freeway system along I–45, Interstate 10, Interstate 69 and Texas 288 and assorted ramps.

These plans for I–45 construction should trigger National Historic Preservation Act obligations because the National Parks Service has a Study to conduct regarding the history of the area.

Unfortunately, some may consider that once a historic place is removed, the ability of researchers, historians or preservationists to tell a complete history is limited-and in some essential ways they are correct.

History is best experienced and not just heard or read, which is why we must preserve and protect the places that are left for future generations.

I will continue to work with the Committee of Jurisdiction an the Jackson Lee Amendment that compliments the programs described in section 1619 Nationwide Road Safety Assessment of H.R. 2.

Section 1619 establishes a program for states to focus on the issue of pedestrian and bicycle safety.

The Jackson Lee Amendment seeks to include in this program a role for local governments who are foremost at the head of efforts to reduce pedestrian and bicycle deaths and injuries.

On a national basis, about 25 percent of pedestrian fatalities in 2018 occurred at intersections or were intersection-related.

Most pedestrian fatalities occurred at non-intersection locations.

The total number of pedestrian fatalities for the 10 largest cities increased by about 7 percent from 2017, with 613 fatalities to 2018 with 655 fatalities.

During the 10-year period 2009–2018 the number of pedestrian fatalities increased by 53 percent, while the number of all other traffic deaths increased by 2 percent.

On average, about 17 pedestrians and two cyclists were killed each day in crashes. Together they accounted for one-fifth of traffic deaths. (NYT)

The Jackson Lee Amendment broadens the section to address safety and the emerging popularity of other forms of personal transportation such as electric scooters.

The Jackson Lee Amendment supports local efforts to address the conditions that may contribute to deaths to improve pedestrian and bicycle safety.

A rough count by The Associated Press of media reports turned up at least 11 electric scooter rider deaths in the U.S. since the beginning of 2018.

In Austin, Texas, public health officials working with the Centers for Disease Control counted 192 scooter-related injuries in three months in 2018. Nearly half were head injuries, including 15 percent that were traumatic brain injuries like concussions and bleeding of the brain. Less than 1 percent of the injured riders wore a helmet.

According to a Consumer Reports survey conducted in March 2019, 22 percent of people who have spent time in an area where they saw e-scooters available for rent said they had used one at least once.

They found that many scooter riders (27 percent) are uncertain of the traffic laws they should follow.

Among people who have ridden an e-scooter, 51 percent ride on the sidewalk, 26 percent in a bike lane, and 18 percent in the street but not in a bike lane.

The role of local government is essential to addressing the problem of pedestrian and bicycle injuries and deaths.

This Jackson Lee Amendment is supported by: Advocates for Highway and Auto Safety, Transport Workers Union, Consumer Federation of America, Center for Auto Safety, Consumers for Auto Reliability and Safety, Truck Safety Coalition, Citizens for Reliable and Safe Highways, Parents Against Tired Truckers, and the Trauma Foundation.

More generally, I support the Moving Forward Act because it provides:

1. $100 billion for affordable housing to create or preserve 1.8 million affordable homes;
2. $10 billion for child care facilities, designed to generate additional state and private investments;
3. $130 billion for school infrastructure targeted at high-poverty schools; and
4. $30 billion for health care facilities, including hospitals, community health centers, and laboratories.

Mr. Speaker, the Moving Forward Act connects all Americans to essential services and economic opportunity by providing:

1. $500 billion to rebuild and reimagine the nation's transportation infrastructure;
2. $100 billion for affordable high-speed broadband internet for all Americans;
3. $25 billion for the Drinking Water State Revolving Fund and other programs to provide clean drinking water; and
4. $25 billion for the United States Postal Service to modernize postal infrastructure and operations.

All of this infrastructure funding I have fought for. Also, there are additional provisions in the bill that will help put us on the path to becoming a stronger, safer, better and more prosperous America, including:

1. Ameliorating hazardous living conditions and building a more environmentally sustainable housing stock;
2. Removing contaminants like PFAS from drinking water; and
3. Modernizing our energy infrastructure with an emphasis on renewable energy.

While this legislation would be necessary under any circumstances, the coronavirus crisis has magnified and accentuated the need for federal investments to put Americans back to work building a long-lasting foundation for a stronger and more equitable America.

I urge all Members to vote for the rule governing debate on H.R. 2 as well as the underlying bill.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

My friend from New York is absolutely right. There are 17 bipartisan amendments made in order to this bill that moved through committee in a completely partisan fashion.

When we did this bill last time around, the bill that passed on a voice vote because of its bipartisan nature coming out of committee, we made 34 bipartisan amendments in order to improve it further. The now chairman of the Transportation Committee, then the ranking member, said this about the rule as I was presenting it: ''Mr. Speaker, in terms of what the gentleman from Georgia just said, I appreciate the fact that we are debating so many policy amendments. This is the way the process should work, both sides of the aisle contribute, and this is great.'' Stark contrast from what you heard from our ranking member today about the process.

At that time, the ranking member, now chairman, said: ''I was willing to stay here later last night and stay here later tonight so that everybody who wanted an amendment could have a chance.'' That is not the process we have this year as voices are shut out one right after another, primarily Republican voices and bipartisan voices.

I yield such time as she may consume to the gentlewoman from Washington (Mrs. RODGERS), a great conservative leader in our conference who has never been afraid to reach across the aisle to get the work done, and she has done it successfully.

Mrs. RODGERS of Washington. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue before us today.

I rise in strong opposition to the rule and the underlying bill. Unfortunately, this is another example of the Democratic majority putting politics over people. It is a missed opportunity to reach an agreement on many solutions that have bipartisan support.

The Energy and Commerce Committee on which I serve is historically the most bipartisan committee in Congress. Our record of results with both Chairman WALDEN and Chairman UPTON proves it. No other committee sent more bills to the President's desk than Energy and Commerce during their tenure.

This record of bipartisan results for the people has unfortunately faltered under this current majority. And the process and the politics of H.R. 2 are a perfect example of why.

It is hard, it is actually impossible, for this historic results-oriented committee to reach an agreement when there is no regular order and we, the minority, are left out of the process.

It is easy to pass a partisan wish list for my friends across the aisle to campaign on when you don't expect that they are going to become law.

Instead of using the committee process to advance solutions like rural broadband deployment, vehicle safety improvements, and American leadership in clean energy, the majority is continuing to take the easy way out and is more interested in scoring political points.

□ 1100

We see the continued consolidation of power and decisionmaking within the Speaker's office.

Last Congress, this House unanimously passed the SELF DRIVE Act—unanimous—which would have ensured the most important vehicle safety technology of our lifetime is deployed here in America.

Autonomous vehicles have the potential to save tens of thousands of lives, restore independence to our seniors and people with disabilities, and create a cleaner environment with less road congestion.

Autonomous vehicles are our future. America could lead, America should lead in this new era, but sadly, the majority is content to let other countries lead. In fact, the U.S. has fallen behind since our work on the SELF DRIVE Act. We will continue to fall behind because we lack a national strategy and a viable path to deployment.

Other countries, like China, are not waiting for us. They are moving full speed ahead with testing, and it is happening in our own backyard.

Last Congress, every single Democrat on the Energy and Commerce Committee agreed that we needed to modernize the SAFETEA Act, to lead on this transformative technology. What has changed?

If the majority was serious about addressing the nearly 40,000 deaths on our roads each year, they would tell the well-funded trial bar enough is enough and pursue meaningful legislation to unleash American innovation in our auto sector, a part of a new era of American innovation. But, no. They are more concerned with the trial bar and their special interest groups.

Mr. Speaker, I urge my colleagues on the other side of the aisle to abandon this partisan messaging exercise and work with us for a new era of innovation that will help save lives.

Mr. MORELLE. Mr. Speaker, I would just note that bipartisanship is a two-way street. While some may suggest that the majority is at fault, I would argue that there was a lack of a good-faith effort on the part of the minority to engage in meaningful dialogue on things like climate change and the importance of making sure we have infrastructure investments in our schools and in our healthcare systems.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of H.R. 2, which reflects years of hard work with my staff, with hundreds of advocates, innovators, and local officials to deal with the challenges of a sustainable transportation future, especially in a time of upheaval. I appreciate the committee and staff reflecting these opportunities.

It includes a national clearinghouse to research the secondary impacts of autonomous vehicles that my friend from Washington just talked about.

It adds bikeshare as an eligible expense for CMAQ funding.

It provides Federal funds for cities and States to establish and implement Vision Zero plans to protect quality of life and reduce the carnage on the highways.

It increases funding for State road user charge pilot projects that is the vision for the future of how to fund transportation.

It increases small starts reauthorization.

It increases the volume cap on private activity bonds issued for surface transportation.

It increases the value of the historic tax credit and makes it more accessible for different types of projects.

Most critically, when we are dealing with renewable energy projects, it provides for direct payment in lieu of tax credits for renewable energy projects at a time when there is less appetite for traditional tax credits.

It clarifies that energy storage projects qualify for investment tax credits to spur the development.

It increases the value of section 179D energy efficient commercial buildings that we have worked on with them for years.

It reinstates the bicycle commuter tax, increases the value of the benefits, and allows them to be used with transit funds.

These are the nuts and bolts of often technical elements that form the basis for action and progress in the future.

I look forward to working with the vast array of stakeholders that are counting on us to make this visionary document a reality.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I encouraged my colleagues to defeat the rule so we could have a bipartisan process here, but if we defeat the previous question, I will offer an amendment to the rule to make in order H. Res. 1031.

The resolution expresses a sense of the House of Representatives condemning the cyberattacks perpetrated by China and other rogue states on American institutions in an effort to disrupt our response to COVID–19 by stealing our economic property that could be used for treatments and vaccines.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment into the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, we have talked so much about bipartisanship. This is a chance to actually do something in a bipartisan way.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. MCCAUL), the former chairman of the Homeland Security Committee and the current ranking member of the Foreign Affairs Committee, to discuss the amendment.

Mr. MCCAUL. Mr. Speaker, I thank the gentleman from Georgia (Mr. WOODALL) for yielding time.

We have known for years that the Chinese Communist Party has been conducting cyberattacks on the United States aimed not only at stealing vital data but also at destabilizing our economy.

Recently, the FBI and DHS discovered that the CCP has taken their cyberattacks to a new low by attempting to hack into U.S. research facilities, in an effort to steal COVID–19 vaccine research.

In other words, Mr. Speaker, at a time when scientists around the world are working together in an epic race against time to develop a lifesaving vaccine to rescue the world from the grips of the coronavirus, the CCP is trying to steal that research for their own selfish purposes.

This news comes when the evidence has shown that the Chinese Communist Party is responsible for allowing this virus to spread into a pandemic.

The House Foreign Affairs Committee Republicans spent the last several months investigating the origins

of this pandemic, in the hopes of learning vital lessons that would help us prevent the next one. This report details how the CCP chose to cover up the virus and lie to the world at every turn, allowing the coronavirus to spread not only throughout their own country, Mr. Speaker, but around the world in a global pandemic.

They silenced doctors trying to sound the alarm about the virus and disappeared journalists who were reporting the truth about Wuhan. They shut down laboratories and ordered that virus samples be destroyed. They repeatedly lied about the virus spreading human to human, that it was transmitted human to human, that it was contagious. They allowed mass travel throughout China and internationally despite knowing that the virus was spreading human to human.

Mr. Speaker, this week has served as a bleak reminder of what the Chinese Communist Party really is. Last night, the CCP sham legislature passed its so-called national security law for Hong Kong, destroying their autonomy and oppressing a freedom-loving people and violating the Sino-U.K. treaty. Yesterday, the world was made aware that the CCP is using forced sterilization, forced abortion, and coercive family planning against ethnic minorities, including the Uighur Muslims.

These disturbing realizations are unfolding as the world is still grappling with the coronavirus pandemic that the CCP helped create.

Now that millions of people around the world have been infected and more than half a million have died, we learned that the CCP isn't helping to fix the pandemic they are responsible for creating. Instead, Mr. Speaker, according to the FBI and Department of Homeland Security, they are conducting cyberattacks on American scientific organizations and hospitals in an attempt to steal research being used to develop a vaccine for the virus.

In other words, they are trying to steal our research to develop a vaccine to save the world from the very pandemic that they created. This is absolutely unacceptable and must be condemned.

So, today, Mr. Speaker, I ask that you join me in opposing the previous question so we can consider the Kinzinger resolution to do just that.

My colleagues on both sides of the aisle should come together and say, in one united voice, that we condemn these attacks by the Chinese Communist Party and that we believe that those who are responsible should be held accountable.

This is the issue of our time, so let's move forward together on calling out the CCP for their continued outrageous and dangerous misbehavior.

Mr. Speaker, I urge a ''no'' vote on the previous question.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do note, while this is certainly a very, very important issue, cyberattacks on the United States, both on government and our private sector, I think what is equally troubling are physical attacks and bounties placed by Russian leaders on U.S. soldiers in Afghanistan. I don't see any note of that in the resolution.

But the bigger issue here is that we have a $1.5 trillion infrastructure bill in front of us. I would certainly join with my colleagues in any resolutions on Chinese and Russian interference in American activities. The work in front of us, however, is a $1.5 trillion transportation bill desperately needed for American citizens throughout this country.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCANLON), a distinguished member of the Rules Committee.

Ms. SCANLON. Mr. Speaker, I thank Mr. MORELLE for yielding to me, and I second his remarks regarding Russian bounty. I am proud to rise in support here today of H.R. 2.

H.R. 2 will make meaningful, long-overdue investments in our roads, bridges, airports, ports, and transportation systems. It will invest billions in zero-emission, and modernize road systems to reduce gridlock, something we can all cheer about in my district.

This is game-changing, economy-altering legislation. So when I hear my colleagues talk about the price tag on a bill like this, I have to wonder where exactly they think this money is going. This bill invests directly in American families, in workers, and in the communities in which we live.

Stakeholders in my district have been crying out for a comprehensive infrastructure bill for years. I represent Pennsylvania's Fifth District, which is the gateway to the Philadelphia region. My district is home to the Philadelphia port and shipyard, home to one of the busiest airports in the country, home to the Eastern Seaboard's passenger and freight rail lines, plus commuter rails, streetcars, subways, and a network of interstate bridges and roads, all of which are in serious need of upkeep.

But this bill is not just about the concrete that will be poured to fix potholes or the steel used to renovate a bridge. It is an investment in the American people at a time when it is needed most.

H.R. 2 will provide good-paying, stable jobs that can support American workers and their families. At a time when we are facing double-digit unemployment in the United States, a massive investment in our people is exactly what we need.

This bill will put people back to work, prevent further erosion of our environment, and give children and families the support they desperately need.

In doing so, this bill lays down the important principle that when we invest in our infrastructure and our economy, we must do so in a way that builds for the 21st century and beyond rather than trying to re-create an unsustainable or inequitable past.

H.R. 2 also includes one of my priorities, the Reopen and Rebuild America's Schools Act, which will invest $130 billion into rundown, obsolete, and often dangerous school facilities that pose risks for students, teachers, and staffs.

Many of the communities I represent are in dire need of these funds, and I would be willing to bet that many of your communities are as well.

This isn't an urban vs. rural issue. Public schools nationwide have been underfunded for decades, and our children have paid the price.

In the last 18 months and before being sworn in, in my prior career, I had visited far too many schools that lack basic facilities, like working water fountains, space for physical education, or a library. I have visited schools that have crumbling plaster and lead paint on the walls and asbestos in the insulation, schools that have exposed radiators and pipes in classrooms that can give a child second-degree burns. This legislation is critical, and I am proud to support it.

□ 1115

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to be fair, this bill is not about us investing in the future; it is about us borrowing money from our children to invest in the future.

I will read from the current chairman of the Transportation Committee. These were his comments during our last reauthorization. He says: '' . . . the biggest and most glaring omission by the Rules Committee is of not allowing any attempt by this House to fund the bill.''

At that time, you remember, Mr. Speaker, we only provided 3 years of funding for a 6-year bill. We went back and found the remaining 3 years later.

He goes on to say: ''The U.S. Chamber of Commerce supports an increase in the user fee.'' That is the gas tax. ''The American Trucking Association supports an increase in the user fee. We are virtually being begged by interest groups out there representing consumers and commercial users of the system to do something, vote on something.''

I talked about all of the differences between the way we handled the process last time and the way we handled the process this time, Mr. Speaker. I will note that there are also differences in the way that the chairman wanted to handle the process last time, which is voting to fund this bill. When we funded half of it, he wanted to fund all of it. This time we are funding none of it, Mr. Speaker. That is the heavy lifting that needs to be done, and it can only be done in a bipartisan way.

I reserve the balance of my time.

Mr. MORELLE. Mr. Speaker, I just note that in the last Congress, the majority invested $2 trillion in a tax cut

that 83 percent went to the wealthiest 1 percent of Americans, and despite that, we see no lasting benefit of that. It has added substantially to the deficit of the United States, to the tune of over $1.3 trillion. We prefer to make these investments in American families and in American jobs.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, for too long, communities of color, Black and Brown communities, have suffered environmental injustice.

For too long, these same communities have been on the front lines of environmental air pollution that has caused higher rates of cancer and asthma and, with COVID–19, more deaths. For too long, these communities have literally said: I can't breathe.

My very own district is surrounded by three freeways and the Port of Los Angeles. Ports are critical jobs. They provide movement of goods. They are a huge economic engine. But they also are the cause of air pollution on the docks, not to mention the truck traffic that goes to and from ports.

Today, I am proud to say that my bill, the Climate Smart Ports Act, is included in this infrastructure package. It will make a significant difference to air quality in my district and for the 40 percent of Americans who live near a port.

This bill will invest billions in zero-emission technology at ports and clean trucks that go to and from ports. That is right, zero emissions.

Bottom line is it will save lives, create jobs, and fight the climate crisis. Today I ask you to join me in voting for H.R. 2: to invest in our Nation's infrastructure, to invest in greening our ports, to invest in fighting the climate crisis, and to invest in improving air quality for the people.

Mr. WOODALL. Mr. Speaker, I reserve the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise today in strong support of H.R. 2. This vital legislation rebuilds our Nation's infrastructure, invests in American workers, and bolsters our Nation's economy, all at a critical juncture in our fight against COVID–19.

This pandemic has cost thousands of Americans their lives and many more millions their jobs. It is essential that we do everything in our power to drive investment and boost our economy, and this bill does just that.

I am particularly pleased that H.R. 2 includes my legislation, the GREEN Act, which invests over $150 billion in reducing car emissions and expanding clean energy technologies. That bill extends and expands Federal tax incentives, promoting investment in solar, wind, geothermal, and fuel cell technologies, all with the goal of decarbonizing our atmosphere.

The bill also increases Federal support for energy efficiency, including in commercial buildings, and revives the energy manufacturing credit, a successful Recovery Act program designed to spur investment in renewable energy jobs.

Mr. Speaker, H.R. 2 represents the kind of bold, forward-thinking investment our planet and our economy desperately need.

I urge everyone to vote for this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOODALL. Mr. Speaker, I share with my friend from New York that I don't have any speakers remaining, and I am prepared to close.

Can I ask how much time is remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia has 5½ minutes remaining.

The gentleman from New York has 5 minutes remaining.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a positive guy. I love coming down here and talking about the great things we are doing as a country, the amazing steps forward that we are making, the way we are exceeding the expectation of our constituents, and that was the speech I got to give when Republicans were in the majority and I got to bring the bipartisan package.

At that time, Janet was sitting to my left and Caitlin would have been sitting right behind Mr. MCGOVERN. A lot of things haven't changed much since that time. But some things have.

One of the things that has changed is COVID–19 is ravaging the Nation, and I want to say to my Rules Committee friends, because we have got a lot of work left to do in this cycle, I recognize that there is an inclination among some in leadership in this House to shut down this process, to keep folks off the floor, to keep votes from happening with great frequency, all in the name of public health.

I would tell you that may protect the health of the Members generally, but it undermines the health of the institution specifically. And I am grateful to my friends on the Rules Committee for fighting those urges and advocating for a more open process on the floor of the House.

Again, I know I can attribute that sentiment to my friend from New York, and I know I can attribute that sentiment to the chairman, the gentleman from Massachusetts (Mr. MCGOVERN).

But the transportation bill, Mr. Speaker, is different from most of what we do. I hope we will have an opportunity to bring a bipartisan bill to the floor, and then we can have that bipartisan conversation about limiting debate so that we can move the bipartisan idea forward so that we can get a signature on the President's desk.

Mr. Speaker, every good thing you heard mentioned that this bill does on the other side of the aisle today, every good thing you have heard mentioned, I want to stipulate that the bill absolutely does that. And I ask my friends to stipulate that the bill has absolutely no chance of ever becoming the law of the land, so none of those things are ever going to happen.

Hear me, Mr. Speaker, it does every single one of those things if it becomes law, but because it is moved in a partisan process when we have bipartisan government, it will never become law and it will never happen. Not one of those things that my colleagues earnestly believe their constituencies need and are demanding is going to be delivered.

Mr. Speaker, I don't want to make the point. I do want to make the difference. I recognize that in divided government sometimes you have to put out the party line. Sometimes you have to stand up and say, ''This is where I am; now let's figure out where you are,'' and then the negotiation happens later.

That happens on a lot of bills in this institution. It doesn't usually happen on transportation, it doesn't usually happen on infrastructure, because the way transportation and infrastructure usually happen is we partner from day one.

In the last Congress, Mr. Speaker, last time we moved this bill, roughly an equal number of Republican ideas, Democratic ideas, and bipartisan ideas were considered to improve the bill. This time around, Mr. Speaker, we will consider 17 bipartisan amendments, 19 Republican amendments, and 134 Democratic amendments. Last time around, roughly one to one; this time around, seven Democratic ideas for every one Republican idea.

Last time around, the bill was crafted in a partnership way so that more ideas and everyone was included in the beginning. This time around, the bill moved in a strict party-line vote.

I understand we can't be the best version of ourselves as an institution every day of the week, Mr. Speaker. I recognize that. And it is not even our goal every day of the week. Sometimes we have a partisan priority, an itch that needs to be scratched. But good habits are hard to keep; bad habits are easy to make.

There is a reason the Transportation and Infrastructure Committee is special. There is a reason Mr. DEFAZIO stood in line so long waiting on his opportunity to lead. It is a special place where you can make a huge difference on behalf of not just your community, but your country.

We are squandering that opportunity today. There were lots of good ideas that we could have moved forward in a partnership way.

I hope that the extraordinary partisanship that represents a dramatic change from anything that we have ever done in this transportation environment before is the aberration, and that as soon as that partisan itch gets scratched, my colleagues will then turn their attention to being able to get

something done. Because when my friends talked about road safety and the needs America has, they were right. When my friends talked about crumbling infrastructure and the needs America has, they were right. When my friends talked about investing in us as a nation, my friends were right.

I want to join with them to make those things happen; but today, Mr. Speaker, I encourage my colleagues to vote ''no'' on the previous question and to vote ''no'' on the rule.

I yield back the balance of my time.

Mr. MORELLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my colleague and friend on the Rules Committee (Mr. WOODALL), who is really one of the thought leaders in this Chamber and has always committed to bipartisanship, always committed to what is best for our Nation and for the people blessed to call this Nation home. I want to thank him, as always, for his partnership and his hard work in his diligence to the cause.

I take a slightly different view of what we do here today than my friend because this isn't, in my view, strictly a partisan issue or a party issue or a platform issue or a messaging issue. This is an issue of what we value as Americans, what we believe and what the majority believes is important to the citizens of this country.

We do face, as Mr. WOODALL notes, the greatest pandemic this country has faced in at least a century. We have 125,000 Americans who have lost their lives to it. So this is an extraordinary time, and it calls for extraordinary measures and a $1.5 trillion plan to move America forward to address our transportation crisis, to address our climate change crisis, to address our healthcare crisis, to address the challenges brought on by crumbling schools across this country.

One of the learnings of this pandemic, in my view, has been the digital divide. Whether it is in telehealth, in telemedicine, we know that those communities of color that already face disparities face even greater disparities. So the broadband initiative included in this is so vitally important to all of us.

We see that when it comes to distance learning in our schools. Crumbling schools, yes, but the inability of schoolchildren to get to online classes and distance learning because of broadband challenges is great, as well, and we need to do everything we can to limit those disparities.

And those are the great learnings, perhaps, of this pandemic and things we can do about it.

□ 1130

That is why we believe so strongly in investing those dollars in meeting the challenge of climate change, the defining challenge of our time. Transportation is the leading cause of U.S. carbon pollution. So these are the values we embrace.

While certainly I take as an article of faith what Mr. WOODALL said, which is, perhaps it is not likely this bill, every word and every comma will become law unless, all of a sudden, there is enlightenment in the United States Senate, which I frankly have some doubt about. But make no mistake, much of what is in here will become law because it is important to us as a majority and it is important to the American people.

We are going to continue to stand and fight for these things in the midst of these great crises because they are important, we need to put Americans back to work to build our infrastructure and to build an infrastructure for the next generation. This isn't about now. This isn't about digging a hole and filling it back up, digging another hole and filling it back up. These are great needs. They are needs that we have, frankly, ignored for decades now. The time has come to address them.

So this is a question of values. It is a question of what we believe Americans need, what our families need, and what our communities need.

We will get there. I have faith that we will negotiate a bill, and much of what is included today, hopefully, will pass, will be included in the final package, and will be signed by the President because it is too important for America not to do.

Mr. Speaker, I thank all my colleagues for their words in favor of H.R. 2, the Moving Forward Act.

Mr. Speaker, I urge a ''yes'' vote on the rule and a ''yes'' vote on the previous question.

The material previously referred to by Mr. WOODALL is as follows:

AMENDMENT TO HOUSE RESOLUTION 1028

At the end of the resolution, add the following:

SEC. 10. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the resolution (H. Res. 1031) condemning the cyber attacks on American persons and organizations conducting research related to COVID 19 and expressing the sense of the House of Representatives that those responsible for perpetrating such belligerent acts should face consequences. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 1031.

Mr. MORELLE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 20, as follows:

[Roll No. 130]

YEAS—230

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—180

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud

Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Posey
Reschenthaler
Rice (SC)
Riggleman
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—20

Abraham
Bishop (UT)
Buck
Deutch
Emmer
Gallagher
Gosar
Granger
Guthrie
King (IA)
Loudermilk
Marchant
Marshall
Palazzo
Reed
Roby
Rooney (FL)
Sensenbrenner
Speier
Weber (TX)

□ 1215

Messrs. LAHOOD and STIVERS changed their vote from ''yea'' to ''nay.''

Messrs. NEGUSE and DEFAZIO changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

The SPEAKER pro tempore (Mr. QUIGLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOODALL. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 183, not voting 25, as follows:

[Roll No. 131]

YEAS—222

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Dingell
Doggett
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Sean
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—183

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Golden
Gonzalez (OH)
Gooden
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Horn, Kendra S.
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Massie
Mast
McAdams
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palmer
Pence
Perry
Posey
Reschenthaler
Rice (SC)
Riggleman
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—25

Abraham
Bishop (UT)
Buck
Cohen
Deutch
Doyle, Michael F.
Emmer
Gallagher
Gosar
Granger
King (IA)
Loudermilk
Maloney, Carolyn B.
Marchant
Marshall
Palazzo
Reed
Roby
Rooney (FL)
Sensenbrenner
Speier
Taylor
Vela
Weber (TX)
Webster (FL)

□ 1255

Ms. KAPTUR changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, I missed votes due to circumstances beyond my control. Had I been present, I would have voted ''nay'' on rollcall No. 130 and ''nay'' on rollcall No. 131.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
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Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)

Lowey (Tonko)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess.

□ 1312

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 1 o'clock and 12 minutes p.m.

INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT

Mr. DEFAZIO. Mr. Speaker, pursuant to House Resolution 1028, I call up the bill (H.R. 2) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1028, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–54, modified by the amendment printed in part A of House Report 116–438, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Moving Forward Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2021
Sec. 100. Short title.
Sec. 101. Extension of Federal surface transportation programs.
Sec. 102. Federal Highway Administration.
Sec. 103. Federal Transit Administration.
Sec. 104. National Highway Traffic Safety Administration.
Sec. 105. Federal Motor Carrier Safety Administration.
Sec. 106. Definitions.
DIVISION B—SURFACE TRANSPORTATION
Sec. 1001. Applicability of division.
TITLE I—FEDERAL-AID HIGHWAYS
Subtitle A—Authorizations and Program Conditions
Sec. 1101. Authorization of appropriations.
Sec. 1102. Obligation limitation.
Sec. 1103. Definitions and declaration of policy.
Sec. 1104. Apportionment.
Sec. 1105. Additional deposits into Highway Trust Fund.
Sec. 1106. Transparency.
Sec. 1107. Complete and context sensitive street design.
Sec. 1108. Innovative project delivery Federal share.
Sec. 1109. Transferability of Federal-aid highway funds.
Sec. 1110. Tolling.
Sec. 1111. HOV facilities.
Sec. 1112. Buy America.
Sec. 1113. Federal-aid highway project requirements.
Sec. 1114. State assumption of responsibility for categorical exclusions.
Sec. 1115. Surface transportation project delivery program written agreements.
Sec. 1116. Corrosion prevention for bridges.
Sec. 1117. Sense of Congress.
Subtitle B—Programmatic Infrastructure Investment
Sec. 1201. National highway performance program.
Sec. 1202. Increasing the resilience of transportation assets.
Sec. 1203. Emergency relief.
Sec. 1204. Railway crossings.
Sec. 1205. Surface transportation program.
Sec. 1206. Transportation alternatives program.
Sec. 1207. Bridge investment.
Sec. 1208. Construction of ferry boats and ferry terminal facilities.
Sec. 1209. Highway safety improvement program.
Sec. 1210. Congestion mitigation and air quality improvement program.
Sec. 1211. Electric vehicle charging stations.
Sec. 1212. National highway freight program.
Sec. 1213. Carbon pollution reduction.
Sec. 1214. Recreational trails.
Sec. 1215. Safe routes to school program.
Sec. 1216. Bicycle transportation and pedestrian walkways.
Subtitle C—Project-Level Investments
Sec. 1301. Projects of national and regional significance.
Sec. 1302. Community transportation investment grant program.
Sec. 1303. Grants for charging and fueling infrastructure to modernize and reconnect America for the 21st century.
Sec. 1304. Community climate innovation grants.
Sec. 1305. Metro performance program.
Sec. 1306. Gridlock reduction grant program.
Sec. 1307. Rebuild rural grant program.
Sec. 1308. Parking for commercial motor vehicles.
Sec. 1309. Active transportation connectivity grant program.
Subtitle D—Planning, Performance Management, and Asset Management
Sec. 1401. Metropolitan transportation planning.
Sec. 1402. Statewide and nonmetropolitan transportation planning.
Sec. 1403. National goals and performance management measures.
Sec. 1404. Transportation demand data and modeling study.
Sec. 1405. Fiscal constraint on long-range transportation plans.
Subtitle E—Federal Lands, Tribes, and Territories
Sec. 1501. Territorial and Puerto Rico highway program.
Sec. 1502. Tribal transportation program.
Sec. 1503. Tribal High Priority Projects program.
Sec. 1504. Federal lands transportation program.
Sec. 1505. Federal lands and Tribal major projects program.
Sec. 1506. Office of Tribal Government Affairs.
Sec. 1507. Alternative contracting methods.
Sec. 1508. Divestiture of federally owned bridges.
Sec. 1509. Study on Federal funding available to Indian Tribes.
Sec. 1510. GAO study.
Subtitle F—Additional Provisions
Sec. 1601. Vision zero.
Sec. 1602. Speed limits.
Sec. 1603. Broadband infrastructure deployment.
Sec. 1604. Balance Exchanges for Infrastructure Program.
Sec. 1605. Stormwater best management practices.
Sec. 1606. Pedestrian facilities in the public right-of-way.
Sec. 1607. Highway formula modernization report.
Sec. 1608. Consolidation of programs.
Sec. 1609. Student outreach report to Congress.
Sec. 1610. Task force on developing a 21st century surface transportation workforce.
Sec. 1611. On-the-job training and supportive services.
Sec. 1612. Work zone safety.
Sec. 1613. Transportation education development program.
Sec. 1614. Working group on construction resources.
Sec. 1615. Numbering system of highway interchanges.
Sec. 1616. Toll credits.
Sec. 1617. Transportation construction materials procurement.
Sec. 1618. Construction of certain access and development roads.
Sec. 1619. Nationwide road safety assessment.
Sec. 1620. Wildlife crossings.
Sec. 1621. Climate resilient transportation infrastructure study.
Sec. 1622. Elimination of duplication of environmental reviews and approvals.
Sec. 1623. AMBER Alerts along major transportation routes.
Sec. 1624. Natural gas, electric battery, and zero emission vehicles.
Sec. 1625. Guidance on evacuation routes.
Sec. 1626. High priority corridors on National Highway System.
Sec. 1627. Guidance on inundated and submerged roads.
Sec. 1628. Dry bulk weight tolerance.
Sec. 1629. Highway use tax evasion projects.
Sec. 1630. The United States opposes child labor.
TITLE II—PUBLIC TRANSPORTATION
Subtitle A—Federal Transit Administration
Sec. 2101. Authorizations.
Sec. 2102. Chapter 53 definitions.
Sec. 2103. General provisions.
Sec. 2104. Miscellaneous provisions.
Sec. 2105. Policies and purposes.
Sec. 2106. Fiscal year 2022 formulas.
Sec. 2107. Metropolitan transportation planning.
Sec. 2108. Statewide and nonmetropolitan transportation planning.
Sec. 2109. Obligation limitation.
Sec. 2110. Public transportation emergency relief funds.
Sec. 2111. General provisions.
Sec. 2112. Certification requirements.
Subtitle B—Improving Frequency and Ridership
Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants.
Sec. 2202. Incentivizing frequency in the urban formula.

Sec. 2203. Mobility innovation.
Sec. 2204. Formula grants for rural areas.
Sec. 2205. One-stop paratransit program.
Subtitle C—Buy America and Other Procurement Reforms
Sec. 2301. Buy America.
Sec. 2302. Bus procurement streamlining.
Sec. 2303. Bus testing facility.
Sec. 2304. Repayment requirement.
Sec. 2305. Definition of urbanized areas following a major disaster.
Sec. 2306. Special rule for certain rolling stock procurements.
Sec. 2307. Certification requirements.
Subtitle D—Bus Grant Reforms
Sec. 2401. Formula grants for buses.
Sec. 2402. Bus facilities and fleet expansion competitive grants.
Sec. 2403. Zero emission bus grants.
Sec. 2404. Restoration to state of good repair formula subgrant.
Subtitle E—Supporting All Riders
Sec. 2501. Low-income urban formula funds.
Sec. 2502. Rural persistent poverty formula.
Sec. 2503. Demonstration grants to support reduced fare transit.
Subtitle F—Supporting Frontline Workers and Passenger Safety
Sec. 2601. National transit frontline workforce training center.
Sec. 2602. Public transportation safety program.
Sec. 2603. Innovation workforce standards.
Sec. 2604. Safety performance measures and set asides.
Sec. 2605. U.S. Employment Plan.
Sec. 2606. Technical assistance and workforce development.
Subtitle G—Transit-Supportive Communities
Sec. 2701. Transit-supportive communities.
Sec. 2702. Property disposition for affordable housing.
Sec. 2703. Affordable housing incentives in capital investment grants.
Subtitle H—Innovation
Sec. 2801. Mobility innovation sandbox program.
Sec. 2802. Transit bus operator compartment redesign program.
Sec. 2803. Federal Transit Administration Every Day Counts initiative.
Sec. 2804. Technical corrections.
Sec. 2805. National advanced technology transit bus development program.
Subtitle I—Other Program Reauthorizations
Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority.
Sec. 2902. Other apportionments.
Subtitle J—Streamlining
Sec. 2911. Fixed guideway capital investment grants.
Sec. 2912. Rural and small urban apportionment deadline.
Sec. 2913. Disposition of assets beyond useful life.
Sec. 2914. Innovative coordinated access and mobility.
Sec. 2915. Passenger ferry grants.
Sec. 2916. Evaluation of benefits and Federal investment.
TITLE III—HIGHWAY TRAFFIC SAFETY
Sec. 3001. Authorization of appropriations.
Sec. 3002. Highway safety programs.
Sec. 3003. Traffic safety enforcement grants.
Sec. 3004. Highway safety research and development.
Sec. 3005. Grant program to prohibit racial profiling.
Sec. 3006. High-visibility enforcement program.
Sec. 3007. National priority safety programs.
Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 3009. National priority safety program grant eligibility.
Sec. 3010. Implicit bias research and training grants.
Sec. 3011. Stop motorcycle checkpoint funding.
Sec. 3012. Electronic driver's license.
Sec. 3013. Motorcyclist Advisory Council.
TITLE IV—MOTOR CARRIER SAFETY
Subtitle A—Motor Carrier Safety Grants, Operations, and Programs
Sec. 4101. Motor carrier safety grants.
Sec. 4102. Motor carrier safety operations and programs.
Sec. 4103. Immobilization grant program.
Subtitle B—Motor Carrier Safety Oversight
Sec. 4201. Motor carrier safety advisory committee.
Sec. 4202. Compliance, safety, accountability.
Sec. 4203. Terms and conditions for exemptions.
Sec. 4204. Safety fitness of motor carriers of passengers.
Sec. 4205. Providers of recreational activities.
Sec. 4206. Amendments to regulations relating to transportation of household goods in interstate commerce.
Subtitle C—Commercial Motor Vehicle Driver Safety
Sec. 4301. Commercial driver's license for passenger carriers.
Sec. 4302. Alcohol and controlled substances testing.
Sec. 4303. Entry-level driver training.
Sec. 4304. Driver detention time.
Sec. 4305. Truck Leasing Task Force.
Sec. 4306. Hours of service.
Sec. 4307. Driver recruitment.
Sec. 4308. Screening for obstructive sleep apnea.
Sec. 4309. Women of Trucking Advisory Board.
Subtitle D—Commercial Motor Vehicle and Schoolbus Safety
Sec. 4401. Schoolbus safety standards.
Sec. 4402. Illegal passing of schoolbuses.
Sec. 4403. State inspection of passenger-carrying commercial motor vehicles.
Sec. 4404. Automatic emergency braking.
Sec. 4405. Underride protection.
Sec. 4406. Transportation of horses.
Sec. 4407. Additional State authority.
Sec. 4408. Updating the required amount of insurance for commercial motor vehicles.
TITLE V—INNOVATION
Sec. 5001. Authorization of appropriations.
Subtitle A—Research and Development
Sec. 5101. Highway research and development program.
Sec. 5102. Materials to reduce greenhouse gas emissions program.
Sec. 5103. Transportation research and development 5-year strategic plan.
Sec. 5104. University transportation centers program.
Sec. 5105. Unsolicited research initiative.
Sec. 5106. National cooperative multimodal freight transportation research program.
Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.
Sec. 5108. Research activities.
Sec. 5109. Innovative material innovation hubs.
Subtitle B—Technology Deployment
Sec. 5201. Technology and innovation deployment program.
Sec. 5202. Accelerated implementation and deployment of pavement technologies.
Sec. 5203. Federal Highway Administration Every Day Counts initiative.
Subtitle C—Emerging Technologies
Sec. 5301. Safe, efficient mobility through advanced technologies.
Sec. 5302. Intelligent transportation systems program.
Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse.
Sec. 5304. Study on safe interactions between automated vehicles and road users.
Sec. 5305. Nontraditional and Emerging Transportation Technology Council.
Sec. 5306. Hyperloop transportation.
Sec. 5307. Surface transportation workforce retraining grant program.
Sec. 5308. Third-party data integration pilot program.
Sec. 5309. Third-party data planning integration pilot program.
Subtitle D—Surface Transportation Funding Pilot Programs
Sec. 5401. State surface transportation system funding pilots.
Sec. 5402. National surface transportation system funding pilot.
Subtitle E—Miscellaneous
Sec. 5501. Ergonomic seating working group.
Sec. 5502. Repeal of section 6314 of title 49, United States Code.
Sec. 5503. Transportation workforce outreach program.
Sec. 5504. Certification on ensuring no human rights abuses.
TITLE VI—MULTIMODAL TRANSPORTATION
Sec. 6001. National multimodal freight policy.
Sec. 6002. National freight strategic plan.
Sec. 6003. National multimodal freight network.
Sec. 6004. State freight advisory committees.
Sec. 6005. State freight plans.
Sec. 6006. Study of freight transportation fee.
Sec. 6007. National Surface Transportation and Innovative Finance Bureau.
Sec. 6008. Local hire.
Sec. 6009. FTE cap.
Sec. 6010. Identification of COVID–19 testing needs of critical infrastructure employees.
TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT
Sec. 7001. Transportation Infrastructure Finance and Innovation Act.
DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION
Sec. 8001. Short title.
TITLE I—AUTHORIZATIONS
Sec. 8101. Authorization of appropriations.
TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT
Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.
Sec. 8202. Transportation of liquefied natural gas by rail tank car.
Sec. 8203. Hazardous materials training requirements and grants.
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Sec. 90436. Modification of employer-provided fringe benefits for bicycle commuting.
Subtitle E—Investment in the Green Workforce
Sec. 90441. Extension of the advanced energy project credit.
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Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.
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Sec. 90609. Increase in credit for bond-financed projects designated by housing credit agency.
Sec. 90610. Repeal of qualified contract option.
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Sec. 90613. Credit for low-income housing supportive services.
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SEC. 3. 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.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2021

SEC. 100. SHORT TITLE.

This division and division B of this Act may be cited as the ''Investing in a New Vision for the Environment and Surface Transportation in America Act'' or the ''INVEST in America Act''.

SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.

(a) EXTENSION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS.—

(1) IN GENERAL.—Except as otherwise provided in this division, the requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under the covered laws, which would otherwise expire on or cease to apply after September 30, 2020, are incorporated by reference and shall continue in effect through September 30, 2021.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) HIGHWAY TRUST FUND.—

(i) HIGHWAY ACCOUNT.—

(I) IN GENERAL.—Except as provided in subclause (II), there is authorized to be appropriated from the Highway Account for fiscal

year 2021, for each program under the covered laws with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account for fiscal year 2020.

(II) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, there is authorized to be appropriated from the Highway Account for fiscal year 2021—

(aa) $502,897,049 for administrative expenses of the Federal Highway Administration, as described in section 104(a) of title 23, United States Code; and

(bb) $30,086,000 for grant administrative expenses of the National Highway Traffic Safety Administration, as described in section 4001(a)(6) of the FAST Act (Public Law 114–94).

(ii) MASS TRANSIT ACCOUNT.—There is authorized to be appropriated from the Mass Transit Account for fiscal year 2021, for each program under the covered laws with respect to which amounts are authorized to be appropriated from such account for fiscal year 2020, an amount equal to the amount authorized for appropriation with respect to the program from such account for fiscal year 2020.

(B) GENERAL FUND.—

(i) IN GENERAL.—Except as provided in clause (ii), there is authorized to be appropriated for fiscal year 2021, for each program with respect to which amounts are authorized to be appropriated for fiscal year 2020 from an account other than the Highway Account or the Mass Transit Account under the titles described in subsection (b)(1), an amount not less than the amount authorized for appropriation with respect to the program under such titles for fiscal year 2020.

(ii) ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, there is authorized to be appropriated from the general fund of the Treasury for fiscal year 2021 $140,016,543 for administrative expenses of the Federal Transit Administration.

(3) USE OF FUNDS.—Except as otherwise provided in this division, amounts authorized to be appropriated for fiscal year 2021 with respect to a program under paragraph (2) shall be distributed, administered, limited, and made available for obligation in the same manner as amounts authorized to be appropriated with respect to the program for fiscal year 2020 under the covered laws.

(4) OBLIGATION LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a program for which amounts are authorized to be appropriated under paragraph (2)(A) shall be subject to a limitation on obligations for fiscal year 2021 in the same amount and in the same manner as the limitation applicable with respect to the program for fiscal year 2020 under the Department of Transportation Appropriations Act, 2020 (Public Law 116–94), as in effect on December 20, 2019.

(B) FEDERAL-AID HIGHWAY AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS.—

(i) IN GENERAL.—Notwithstanding any other provision of this division, section 1102 of the FAST Act (Public Law 114–94), or the Department of Transportation Appropriations Act, 2020 (Public Law 116–94), for fiscal year 2021, the obligations for Federal-aid highway and highway safety construction programs shall not exceed $46,387,191,360.

(ii) LIMITATION ON FEDERAL HIGHWAY ADMINISTRATION ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of this division, of the amount described in clause (i), for fiscal year 2021 an amount not to exceed $478,897,049, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration.

(b) DEFINITIONS.—In this section, the term ''covered laws'' means the following:

(1) Titles I, III, IV, V, and VI of division A of the FAST Act (Public Law 114–94).

(2) Division A, division B, subtitle A of title I and title II of division C, and division E of MAP–21 (Public Law 112–141).

(3) Titles I, II, and III of the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244).

(4) Titles I, II, III, IV, V, and VI of SAFETEA–LU (Public Law 109–59).

(5) Titles I, II, III, IV, and V of the Transportation Equity Act for the 21st Century (Public Law 105–178).

(6) Titles II, III, and IV of the National Highway System Designation Act of 1995 (Public Law 104–59).

(7) Title I, part A of title II, title III, title IV, title V, and title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(8) Title 23, United States Code.

(9) Sections 116, 117, 330, and 5505 and chapters 53, 139, 303, 311, 313, 701, and 702 of title 49, United States Code.

SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.

(a) ADDITIONAL AMOUNTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts authorized under section 101, there is authorized to be appropriated from the Highway Account for fiscal year 2021, for activities under this section, $14,742,808,640.

(B) CONTRACT AUTHORITY.—Amounts authorized to be appropriated under subparagraph (A) shall be available for obligation as if apportioned under chapter 1 of title 23, United States Code.

(2) OBLIGATION CEILING.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under paragraph (1) shall not exceed $14,742,808,640.

(B) DISTRIBUTION OF OBLIGATION AUTHORITY.—

(i) IN GENERAL.—Of the obligation authority provided under subparagraph (A), the Secretary shall make available to States, Tribes, Puerto Rico, the territories, and Federal land management agencies, during the period of fiscal year 2021, amounts of obligation authority equal to the amounts described in subparagraphs (A) through (E) of paragraph (3), respectively.

(ii) FURTHER DISTRIBUTION.—Each State, each Tribe, Puerto Rico, each territory, and each Federal land management agency receiving funds under subparagraphs (A) through (E) of paragraph (3), respectively, shall receive an amount of obligation authority equal to the funds that it receives under any of such subparagraphs.

(C) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), the Secretary shall, after August 1 of fiscal year 2021—

(I) revise a distribution of the obligation authority made available under subparagraph (B) if an amount distributed cannot be obligated during that fiscal year; and

(II) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of MAP–21 (Public Law 112–141)) and 104 of title 23, United States Code.

(ii) ADMINISTRATION.—The Secretary shall administer a redistribution under clause (i) of obligation authority provided under subparagraph (B) in a similar manner as the standard August redistribution.

(iii) USE OF OBLIGATION AUTHORITY.—A State may use obligation authority that it receives pursuant to this subparagraph in the same manner that it uses obligation authority that it receives as part of the standard August redistribution.

(3) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 under paragraph (1) shall be distributed as follows:

(A) $14,384,629,710 to the States.

(B) $167,481,814 to Tribes.

(C) $52,400,251 to Puerto Rico.

(D) $13,929,181 to the territories.

(E) $124,367,684 to Federal land management agencies.

(4) STATE FUNDS.—

(A) DISTRIBUTION.—

(i) IN GENERAL.—Amounts made available under paragraph (3)(A) shall be distributed among the States in the same ratio as total State apportionments under section 104(c)(1) of title 23, United States Code, in fiscal year 2020.

(ii) SUBALLOCATION.—

(I) IN GENERAL.—Amounts distributed among the States under clause (i) shall be suballocated within the State to an area described in subclause (II) in the proportion that—

(aa) the total amount of funds suballocated to such area of the State as described in such subclause for fiscal year 2020; bears to

(bb) the total amount of funds apportioned to the State for the Federal-aid highway program under section 104 of title 23, United States Code, for fiscal year 2020.

(II) AREAS DESCRIBED.—The areas described in this subclause are—

(aa) urbanized areas of the State with an urbanized area population of over 200,000;

(bb) areas of the State other than urban areas with a population greater than 5,000; and

(cc) other areas of the State.

(B) TREATMENT.—Except as otherwise provided in this paragraph, amounts made available under paragraph (3)(A) shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(C) USE OF FUNDS.—Amounts made available under paragraph (3)(A) may be obligated for—

(i) eligible projects described in section 133(b) of title 23, United States Code, subject to section 133(c) of such title; and

(ii) administrative expenses, including salaries and benefits, of—

(I) the State department of transportation;

(II) a local transportation agency; or

(III) a metropolitan planning organization.

(5) TRIBAL FUNDS.—

(A) TREATMENT.—

(i) IN GENERAL.—Except as otherwise provided in this paragraph, amounts made available under paragraph (3)(B) shall be administered as if made available under section 202 of title 23, United States Code.

(ii) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Subsections (a)(6), (c), (d), and (e) of section 202 of title 23, United States Code, shall not apply to amounts made available under paragraph (3)(B).

(B) USE OF FUNDS.—Amounts made available under paragraph (3)(B) may be obligated for—

(i) activities eligible under section 202(a)(1) of title 23, United States Code; and

(ii) transportation-related administrative expenses, including salaries and benefits, of the Tribe.

(6) FUNDS FOR PUERTO RICO AND THE TERRITORIES.—

(A) TREATMENT.—

(i) IN GENERAL.—Except as otherwise provided in this paragraph, amounts made available under paragraphs (3)(C) and (3)(D) shall be administered as if allocated under sections 165(b) and 165(c), respectively, of title 23, United States Code.

(ii) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Section 165(b)(2) of title 23, United States Code, shall not apply to amounts made available to Puerto Rico under paragraph (3)(C).

(B) USE OF FUNDS.—

(i) PUERTO RICO.—Amounts made available to Puerto Rico under paragraph (3)(C) may be obligated for—

(I) activities eligible under chapter 1 of title 23, United States Code; and

(II) transportation related administrative expenses, including salaries and benefits.

(ii) TERRITORIES.—Amounts made available to a territory under paragraph (3)(D) may be obligated for—

(I) activities eligible under section 165(c)(6) of title 23, United States Code, subject to section 165(c)(7) of such title; and

(II) transportation-related administrative expenses, including salaries and benefits.

(7) FEDERAL LAND MANAGEMENT AGENCY FUNDS.—

(A) DISTRIBUTION.—Amounts made available under paragraph (3)(E) shall be distributed among the Federal land management agencies as follows:

(i) $99,494,147 for the National Park Service.

(ii) $9,949,415 for the United States Fish and Wildlife Service.

(iii) $6,301,296 for the United States Forest Service.

(iv) $8,622,826 to be allocated to the applicable Federal land management agencies as described in section 203(b) of title 23, United States Code.

(B) TREATMENT.—Amounts made available under paragraph (3)(E) shall be administered as if made available under section 203 of title 23, United States Code.

(8) DISADVANTAGED BUSINESS ENTERPRISES.—Section 1101(b) of the FAST Act (Public Law 114–94) shall apply to additional amounts made available under paragraph (1).

(b) SPECIAL RULES FOR FISCAL YEAR 2021.—

(1) SUBALLOCATED AMOUNTS.—

(A) USE OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 with respect to a program under section 101(a)(2)(A) that are suballocated pursuant to section 133(d)(1)(A) of title 23, United States Code, may be obligated for—

(i) eligible projects as described in section 133(b) of title 23, United States Code; or

(ii) administrative expenses, including salaries and benefits, of—

(I) a local transportation agency; or

(II) a metropolitan planning organization.

(B) OBLIGATION AUTHORITY.—

(i) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under section 133(d) of title 23, United States Code, funds apportioned to the State under section 104(b)(2) of such title shall make available during the period of fiscal years 2016 through 2021 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

(I) the aggregate amount of funds that the State is required to obligate in the area under section 133(d) of title 23, United States Code, during the period; and

(II) the ratio that—

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

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

(ii) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with clause (i).

(2) FERRY BOAT PROGRAM.—Amounts authorized to be appropriated for fiscal year 2021 with respect to a program under section 101(a)(2)(A) that are made available for the construction of ferry boats and ferry terminal facilities under section 147 of title 23, United States Code, may be obligated—

(A) in accordance with sections 129(c) and 147 of title 23, United States Code;

(B) for administrative expenses, including salaries and benefits, of a ferry boat operator or ferry terminal facility operator eligible for Federal participation under section 129(c) of title 23, United States Code; and

(C) for operating costs associated with a ferry boat or ferry terminal facility eligible for Federal participation under section 129(c) of title 23, United States Code.

(3) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—In fiscal year 2021, the program carried out under section 117 of title 23, United States Code, shall, in addition to any otherwise applicable requirements, be subject to the following provisions:

(A) MULTIMODAL PROJECTS.—Notwithstanding subsection (d)(2)(A) of such section, the limitation for projects described in such subsection shall be $600,000,000 for fiscal years 2016 through 2021.

(B) ADDITIONAL CONSIDERATIONS.—Notwithstanding subsection (h)(2) of such section, the Secretary shall not consider the utilization of non-Federal contributions.

(C) EVALUATION AND RATING.—To evaluate applications for funding under such section, the Secretary shall—

(i) determine whether a project is eligible for a grant under such section;

(ii) evaluate, through a methodology that is discernible and transparent to the public, how each application addresses the merit criteria established by the Secretary;

(iii) assign a quality rating for each merit criteria for each application based on the evaluation under clause (ii);

(iv) ensure that applications receive final consideration by the Secretary to receive an award under such section only on the basis of such quality ratings and that the Secretary gives final consideration only to applications that meet the minimally acceptable level for each of the merit criteria; and

(v) award grants only to projects rated highly under the evaluation and rating process.

(D) PUBLICATION AND METHODOLOGY.—In any published notice of funding opportunity for a grant under such section, the Secretary shall include detailed information on the rating methodology and merit criteria to be used to evaluate applications.

(E) REPEAT APPLICATIONS.—

(i) BRIEFING.—The Secretary shall provide to each applicant that applied for, but did not receive, funding under such section in fiscal year 2019 or 2020, at the request of the applicant, the opportunity to receive a briefing to—

(I) explain any reasons the application was not selected for funding; and

(II) advise the applicant on how to improve the application for resubmission in fiscal year 2021 under the application criteria described in this paragraph.

(ii) SUPPLEMENTARY APPLICATION.—

(I) IN GENERAL.—An applicant for funding under such section may elect to resubmit an application from a previous solicitation with a supplementary appendix that describes how the proposed project meets the requirements of section 117 of title 23, United States Code, and this paragraph.

(II) REQUIREMENTS.—The Secretary shall ensure that applications submitted under subclause (I), including the supplementary appendix, are evaluated based on such requirements.

(F) CONGRESSIONAL NOTIFICATION.—A notification submitted pursuant to subsection (m) of such section shall include—

(i) a summary of each application submitted and, at the request of either Committee, a copy of any application submitted;

(ii) a list of any projects the Secretary determined were not eligible for funding;

(iii) a description of the specific criteria used for each evaluation, including the quality rating assigned for each eligible application submitted;

(iv) a list of all projects that advanced to the Secretary for consideration; and

(v) a detailed justification of the basis for each award proposed to be selected.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (3) and notwithstanding section 120 of title 23, United States Code, or any other provision of this division, the Federal share associated with funds described in paragraph (2) that are obligated during fiscal year 2021 may be up to 100 percent.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are funds made available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under title 23 or 49, United States Code, the FAST Act (Public Law 114–94), or this division.

(3) EXCEPTIONS.—Paragraph (1) shall not apply to amounts obligated under section 115 or 117 of title 23, United States Code, or chapter 6 of such title.

(d) ADMINISTRATIVE EXPENSES.—

(1) SELF-CERTIFICATION AND AUDIT.—

(A) IN GENERAL.—Prior to the obligation of funds for administrative expenses pursuant to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II), or (6)(B)(ii)(II) of subsection (a) or paragraphs (1)(A)(ii) and (2)(B) of subsection (b), a State, a Tribe, Puerto Rico, or a territory, as applicable, shall certify to the Secretary that such administrative expenses meet the requirements of such paragraphs, as applicable.

(B) AUDIT.—The Secretary may conduct an audit to review obligations of funds and liquidation of such obligations for eligible administrative expenses described under subparagraph (A).

(2) PLANNING.—Notwithstanding any other provision of law, administrative expenses described in paragraph (1)(A) shall not be required to be included in a metropolitan transportation plan, a long-range statewide transportation plan, a transportation improvement program, or a statewide transportation improvement program under sections 134 or 135 of title 23, United States Code, or chapter 53 of title 49, United States Code, as applicable.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) STANDARD AUGUST REDISTRIBUTION.—The term ''standard August redistribution'' means the redistribution of obligation authority that the Secretary is directed to administer under—

(A) section 1102(d) of the FAST Act (Public Law 114–94); or

(B) any Act making appropriations for the Department of Transportation for fiscal year 2021.

(2) STATE.—The term ''State'' means the 50 States and the District of Columbia.

(3) TERRITORY.—The term ''territory'' means any of the following territories of the United States:

(A) American Samoa.

(B) The Commonwealth of the Northern Mariana Islands.

(C) Guam.

(D) The United States Virgin Islands.

(4) URBAN AREA; URBANIZED AREA.—The terms ''urban area'' and ''urbanized area'' have the meanings given such terms in section 101 of title 23, United States Code.

SEC. 103. FEDERAL TRANSIT ADMINISTRATION.

(a) ADDITIONAL AMOUNTS.—

(1) AUTHORIZATION OF APPROPRIATIONS FROM MASS TRANSIT ACCOUNT.—

(A) IN GENERAL.—In addition to amounts authorized under section 101, there is authorized to be appropriated from the Mass Transit Account for fiscal year 2021, for activities under this section, $5,794,851,538.

(B) APPORTIONMENT.—Amounts authorized under subparagraph (A) shall be apportioned in accordance with section 5310, section 5311 (other than subsections (b)(3), (c)(1)(A), and (c)(2) of such section), section 5336 (other than subsection (h)(4) of such section), section 5337, and section 5340 of title 49, United States Code, except that funds apportioned under section 5337 of such title shall be added to funds apportioned

under section 5307 of such title for administration under section 5307 of such title.

(C) ALLOCATION.—The Secretary shall allocate the amounts authorized to be appropriated to sections 5307, 5310, 5311, 5337, and 5340 of title 49, United States Code, among such sections in the same ratio as funds are provided in the fiscal year 2020 appropriations.

(D) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph shall not exceed $5,794,851,538.

(2) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—In addition to amounts authorized under section 101(a)(1)(B), there is authorized to be appropriated from the general fund of the Treasury—

(A) $958,000,000 to carry out section 5309 of title 49, United States Code; and

(B) such sums as may be necessary to be made available as described in subsection (c) and that such sums shall be designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) DISADVANTAGED BUSINESS ENTERPRISES.—Section 1101(b) of the FAST Act (Public Law 114–94) shall apply to additional amounts made available under this subsection.

(b) SPECIAL RULES FOR FISCAL YEAR 2021.—

(1) USE OF FUNDS.—Notwithstanding 5307(a)(1) of title 49, United States Code, amounts made available under subsection (a)(1)(A) may be obligated for—

(A) operating expenses, including, beginning on January 20, 2020—

(i) reimbursement for operating costs to maintain service and offset lost revenue, including the purchase of personal protective equipment; and

(ii) paying the administrative leave of operations personnel due to reductions in service; and

(B) any other activity eligible under section 5307, 5310, 5311, or 5337 of title 49, United States Code.

(2) CONDITIONS.—Recipients use of funds under paragraph (1) shall—

(A) not require that operating expenses described in paragraph (1)(A) be included in a metropolitan transportation plan, long-range statewide transportation plan, a transportation improvement program, or a statewide transportation improvement program;

(B) meet the requirements of section 5333 of title 49, United States Code; and

(C) to the maximum extent possible, be directed to payroll and public transit service, unless the recipient certifies to the Secretary that such recipient has not furloughed any employees.

(3) OVERSIGHT.—

(A) Of the amounts made available to carry out this section, the percentages available for oversight in section 5338(f)(1) of title 49, United States Code, shall apply to the allocations of funds in subsection (a)(1)(C).

(B) USE OF FUNDS.—Amounts made available under subsection (a)(1)(A) shall be available for administrative expenses and program management oversight as authorized under sections 5334 and 5338(f)(2) of title 49, United States Code.

(4) ADMINISTRATION OF GRANTS.—Amounts made available under subsection (a)(1)(A) shall be administered, at the option of the recipient, as grants provided under the CARES Act (Public Law 116–136) are administered.

(c) CIG COVID–19 EMERGENCY RELIEF PROGRAM.—

(1) IN GENERAL.—From amounts made available under subsection (a)(2)(B) and notwithstanding section 5309(k)(2)(C)(ii), section 5309(a)(7)(B), or section 5309(l)(1)(B)(ii) of title 49, United States Code, at the request of a project sponsor, the Secretary shall use such sums as may be necessary to provide an additional 30 percent of total project costs for any project under—

(A) 5309(d) of title 49, United States Code, that has been approved for advancement into the engineering phase;

(B) 5309(e) of title 49, United States Code, that has entered into the project development phase or approved for advancement into the engineering phase;

(C) subsection (d) or (e) of section 5309 of title 49, United States Code, that has a full funding grant agreement entered into under either such subsection after January 1, 2017; and

(D) section 5309(h) of title 49, United States Code, that the Federal Transit Administration has a small starts grant award or agreement entered into after January, 1, 2017, or that has been recommended by the Administration for an allocation of capital investment funds that were appropriated in fiscal year 2018, 2019, or 2020.

(2) PROJECT ELIGIBILITY.—From amounts made available under subsection (a)(2)(B), the Secretary shall use such sums as may be necessary for projects under section 5309 of title 49, United States Code, that—

(A) are not eligible for funds made available under paragraph (1); and

(B) have remaining scheduled Federal funds to be appropriated under a full funding grant agreement under such section.

(3) DEFERRED LOCAL SHARE.—The Secretary shall allow a project sponsor to defer payment of the local share for any project described in paragraphs (1) and (2).

(4) TOTAL PROJECT COST.—In this subsection, the term ''total project cost'' means the most recent total project cost stipulated in—

(A) the full funding grant agreement;

(B) the approval into project engineering;

(C) the project rating for a project not yet approved into project engineering;

(D) the small starts grant or grant agreement; or

(E) the project rating for a small starts project that has not yet been awarded a grant or grant agreement.

(5) FEDERAL SHARE.—The Federal share of the costs of a project under this subsection may not exceed 80 percent.

(6) APPLICATION OF LAW.—For purposes of paragraph (1), the Secretary shall apply section 7001(b) of this Act when providing the additional 30 percent of total project costs to any project that meets the criteria in such section.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—Notwithstanding chapter 53 of title 49, United States Code, or any other provision of this division, the Federal share associated with funds described in paragraph (2) that are obligated during fiscal year 2021 may be up to 100 percent.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are funds made available for the implementation of transit programs authorized by chapter 53 of title 49, United States Code, the FAST Act (Public Law 114–94), or this division, excluding funds made available to projects under section 5309 of title 49, United States Code.

(e) CONDITION FOR APPORTIONMENT.—No funds authorized in this division or any other Act may be used to adjust Mass Transit Account apportionments or withhold funds from Mass Transit Account apportionments pursuant to section 9503(e)(4) of the Internal Revenue Code of 1986 in fiscal year 2021.

SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

(1) IN GENERAL.—

(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 101, there is authorized to be appropriated from the Highway Account for fiscal year 2021, for activities under this subsection, $244,514,000.

(B) CONTRACT AUTHORITY.—Amounts authorized under subparagraph (A) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(C) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph and obligations for activities authorized under section 101(a)(2)(A)(i)(II)(bb) that exceed amounts authorized under section 4001(a)(6) of the FAST Act (Public Law 114–94) shall not exceed $247,783,000.

(2) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 under paragraph (1) shall be distributed as follows:

(A) $105,000,000 for carrying out section 402 of title 23, United States Code.

(B) $15,312,000 for carrying out section 403 of title 23, United States Code.

(C) $19,202,000 for carrying out section 404 of title 23, United States Code.

(D) $105,000,000 for carrying out section 405 of title 23, United States Code.

(b) SPECIAL RULES FOR FISCAL YEAR 2021.—

(1) FEDERAL SHARE.—Notwithstanding sections 120, 405(b)(2), 405(c)(2), 405(d)(2) and 405(h)(2) of title 23, United States Code, the Federal share of activities for fiscal year 2021 carried out under chapter 4 of title 23, United States Code and section 1906 of SAFETEA–LU (23 U.S.C. 402 note) shall be 100 percent.

(2) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b) of title 23, United States Code, funds apportioned or allocated to a State in fiscal years 2017 and 2018 under sections 402 and 405 of title 23, United States Code, and section 1906 of SAFETEA–LU (23 U.S.C. 402 note), shall remain available for obligation in that State for a period of 4 years after the last day of the fiscal year for which the funds are authorized. Notwithstanding any other provision of law, this paragraph shall apply as if such paragraph was enacted on September 30, 2020.

(3) MAINTENANCE OF EFFORT.—Notwithstanding section 405(a)(9) of title 23, United States Code, the Secretary may waive the maintenance of effort requirements under such section for fiscal year 2021 for a State, if the Secretary determines appropriate.

(4) IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH.—In carrying out subsection (h) of section 403 of title 23, United States Code, the Secretary may obligate from funds made available to carry out such section for fiscal year 2021 not more than $5,312,000 to conduct the research described in paragraph (1) of such subsection.

(5) COOPERATIVE RESEARCH AND EVALUATION.—Notwithstanding the apportionment formula set forth in section 402(c)(2) of title 23, United States Code, and section 403(f)(1) of title 23, United States Code, $2,500,000 of the total amount available for apportionment to the States for highway safety programs under section 402(c)(2) of title 23, United States Code, for each of fiscal years 2016 through 2021, shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures. This paragraph shall apply as if such paragraph was enacted on October 1, 2015.

SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

(a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts authorized under section 101, there is authorized to be appropriated from the Highway Account for fiscal year 2021, for activities under this subsection, $209,900,000.

(B) OBLIGATION LIMITATION.—Notwithstanding any other provision of law, for fiscal year 2021, obligations for activities authorized under this paragraph shall not exceed $209,900,000.

(2) DISTRIBUTION OF FUNDS.—Amounts authorized to be appropriated for fiscal year 2021 under paragraph (1) shall be distributed as follows:

(A) Subject to section 31104(c) of title 49, United States Code—

(i) $80,512,000 for carrying out section 31102 (except subsection (l)) of title 49, United States Code);

(ii) $14,208,000 for carrying out section 31102(l) of title 49, United States Code; and

(iii) $23,680,000 for carrying out section 31313 of title 49, United States Code.

(B) $91,500,000 for carrying out section 31110 of title 49, United States Code.

(3) TREATMENT OF FUNDS.—Except as provided in subsection (b), amounts made available under this section shall be made available for obligation and administered as if made available under chapter 311 of title 49, United States Code.

(b) SPECIAL RULES FOR FISCAL YEAR 2021.—

(1) FINANCIAL ASSISTANCE AGREEMENTS FEDERAL SHARE.—Notwithstanding chapter 311 of title 49, United States Code, or any regulations adopted pursuant to such chapter, for the duration of fiscal year 2021 with respect to all financial assistance made available under subsection (a) and section 101, the Secretary of Transportation may—

(A) reimburse recipients under section 31104(b)(2) of title 49, United States Code, in an amount that is 100 percent of the costs described in such section; and

(B) waive the maintenance of effort requirement under 31102(f) of title 49, United States Code, for all States without requiring States to request a waiver.

(2) FINANCIAL ASSISTANCE AGREEMENTS PERIOD OF AVAILABILITY.—Notwithstanding section 31104(f) of title 49, United States Code, the Secretary shall extend the periods of availability described in such section by 1 year.

(3) ADMINISTRATIVE EXPENSES.—The Administrator of the Federal Motor Carrier Safety Administration shall ensure that funds made available under subsection (a)(2)(B) are used, to the maximum extent practicable, to support—

(A) the acceleration of planned investments to modernize the Administration's information technology and information management systems;

(B) the completion of outstanding statutory mandates required by MAP–21 (112–141) and the FAST Act (114–94); and

(C) a Large Truck Crash Causal Factors Study of the Administration.

SEC. 106. DEFINITIONS.

In this division, the following definitions apply:

(1) HIGHWAY ACCOUNT.—The term ''Highway Account'' means the portion of the Highway Trust Fund that is not the Mass Transit Account.

(2) MASS TRANSIT ACCOUNT.—The term ''Mass Transit Account'' means the portion of the Highway Trust Fund established under section 9503(e)(1) of the Internal Revenue Code of 1986.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

DIVISION B—SURFACE TRANSPORTATION

SEC. 1001. APPLICABILITY OF DIVISION.

(a) APPLICABILITY.—This division, including the amendments made by this division, applies beginning on October 1, 2021.

(b) REFERENCE TO DATE OF ENACTMENT.—In this division and the amendments made by this division, any reference to—

(1) the date of enactment of this Act;

(2) the date of enactment of a provision of this division;

(3) the date of enactment of a provision added to law by an amendment made by this division; or

(4) the date of enactment of the INVEST in America Act added to law by an amendment made by this division,

shall be treated as a reference to October 1, 2021.

(c) EXCEPTION FOR IMMEDIATE APPLICATION.—Subsections (a) and (b) shall not apply to section 1105 and the amendments made by such section.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the pre-disaster mitigation program under section 124 of such title, the railway crossings program under section 130 of such title, the surface transportation program under section 133 of such title, the highway safety improvement program under section 148 of such title, the congestion mitigation and air quality improvement program under section 149 of such title, the national highway freight program under section 167 of such title, the carbon pollution reduction program under section 171 of such title, and metropolitan planning under section 134 of such title—

(A) $55,022,048,429 for fiscal year 2022;

(B) $55,980,646,776 for fiscal year 2023;

(C) $57,095,359,712 for fiscal year 2024; and

(D) $58,118,666,186 for fiscal year 2025.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, $300,000,000 for each of fiscal years 2022 through 2025.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—For construction of ferry boats and ferry terminal facilities under section 147 of title 23, United States Code, $120,000,000 for each of fiscal years 2022 through 2025.

(4) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code, $800,000,000 for each of fiscal years 2022 through 2025.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—

(i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code, $550,000,000 for each of fiscal years 2022 through 2025.

(ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—

(I) the amount for the National Park Service is $400,000,000 for each of fiscal years 2022 through 2025;

(II) the amount for the United States Fish and Wildlife Service is $50,000,000 for each of fiscal years 2022 through 2025; and

(III) the amount for the United States Forest Service is $50,000,000 for each of fiscal years 2022 through 2025.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, $345,000,000 for each of fiscal years 2022 through 2025.

(D) FEDERAL LANDS AND TRIBAL MAJOR PROJECTS GRANTS.—To carry out section 208 of title 23, United States Code, $400,000,000 for each of fiscal years 2022 through 2025.

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, $310,000,000 for each of fiscal years 2022 through 2025.

(6) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—For projects of national and regional significance under section 117 of title 23, United States Code—

(A) $2,200,000,000 for fiscal year 2022;

(B) $2,200,000,000 for fiscal year 2023;

(C) $2,300,000,000 for fiscal year 2024; and

(D) $2,350,000,000 for fiscal year 2025.

(7) COMMUNITY TRANSPORTATION INVESTMENT GRANTS.—To carry out section 173 of title 23, United States Code, $600,000,000 for each of fiscal years 2022 through 2025.

(8) ELECTRIC VEHICLE CHARGING, NATURAL GAS FUELING, PROPANE FUELING, AND HYDROGEN FUELING INFRASTRUCTURE GRANTS.—To carry out section 151(f) of title 23, United States Code, $350,000,000 for each of fiscal years 2022 through 2025.

(9) COMMUNITY CLIMATE INNOVATION GRANTS.—To carry out section 172 of title 23, United States Code, $250,000,000 for each of fiscal years 2022 through 2025.

(b) ADDITIONAL PROGRAMS.—

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

(A) GRIDLOCK REDUCTION GRANT PROGRAM.—To carry out section 1306 of this Act, $250,000,000 for fiscal year 2022.

(B) REBUILD RURAL GRANT PROGRAM.—To carry out section 1307 of this Act, $250,000,000 for fiscal year 2022.

(C) PARKING FOR COMMERCIAL MOTOR VEHICLES.—To carry out section 1308 of this Act, $250,000,000 for fiscal year 2023.

(D) ACTIVE TRANSPORTATION CONNECTIVITY GRANT PROGRAM.—To carry out section 1309 of this Act, $250,000,000 for fiscal year 2024.

(E) METRO PERFORMANCE PROGRAM.—To carry out section 1305 of this Act, $250,000,000 for each of fiscal years 2023 through 2025.

(2) TREATMENT OF FUNDS.—Amounts made available under subparagraphs (B) through (D) of paragraph (1) shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(c) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) despite the real improvements caused by the disadvantaged business enterprise program, minority- and women-owned businesses across the country continue to confront serious and significant obstacles to success caused by race and gender discrimination in the federally assisted surface transportation market and related markets across the United States;

(B) the continuing race and gender discrimination described in subparagraph (A) merits the continuation of the disadvantaged business enterprise program;

(C) recently, the disparities cause by discrimination against African American, Hispanic American, Asian American, Native American, and women business owners have been further exacerbated by the coronavirus pandemic and its disproportionate effects on minority- and women-owned businesses across the nation;

(D) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and other investigative activities, scientific reports, reports issued by public and private agencies at every level of government, news reports, academic publications, reports of discrimination by organizations and individuals, and discrimination lawsuits, which continue to demonstrate that race- and gender-neutral efforts alone are insufficient to address the problem;

(E) the testimony and documentation described in subparagraph (D) demonstrate that discrimination across the United States poses an injurious and enduring barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has negatively affected firm formation, development and success in many aspects of surface transportation-related business in the public and private markets; and

(F) the testimony and documentation described in subparagraph (D) provide a clear picture of the inequality caused by discrimination that continues to plague our nation and a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) SMALL BUSINESS CONCERN.—The term ''small business concern'' means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

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

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

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

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

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

(i) women;

(ii) socially and economically disadvantaged individuals (other than women); and

(iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) UNIFORM CERTIFICATION.—

(A) IN GENERAL.—The Secretary of Transportation shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

(i) on-site visits;

(ii) personal interviews with personnel;

(iii) issuance or inspection of licenses;

(iv) analyses of stock ownership;

(v) listings of equipment;

(vi) analyses of bonding capacity;

(vii) listings of work completed;

(viii) examination of the resumes of principal owners;

(ix) analyses of financial capacity; and

(x) analyses of the type of work preferred.

(6) REPORTING.—The Secretary of Transportation shall establish minimum requirements for use by State governments in reporting to the Secretary—

(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.

(7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under titles I, II, V, and VII of this division and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.

(8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUBCONTRACTORS.—It is the sense of Congress that—

(A) the Secretary of Transportation should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding federally funded transportation contracts under laws and regulations administered by the Secretary; and

(B) such additional steps should include increasing the Department of Transportation's ability to track and keep records of complaints and to make that information publicly available.

(d) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Funds provided under this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term ''otherwise related legally or financially'' does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

SEC. 1102. OBLIGATION LIMITATION.

(a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) $62,159,350,954 for fiscal year 2022;

(2) $63,121,354,776 for fiscal year 2023;

(3) $64,346,443,712 for fiscal year 2024; and

(4) $65,180,125,186 for fiscal year 2025.

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

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to $639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA–LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;

(12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to $639,000,000 for each of those fiscal years);

(13) section 119 of title 23, United States Code (but, for fiscal years 2016 through 2021, only in an amount equal to $639,000,000 for each of those fiscal years);

(14) section 203 of title 23, United States Code (but, for fiscal years 2022 through 2025, only in an amount equal to $550,000,000 for each of those fiscal years); and

(15) section 133(d)(1)(B) of title 23, United States Code (but, for fiscal years 2022 through 2025, only in an amount equal to $89,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (1)(B), for each of fiscal years 2022 through 2025, the Secretary of Transportation—

(1)(A) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(i) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code;

(ii) amounts authorized for the Bureau of Transportation Statistics;

(iii) amounts authorized for the tribal transportation program under section 202 of title 23, United States Code; and

(iv) amounts authorized for the territorial and Puerto Rico highway program under section 165(a) of title 23, United States Code; and

(B) for each of fiscal years 2023 through 2025, in addition to the amounts described in subparagraph (A), shall not distribute obligation authority provided by subsection (a) for the fiscal year for amounts authorized for the metro performance program under section 1305 of this Act;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years, the funds for which are allocated by the Secretary (or apportioned by the Secretary under section 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of—

(i) the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs, other than sums authorized to be appropriated for—

(I) provisions of law described in paragraphs (1) through (13) of subsection (b);

(II) section 203 of title 23, United States Code, equal to the amount referred to in subsection (b)(14) for the fiscal year; and

(III) section 133(d)(1)(B) of title 23, United States Code, equal to the amount referred to in subsection (b)(15) for the fiscal year; less

(ii) the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under section 202 or 204 of such title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the surface transportation program in section 133(d)(1)(B) of title 23, United States Code, that are exempt from the limitation under subsection (b)(15) and the amounts apportioned under sections 202 and 204 of such title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary of Transportation shall, after August 1 of each of fiscal years 2022 through 2025—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under section 104 of title 23, United States Code.

(e) SPECIAL LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for—

(A) transportation research programs carried out under chapter 5 of title 23, United States Code, and title V of this Act; and

(B) the metro performance program under section 1305 of this Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) LOP-OFF.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2022 through 2025, the Secretary of Transportation shall distribute to the States any funds that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.

Section 101 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34) as paragraphs (2), (3), (4), (6), (8), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (21), (23), (24), (25), (26), (28), (29), (32), (33), (34), (35), (36), (37), (38), (40), (41), (42), (43), and (44), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) ADAPTATION.—The term 'adaptation' means an adjustment in natural or human systems in anticipation of, or in response to, a changing environment in a way that moderates negative effects of extreme events or climate change.'';

(C) by inserting after paragraph (4), as so redesignated, the following:

''(5) CLIMATE CHANGE.—The term 'climate change' means any significant change in the measures of climate lasting for an extended period of time, and may include major changes in temperature, precipitation, wind patterns, or sea level, among others, that occur over several decades or longer.'';

(D) in paragraph (6)(A), as so redesignated, by inserting ''assessing resilience,'' after ''surveying,'';

(E) by inserting after paragraph (6), as so redesignated, the following:

''(7) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The term 'context sensitive design principles' means principles for the design of a public road that—

''(A) provides for the safe and adequate accommodation, in all phases of project planning, design, and development, transportation facilities for users, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles; and

''(B) considers the context in which the facility is planned to be constructed to determine the appropriate facility design.'';

(F) by inserting after paragraph (8), as so redesignated, the following:

''(9) EVACUATION ROUTE.—The term 'evacuation route' means a transportation route or system that—

''(A) is used to transport—

''(i) the public away from an emergency event; or

''(ii) first responders and recovery resources in the event of an emergency; and

''(B) is identified, consistent with sections 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (A).'';

(G) by inserting after paragraph (14), as so redesignated, the following:

''(15) GREENHOUSE GAS.—The term 'greenhouse gas' has the meaning given the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)).'';

(H) by inserting after paragraph (21), as so redesignated, the following:

''(22) NATURAL INFRASTRUCTURE.—

''(A) IN GENERAL.—The term 'natural infrastructure' means infrastructure that uses, restores, or emulates natural ecological processes that—

''(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

''(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

''(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.

''(B) INCLUSION.—The term 'natural infrastructure' includes green infrastructure and nature-based solutions.'';

(I) by inserting after paragraph (26), as so redesignated, the following:

''(27) PROTECTIVE FEATURE.—

''(A) IN GENERAL.—The term 'protective feature' means an improvement to a highway or bridge designed to increase resilience or mitigate the risk of recurring damage or the cost of future repairs from climate change effects, extreme events, seismic activity, or any other natural disaster.

''(B) INCLUSIONS.—The term 'protective feature' includes—

''(i) raising roadway grades;

''(ii) relocating roadways to higher ground above projected flood elevation levels or away from slide prone areas;

''(iii) stabilizing slide areas;

''(iv) stabilizing slopes;

''(v) lengthening or raising bridges to increase waterway openings;

''(vi) increasing the size or number of drainage structures;

''(vii) replacing culverts with bridges or upsizing culverts;

''(viii) installing seismic retrofits on bridges;

''(ix) scour, stream stability, coastal, and other hydraulic countermeasures; and

''(x) the use of natural infrastructure.'';

(J) by inserting after paragraph (29), as so redesignated, the following:

''(30) REPEATEDLY DAMAGED FACILITY.—The term 'repeatedly damaged facility' means a road, highway, or bridge that has required repair and reconstruction activities on 2 or more occasions due to natural disasters or catastrophic failures resulting in emergencies declared by the Governor of the State in which the road, highway, or bridge is located or emergencies or major disasters declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(31) RESILIENCE.—

''(A) IN GENERAL.—The term 'resilience' means, with respect to a facility, the ability to—

''(i) anticipate, prepare for, or adapt to conditions; or

''(ii) withstand, respond to, or recover rapidly from disruptions.

''(B) INCLUSIONS.—Such term includes, with respect to a facility, the ability to—

''(i) resist hazards or withstand impacts from disruptions;

''(ii) reduce the magnitude, duration, or impact of a disruption; or

''(iii) have the absorptive capacity, adaptive capacity, and recoverability to decrease vulnerability to a disruption.'';

(K) by inserting after paragraph (38), as so redesignated, the following:

''(39) TRANSPORTATION SYSTEM ACCESS.—The term 'transportation system access' means the ability to travel by automobile, public transportation, pedestrian, and bicycle networks, measured by travel time, taking into consideration—

''(A) the impacts of the level of travel stress for non-motorized users;

''(B) costs for low-income travelers; and

''(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that effect the affordability, elasticity, and diversity of the housing supply.''; and

(L) by adding at the end the following:

''(45) TRANSPORTATION DEMAND MANAGEMENT; TDM.—The terms 'transportation demand management' and 'TDM' mean the use of strategies to inform and encourage travelers to maximize the efficiency of a transportation system leading to improved mobility, reduced congestion, and lower vehicle emissions.

''(46) TRANSPORTATION DEMAND MANAGEMENT STRATEGIES.—The term 'transportation demand management strategies' means the use of planning, programs, policy, marketing, communications, incentives, pricing, and technology to shift travel mode, routes used, departure times, number of trips, and location and design work space or public attractions.''; and

(2) in subsection (b)—

(A) in paragraph (1) by striking ''Defense,'' and inserting ''Defense Highways,'';

(B) in paragraph (3)—

(i) in subparagraph (A) by striking ''Century'' and inserting ''century'';

(ii) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (H) by striking ''Century.'' and inserting ''century;''; and

(iv) by adding at the end the following:

''(I) safety is the highest priority of the Department of Transportation, and the Secretary and States should take all actions necessary to meet the transportation needs of the 21st century for all road users;

''(J) climate change presents a significant risk to safety, the economy, and national security, and reducing the contributions of the transportation system to the Nation's total carbon pollution is critical; and

''(K) the Secretary and States should take appropriate measures and ensure investments to increase the resilience of the Nation's transportation system.''; and

(C) in paragraph (4)(A) by inserting ''while ensuring that environmental protections are maintained'' after ''review process''.

SEC. 1104. APPORTIONMENT.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by striking subparagraphs (A) through (E) and inserting the following:

''(A) $ 506,302,525 for fiscal year 2022;

''(B) $ 509,708,000 for fiscal year 2023;

''(C) $ 520,084,000 for fiscal year 2024; and

''(D) $ 530,459,000 for fiscal year 2025.'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) DIVISION AMONG PROGRAMS OF STATE'S SHARE OF APPORTIONMENT.—The Secretary shall distribute the amount apportioned to a State for a fiscal year under subsection (c) among the covered programs as follows:

''(1) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—For the national highway performance program, 55.09 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, 28.43 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the highway safety improvement program, 6.19 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

''(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, an amount determined for the State under subparagraphs (B) and (C).

''(B) TOTAL AMOUNT.—The total amount for the congestion mitigation and air quality improvement program for all States shall be—

''(i) $2,913,925,833 for fiscal year 2022;

''(ii) $2,964,919,535 for fiscal year 2023;

''(iii) $3,024,217,926 for fiscal year 2024; and

''(iv) $3,078,653,849 for fiscal year 2025.

''(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for the congestion mitigation and air quality improvement program under subparagraph (B) so that each State receives an amount equal to the proportion that—

''(i) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2020; bears to

''(ii) the total amount of funds apportioned to all States for such program for fiscal year 2020.

''(5) NATIONAL HIGHWAY FREIGHT PROGRAM.—For the national highway freight program, 3.38 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(6) METROPOLITAN PLANNING.—

''(A) IN GENERAL.—For metropolitan planning, an amount determined for the State under subparagraphs (B) and (C).

''(B) TOTAL AMOUNT.—The total amount for metropolitan planning for all States shall be—

''(i) $507,500,000 for fiscal year 2022;

''(ii) $516,381,250 for fiscal year 2023;

''(iii) $526,708,875 for fiscal year 2024; and

''(iv) $536,189,635 for fiscal year 2025.

''(C) STATE SHARE.—For each fiscal year, the Secretary shall distribute among the States the amount for metropolitan planning under subparagraph (B) so that each State receives an amount equal to the proportion that—

''(i) the amount apportioned to the State for metropolitan planning for fiscal year 2020; bears to

''(ii) the total amount of funds apportioned to all States for metropolitan planning for fiscal year 2020.

''(7) RAILWAY CROSSINGS.—

''(A) IN GENERAL.—For the railway crossings program, an amount determined for the State under subparagraphs (B) and (C).

''(B) TOTAL AMOUNT.—The total amount for the railway crossings program for all States shall be $245,000,000 for each of fiscal years 2022 through 2025.

''(C) STATE SHARE.—

''(i) IN GENERAL.—For each fiscal year, the Secretary shall distribute among the States the amount for the railway crossings program under subparagraph (B) as follows:

''(I) 50 percent of the amount for a fiscal year shall be apportioned to States by the formula set forth in section 104(b)(3)(A) (as in effect on the day before the date of enactment of MAP–21).

''(II) 50 percent of the amount for a fiscal year shall be apportioned to States in the ratio that total public railway-highway crossings in each State bears to the total of such crossings in all States.

''(ii) MINIMUM APPORTIONMENT.—Notwithstanding clause (i), for each fiscal year, each State shall receive a minimum of one-half of 1 percent of the total amount for the railway crossings program for such fiscal year under subparagraph (B).

''(8) PREDISASTER MITIGATION PROGRAM.—For the predisaster mitigation program, 2.96 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(9) CARBON POLLUTION REDUCTION PROGRAM.—For the carbon pollution reduction program, 3.95 percent of the amount remaining after distributing amounts under paragraphs (4), (6), and (7).

''(c) CALCULATION OF AMOUNTS.—

''(1) STATE SHARE.—For each of fiscal years 2022 through 2025, the amount for each State shall be determined as follows:

''(A) INITIAL AMOUNTS.—The initial amounts for each State shall be determined by multiplying—

''(i) the combined amount authorized for appropriation for the fiscal year for the covered programs; by

''(ii) the share for each State, which shall be equal to the proportion that—

''(I) the amount of apportionments that the State received for fiscal year 2020; bears to

''(II) the amount of those apportionments received by all States for fiscal year 2020.

''(B) ADJUSTMENTS TO AMOUNTS.—The initial amounts resulting from the calculation under subparagraph (A) shall be adjusted to ensure that each State receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

''(2) STATE APPORTIONMENT.—On October 1 of fiscal years 2022 through 2025, the Secretary shall apportion the sums authorized to be appropriated for expenditure on the covered programs in accordance with paragraph (1).'';

(3) in subsection (d)(1)(A)—

(A) in clause (i) by striking ''paragraphs (5)(D) and (6) of subsection (b)'' and inserting ''subsection (b)(6)''; and

(B) in clause (ii) by striking ''paragraphs (5)(D) and (6) of subsection (b)'' and inserting ''subsection (b)(6)''; and

(4) by striking subsections (h) and (i) and inserting the following:

''(h) DEFINITION OF COVERED PROGRAMS.—In this section, the term 'covered programs' means—

''(1) the national highway performance program under section 119;

''(2) the surface transportation program under section 133;

''(3) the highway safety improvement program under section 148;

''(4) the congestion mitigation and air quality improvement program under section 149;

''(5) the national highway freight program under section 167;

''(6) metropolitan planning under section 134;

''(7) the railway crossings program under section 130;

''(8) the predisaster mitigation program under section 124; and

''(9) the carbon pollution reduction program under section 171.''.

(b) FEDERAL SHARE PAYABLE.—Section 120(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking ''(5)(D),''; and

(2) in subparagraph (C)(i) by striking ''(5)(D),''.

(c) METROPOLITAN TRANSPORTATION PLANNING; TITLE 23.—Section 134(p) of title 23, United States Code, is amended by striking ''paragraphs (5)(D) and (6) of section 104(b)'' and inserting ''section 104(b)(6)''.

(d) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 135(i) of title 23, United States Code, is amended by striking ''paragraphs (5)(D) and (6) of section 104(b)'' and inserting ''section 104(b)(6)''.

(e) METROPOLITAN TRANSPORTATION PLANNING; TITLE 49.—Section 5303(p) of title 49, United States Code, is amended by striking ''section 104(b)(5)'' and inserting ''section 104(b)(6)''.

SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

Section 105 of title 23, United States Code, is amended—

(1) in subsection (a) by striking ''FAST Act'' and inserting ''INVEST in America Act'';

(2) in subsection (c)—

(A) in paragraph (1)(A) by striking ''to be appropriated'' each place it appears; and

(B) by adding at the end the following:

''(4) SPECIAL RULE.—

''(A) ADJUSTMENT.—In making an adjustment under paragraph (1) for an allocation, reservation, or set-aside from an amount authorized from the Highway Account or Mass Transit Account described in subparagraph (B), the Secretary shall—

''(i) determine the ratio that—

''(I) the amount authorized to be appropriated for the allocation, reservation, or set-aside from the account for the fiscal year; bears to

''(II) the total amount authorized to be appropriated for such fiscal year for all programs under such account;

''(ii) multiply the ratio determined under clause (i) by the amount of the adjustment determined under subsection (b)(1)(B); and

''(iii) adjust the amount that the Secretary would have allocated for the allocation, reservation, or set-aside for such fiscal year but for this section by the amount calculated under clause (ii).

''(B) ALLOCATIONS, RESERVATIONS, AND SET-ASIDES.—The allocations, reservations, and set-asides described in this subparagraph are—

''(i) from the amount made available for a fiscal year for the Federal lands transportation program under section 203, the amounts allocated for a fiscal year for the National Park

Service, the United States Fish and Wildlife Service, and the United States Forest Service;

''(ii) the amount made available for the Puerto Rico highway program under section 165(a)(1);

''(iii) the amount made available for the territorial highway program under section 165(a)(2);

''(iv) from the amounts made available for a fiscal year for the urbanized areas formula grants under section 5307 of title 49, the amounts allocated for a fiscal year for the passenger ferry grant program under section 5307(h) of such title;

''(v) from the amounts made available for a fiscal year for the formula grants for rural areas under section 5311 of such title, the amounts allocated for a fiscal year for public transportation on Indian reservations;

''(vi) from the amounts made available for a fiscal year for the public transportation innovation program under section 5312 of such title—

''(I) the amounts allocated for the zero emission vehicle component assessment under section 5312(h) of such title; and

''(II) the amounts allocated for the transit cooperative research program under section 5312(i) of such title;

''(vii) from the amounts made available for a fiscal year for the technical assistance and workforce development program of section 5314 of such title, the amounts allocated for the national transit institute under section 5314(c) of such title;

''(viii) from the amounts made available for a fiscal year for the bus and bus facilities program under section 5339 of such title, the amounts allocated for a fiscal year for the zero emission grants under section 5339(c) of such title;

''(ix) the amounts made available for growing States under section 5340(c) of such title; and

''(x) the amounts made available for high density states under section 5340(d) of such title.'';

(3) in subsection (d) by inserting ''and section 5324 of title 49'' after ''section 125'';

(4) in subsection (e)—

(A) by striking ''There is authorized'' and inserting ''For fiscal year 2022 and each fiscal year thereafter, there is authorized''; and

(B) by striking ''for any of fiscal years 2017 through 2020''; and

(5) in subsection (f)(1) by striking ''section 1102 or 3018 of the FAST Act'' and inserting ''any other provision of law''.

SEC. 1106. TRANSPARENCY.

(a) APPORTIONMENT.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY REPORTS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—The Secretary shall compile data in accordance with this subsection on the use of Federal-aid highway funds made available under this title.

''(B) USER FRIENDLY DATA.—The data compiled under subparagraph (A) shall be in a user friendly format that can be searched, downloaded, disaggregated, and filtered by data category.

''(2) PROJECT DATA.—

''(A) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Secretary shall make available on the website of the Department of Transportation a report that describes—

''(i) the location of each active project within each State during such fiscal year, including in which congressional district or districts such project is located;

''(ii) the total cost of such project;

''(iii) the amount of Federal funding obligated for such project;

''(iv) the program or programs from which Federal funds have been obligated for such project;

''(v) whether such project is located in an area of the State with a population of—

''(I) less than 5,000 individuals;

''(II) 5,000 or more individuals but less than 50,000 individuals;

''(III) 50,000 or more individuals but less than 200,000 individuals; or

''(IV) 200,000 or more individuals;

''(vi) whether such project is located in an area of persistent poverty, as defined in section 172(l);

''(vii) the type of improvement being made by such project, including categorizing such project as—

''(I) a road reconstruction project;

''(II) a new road construction project;

''(III) a new bridge construction project;

''(IV) a bridge rehabilitation project; or

''(V) a bridge replacement project; and

''(viii) the functional classification of the roadway on which such project is located.

''(B) INTERACTIVE MAP.—In addition to the data made available under subparagraph (A), the Secretary shall make available on the website of the Department of Transportation an interactive map that displays, for each active project, the information described in clauses (i) through (v) of subparagraph (A).

''(3) STATE DATA.—

''(A) APPORTIONED AND ALLOCATED PROGRAMS.—The website described in paragraph (2)(A) shall be updated annually to display the Federal-aid highway funds apportioned and allocated to each State under this title, including—

''(i) the amount of funding available for obligation by the State, including prior unobligated balances, at the start of the fiscal year;

''(ii) the amount of funding obligated by the State during such fiscal year;

''(iii) the amount of funding remaining available for obligation by the State at the end of such fiscal year; and

''(iv) changes in the obligated, unexpended balance for the State.

''(B) PROGRAMMATIC DATA.—The data described in subparagraph (A) shall include—

''(i) the amount of funding by each apportioned and allocated program for which the State received funding under this title;

''(ii) the amount of funding transferred between programs by the State during the fiscal year using the authority provided under section 126; and

''(iii) the amount and program category of Federal funds exchanged as described in section 106(g)(6).

''(4) DEFINITIONS.—In this subsection:

''(A) ACTIVE PROJECT.—

''(i) IN GENERAL.—The term 'active project' means a Federal-aid highway project using funds made available under this title on which those funds were obligated or expended during the fiscal year for which the estimated total cost as of the start of construction is greater than $5,000,000.

''(ii) EXCLUSION.—The term 'active project' does not include any project for which funds are transferred to agencies other than the Federal Highway Administration.

''(B) INTERACTIVE MAP.—The term 'interactive map' means a map displayed on the public website of the Department of Transportation that allows a user to select and view information for each active project, State, and congressional district.

''(C) STATE.—The term 'State' means any of the 50 States or the District of Columbia.''.

(b) PROJECT APPROVAL AND OVERSIGHT.—Section 106 of title 23, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (4) by striking subparagraph (B) and inserting the following:

''(B) ASSISTANCE TO STATES.—The Secretary shall—

''(i) develop criteria for States to use to make the determination required under subparagraph (A); and

''(ii) provide training, guidance, and other assistance to States and subrecipients as needed to ensure that projects administered by subrecipients comply with the requirements of this title.

''(C) PERIODIC REVIEW.—The Secretary shall review, not less frequently than every 2 years, the monitoring of subrecipients by the States.''; and

(B) by adding at the end the following:

''(6) FEDERAL FUNDING EXCHANGE PROGRAMS.—A State may implement a program under which a subrecipient has the option to exchange Federal funds allocated to such subrecipient in accordance with the requirements of this title for State or local funds if the State certifies to the Secretary that the State has prevailing wage and domestic content requirements that are comparable to the requirements under sections 113 and 313 and that such requirements shall apply to projects carried out using such funds if such projects would have been subject to the requirements of sections 113 and 313 if such projects were carried out using Federal funds.'';

(2) in subsection (h)(3)—

(A) in subparagraph (B) by striking '', as determined by the Secretary,''; and

(B) in subparagraph (D) by striking ''shall assess'' and inserting ''in the case of a project proposed to be advanced as a public-private partnership, shall include a detailed value for money analysis or comparable analysis to determine''; and

(3) by adding at the end the following:

''(k) MEGAPROJECTS.—

''(1) COMPREHENSIVE RISK MANAGEMENT PLAN.—To be authorized for the construction of a megaproject, the recipient of Federal financial assistance under this title for such megaproject shall submit to the Secretary a comprehensive risk management plan that contains—

''(A) a description of the process by which the recipient will identify, quantify, and monitor the risks, including natural hazards, that might result in cost overruns, project delays, reduced construction quality, or reductions in benefits with respect to the megaproject;

''(B) examples of mechanisms the recipient will use to track risks identified pursuant to subparagraph (A);

''(C) a plan to control such risks; and

''(D) such assurances as the Secretary determines appropriate that the recipient shall, with respect to the megaproject—

''(i) regularly submit to the Secretary updated cost estimates; and

''(ii) maintain and regularly reassess financial reserves for addressing known and unknown risks.

''(2) PEER REVIEW GROUP.—

''(A) IN GENERAL.—Not later than 90 days after the date on which a megaproject is authorized for construction, the recipient of Federal financial assistance under this title for such megaproject shall establish a peer review group for such megaproject that consists of at least 5 individuals (including at least 1 individual with project management experience) to give expert advice on the scientific, technical, and project management aspects of the megaproject.

''(B) MEMBERSHIP.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish guidelines describing how a recipient described in subparagraph (A) shall—

''(I) recruit and select members for a peer review group established under such subparagraph; and

''(II) make publicly available the criteria for such selection and identify the members so selected.

''(ii) CONFLICT OF INTEREST.—No member of a peer review group for a megaproject may have a direct or indirect financial interest in such megaproject.

''(C) TASKS.—A peer review group established under subparagraph (A) by a recipient of Federal financial assistance for a megaproject shall—

''(i) meet annually until completion of the megaproject;

''(ii) not later than 90 days after the date of the establishment of the peer review group and not later than 90 days after the date of any significant change, as determined by the Secretary, to the scope, schedule, or budget of the megaproject, review the scope, schedule, and budget of the megaproject, including planning, engineering, financing, and any other elements determined appropriate by the Secretary; and

''(iii) submit to the Secretary, Congress, and such recipient a report on the findings of each review under clause (ii).

''(3) TRANSPARENCY.—Not later than 90 days after the submission of a report under paragraph (2)(C)(iii), the Secretary shall publish on the website of the Department of Transportation such report.

''(4) MEGAPROJECT DEFINED.—In this subsection, the term 'megaproject' means a project under this title that has an estimated total cost of $2,000,000,000 or more, and such other projects as may be identified by the Secretary.

''(l) SPECIAL EXPERIMENTAL PROJECTS.—

''(1) PUBLIC AVAILABILITY.—The Secretary shall publish on the website of the Department of Transportation a copy of all letters of interest, proposals, workplans, and reports related to the special experimental project authority pursuant to section 502(b). The Secretary shall redact confidential business information, as necessary, from any such information published.

''(2) NOTIFICATION AND OPPORTUNITY FOR COMMENT.—Not later than 30 days before making a determination to proceed with an experiment under a letter of interest described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the letter of interest and the Secretary's proposed response.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes—

''(A) a summary of each experiment described in this subsection carried out over the previous 5 years; and

''(B) legislative recommendations, if any, based on the findings of such experiments.

''(m) COMPETITIVE GRANT PROGRAM OVERSIGHT AND ACCOUNTABILITY.—

''(1) IN GENERAL.—To ensure the accountability and oversight of the discretionary grant selection process administered by the Secretary, a covered program shall be subject to the requirements of this section, in addition to the requirements applicable to each covered program.

''(2) APPLICATION PROCESS.—The Secretary shall—

''(A) develop a template for applicants to use to summarize—

''(i) project needs and benefits; and

''(ii) any factors, requirements, or considerations established for the applicable covered program;

''(B) create a data driven process to evaluate, as set forth in the covered program, each eligible project for which an application is received; and

''(C) make a determination, based on the evaluation made pursuant to subparagraph (B), on any ratings, rankings, scores, or similar metrics for applications made to the covered program.

''(3) NOTIFICATION OF CONGRESS.—Not less than 15 days before making a grant for a covered program, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate of—

''(A) the amount for each project proposed to be selected;

''(B) a description of the review process;

''(C) for each application, the determination made under paragraph (2)(C); and

''(D) a detailed explanation of the basis for each award proposed to be selected.

''(4) NOTIFICATION OF APPLICANTS.—Not later than 30 days after making a grant for a project under a covered program, the Secretary shall send to all applicants under such covered program, and publish on the website of the Department of Transportation—

''(A) a summary of each application made to the covered program for the given round of funding; and

''(B) the evaluation and justification for the project selection, including all ratings, rankings, scores, or similar metrics for applications made to the covered program for the given round of funding during each phase of the grant selection process.

''(5) BRIEFING.—The Secretary shall provide, at the request of a grant applicant of a covered program, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

''(6) TEMPLATE.—The Secretary shall, to the extent practicable, develop a template as described in paragraph (2)(A) for any discretionary program administered by the Secretary that is not a covered program.

''(7) COVERED PROGRAM DEFINED.—The term 'covered program' means each of the following discretionary grant programs:

''(A) Community climate innovation grants under section 172.

''(B) Electric vehicle charging and hydrogen fueling infrastructure grants under section 151(f).

''(C) Federal lands and tribal major projects grants under section 208.

''(D) Safe, efficient mobility through advanced technologies grants under section 503(c)(4).''.

(c) DIVISION OFFICE CONSISTENCY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) analyzes the consistency of determinations among division offices of the Federal Highway Administration; and

(2) makes recommendations to improve the consistency of such determinations.

SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET DESIGN.

(a) STANDARDS.—Section 109 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''planned future traffic of the highway in a manner that is conducive to'' and inserting ''future operational performance of the facility in a manner that enhances''; and

(B) in paragraph (2) by inserting '', taking into consideration context sensitive design principles'' after ''each locality'';

(2) in subsection (b)—

(A) by striking ''The geometric'' and inserting ''DESIGN CRITERIA FOR THE INTERSTATE SYSTEM.—The geometric''; and

(B) by striking ''the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project'' and inserting ''the existing and future operational performance of the facility'';

(3) in subsection (c)(1)—

(A) in subparagraph (C) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (D) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) context sensitive design principles.'';

(4) by striking subsection (o) and inserting the following:

''(o) COMPLIANCE WITH STATE LAWS FOR NON-NHS PROJECTS.—

''(1) IN GENERAL.—Projects (other than highway projects on the National Highway System) shall—

''(A) be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards; and

''(B) take into consideration context sensitive design principles.

''(2) DESIGN FLEXIBILITY.—

''(A) IN GENERAL.—A local jurisdiction may deviate from the roadway design publication used by the State in which the local jurisdiction is located for the design of a project on a roadway (other than a highway on the National Highway System) if—

''(i) notification and justification of the deviation is provided to the Secretary and the State; and

''(ii) the design complies with all other applicable Federal laws.

''(B) STATE-OWNED ROADS.—In the case of a roadway under the ownership of the State, the local jurisdiction may only deviate from the roadway design publication used by the State with the concurrence of the State.

''(C) PROGRAMMATIC BASIS.—The Secretary may consider a deviation under this paragraph on a programmatic basis.''; and

(5) by adding at the end the following:

''(s) CONTEXT SENSITIVE DESIGN.—

''(1) CONTEXT SENSITIVE DESIGN PRINCIPLES.—The Secretary shall collaborate with the American Association of State Highway Transportation Officials to ensure that any roadway design publications approved by the Secretary under this section provide adequate flexibility for a project sponsor to select the appropriate design of a roadway, consistent with context sensitive design principles.

''(2) POLICIES OR PROCEDURES.—

''(A) IN GENERAL.—Not later than 1 year after the Secretary publishes the final guidance described in paragraph (3), each State shall adopt policies or procedures to evaluate the context of a proposed roadway and select the appropriate design, consistent with context sensitive design principles.

''(B) LOCAL GOVERNMENTS.—The Secretary and States shall encourage local governments to adopt policies or procedures described under subparagraph (A).

''(C) CONSIDERATIONS.—The policies or procedures developed under this paragraph shall take into consideration the guidance developed by the Secretary under paragraph (3).

''(3) GUIDANCE.—

''(A) IN GENERAL.—

''(i) NOTICE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall publish guidance on the official website of the Department of Transportation on context sensitive design.

''(ii) PUBLIC REVIEW AND COMMENT.—The guidance described in this paragraph shall be finalized following an opportunity for public review and comment.

''(iii) UPDATE.—The Secretary shall periodically update the guidance described in this paragraph, including the model policies or procedures described under subparagraph (B)(v).

''(B) REQUIREMENTS.—The guidance described in this paragraph shall—

''(i) provide best practices for States, metropolitan planning organizations, regional transportation planning organizations, local governments, or other project sponsors to carry out context sensitive design principles;

''(ii) identify opportunities to modify planning, scoping, design, and development procedures to more effectively combine modes of transportation into integrated facilities that meet the needs of each of such modes of transportation in an appropriate balance;

''(iii) identify metrics to assess the context of the facility, including surrounding land use or roadside characteristics;

''(iv) assess the expected operational and safety performance of alternative approaches to facility design; and

''(v) taking into consideration the findings of this guidance, establish model policies or procedures for a State or other project sponsor to

evaluate the context of a proposed facility and select the appropriate facility design for the context.

''(C) TOPICS OF EMPHASIS.—In publishing the guidance described in this paragraph, the Secretary shall emphasize—

''(i) procedures for identifying the needs of users of all ages and abilities of a particular roadway;

''(ii) procedures for identifying the types and designs of facilities needed to serve various modes of transportation;

''(iii) safety and other benefits provided by carrying out context sensitive design principles;

''(iv) common barriers to carrying out context sensitive design principles;

''(v) procedures for overcoming the most common barriers to carrying out context sensitive design principles;

''(vi) procedures for identifying the costs associated with carrying out context sensitive design principles;

''(vii) procedures for maximizing local cooperation in the introduction of context sensitive design principles and carrying out those principles; and

''(viii) procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with context sensitive design principles.

''(4) FUNDING.—Amounts made available under sections 104(b)(6) and 505 of this title may be used for States, local governments, metropolitan planning organizations, or regional transportation planning organizations to adopt policies or procedures to evaluate the context of a proposed roadway and select the appropriate design, consistent with context sensitive design principles.''.

(b) CONFORMING AMENDMENT.—Section 1404(b) of the FAST Act (23 U.S.C. 109 note) is repealed.

SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL SHARE.

(a) IN GENERAL.—Section 120(c)(3)(B) of title 23, United States Code, is amended—

(1) by striking clauses (i) and (ii) and inserting the following:

''(i) prefabricated bridge elements and systems, innovative materials, and other technologies to reduce bridge construction time, extend service life, and reduce preservation costs, as compared to conventionally designed and constructed bridges;

''(ii) innovative construction equipment, materials, techniques, or practices, including the use of in-place recycling technology, digital 3-dimensional modeling technologies, and advanced digital construction management systems;'';

(2) by redesignating clause (vi) as clause (vii);

(3) in clause (v) by striking ''or'' at the end; and

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

''(vi) innovative pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes; or''.

(b) TECHNICAL AMENDMENT.—Section 107(a)(2) of title 23, United States Code, is amended by striking ''subsection (c) of''.

SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

Section 126(b) of title 23, United States Code, is amended—

(1) in the heading by inserting ''AND PROGRAMS'' after ''SET-ASIDES'';

(2) in paragraph (1) by striking ''and 133(d)(1)(A)'' and inserting '', 130, 133(d)(1)(A), 133(h), 149, and 171''; and

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

''(2) ENVIRONMENTAL PROGRAMS.—With respect to an apportionment under either paragraph (4) or paragraph (9) of section 104(b), and notwithstanding paragraph (1), a State may only transfer not more than 50 percent from the amount of the apportionment of either such paragraph to the apportionment under the other such paragraph in a fiscal year.''.

SEC. 1110. TOLLING.

(a) TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES.—Section 129 of title 23, United States Code, is amended—

(1) in subsection (a)—

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

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the same manner as construction of toll-free highways is permitted under this chapter in the—

''(i) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

''(ii) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;

''(iii) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;

''(iv) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

''(v) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

''(vi) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;

''(vii) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;

''(viii) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility, subject to the requirements of section 166; and

''(ix) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.

''(B) AGREEMENT TO TOLL.—

''(i) IN GENERAL.—Before the Secretary may authorize tolling under this subsection, the public authority with jurisdiction over a highway, bridge, or tunnel shall enter into an agreement with the Secretary to ensure compliance with the requirements of this subsection.

''(ii) APPLICABILITY.—

''(I) IN GENERAL.—The requirements of this subparagraph shall apply to—

''(aa) Federal participation under subparagraph (A);

''(bb) any prior Federal participation in the facility proposed to be tolled; and

''(cc) conversion, with or without Federal participation, of a non-tolled lane on the National Highway System to a toll facility under subparagraph (E).

''(II) HOV FACILITY.—Except as otherwise provided in this subsection or section 166, the provisions of this paragraph shall not apply to a high occupancy vehicle facility.

''(iii) MAJOR FEDERAL ACTION.—Approval by the Secretary of an agreement to toll under this paragraph shall be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) AGREEMENT CONDITIONS.—Prior to entering into an agreement to toll under subparagraph (B), the public authority shall certify to the Secretary that—

''(i) the public authority has established procedures to ensure the toll meets the purposes and requirements of this subsection;

''(ii) the facility shall provide for access at no cost to public transportation vehicles and over-the-road buses serving the public; and

''(iii) the facility shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

''(D) CONSIDERATION OF IMPACTS.—

''(i) IN GENERAL.—Prior to entering into an agreement to toll under subparagraph (B), the Secretary shall ensure the public authority has adequately considered, including by providing an opportunity for public comment, the following factors within the corridor:

''(I) Congestion impacts on both the toll facility and in the corridor or cordon (including adjacent toll-free facilities).

''(II) In the case of a non-attainment or maintenance area, air quality impacts.

''(III) Planned investments to improve public transportation or other non-tolled alternatives in the corridor.

''(IV) Environmental justice and equity impacts.

''(V) Impacts on freight movement.

''(VI) Economic impacts on businesses.

''(ii) CONSIDERATION IN ENVIRONMENTAL REVIEW.—Nothing in this subparagraph shall limit a public authority from meeting the requirements of this subparagraph through the environmental review process, as applicable.

''(E) CONGESTION PRICING.—

''(i) IN GENERAL.—The Secretary may authorize conversion of a non-tolled lane on the National Highway System to a toll facility to utilize pricing to manage the demand to use the facility by varying the toll amount that is charged.

''(ii) REQUIREMENT.—Prior to entering into an agreement to convert a non-tolled lane on the National Highway System to a toll facility, the Secretary shall ensure (in addition to the requirements under subparagraphs (B), (C), and (D)) that such toll facility and the planned investments to improve public transportation or other non-tolled alternatives in the corridor are reasonably expected to improve the operation of the cordon or corridor, as described in clauses (iii) and (iv).

''(iii) PERFORMANCE MONITORING.—A public authority that enters into an agreement to convert a non-tolled lane to a toll facility under this subparagraph shall—

''(I) establish, monitor, and support a performance monitoring, evaluation, and reporting program—

''(aa) for the toll facility that provides for continuous monitoring, assessment, and reporting on the impacts that the pricing structure may have on the operation of the facility; and

''(bb) for the corridor or cordon that provides for continuous monitoring, assessment, and reporting on the impacts of congestion pricing on the operation of the corridor or cordon;

''(II) submit to the Secretary annual reports of the impacts described in subclause (I); and

''(III) if the facility or the corridor or cordon becomes degraded, as described in clause (iv), submit to the Secretary an annual update that describes the actions proposed to bring the toll facility into compliance and the progress made on such actions.

''(iv) DETERMINATION.—

''(I) DEGRADED OPERATION.—For purposes of clause (iii)(III), the operation of a toll facility shall be considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during peak hour periods.

''(II) DEGRADED CORRIDOR OR CORDON.—For the purposes of clause (iii)(III), a corridor or

cordon shall be considered to be degraded if congestion pricing or investments to improve public transportation or other non-tolled alternatives have not resulted in—

''(aa) an increase in person or freight throughput in the corridor or cordon; or

''(bb) a reduction in person hours of delay in the corridor or cordon, as determined by the Secretary.

''(III) DEFINITION OF MINIMUM AVERAGE OPERATING SPEED.—In this subparagraph, the term 'minimum average operating speed' means—

''(aa) 35 miles per hour, in the case of a toll facility with a speed limit of 45 miles per hour or greater; and

''(bb) not more than 10 miles per hour below the speed limit, in the case of a toll facility with a speed limit of less than 50 miles per hour.

''(v) MAINTENANCE OF OPERATING PERFORMANCE.—

''(I) IN GENERAL.—Not later than 180 days after the date on which a facility or a corridor or cordon becomes degraded under clause (iv), the public authority with jurisdiction over the facility shall submit to the Secretary for approval a plan that details the actions the public authority will take to make significant progress toward bringing the facility or corridor or cordon into compliance with this subparagraph.

''(II) NOTICE OF APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date of receipt of a plan under subclause (I), the Secretary shall provide to the public authority a written notice indicating whether the Secretary has approved or disapproved the plan based on a determination of whether the implementation of the plan will make significant progress toward bringing the facility or corridor or cordon into compliance with this subparagraph.

''(III) UPDATE.—Until the date on which the Secretary determines that the public authority has brought the facility or corridor or cordon into compliance with this subparagraph, the public authority shall submit annual updates that describe—

''(aa) the actions taken to bring the facility into compliance;

''(bb) the actions taken to bring the corridor or cordon into compliance; and

''(cc) the progress made by those actions.

''(IV) COMPLIANCE.—If a public authority fails to bring a facility into compliance under this subparagraph, the Secretary may subject the public authority to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.

''(vi) CONSULTATION OF MPO.—If a toll facility authorized under this subparagraph is located on the National Highway System and in a metropolitan planning area established in accordance with section 134, the public authority shall consult with the metropolitan planning organization for the area.

''(vii) INCLUSION.—For the purposes of this paragraph, the corridor or cordon shall include toll-free facilities that are adjacent to the toll facility.'';

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iv) by striking ''and'' at the end; and

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

''(v) any project eligible under this title or chapter 53 of title 49 that improves the operation of the corridor or cordon by increasing person or freight throughput and reducing person hours of delay;

''(vi) toll discounts or rebates for users of the toll facility that have no reasonable alternative transportation method to the toll facility; and

''(vii) if the public authority certifies annually that the tolled facility is being adequately maintained and the cordon or corridor is not degraded under paragraph (1)(E), any revenues remaining after funding the activities described in clauses (i) through (vi) shall be considered surplus revenue and may be used for any other purpose for which Federal funds may be obligated by a State under this title or chapter 53 of title 49.'';

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

''(B) TRANSPARENCY.—

''(i) ANNUAL AUDIT.—

''(I) IN GENERAL.—A public authority with jurisdiction over a toll facility shall conduct or have an independent auditor conduct an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A), and report the results of the audits to the Secretary.

''(II) RECORDS.—On reasonable notice, the public authority shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

''(ii) USE OF REVENUES.—A State or public authority that obligates amounts under clauses (v), (vi), or (vii) of subparagraph (A) shall annually report to the Secretary a list of activities funded with such amounts and the amount of funding provided for each such activity.'';

(C) in paragraph (8) by striking ''as of the date of enactment of the MAP–21, before commencing any activity authorized'' and inserting '', before commencing any activity authorized'';

(D) in paragraph (9)—

(i) by striking ''bus'' and inserting ''vehicle''; and

(ii) by striking ''buses'' and inserting ''vehicles''; and

(E) by striking paragraph (10) and inserting the following:

''(10) INTEROPERABILITY OF ELECTRONIC TOLL COLLECTION.—All toll facilities on Federal-aid highways shall provide for the regional interoperability of electronic toll collection, including through technologies or business practices.

''(11) NONCOMPLIANCE.—If the Secretary concludes that a public authority has not complied with the requirements of this subsection, the Secretary may require the public authority to discontinue collecting tolls until the public authority and the Secretary enter into an agreement for the public authority to achieve compliance with such requirements.

''(12) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) FEDERAL PARTICIPATION.—The term 'Federal participation' means the use of funds made available under this title.

''(B) HIGH OCCUPANCY VEHICLE; HOV.—The term 'high occupancy vehicle' or 'HOV' means a vehicle with not fewer than 2 occupants.

''(C) INITIAL CONSTRUCTION.—

''(i) IN GENERAL.—The term 'initial construction' means the construction of a highway, bridge, tunnel, or other facility at any time before it is open to traffic.

''(ii) EXCLUSIONS.—The term 'initial construction' does not include any improvement to a highway, bridge, tunnel, or other facility after it is open to traffic.

''(D) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

''(E) PUBLIC AUTHORITY.—The term 'public authority' means a State, interstate compact of States, or public entity designated by a State.

''(F) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' has the meaning given that term in section 166.

''(G) TOLL FACILITY.—The term 'toll facility' means a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel constructed or authorized to be tolled under this subsection.''.

(b) REPEAL OF INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—Section 1216 of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

(c) VALUE PRICING PILOT PROGRAM.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note) is amended by adding at the end the following:

''(9) SUNSET.—The Secretary may not consider an expression of interest submitted under this section after the date of enactment of this paragraph.''.

(d) SAVINGS CLAUSE.—

(1) APPLICATION OF LIMITATIONS.—Any toll facility described in paragraph (2) shall be subject to the requirements of section 129(a)(3) of title 23, United States Code, as in effect on the day before the date of enactment of this Act.

(2) TOLL FACILITIES.—A toll facility described in this paragraph is a facility that, on the day prior to the date of enactment of this Act, was—

(A) operating;

(B) in the planning and design phase; or

(C) in the construction phase.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the implementation of the interoperability of toll collection as required under section 1512(b) of MAP–21, including an assessment of the progress in, and barriers on, such implementation.

SEC. 1111. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)(C)(iii) by striking ''transportation buses'' and inserting ''transportation vehicles''; and

(B) in paragraph (5)(B) by striking ''2019'' and inserting ''2025'';

(2) in subsection (d)(2)(A)(i) by striking ''45 miles per hour, in the case of a HOV facility with a speed of 50 miles per hour or greater'' and inserting ''35 miles per hour, in the case of a HOV facility with a speed limit of 45 miles per hour or greater'';

(3) in subsection (d)(2)(B) by striking ''morning or evening weekday peak hour periods (or both)'' and inserting ''peak hour periods'';

(4) in subsection (e)—

(A) by striking ''Not later than 180 days after the date of enactment of this section, the Administrator'' and inserting ''The Administrator'';

(B) in paragraph (1) by striking ''and'' at the end;

(C) in paragraph (2) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) not later than 180 days after the date of enactment of the INVEST in America Act, update the requirements established under paragraph (1).''; and

(5) in subsection (f)—

(A) in paragraph (1)—

(i) by striking subparagraphs (C), (D), and (F); and

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

(B) in paragraph (6)(B)(i) by striking ''public entity'' and inserting ''public transportation service that is a recipient or subrecipient of funds under chapter 53 of title 49''.

SEC. 1112. BUY AMERICA.

(a) IN GENERAL.—Section 313 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Notwithstanding'' and inserting ''IN GENERAL.—Notwithstanding'';

(B) by striking ''Secretary of Transportation'' and inserting ''Secretary'';

(C) by striking ''the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or''; and

(D) by striking ''and manufactured products'' and inserting ''manufactured products, and construction materials'';

(2) in subsection (b) by inserting ''DETERMINATION.—'' before ''The provisions'';

(3) in subsection (c) by striking ''For purposes'' and inserting ''CALCULATION.—For purposes'';

(4) in subsection (d)—

(A) by striking ''The Secretary of Transportation'' and inserting ''REQUIREMENTS.—The Secretary''; and

(B) by striking ''the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or''; and

(5) by adding at the end the following:

''(h) WAIVER PROCEDURE.—

''(1) IN GENERAL.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under paragraph (1) or (2) of subsection (b) as to whether subsection (a) shall apply.

''(2) PUBLIC NOTIFICATION AND COMMENT.—

''(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the request for such waiver.

''(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

''(i) describe whether the application is being made for a determination described in subsection (b)(1); and

''(ii) be provided to the public by electronic means, including on the public website of the Department of Transportation.

''(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

''(A) on the public website of the Department of Transportation; and

''(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

''(i) REVIEW OF NATIONWIDE WAIVERS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and at least every 5 years thereafter, the Secretary shall review any standing nationwide waiver issued by the Secretary under this section to ensure such waiver remains justified.

''(2) PUBLIC NOTIFICATION AND OPPORTUNITY FOR COMMENT.—

''(A) IN GENERAL.—Not later than 30 days before the completion of a review under paragraph (1), the Secretary shall provide notification and an opportunity for public comment on such review.

''(B) MEANS OF NOTIFICATION.—Notification provided under this subparagraph shall be provided by electronic means, including on the public website of the Department of Transportation.

''(3) DETAILED JUSTIFICATION IN FEDERAL REGISTER.—After the completion of a review under paragraph (1), the Secretary shall publish in the Federal Register a detailed justification for the determination made under paragraph (1) that addresses all public comments received under paragraph (2).

''(j) REPORT.—Not later than 120 days after the last day of each fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Appropriations of the Senate a report on the waivers provided under subsection (h) during the previous fiscal year and the justifications for such waivers.''.

(b) SAFETEA–LU TECHNICAL CORRECTIONS ACT OF 2008.—Section 117 of the SAFETEA–LU Technical Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIREMENTS.

(a) IN GENERAL.—Except as otherwise provided in subsection (b), notwithstanding any other provision of law, the Secretary shall require recipients of assistance under title 23, United States Code, and title I of division B this Act and the amendments made by this Act to comply with subsection (a) of section 113 of title 23, United States Code, with respect to all construction work, in the same manner that recipients of assistance under chapter 1 of such title are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

(b) TREATMENT OF CERTAIN PROJECTS.—The Secretary shall apply the requirements of section 1306(l) of this Act and sections 117(k), 172(j), and 173(k) of title 23, United States Code, to a project funded with a grant under such sections.

SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326(c)(3) of title 23, United States Code, is amended—

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

''(A) except as provided under subparagraph (C), have a term of not more than 3 years;'';

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) for any State that has assumed the responsibility for categorical exclusions under this section for at least 10 years, have a term of 5 years.''.

SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM WRITTEN AGREEMENTS.

Section 327 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraph (5) and inserting the following:

''(5) except as provided under paragraph (7), have a term of not more than 5 years;'';

(B) in paragraph (6) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) for any State that has participated in a program under this section (or under a predecessor program) for at least 10 years, have a term of 10 years.'';

(2) in subsection (g)(1)—

(A) in subparagraph (C) by striking ''annual'';

(B) in subparagraph (B) by striking ''and'' at the end;

(C) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) in the case of an agreement period of greater than 5 years under subsection (c)(7), conduct an audit covering the first 5 years of the agreement period; and''; and

(3) by adding at the end the following:

''(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under an agreement under this section shall be deemed to be a Federal agency for the purposes of all Federal laws pursuant to which the responsibility is exercised.''.

SEC. 1116. CORROSION PREVENTION FOR BRIDGES.

(a) DEFINITIONS.—In this section:

(1) APPLICABLE BRIDGE PROJECTS.—The term ''applicable bridge projects'' means a project for construction, alteration, or maintenance work, other than de minimus maintenance or repair work as determined by the applicable State department of transportation, on a bridge or overpass structure funded under title 23, United States Code.

(2) CERTIFIED CONTRACTOR.—The term ''certified contractor'' means a contracting or subcontracting firm that has been certified by a third party organization that evaluates the capability of the contractor or subcontractor to properly perform one or more specified aspects of applicable bridge projects as defined in subsection (b)(2).

(3) QUALIFIED TRAINING PROGRAM.—The term ''qualified training program'' means a training program in corrosion control, mitigation and prevention, that is either offered or accredited by an organization that sets industry corrosion standards or is recognized in corrosion management transportation structures by the Department of Transportation, for the purposes of controlling, mitigating and preventing corrosion, or a program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (commonly known as the ''National Apprenticeship Act'') that meets the requirements of parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2020.

(b) APPLICABLE BRIDGE PROJECTS.—

(1) QUALITY CONTROL.—A certified contractor shall carry out aspects of an applicable bridge project described in paragraph (2).

(2) ASPECTS OF APPLICABLE BRIDGE PROJECTS.—Aspects of an applicable bridge project referred to in paragraph (1) include—

(A) surface preparation or coating application on steel or rebar of an applicable bridge project;

(B) removal of a lead-based or other hazardous coating from steel of an existing applicable bridge project;

(C) shop painting of structural steel or rebar fabricated for installation on an applicable bridge project; and

(D) the design, application, installation and maintenance of a cathodic protection system on an applicable bridge project.

(3) CORROSION MANAGEMENT SYSTEM.—A State transportation department shall—

(A) implement a corrosion management system that utilizes industry-recognized standards and corrosion mitigation and prevention methods to address—

(i) surface preparation;

(ii) protective coatings;

(iii) materials selection;

(iv) cathodic protection;

(v) corrosion engineering;

(vi) personnel training; and

(vii) best practices in environmental protection to prevent environmental degradation and uphold public health;

(B) require certified contractors that employ appropriately trained and certified coating applicators to carry out aspects of applicable bridge projects as described in paragraph (2); and

(C) use certified cathodic protection professionals for all aspects of applicable bridge projects that require knowledge of the design, installation, monitoring, or maintenance of a cathodic protection system.

(c) TRAINING PROGRAM.—As a condition of entering into a contract for an applicable bridge project, each certified contractor shall provide training, through a qualified training program, for each applicable craft or trade classification of employees that the certified contractor intends to employ to carry out aspects of applicable bridge projects as described in subsection (b)(2).

SEC. 1117. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its expected lifetime; and

(2) data indicating that future repair costs associated with a transportation project frequently total more than half of the initial cost of the project, and that conducting life-cycle cost analysis prior to construction will help States identify the most cost-effective option, improve their economic performance, and lower the total cost of building and maintaining the project.

Subtitle B—Programmatic Infrastructure Investment

SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

Section 119 of title 23, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PURPOSES.—The purposes of the national highway performance program shall be—

''(1) to provide support for the condition and performance of the National Highway System,

consistent with the asset management plans of States;

''(2) to support progress toward the achievement of performance targets of States established under section 150;

''(3) to increase the resilience of Federal-aid highways and bridges; and

''(4) to provide support for the construction of new facilities on the National Highway System, consistent with subsection (d)(3).'';

(2) in subsection (d)—

(A) in paragraph (1)(A) by striking ''or freight movement on the National Highway System'' and inserting ''freight movement, environmental sustainability, transportation system access, or combating climate change'';

(B) in paragraph (1)(B) by striking ''and'' at the end;

(C) in paragraph (2)—

(i) in subparagraph (G)—

(I) in clause (i) by inserting ''and'' at the end;

(II) in clause (ii) by striking ''; and'' and inserting a period; and

(III) by striking clause (iii);

(ii) in subparagraph (I) by inserting '', including the installation of safety barriers and nets on bridges on the National Highway System'' after ''National Highway System''; and

(iii) by adding at the end the following:

''(Q) Projects on or off the National Highway System to reduce greenhouse gas emissions that are eligible under section 171, including the installation of electric vehicle charging infrastructure.

''(R) Projects on or off the National Highway System to enhance resilience of a transportation facility, including protective features.

''(S) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this section.

''(T) Projects on or off the National Highway System to improve an evacuation route eligible under section 124(b)(1)(C).

''(U) Undergrounding public utilities in the course of other infrastructure improvements eligible under this section to mitigate the cost of recurring damages from extreme weather events, wildfire or other natural disasters.''; and

(D) by adding at the end the following:

''(3) a project that is otherwise eligible under this subsection to construct new capacity for single occupancy passenger vehicles only if the State—

''(A) has demonstrated progress in achieving a state of good repair, as defined in the State's asset management plan, on the National Highway System;

''(B) demonstrates that the project—

''(i) supports the achievement of performance targets of the State established under section 150; and

''(ii) is more cost effective, as determined by benefit-cost analysis, than—

''(I) an operational improvement to the facility or corridor;

''(II) the construction of a transit project eligible for assistance under chapter 53 of title 49; or

''(III) the construction of a non-single occupancy passenger vehicle project that improves freight movement; and

''(C) has a public plan for maintaining and operating the new asset while continuing its progress in achieving a state of good repair under subparagraph (A).'';

(3) in subsection (e)—

(A) in the heading by inserting ''ASSET AND'' after ''STATE'';

(B) in paragraph (4)(D) by striking ''analysis'' and inserting ''analyses, both of which shall take into consideration climate change adaptation and resilience;''; and

(C) in paragraph (8) by striking ''Not later than 18 months after the date of enactment of the MAP–21, the Secretary'' and inserting ''The Secretary''; and

(4) by adding at the end the following:

''(k) BENEFIT-COST ANALYSIS.—In carrying out subsection (d)(3)(B)(ii), the Secretary shall establish a process for analyzing the cost and benefits of projects under such subsection, ensuring that—

''(1) the benefit-cost analysis includes a calculation of all the benefits addressed in the performance measures established under section 150;

''(2) the benefit-cost analysis includes a consideration of the total maintenance cost of an asset over the lifecycle of the asset; and

''(3) the State demonstrates that any transportation demand modeling used to calculate the benefit-cost analysis has a documented record of accuracy.''.

SEC. 1202. INCREASING THE RESILIENCE OF TRANSPORTATION ASSETS.

(a) PREDISASTER MITIGATION PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 123 the following:

''§ 124. Predisaster mitigation program

''(a) ESTABLISHMENT.—The Secretary shall establish and implement a predisaster mitigation program to enhance the resilience of the transportation system of the United States, mitigate the impacts of covered events, and ensure the efficient use of Federal resources.

''(b) ELIGIBLE ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to the State under section 104(b)(8) may be obligated for construction activities, including construction of natural infrastructure or protective features, and the development of such projects and programs that help agencies to—

''(A) increase the resilience of a surface transportation infrastructure asset to withstand a covered event;

''(B) relocate or provide a reasonable alternative to a repeatedly damaged facility;

''(C) for an evacuation route identified in the vulnerability assessment required under section 134(i)(2)(I)(iii) or section 135(f)(10)(C)—

''(i) improve the capacity or operation of such evacuation route through—

''(I) communications and intelligent transportation system equipment and infrastructure;

''(II) counterflow measures; and

''(III) shoulders; and

''(ii) relocate such evacuation route or provide a reasonable alternative to such evacuation route to address the risk of a covered event; and

''(D) recover from incidents that significantly disrupt a regions transportation system including—

''(i) predisaster training programs that help agencies and regional stakeholders plan for and prepare multimodal recovery efforts; and

''(ii) the establishment of regional wide telework training and programs.

''(2) INFRASTRUCTURE RESILIENCE AND ADAPTATION.—No funds shall be obligated to a project under this section unless the project meets each of the following criteria:

''(A) The project is designed to ensure resilience over the anticipated service life of the surface transportation infrastructure asset.

''(B) The project is identified in the metropolitan or statewide transportation improvement program as a project to address resilience vulnerabilities, consistent with section 134(j)(3)(E) or 135(g)(5)(B)(iii).

''(C) For a project in a flood-prone area, the project sponsor considers hydrologic and hydraulic data and methods that integrate current and projected changes in flooding based on climate science over the anticipated service life of the surface transportation infrastructure asset and future forecasted land use changes.

''(3) PRIORITIZATION OF PROJECTS.—A State shall develop a process to prioritize projects under this section based on the degree to which the proposed project would—

''(A) be cost effective;

''(B) reduce the risk of disruption to a surface transportation infrastructure asset considered critical to support population centers, freight movement, economic activity, evacuation, recovery, or national security functions; and

''(C) ease disruptions to vulnerable, at-risk, or transit-dependant populations.

''(c) GUIDANCE.—The Secretary shall provide guidance to States to assist with the implementation of paragraphs (2) and (3) of subsection (b).

''(d) DEFINITIONS.—In this section:

''(1) COVERED EVENT.—The term 'covered event' means a climate change effect (including sea level rise), an extreme event, seismic activity, or any other natural disaster (including a wildfire or landslide).

''(2) SURFACE TRANSPORTATION INFRASTRUCTURE ASSET.—The term 'surface transportation infrastructure asset' means a facility eligible for assistance under this title or chapter 53 of title 49.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 123 the following:

''124. Predisaster mitigation program.''.

(b) METROPOLITAN TRANSPORTATION PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 134(i)(2) of title 23, United States Code, is amended by adding at the end the following:

''(I) CLIMATE CHANGE AND RESILIENCE.—

''(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

''(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

''(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

''(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

''(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

''(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

''(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

''(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

''(III) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

''(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

''(V) is consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

''(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed

in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 134(j)(3) of title 23, United States Code, is amended by adding at the end the following:

''(E) RESILIENCE PROJECTS.—The TIP shall—

''(i) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

''(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.''.

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5303(i)(2) of title 49, United States Code, is amended by adding at the end the following:

''(I) CLIMATE CHANGE AND RESILIENCE.—

''(i) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

''(ii) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

''(I) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

''(II) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

''(III) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

''(iii) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

''(I) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

''(II) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

''(III) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

''(IV) describes the metropolitan planning organization's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the metropolitan planning organization; and

''(V) is consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

''(iv) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation, as appropriate, with State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 5303(j)(3) of title 49, United States Code, is amended by adding at the end the following:

''(E) RESILIENCE PROJECTS.—The TIP shall—

''(i) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(2)(I)(iii); and

''(ii) describe how each project identified under clause (i) would improve the resilience of the transportation system.''.

(c) STATEWIDE AND NONMETROPOLITAN PLANNING.—

(1) AMENDMENTS TO TITLE 23.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 135(f) of title 23, United States Code, is amended by adding at the end the following:

''(10) CLIMATE CHANGE AND RESILIENCE.—

''(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

''(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

''(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

''(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

''(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

''(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

''(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124);

''(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

''(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

''(iv) describes the States's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

''(v) is consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

''(D) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 135(g)(5)(B) of title 23, United States Code, is amended by adding at the end the following:

''(iii) RESILIENCE PROJECTS.—The STIP shall—

''(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

''(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.''.

(2) AMENDMENTS TO TITLE 49.—

(A) CLIMATE CHANGE AND RESILIENCE.—Section 5304(f) of title 49, United States Code, is amended by adding at the end the following:

''(10) CLIMATE CHANGE AND RESILIENCE.—

''(A) IN GENERAL.—The transportation planning process shall assess strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of Federal resources.

''(B) CLIMATE CHANGE MITIGATION AND IMPACTS.—A long-range transportation plan shall—

''(i) identify investments and strategies to reduce transportation-related sources of greenhouse gas emissions per capita;

''(ii) identify investments and strategies to manage transportation demand and increase the rates of public transportation ridership, walking, bicycling, and carpools; and

''(iii) recommend zoning and other land use policies that would support infill, transit-oriented development, and mixed use development.

''(C) VULNERABILITY ASSESSMENT.—A long-range transportation plan shall incorporate a vulnerability assessment that—

''(i) includes a risk-based assessment of vulnerabilities of critical transportation assets and systems to covered events (as such term is defined in section 124 of title 23);

''(ii) considers, as applicable, the risk management analysis in the State's asset management plan developed pursuant to section 119 of title 23, and the State's evaluation of reasonable alternatives to repeatedly damaged facilities conducted under part 667 of title 23, Code of Federal Regulations;

''(iii) identifies evacuation routes, assesses the ability of any such routes to provide safe passage for evacuation and emergency response during an emergency event, and identifies any improvements or redundant facilities necessary to adequately facilitate safe passage;

''(iv) describes the State's adaptation and resilience improvement strategies that will inform the transportation investment decisions of the State; and

''(v) is consistent with and complementary of the State and local mitigation plans required under section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165).

''(D) CONSULTATION.—The assessment described in this subparagraph shall be developed in consultation with, as appropriate, State, local, and Tribal officials responsible for land use, housing, resilience, hazard mitigation, and emergency management.''.

(B) RESILIENCE PROJECTS.—Section 5304(g)(5)(B) of title 49, United States Code, is amended by adding at the end the following:

''(iii) RESILIENCE PROJECTS.—The STIP shall—

''(I) identify projects that address the vulnerabilities identified by the assessment in subsection (i)(10)(B); and

''(II) describe how each project identified under subclause (I) would improve the resilience of the transportation system.''.

SEC. 1203. EMERGENCY RELIEF.

(a) IN GENERAL.—Section 125 of title 23, United States Code, is amended—

(1) in subsection (a)(1) by inserting ''wildfire,'' after ''severe storm,'';

(2) by striking subsection (b);

(3) in subsection (c)(2)(A) by striking ''in any 1 fiscal year commencing after September 30, 1980,'' and inserting ''in any fiscal year'';

(4) in subsection (d)—

(A) in paragraph (3)(C) by striking ''subsection (e)(1)'' and inserting ''subsection (g)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter.

''(2) RESTRICTIONS.—

''(A) IN GENERAL.—No funds shall be expended from the emergency fund authorized by this section unless—

''(i) an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

''(ii) the Secretary has received an application from the State transportation department that

includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

''(B) COST LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility unless the Secretary determines that the project incorporates economically justified betterments, including protective features to increase the resilience of the facility.

''(3) SPECIAL RULE FOR BRIDGE PROJECTS.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

''(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

''(B) if a construction phase of a replacement structure is included in the approved statewide transportation improvement program at the time of an event described in subsection (a).'';

(5) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2) by striking ''subsection (d)(1)'' and inserting ''subsection (c)(1)''; and

(C) by redesignating paragraphs (2) and (3), as amended, as paragraphs (1) and (2), respectively;

(6) by redesignating subsections (c) through (g), as amended, as subsections (b) through (f), respectively; and

(7) by adding at the end the following:

''(g) IMPOSITION OF DEADLINE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

''(A) the date on which the Governor declared the emergency, as described in subsection (d)(2)(A)(i); or

''(B) the date on which the President declared the emergency to be a major disaster, as described in such subsection.

''(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.

''(h) HAZARD MITIGATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a hazard mitigation pilot program for the purpose of mitigating future hazards posed to Federal-aid highways.

''(2) DISTRIBUTION OF FUNDS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the pilot program established under this subsection.

''(B) CALCULATION.—Every 6 months, the Secretary shall calculate the total amount of outstanding eligible repair costs under the emergency relief program under this section, including the emergency relief backlog, for each State, territory, Tribal government, or other eligible entity.

''(C) DISTRIBUTION.—Any amounts made available under this subsection shall be distributed to each State, territory, Tribal government, or other eligible entity based on—

''(i) the ratio of the total amount of outstanding eligible repair costs as described under subparagraph (B); bears to

''(ii) the total amounts appropriated for the purposes described in this subsection.

''(D) LIMITATION.—The distribution described under subparagraph (C) shall not exceed 5 percent of the amount described in subparagraph (B).

''(3) ELIGIBLE ACTIVITIES.—Amounts made available under this subsection shall be used for protective features or other hazard mitigation activities that—

''(A) the Secretary determines are cost effective and that reduce the risk of, or increase the resilience to, future damage to existing assets as a result of natural disasters; and

''(B) are eligible under section 124.

''(4) REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate an annual report detailing—

''(A) a description of the activities carried out under the pilot program;

''(B) an evaluation of the effectiveness of the pilot program in meeting purposes descried in paragraph (1);

''(C) policy recommendations to improve the effectiveness of the pilot program.

''(5) SUNSET.—The authority provided under this subsection shall terminate on October 1, 2025.

''(i) IMPROVING THE EMERGENCY RELIEF PROGRAM.—Not later than 90 days after the date of enactment of the INVEST in America Act, the Secretary shall—

''(1) revise the emergency relief manual of the Federal Highway Administration—

''(A) to include and reflect the definition of the term 'resilience' (as defined in section 101(a));

''(B) to identify procedures that States may use to incorporate resilience into emergency relief projects; and

''(C) to encourage the use of context sensitive design principles and consideration of access for moderate- and low-income families impacted by a declared disaster;

''(2) develop best practices for improving the use of resilience in—

''(A) the emergency relief program under section 125; and

''(B) emergency relief efforts;

''(3) provide to division offices of the Federal Highway Administration and State departments of transportation information on the best practices developed under paragraph (2); and

''(4) develop and implement a process to track—

''(A) the consideration of resilience as part of the emergency relief program under section 125; and

''(B) the costs of emergency relief projects.

''(j) DEFINITIONS.—In this section:

''(1) COMPARABLE FACILITY.—The term 'comparable facility' means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

''(2) CONSTRUCTION PHASE.—The term 'construction phase' means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

''(3) OPEN TO PUBLIC TRAVEL.—The term 'open to public travel' means with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road—

''(A) is maintained;

''(B) is open to the general public; and

''(C) can accommodate travel by a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

''(4) STANDARD PASSENGER VEHICLE.—The term 'standard passenger vehicle' means a vehicle with 6 inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground.''.

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title 23, United States Code, is amended by striking ''section 125(e)'' and inserting ''section 125(g)''.

(2) TRIBAL TRANSPORTATION PROGRAM.—Section 202(b)(6)(A) of title 23, United States Code, is amended by striking ''section 125(e)'' and inserting ''section 125(d)''.

(c) REPEAL.—Section 668.105(h) of title 23, Code of Federal Regulations, is repealed.

SEC. 1204. RAILWAY CROSSINGS.

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

*(1) in the section heading by striking ''**Railway-highway crossings**'' and inserting ''**Railway crossings**'';*

(2) in subsection (a)—

(A) by striking ''Subject to section 120 and subsection (b) of this section, the entire'' and inserting ''IN GENERAL.—The'';

(B) by striking ''then the entire'' and inserting ''the''; and

(C) by striking '', subject to section 120 and subsection (b) of this section,'';

(3) by amending subsection (b) to read as follows:

''(b) CLASSIFICATION.—

''(1) IN GENERAL.—The construction of projects for the elimination of hazards at railway crossings represents a benefit to the railroad. The Secretary shall classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and shall set for each such classification a percentage of the total project cost that represent the benefit to the railroad or railroads for the purpose of determining the railroad's share of the total project cost. The Secretary shall determine the appropriate classification of each project.

''(2) NONCASH CONTRIBUTIONS.—

''(A) IN GENERAL.—Not more than 5 percent of the cost share described in paragraph (1) may be attributable to noncash contributions of materials and labor furnished by the railroad in connection with the construction of such project.

''(B) REQUIREMENT.—The requirements under section 200.306 and 200.403(g) of title 2, Code of Federal Regulations (or successor regulations), shall apply to any noncash contributions under this subsection.

''(3) TOTAL PROJECT COST.—For the purposes of this subsection, the determination of the railroad's share of the total project cost shall include environment, design, right-of-way, utility accommodation, and construction phases of the project.'';

(4) in subsection (c)—

(A) by striking ''Any railroad involved'' and inserting ''BENEFIT.—Any railroad involved'';

(B) by striking ''the net benefit'' and inserting ''the cost associated with the benefit''; and

(C) by striking ''Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project.'';

(5) by striking subsection (e) and inserting the following:

''(e) RAILWAY CROSSINGS.—

''(1) ELIGIBLE ACTIVITIES.—Funds apportioned to a State under section 104(b)(7) may be obligated for the following:

''(A) The elimination of hazards at railway-highway crossings, including technology or protective upgrades.

''(B) Construction (including installation and replacement) of protective devices at railway-highway crossings.

''(C) Infrastructure and noninfrastructure projects and strategies to prevent or reduce suicide or trespasser fatalities and injuries along railroad rights-of-way and at or near railway-highway crossings.

''(D) Projects to mitigate any degradation in the level of access from a highway-grade crossing closure.

''(E) Bicycle and pedestrian railway grade crossing improvements, including underpasses and overpasses.

''(F) Projects eligible under section 22907(c)(5) of title 49, provided that amounts obligated under this subparagraph—

''(i) shall be administered by the Secretary in accordance with such section as if such amounts were made available to carry out such section; and

''(ii) may be used to pay up to 90 percent of the non-Federal share of the cost of a project carried out under such section.

''(2) SPECIAL RULE.—If a State demonstrates to the satisfaction of the Secretary that the State has met all its needs for installation of protective devices at railway-highway crossings, the State may use funds made available by this section for other highway safety improvement program purposes.'';

(6) by striking subsection (f) and inserting the following:

''(f) FEDERAL SHARE.—Notwithstanding section 120, the Federal share payable on account of any project financed with funds made available to carry out subsection (e) shall be up to 90 percent of the cost thereof.'';

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

''(g) REPORT.—

''(1) STATE REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the INVEST in America Act, and at least biennially thereafter, each State shall submit to the Secretary a report on the progress being made to implement the railway crossings program authorized by this section and the effectiveness of such improvements.

''(B) CONTENTS.—Each State report under subparagraph (A) shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

''(2) DEPARTMENTAL REPORT.—

''(A) IN GENERAL.—Not later than 180 days after the deadline for the submission of a report under paragraph (1)(A), the Secretary shall publish on the website of the Department of Transportation a report on the progress being made by the State in implementing projects to improve railway-highway crossings.

''(B) CONTENTS.—The report under subparagraph (A) shall include—

''(i) the number of projects undertaken;

''(ii) distribution of such projects by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

''(iii) an analysis and evaluation of each State program;

''(iv) the identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

''(v) recommendations for future implementation of the railway crossings program.'';

(8) in subsection (j)—

(A) in the heading by inserting ''AND PEDESTRIAN'' after ''BICYCLE''; and

(B) by inserting ''and pedestrian'' after ''bicycle''; and

(9) in subsection (l)—

(A) in paragraph (1) by striking ''Not later than'' and all that follows through ''each State'' and inserting ''Not later than 6 months after a new railway crossing becomes operational, each State''; and

(B) in paragraph (2) by striking ''On a periodic'' and all that follows through ''every year thereafter'' and inserting ''On or before September 30 of each year''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by amending the item relating to section 130 to read as follows:

''130. Railway crossings.''.

(c) GAO STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway crossing program under section 130 of title 23, United States Code.

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

SEC. 1205. SURFACE TRANSPORTATION PROGRAM.

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

(1) in the heading by striking ''**block grant**'';

(2) in subsection (a) by striking ''block grant'';

(3) in subsection (b)—

(A) by striking ''block grant'';

(B) in paragraph (4) by striking ''railway-highway grade crossings'' and inserting ''projects eligible under section 130 and installation of safety barriers and nets on bridges'';

(C) in paragraph (6)—

(i) by striking ''Recreational'' and inserting ''Transportation alternatives projects eligible under subsection (h), recreational''; and

(ii) by striking ''1404 of SAFETEA–LU (23 U.S.C. 402 note)'' and inserting ''211''; and

(D) by adding at the end the following:

''(16) Protective features (including natural infrastructure and vegetation control and clearance) to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.

''(17) Projects to reduce greenhouse gas emissions eligible under section 171, including the installation of electric vehicle charging infrastructure.

''(18) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this section.

''(19) A surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).'';

(4) in subsection (c)—

(A) by striking ''block grant'' and inserting ''program'';

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

''(3) for a project described in—

''(A) subsection (h); or

''(B) section 101(a)(29), as in effect on the day before the date of enactment of the FAST Act;'';

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

''(4) for a project described in section 5308 of title 49; and'';

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''each fiscal year'' after ''apportioned to a State'';

(ii) by striking ''the reservation of'' and inserting ''setting aside''; and

(iii) in subparagraph (A)—

(I) by striking ''the percentage specified in paragraph (6) for a fiscal year'' and inserting ''57 percent for fiscal year 2022, 58 percent for fiscal year 2023, 59 percent for fiscal year 2024, and 60 percent for fiscal year 2025'';

(II) in clause (i) by striking ''of over'' and inserting ''greater than''; and

(III) by striking clauses (ii) and (iii) and inserting the following:

''(ii) in urbanized areas of the State with an urbanized area population greater than 49,999 and less than 200,001;

''(iii) in urban areas of the State with a population greater than 4,999 and less than 50,000; and

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

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

''(3) LOCAL COORDINATION AND CONSULTATION.—

''(A) COORDINATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of paragraph (1)(A)(ii), a State shall—

''(i) establish a process to coordinate with all metropolitan planning organizations in the State that represent an urbanized area described in such paragraph; and

''(ii) describe how funds described under paragraph (1)(A)(ii) will be allocated equitably among such urbanized areas during the period of fiscal years 2022 through 2025.

''(B) JOINT RESPONSIBILITY.—Each State and the Secretary shall jointly ensure compliance with subparagraph (A).

''(C) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.'';

(C) in the heading for paragraph (4) by striking ''OVER 200,000'' and inserting ''GREATER THAN 200,000'';

(D) by striking paragraph (6) and inserting the following:

''(6) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The State and all metropolitan planning organizations in the State that represent an urbanized area with a population of greater than 200,000 shall jointly establish a program to improve the ability of applicants to deliver projects under this subsection in an efficient and expeditious manner and reduce the period of time between the selection of the project and the obligation of funds for the project by providing—

''(i) technical assistance and training to applicants for projects under this subsection; and

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

''(B) ELIGIBLE FUNDS.—To carry out this paragraph—

''(i) a State shall set aside an amount equal to 1 percent of the funds available under paragraph (1)(A)(i); and

''(ii) at the request of an eligible metropolitan planning organization, the State and metropolitan planning organization may jointly agree to use additional funds available under paragraph (1)(A)(i).

''(C) USE OF FUNDS.—Amounts used under this paragraph may be expended—

''(i) directly by the State; or

''(ii) through contracts with State agencies, private entities, or nonprofit organizations.'';

(6) in subsection (e)(1)—

(A) by striking ''over 200,000'' and inserting ''greater than 200,000''; and

(B) by striking ''2016 through 2020'' and inserting ''2022 through 2025'';

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

''(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

''(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In this subsection, the term 'off-system bridge' means a bridge located on a public road, other than a bridge on a Federal-aid highway.

''(2) SPECIAL RULE.—

''(A) SET ASIDE.—Of the amounts apportioned to a State for each fiscal year under this section other than the amounts described in subparagraph (C), the State shall obligate for activities described in subsection (b)(2) (as in effect on the day before the date of enactment of the FAST Act) for off-system bridges an amount that is not less than 20 percent of the amounts available to such State under this section in fiscal year 2020, not including the amounts described in subparagraph (C).

''(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local

officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

''(C) LIMITATIONS.—The following amounts shall not be used for the purposes of meeting the requirements of subparagraph (A):

''(i) Amounts described in section 133(d)(1)(A).

''(ii) Amounts set aside under section 133(h).

''(iii) Amounts described in section 505(a).

''(3) CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

''(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

''(B) that crediting shall be conducted in accordance with procedures established by the Secretary.''; and

(8) in subsection (g)(1)—

(A) by striking ''subsection (d)(1)(A)(ii) for each of fiscal years 2016 through 2020'' and inserting ''subsection (d)(1)(A)(iv) for each fiscal year'';

(B) by inserting ''rural'' after ''functionally classified as''; and

(C) by inserting ''or local roads, or on critical rural freight corridors designated under section 167(e)'' after ''minor collectors''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 133 and inserting the following:

''133. Surface transportation program.''.

(c) CONFORMING AMENDMENTS.—

(1) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108(c) of title 23, United States Code, is amended—

(A) in paragraph (2)(A) by striking ''block grant''; and

(B) in paragraph (3) by striking ''block grant''.

(2) PUBLIC TRANSPORTATION.—Section 142(e)(2) of title 23, United States Code, is amended by striking ''block grant''.

(3) HIGHWAY USE TAX EVASION PROJECTS.—Section 143(b)(8) of title 23, United States Code, is amended in the heading by striking ''BLOCK GRANT''.

(4) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(d) of title 23, United States Code, is amended—

(A) in paragraph (1)(B) by striking ''block grant''; and

(B) in paragraph (2)(A) by striking ''block grant''.

(5) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—Section 165 of title 23, United States Code, is amended—

(A) in subsection (b)(2)(A)(ii) by striking ''block grant'' each time such term appears; and

(B) in subsection (c)(6)(A)(i) by striking ''block grant''.

(6) MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.—Section 322(h)(3) of title 23, United States Code, is amended by striking ''block grant''.

(7) TRAINING AND EDUCATION.—Section 504(a)(4) of title 23, United States Code, is amended by striking ''block grant''.

SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.

Section 133(h) of title 23, United States Code, is amended to read as follows:

''(h) TRANSPORTATION ALTERNATIVES PROGRAM SET-ASIDE.—

''(1) SET ASIDE.—For each fiscal year, of the total funds apportioned to all States under section 104(b)(2) for a fiscal year, the Secretary shall set aside an amount such that—

''(A) the Secretary sets aside a total amount under this subsection for a fiscal year equal to 10 percent of such total funds; and

''(B) the State's share of the amount set aside under subparagraph (A) is determined by multiplying the amount set aside under subparagraph (A) by the ratio that—

''(i) the amount apportioned to the State for the transportation enhancement program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of MAP–21; bears to

''(ii) the total amount of funds apportioned to all States for the transportation enhancements program for fiscal year 2009.

''(2) ALLOCATION WITHIN A STATE.—

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

''(i) for each fiscal year, the percentage referred to in paragraph (1)(A) of subsection (d) shall be deemed to be 66 percent; and

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

''(B) LOCAL CONTROL.—

''(i) IN GENERAL.—A State may make available up to 100 percent of the funds set aside under paragraph (1) to the entities described in subclause (I) if the State submits to the Secretary, and the Secretary approves, a plan that describes—

''(I) how such funds shall be made available to metropolitan planning organizations, regional transportation planning organizations, counties, or other regional transportation authorities;

''(II) how the entities described in subclause (I) shall select projects for funding and how such entities shall report selected projects to the State;

''(III) the legal, financial, and technical capacity of such entities; and

''(IV) the procedures in place to ensure such entities comply with the requirements of this title.

''(ii) REQUIREMENT.—A State that makes funding available under a plan approved under this subparagraph shall make available an equivalent amount of obligation authority to an entity described in clause (i)(I) to whom funds are made available under this subparagraph.

''(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for any of the following projects or activities:

''(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for nondrivers, including children, older adults, and individuals with disabilities to access daily needs.

''(C) Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

''(D) Construction of turnouts, overlooks, and viewing areas.

''(E) Community improvement activities, including—

''(i) inventory, control, or removal of outdoor advertising;

''(ii) historic preservation and rehabilitation of historic transportation facilities;

''(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, facilitate wildfire control, and provide erosion control; and

''(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

''(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 328(a) and 329.

''(G) Projects and strategies to reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under this subsection.

''(H) The recreational trails program under section 206.

''(I) The safe routes to school program under section 211.

''(J) Activities in furtherance of a vulnerable road user assessment described in section 148.

''(K) Any other projects or activities described in section 101(a)(29) or section 213, as such sections were in effect on the day before the date of enactment of the FAST Act (Public Law 114–94).

''(4) ACCESS TO FUNDS.—

''(A) IN GENERAL.—A State, metropolitan planning organization required to obligate funds in accordance with paragraph (2)(A), or an entity required to obligate funds in accordance with paragraph (2)(B) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection. A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under such process in consultation with the relevant State.

''(B) ELIGIBLE ENTITY DEFINED.—In this paragraph, the term 'eligible entity' means—

''(i) a local government, including a county or multi-county special district;

''(ii) a regional transportation authority;

''(iii) a transit agency;

''(iv) a natural resource or public land agency;

''(v) a school district, local education agency, or school;

''(vi) a tribal government;

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

''(viii) a nonprofit organization carrying out activities related to transportation;

''(ix) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization that serves an urbanized area with a population of over 200,000 or a State agency) that the State determines to be eligible, consistent with the goals of this subsection; and

''(x) a State, at the request of any entity listed in clauses (i) through (ix).

''(5) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—

''(A) IN GENERAL.—For each fiscal year, a State shall—

''(i) obligate an amount of funds set aside under this subsection equal to 175 percent of the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2), as in effect on the day before the date of enactment of MAP–21, for projects relating to recreational trails under section 206;

''(ii) return 1 percent of the funds described in clause (i) to the Secretary for the administration of such program; and

''(iii) comply with the provisions of the administration of the recreational trails program

under section 206, including the use of apportioned funds described in subsection (d)(3)(A) of such section.

''(B) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under this paragraph if the Governor of the State notifies the Secretary not later than 30 days prior to the date on which an apportionment is made under section 104 for any fiscal year.

''(6) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

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

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

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

''(B) USE OF FUNDS.—Amounts used under subparagraph (A) may be expended—

''(i) directly by the State; or

''(ii) through contracts with State agencies, private entities, or nonprofit entities.

''(7) FEDERAL SHARE.—

''(A) FLEXIBLE MATCH.—

''(i) IN GENERAL.—Notwithstanding section 120—

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

''(II) the Federal share of the cost of an individual project in this subsection may be up to 100 percent.

''(ii) AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the non-Federal share authorized for the State under section 120(b).

''(iii) REQUIREMENT.—This subparagraph shall only apply to a State if such State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this subparagraph.

''(B) SAFETY PROJECTS.—Notwithstanding section 120, funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

''(i) is a project described in section 148(e)(1); and

''(ii) is consistent with the State strategic highway safety plan (as defined in section 148(a)).

''(8) FLEXIBILITY.—

''(A) STATE AUTHORITY.—

''(i) IN GENERAL.—A State may use not more than 50 percent of the funds set aside under this subsection that are available for obligation in any area of the State (suballocated consistent with the requirements of subsection (d)(1)(B)) for any purpose eligible under subsection (b).

''(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the State demonstrates to the Secretary—

''(I) that the State held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate;

''(II) that the State offered technical assistance to all eligible entities and provided such assistance upon request by an eligible entity; and

''(III) that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

''(B) MPO AUTHORITY.—

''(i) IN GENERAL.—A metropolitan planning organization that represents an urbanized area with a population of greater than 200,000 may use not more than 50 percent of the funds set aside under this subsection for an urbanized area described in subsection (d)(1)(A)(i) for any purpose eligible under subsection (b).

''(ii) RESTRICTION.—Funds may be used as described in clause (i) only if the Secretary certifies that the metropolitan planning organization—

''(I) held a competition in compliance with the requirements of this subsection in such form as the Secretary determines appropriate; and

''(II) demonstrates that there were not sufficient suitable applications from eligible entities to use the funds described in clause (i).

''(9) ANNUAL REPORTS.—

''(A) IN GENERAL.—Each State or metropolitan planning organization responsible for carrying out the requirements of this subsection shall submit to the Secretary an annual report that describes—

''(i) the number of project applications received for each fiscal year, including—

''(I) the aggregate cost of the projects for which applications are received; and

''(II) the types of projects to be carried out, expressed as percentages of the total apportionment of the State under this subsection; and

''(ii) the list of each project selected for funding for each fiscal year, including specifying the fiscal year for which the project was selected, the fiscal year in which the project is anticipated to be funded, the recipient, the location, the type, and a brief description.

''(B) PUBLIC AVAILABILITY.—The Secretary shall make available to the public, in a user-friendly format on the website of the Department of Transportation, a copy of each annual report submitted under subparagraph (A).''.

SEC. 1207. BRIDGE INVESTMENT.

(a) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

*(1) in the section heading by striking ''**National bridge and tunnel inventory and inspection standards**'' and inserting ''**Bridges and tunnels**'';*

(2) in subsection (a)(1)(B) by striking ''deficient'';

(3) in subsection (b)(5) by striking ''structurally deficient bridge'' and inserting ''bridge classified as in poor condition'';

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of the MAP–21, each'' and inserting ''Each''; and

(B) by striking paragraph (4);

(5) in subsection (j)—

(A) in paragraph (2) by inserting '', 124,'' after ''section 119'';

(B) in paragraph (3)(A) by inserting '', 124,'' after ''section 119''; and

(C) in paragraph (5) by striking ''financial characteristics'' and all that follows through the end and inserting ''Federal share.''; and

(6) by adding at the end the following:

''(l) HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.—

''(1) GOALS.—The goals of this subsection shall be to—

''(A) support the achievement of a state of good repair for the Nation's bridges;

''(B) improve the safety, efficiency, and reliability of the movement of people and freight over bridges; and

''(C) improve the condition of bridges in the United States by reducing—

''(i) the number of bridges—

''(I) in poor condition; or

''(II) in fair condition and at risk of falling into poor condition;

''(ii) the total person miles traveled over bridges—

''(I) in poor condition; or

''(II) in fair condition and at risk of falling into poor condition;

''(iii) the number of bridges that—

''(I) do not meet current geometric design standards; or

''(II) cannot meet the load and traffic requirements typical of the regional transportation network; and

''(iv) the total person miles traveled over bridges that—

''(I) do not meet current geometric design standards; or

''(II) cannot meet the load and traffic requirements typical of the regional transportation network.

''(2) BRIDGES ON PUBLIC ROADS.—

''(A) MINIMUM BRIDGE INVESTMENT.—Excluding the amounts described in subparagraph (C), of the total funds apportioned to a State under paragraphs (1) and (2) of section 104(b) for fiscal years 2022 to 2025, a State shall obligate not less than 20 percent for projects described in subparagraph (E).

''(B) PROGRAM FLEXIBILITY.—A State required to obligate funds under subparagraph (A) may use any combination of funds apportioned to a State under paragraphs (1) and (2) of section 104(b).

''(C) LIMITATION.—Amounts described below may not be used for the purposes of calculating or meeting the minimum bridge investment requirement under subparagraph (A)—

''(i) amounts described in section 133(d)(1)(A);

''(ii) amounts set aside under section 133(h); and

''(iii) amounts described in section 505(a).

''(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the expenditure of funds described in subparagraph (C) for bridge projects eligible under such section.

''(E) ELIGIBLE PROJECTS.—Funds required to be obligated in accordance with paragraph (2)(A) may be obligated for projects or activities that—

''(i) are otherwise eligible under either section 119 or section 133, as applicable;

''(ii) support the achievement of performance targets of the State established under section 150 or provide support for the condition and performance of bridges on public roads within the State; and

''(iii) remove a bridge classified as in poor condition in order to improve community connectivity, or replace, reconstruct, rehabilitate, preserve, or protect a bridge included on the national bridge inventory authorized by subsection (b), including through—

''(I) seismic retrofits;

''(II) systematic preventive maintenance;

''(III) installation of scour countermeasures;

''(IV) the use of innovative materials that extend the service life of the bridge and reduce preservation costs, as compared to conventionally designed and constructed bridges;

''(V) the use of nontraditional production techniques, including factory prefabrication;

''(VI) painting for purposes of bridge protection;

''(VII) application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anticing and deicing compositions;

''(VIII) corrosion control;

''(IX) construction of protective features (including natural infrastructure) alone or in combination with other activities eligible under this paragraph to enhance resilience of a bridge;

''(X) bridge security countermeasures;

''(XI) impact protection measures for bridges;

''(XII) inspection and evaluation of bridges; and

''(XIII) training for bridge inspectors consistent with subsection (i).

''(F) BUNDLES OF PROJECTS.—A State may use a bundle of projects as described in subsection (j) to satisfy the requirements of subparagraph (A), if each project in the bundle is otherwise eligible under subparagraph (E).

''(G) FLEXIBILITY.—The Secretary may, at the request of a State, reduce the required obligation under subparagraph (A) if—

''(i) the reduction is consistent with a State's asset management plan for the National Highway System;

''(ii) the reduction will not limit a State's ability to meet its performance targets under section 150 or to improve the condition and performance of bridges on public roads within the State; and

''(iii) the State demonstrates that it has inadequate needs to justify the expenditure.

''(H) BRIDGE INVESTMENT REPORT.—The Secretary shall annually publish on the website of the Department of Transportation a bridge investment report that includes—

''(i) the total Federal funding obligated for bridge projects in the most recent fiscal year, on a State-by-State basis and broken out by Federal program;

''(ii) the total Federal funding obligated, on a State-by-State basis and broken out by Federal program, for bridge projects carried out pursuant to the minimum bridge investment requirements under subparagraph (A);

''(iii) the progress made by each State toward meeting the minimum bridge investment requirement under subparagraph (A) for such State, both cumulatively and for the most recent fiscal year;

''(iv) a summary of—

''(I) each request made under subparagraph (G) by a State for a reduction in the minimum bridge investment requirement under subparagraph (A); and

''(II) for each request described in subclause (I) that is granted by the Secretary—

''(aa) the percentage and dollar amount of the reduction; and

''(bb) an explanation of how the State met each of the criteria described in subparagraph (G); and

''(v) a summary of—

''(I) each request made by a State for a reduction in the obligation requirements under section 133(f); and

''(II) for each request that is granted by the Secretary—

''(aa) the percentage and dollar amount of the reduction; and

''(bb) an explanation of how the Secretary made the determination under section 133(f)(2)(B).

''(I) OFF-SYSTEM BRIDGES.—A State may apply amounts obligated under this subsection or section 133(f)(2)(A) to the obligation requirements of both this subsection and section 133(f).

''(J) NHS PENALTY.—A State may apply amounts obligated under this subsection or section 119(f)(2) to the obligation requirements of both this subsection and section 119(f)(2).

''(K) COMPLIANCE.—If a State fails to satisfy the requirements of subparagraph (A) by the end of fiscal year 2025, the Secretary may subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

''144. Bridges and tunnels.''.

SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

Section 147 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B)—

(i) by striking ''only includes a project'' and inserting ''includes a project'';

(ii) in clause (xiii) by inserting '', including the development of a vulnerable road user safety assessment or a vision zero plan under section 1601 of the INVEST in America Act'' after ''safety planning'';

(iii) by amending clause (xviii) to read as follows:

''(xviii) Safe routes to school infrastructure-related projects eligible under section 211.'';

(iv) in clause (xxvi) by inserting ''or leading pedestrian intervals'' after ''hybrid beacons''; and

(v) by striking clause (xxviii) and inserting the following:

''(xxviii) A pedestrian security feature designed to slow or stop a motor vehicle.

''(xxix) Installation of infrastructure improvements, including sidewalks, crosswalks, signage, and bus stop shelters or protected waiting areas.'';

(B) in paragraph (11)—

(i) in subparagraph (A)—

(I) in clause (ix) by striking ''and'' at the end;

(II) by redesignating clause (x) as clause (xi); and

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

''(x) State or local representatives of educational agencies to address safe routes to school and schoolbus safety; and'';

(ii) in subparagraph (E) by inserting ''Tribal,'' after ''State,'';

(iii) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (H), (I), and (J), respectively; and

(iv) by inserting after subparagraph (F) the following:

''(G) includes a vulnerable road user safety assessment described under paragraph (16);'';

(C) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively;

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

''(10) SAFE SYSTEM APPROACH.—The term 'safe system approach' means a roadway design that emphasizes minimizing the risk of injury or fatality to road users and that—

''(A) takes into consideration the possibility and likelihood of human error;

''(B) accommodates human injury tolerance by taking into consideration likely crash types, resulting impact forces, and the human body's ability to withstand such forces; and

''(C) takes into consideration vulnerable road users.

''(11) SPECIFIED SAFETY PROJECT.—

''(A) IN GENERAL.—The term 'specified safety project' means a project carried out for the purpose of safety under any other section of this title that is consistent with the State strategic highway safety plan.

''(B) INCLUSION.—The term 'specified safety project' includes a project that—

''(i) promotes public awareness and informs the public regarding highway safety matters (including safety for motorcyclists, bicyclists, pedestrians, individuals with disabilities, and other road users);

''(ii) facilitates enforcement of traffic safety laws;

''(iii) provides infrastructure and infrastructure-related equipment to support emergency services;

''(iv) conducts safety-related research to evaluate experimental safety countermeasures or equipment; or

''(v) supports safe routes to school noninfrastructure-related activities described under section 211(e)(2).''; and

(E) by adding at the end the following:

''(15) VULNERABLE ROAD USER.—The term 'vulnerable road user' means a nonmotorist—

''(A) with a fatality analysis reporting system person attribute code that is included in the definition of the term 'number of non-motorized fatalities' in section 490.205 of title 23, Code of Federal Regulations (or successor regulation); or

''(B) described in the term 'number of non-motorized serious injuries' in such section.

''(16) VULNERABLE ROAD USER SAFETY ASSESSMENT.—The term 'vulnerable road user safety assessment' means an assessment of the safety performance of the State or a metropolitan planning organization within the State with respect to vulnerable road users and the plan of the State or metropolitan planning organization to improve the safety of vulnerable road users described in subsection (l).'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''(a)(11)'' and inserting ''(a)(13)''; and

(B) in paragraph (2)—

(i) in subparagraph (A)(vi) by inserting '', consistent with the vulnerable road user safety assessment'' after ''nonmotorized crashes'';

(ii) in subparagraph (B)(i)—

(I) by inserting '', consistent with a safe system approach,'' after ''identify'';

(II) by inserting ''excessive design speeds and speed limits,'' after ''crossing needs,''; and

(III) by striking ''motorists (including motorcyclists), bicyclists, pedestrians, and other highway users'' and inserting ''road users''; and

(iii) in subparagraph (D)(iii) by striking ''motorists (including motorcyclists), bicyclists, pedestrians, persons with disabilities, and other highway users'' and inserting ''road users'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking ''Not later than 1 year after the date of enactment of the MAP–21, the'' and inserting ''The''; and

(ii) in subparagraph (B)—

(I) in clause (iv) by inserting ''and serious injury'' after ''fatality'';

(II) in clause (vii) by striking ''; and'' and inserting a semicolon;

(III) by redesignating clause (viii) as clause (ix); and

(IV) by inserting after clause (vii) the following:

''(viii) the findings of a vulnerable road user safety assessment of the State; and''; and

(B) in paragraph (2)(B)(i) by striking ''subsection (a)(11)'' and inserting ''subsection (a)(13)'';

(4) in subsection (e)—

(A) in paragraph (1)(C) by striking '', without regard to whether the project is included in an applicable State strategic highway safety plan''; and

(B) by adding at the end the following:

''(3) FLEXIBLE FUNDING FOR SPECIFIED SAFETY PROJECTS.—

''(A) IN GENERAL.—To advance the implementation of a State strategic highway safety plan, a State may use not more than 10 percent of the amounts apportioned to the State under section 104(b)(3) for a fiscal year to carry out specified safety projects.

''(B) RULE OF STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed to require a State to revise any State process, plan, or program in effect on the date of enactment of this paragraph.

''(C) EFFECT OF PARAGRAPH.—

''(i) REQUIREMENTS.—A project funded under this paragraph shall be subject to all requirements under this section that apply to a highway safety improvement project.

''(ii) OTHER APPORTIONED PROGRAMS.—Subparagraph (A) shall not apply to amounts that may be obligated for noninfrastructure projects apportioned under any other paragraph of section 104(b).'';

(5) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) HIGH-RISK RURAL ROAD SAFETY.—

''(A) IN GENERAL.—If a State determines that the fatality rate on rural roads in such State for the most recent 2-year period for which data are available exceeds the median fatality rate for rural roads among all States, that State shall be required to—

''(i) obligate over the 2 fiscal years following the fiscal year in which such determination is made for projects on high-risk rural roads an amount not less than 7.5 percent of the amounts apportioned to the State under section 104(b)(3) for fiscal year 2020; and

''(ii) include, in the subsequent update to the State strategic highway safety plan, strategies to reduce the fatality rate.

''(B) SOURCE OF FUNDS.—Any amounts obligated under subparagraph (A) shall be from amounts described under section 133(d)(1)(B).

''(C) ANNUAL DETERMINATION.—The determination described under subparagraph (A) shall be made on an annual basis.

''(D) CONSULTATION.—In carrying out a project with an amount obligated under subparagraph (A), a State shall consult with, as applicable, local governments, metropolitan planning organizations, and regional transportation planning organizations.'';

(B) in paragraph (2)—

(i) in the heading by striking ''DRIVERS'' and inserting ''ROAD USERS''; and

(ii) by striking ''address the increases in'' and inserting ''reduce''; and

(C) by adding at the end the following:

''(3) VULNERABLE ROAD USER SAFETY.—

''(A) IN GENERAL.—Beginning on the date of enactment of the INVEST in America Act, if a State determines that the number of vulnerable road user fatalities and serious injuries per capita in such State over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries per capita among all States, that State shall be required to obligate over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not less than 50 percent of the amount set aside in such State under section 133(h)(1) for fiscal year 2020, less any amounts obligated by a metropolitan planning organization in the State as required by subparagraph (D), for—

''(i) in the first fiscal year—

''(I) performing the vulnerable user safety assessment as prescribed by subsection (l);

''(II) providing matching funds for transportation alternatives safety project as identified in section 133(h)(7)(B); and

''(III) projects eligible under section 133(h)(3)(A), (B), (C), or (I); and

''(ii) in each fiscal year thereafter, the program of projects identified in subsection (l)(2)(C).

''(B) SOURCE OF FUNDS.—Any amounts obligated under subparagraph (A) shall be from amounts described in section 133(d)(1)(B).

''(C) ANNUAL DETERMINATION.—The determination described under subparagraph (A) shall be made on an annual basis.

''(D) METROPOLITAN PLANNING AREA WITH EXCESSIVE FATALITIES AND SERIOUS INJURIES PER CAPITA.—

''(i) ANNUAL DETERMINATION.—Beginning on the date of enactment of the INVEST in America Act, a metropolitan planning organization representing an urbanized area with a population greater than 200,000 shall annually determine the number of vulnerable user road fatalities and serious injuries per capita in such area over the most recent 2-year period.

''(ii) REQUIREMENT TO OBLIGATE FUNDS.—If such a metropolitan planning area organization determines that the number of vulnerable user road fatalities and serious injuries per capita in such area over the most recent 2-year period for which data are available exceeds the median number of such fatalities and serious injuries among all urbanized areas with a population of over 200,000, then there shall be obligated over the 2 fiscal years following the fiscal year in which such determination is made an amount that is not less than 50 percent of the amount set aside for that urbanized area under section 133(h)(2) for fiscal year 2020 for projects identified in the program of projects described in subsection (l)(7)(C).

''(E) SOURCE OF FUNDS.—

''(i) METROPOLITAN PLANNING ORGANIZATION IN STATE REQUIRED TO OBLIGATE FUNDS.—For a metropolitan planning organization in a State required to obligate funds to vulnerable user safety under subparagraph (A), the State shall be required to obligate from such amounts required to be obligated for vulnerable road user safety under subparagraph (B) for projects described in subsection (l)(7).

''(ii) OTHER METROPOLITAN PLANNING ORGANIZATIONS.—For a metropolitan planning organization that is not located within a State required to obligate funds to vulnerable user safety under subparagraph (A), the State shall be required to obligate from amounts apportioned under section 104(b)(3) for projects described in subsection (l)(7).'';

(6) in subsection (h)(1)(A) by inserting '', including any efforts to reduce vehicle speed'' after ''under this section''; and

(7) by adding at the end the following:

''(l) VULNERABLE ROAD USER SAFETY ASSESSMENT.—

''(1) IN GENERAL.—Not later than 1 year after date of enactment of the INVEST in America Act, each State shall create a vulnerable road user safety assessment.

''(2) CONTENTS.—A vulnerable road user safety assessment required under paragraph (1) shall include—

''(A) a description of the location within the State of each vulnerable road user fatality and serious injury and the design speed of the roadway at any such location;

''(B) a description of any corridors identified by a State, in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that pose a high risk of a vulnerable road user fatality or serious injury and the design speeds of such corridors; and

''(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B), in coordination with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under subparagraph (B).

''(3) ANALYSIS.—In creating a vulnerable road user safety assessment under this subsection, a State shall assess the last 5 years of available data.

''(4) REQUIREMENTS.—In creating a vulnerable road user safety assessment under this subsection, a State shall—

''(A) take into consideration a safe system approach; and

''(B) coordinate with local governments, metropolitan planning organizations, and regional transportation planning organizations that represent a high-risk area identified under paragraph (2)(B).

''(5) UPDATE.—A State shall update a vulnerable road user safety assessment on the same schedule as the State updates the State strategic highway safety plan.

''(6) TRANSPORTATION SYSTEM ACCESS.—The program of projects developed under paragraph (2)(C) may not degrade transportation system access for vulnerable road users.

''(7) METROPOLITAN PLANNING AREA ASSESSMENTS.—A metropolitan planning organization that represents an urbanized area with a population greater than 200,000 shall complete a vulnerable user safety assessment based on the most recent 5 years of available data, unless an assessment was completed in the previous five years, including

''(A) a description of the location within the urbanized area of each vulnerable road user fatality and serious injury and the design speed of the roadway at any such location;

''(B) a description of any corridors that represent a high-risk area identified under paragraph (2)(B) that pose a high risk of a vulnerable road user fatality or serious injury and the design speeds of such corridors; and

''(C) a program of projects or strategies to reduce safety risks to vulnerable road users in corridors identified under subparagraph (B).''.

(b) TECHNICAL AMENDMENT.—Section 148 of title 23, United States Code, is amended—

(1) in the heading for subsection (a)(8) by striking ''ROAD USERS'' and inserting ''ROAD USER''; and

(2) in subsection (i)(2)(D) by striking ''safety safety'' and inserting ''safety''.

(c) HIGH-RISK RURAL ROADS.—

(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall update the study described in paragraph (1) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(2) PUBLICATION OF REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish on the website of the Department of Transportation an updated report of the report described in paragraph (2) of section 1112(b) of MAP–21 (23 U.S.C. 148 note).

(3) BEST PRACTICES MANUAL.—Not later than 180 days after the date of submission of the report described in paragraph (2), the Secretary shall update the best practices manual described in section 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

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

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii) by striking ''subsection (h)'' and inserting ''subsection (i)'';

(B) in paragraph (7) by inserting ''shared micromobility (including bikesharing and shared scooter systems),'' after ''carsharing,'';

(C) in paragraph (8)(B) by striking ''; or'' and inserting a semicolon;

(D) in paragraph (9) by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(10) if the project or program mitigates seasonal or temporary traffic congestion from long-haul travel or tourism.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the heading by inserting '', HYDROGEN VEHICLE,'' after ''ELECTRIC VEHICLE'';

(ii) by inserting ''hydrogen or'' after ''charging stations or''; and

(iii) by inserting '', hydrogen-powered,'' after ''battery powered''; and

(B) in paragraph (3) by inserting '', and is consistent with section 166'' after ''travel times''; and

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

''(m) OPERATING ASSISTANCE.—

''(1) PROJECTS.—A State may obligate funds apportioned under section 104(b)(4) in an area of such State that is otherwise eligible for obligations of such funds for operating costs under chapter 53 of title 49 or on a system for which CMAQ funding was made available, obligated, or expended in fiscal year 2012, or, notwithstanding subsection (b), on a State-supported Amtrak route with a cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 or alternative cost allocation under section 24712(g)(3) of title 49.

''(2) TIME LIMITATION.—In determining the amount of time for which a State may obligate funds under paragraph (1) for operating assistance for an area of a State or on a system, the Secretary shall allow such obligations to occur, in such area or on such system—

''(A) with a time limitation of not less than 3 years; and

''(B) in the case of projects that demonstrate continued net air quality benefits beyond 3 years, as determined annually by the Secretary in consultation with the Administrator of the Environmental Protection Agency, with no imposed time limitation.''.

SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.

(a) ELECTRIC VEHICLE CHARGING STATIONS.—Chapter 1 of title 23, United States Code, is amended by inserting after section 154 the following new section:

''§ 155. Electric vehicle charging stations

''(a) IN GENERAL.—Any electric vehicle charging infrastructure funded under this title shall be subject to the requirements of this section.

''(b) INTEROPERABILITY.—

''(1) IN GENERAL.—Electric vehicle charging stations funded under this title shall provide, at a minimum, two of the following charging connector types at the location:

''(A) CCS.

''(B) CHAdeMO.

''(C) An alternative connector that meets applicable industry safety standards

''(2) SAVINGS CLAUSE.—Nothing in this subsection shall prevent the use of charging types other than the connectors described in paragraph (1) if, at a minimum, such connectors meet applicable industry safety standards and are compatible with a majority of electric vehicles in operation.

''(c) OPEN ACCESS TO PAYMENT.—Electric vehicle charging stations shall provide payment methods available to all members of the public to ensure secure, convenient, and equal access and shall not be limited by membership to a particular payment provider.

''(d) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, any project to install electric vehicle charging infrastructure shall be treated as if the project is located on a Federal-aid highway.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 154 the following new item:

''155. Electric vehicle charging stations.''.

(c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The Secretary of Transportation shall update the Manual on Uniform Traffic Control Devices to—

(1) ensure uniformity in providing road users direction to electric charging stations that are open to the public; and

(2) allow the use of Specific Service signs for electric vehicle charging station providers.

(d) AGREEMENTS RELATING TO THE USE AND ACCESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYSTEM.—Section 111 of title 23, United States Code, is amended by adding at the end the following:

''(f) INTERSTATE SYSTEM RIGHTS-OF WAY.—

''(1) IN GENERAL.—Notwithstanding subsections (a) or (b), the Secretary shall permit, consistent with section 155, the charging of electric vehicles on rights-of-way of the Interstate System in—

''(A) a rest area; or

''(B) a fringe or corridor parking facility, including a park and ride facility.

''(2) SAVINGS CLAUSE.—Nothing in this subsection shall permit commercial activities on rights-of-way of the Interstate System, except as necessary for the charging of electric vehicles in accordance with this subsection.''.

SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.

Section 167 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (6) by striking ''; and'' and inserting a semicolon; and

(B) by striking paragraph (7) and inserting the following:

''(7) to reduce the environmental impacts of freight movement on the National Highway Freight Network, including—

''(A) greenhouse gas emissions;

''(B) local air pollution;

''(C) minimizing, capturing, or treating stormwater runoff and addressing other adverse impacts to water quality; and

''(D) wildlife habitat loss; and

''(8) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors.'';

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

''(3) ADDITIONAL MILEAGE.—Notwithstanding paragraph (2), a State that has designated at least 90 percent of its maximum mileage described in paragraph (2) may designate up to an additional 150 miles of critical rural freight corridors.'';

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

''(5) ADDITIONAL MILEAGE.—Notwithstanding paragraph (4), a State that has designated at least 90 percent of its maximum mileage described in paragraph (4) may designate up to an additional 75 miles of critical urban freight corridors under paragraphs (1) and (2).'';

(4) in subsection (h) by striking ''Not later than'' and all that follows through ''shall prepare'' and inserting ''As part of the report required under section 503(b)(8), the Administrator shall biennially prepare'';

(5) in subsection (i)—

(A) by striking paragraphs (2) and (3);

(B) by amending paragraph (4) to read as follows:

''(4) FREIGHT PLANNING.—Notwithstanding any other provision of law, a State may not obligate funds apportioned to the State under section 104(b)(5) unless the State has developed, updated, or amended, as applicable, a freight plan in accordance with section 70202 of title 49.'';

(C) in paragraph (5)—

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

''(B) LIMITATION.—The Federal share of a project described in subparagraph (C)(xxiii) shall fund only elements of such project that provide public benefits.''; and

(ii) in subparagraph (C)—

(I) in clause (iii) by inserting ''and freight management and operations systems'' after ''freight transportation systems''; and

(II) by amending clause (xxiii) to read as follows:

''(xxiii) Freight intermodal or freight rail projects, including—

''(I) projects within the boundaries of public or private freight rail or water facilities (including ports);

''(II) projects that provide surface transportation infrastructure necessary to facilitate direct intermodal interchange, transfer, and access into or out of the facility; and

''(III) any other surface transportation project to improve the flow of freight into or out of a facility described in subclause (I) or (II).'';

(D) in paragraph (6) by striking ''paragraph (5)'' and inserting ''paragraph (3)''; and

(E) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (2), (3), (4), and (5), respectively; and

(6) in subsection (k)(1)(A)(ii) by striking ''ports-of entry'' and inserting ''ports-of-entry''.

SEC. 1213. CARBON POLLUTION REDUCTION.

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

''§ 171. Carbon pollution reduction

''(a) ESTABLISHMENT.—The Secretary shall establish a carbon pollution reduction program to support the reduction of greenhouse gas emissions from the surface transportation system.

''(b) ELIGIBLE PROJECTS.—A project is eligible for funding under this section if such project—

''(1) is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system;

''(2) will help a State meet the greenhouse gas emissions performance targets established under section 150(c)(7); and

''(3) is—

''(A) eligible for assistance under this title or under chapter 53 of title 49; or

''(B) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation, provided that the project will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

''(c) GUIDANCE.—The Secretary shall issue guidance on methods of determining the reduction of single occupant vehicle trips and improvement of mobility on public roads as those factors relate to intercity rail passenger transportation projects under subsection (b)(4).

''(d) OPERATING EXPENSES.—A State may use not more than 10 percent of the funds provided under section 104(b)(9) for the operating expenses of public transportation and passenger rail transportation projects.

''(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility and is consistent with section 166.

''(f) EVALUATION.—

''(1) IN GENERAL.—The Secretary shall annually evaluate the progress of each State in carrying out the program under this section by comparing the percent change in carbon dioxide emissions per capita on public roads in the State calculated as—

''(A) the annual carbon dioxide emissions per capita on public roads in the State for the most recent year for which there is data; divided by

''(B) the average annual carbon dioxide emissions per capita on public roads in the State in calendar years 2015 through 2019.

''(2) MEASURES.—In conducting the evaluation under paragraph (1), the Secretary shall—

''(A) prior to the effective date of the greenhouse gas performance measures under section 150(c)(7), use such data as are available, which may include data on motor fuels usage published by the Federal Highway Administration and information on emissions factors or coefficients published by the Energy Information Administration of the Department of Energy; and

''(B) following the effective date of the greenhouse gas performance measures under section 150(c)(7), use such measures.

''(g) PROGRESS REPORT.—The Secretary shall annually issue a carbon pollution reduction progress report, to be made publicly available on the website of the Department of Transportation, that includes—

''(1) the results of the evaluation under subsection (f) for each State; and

''(2) a ranking of all the States by the criteria under subsection (f), with the States that, for the year covered by such report, have the largest percentage reduction in annual carbon dioxide emissions per capita on public roads being ranked the highest.

''(h) HIGH-PERFORMING STATES.—

''(1) DESIGNATION.—For purposes of this section, each State that is 1 of the 15 highest ranked States, as determined under subsection (g)(2), and that achieves a reduction in carbon dioxide emissions per capita on public roads, as determined by the evaluation in subsection (f), shall be designated as a high-performing State for the following fiscal year.

''(2) USE OF FUNDS.—For each State that is designated as a high-performing State under paragraph (1)—

''(A) notwithstanding section 120, the State may use funds made available under this title to pay the non-Federal share of a project under this section during any year for which such State is designated as a high-performing State; and

''(B) notwithstanding section 126, the State may transfer up to 50 percent of funds apportioned under section 104(b)(9) to the program under section 104(b)(2) in any year for which such State is designated as a high-performing State.

''(3) TRANSFER.—For each State that is 1 of the 15 lowest ranked States, as determined under subsection (g)(2), the Secretary shall transfer 10 percent of the amount apportioned to the State under section 104(b)(2) in the fiscal year following the year in which the State is so ranked, not including amounts set aside under section 133(d)(1)(A) and under section 133(h) or 505(a), to the apportionment of the State under section 104(b)(9).

''(4) LIMITATION.—The Secretary shall not conduct a transfer under paragraph (3)—

''(A) until the first fiscal year following the effective date of greenhouse gas performance measures under section 150(c)(7); and

''(B) with respect to a State in any fiscal year following the year in which such State achieves a reduction in carbon dioxide emissions per capita on public roads in such year as determined by the evaluation under subsection (f).

''(i) REPORT.—Not later than 2 years after the date of enactment of this section and periodically thereafter, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall issue a report—

''(1) detailing, based on the best available science, what types of projects eligible for assistance under this section are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

''(2) detailing, based on the best available science, what types of projects eligible for assistance under this section are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

''171. Carbon pollution reduction.''.

(c) APPLICABILITY.—Subsection (b)(2) of section 171 of title 23, United States Code, as added by this section, shall apply to a State beginning on the first fiscal year following the fiscal year in which the State sets greenhouse gas performance targets under section 150(d) of title 23, United States Code.

SEC. 1214. RECREATIONAL TRAILS.

Section 206 of title 23, United States Code, is amended by adding at the end the following:

''(j) USE OF OTHER APPORTIONED FUNDS.—Funds apportioned to a State under section 104(b) that are obligated for recreational trails and related projects shall be administered as if such funds were made available for purposes described under this section.''.

SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 210 the following:

''§ 211. Safe routes to school program

''(a) PROGRAM.—The Secretary shall carry out a safe routes to school program for the benefit of children in primary, middle, and high schools.

''(b) PURPOSES.—The purposes of the program shall be—

''(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

''(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

''(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

''(c) USE OF FUNDS.—Amounts apportioned to a State under paragraphs (2) and (3) of section 104(b) may be used to carry out projects, programs, and other activities under this section.

''(d) ELIGIBLE ENTITIES.—Projects, programs, and activities funded under this section may be carried out by eligible entities described under section 133(h)(4)(B) that demonstrate an ability to meet the requirements of this section.

''(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

''(1) INFRASTRUCTURE-RELATED PROJECTS.—

''(A) IN GENERAL.—A State may obligate funds under this section for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

''(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

''(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—In addition to projects described in paragraph (1), a State may obligate funds under this section for noninfrastructure-related activities to encourage walking and bicycling to school, including—

''(A) public awareness campaigns and outreach to press and community leaders;

''(B) traffic education and enforcement in the vicinity of schools;

''(C) student sessions on bicycle and pedestrian safety, health, and environment;

''(D) programs that address personal safety; and

''(E) funding for training, volunteers, and managers of safe routes to school programs.

''(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under paragraphs (2) and (3) of section 104(b) shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

''(4) RURAL SCHOOL DISTRICT OUTREACH.—A coordinator described in paragraph (3) shall conduct outreach to ensure that rural school districts in the State are aware of such State's safe routes to school program and any funds authorized by this section.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project, program, or activity under this section shall be 100 percent.

''(g) CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary shall maintain a national safe routes to school clearinghouse to—

''(A) develop information and educational programs on safe routes to school; and

''(B) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

''(2) FUNDING.—The Secretary shall carry out this subsection using amounts authorized to be appropriated for administrative expenses under section 104(a).

''(h) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects carried out under this section shall be treated as projects on a Federal-aid highway under chapter 1 of this title.

''(i) DEFINITIONS.—In this section, the following definitions apply:

''(1) IN THE VICINITY OF SCHOOLS.—The term 'in the vicinity of schools' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

''(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—The term 'primary, middle, and high schools' means schools providing education from kindergarten through twelfth grade.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 1404 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1228–1230), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(2) ANALYSIS.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 210 the following:

''211. Safe routes to school program.''.

SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking ''104(b)(3)'' and inserting ''104(b)(4)''; and

(B) by striking ''a position'' and inserting ''at least one full-time positions'';

(2) in subsection (e) by striking ''bicycles'' and inserting ''pedestrians or bicyclists'' each place such term appears; and

(3) in subsection (j) by striking paragraph (2) and inserting the following:

''(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means mean a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than 750 watts that can safely share a bicycle transportation facility with other users of such facility and meets the requirements of one of the following three classes:

''(A) CLASS 1 ELECTRIC BICYCLE.—The term 'class 1 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

''(B) CLASS 2 ELECTRIC BICYCLE.—The term 'class 2 electric bicycle' means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

''(C) CLASS 3 ELECTRIC BICYCLE.—The term 'class 3 electric bicycle' means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.''.

Subtitle C—Project-Level Investments

SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended to read as follows:

''§ 117. Projects of national and regional significance

''(a) ESTABLISHMENT.—The Secretary shall establish a projects of national and regional significance program under which the Secretary may make grants to, and establish multiyear grant agreements with, eligible entities in accordance with this section.

''(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require.

''(c) GRANT AMOUNTS AND PROJECT COSTS.—

''(1) IN GENERAL.—Each grant made under this section—

''(A) shall be in an amount that is at least $25,000,000; and

''(B) shall be for a project that has eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

''(i) $100,000,000; or

''(ii) in the case of a project—

''(I) located in 1 State or territory, 30 percent of the amount apportioned under this chapter to the State or territory in the most recently completed fiscal year; or

''(II) located in more than 1 State or territory, 50 percent of the amount apportioned under this chapter to the participating State or territory with the largest apportionment under this chapter in the most recently completed fiscal year.

''(2) LARGE PROJECTS.—For a project that has eligible project costs that are reasonably anticipated to equal or exceed $500,000,000, a grant made under this section—

''(A) shall be in an amount sufficient to fully fund the project, or in the case of a public transportation project, a minimum operable segment, in combination with other funding sources, including non-Federal financial commitment, identified in the application; and

''(B) may be awarded pursuant to the process under subsection (d), as necessary based on the amount of the grant.

''(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE PROJECTS.—

''(1) IN GENERAL.—A large project that receives a grant under this section may be carried out through a multiyear grant agreement in accordance with this subsection.

''(2) REQUIREMENTS.—A multiyear grant agreement for a large project shall—

''(A) establish the terms of participation by the Federal Government in the project;

''(B) establish the amount of Federal financial assistance for the project;

''(C) establish a schedule of anticipated Federal obligations for the project that provides for obligation of the full grant amount by not later than 4 fiscal years after the fiscal year in which the initial amount is provided; and

''(D) determine the period of time for completing the project, even if such period extends beyond the period of an authorization.

''(3) SPECIAL RULES.—

''(A) IN GENERAL.—A multiyear grant agreement under this subsection—

''(i) shall obligate an amount of available budget authority specified in law; and

''(ii) may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

''(B) CONTINGENT COMMITMENT.—A contingent commitment under this subsection is not an obligation of the Federal Government under section 1501 of title 31.

''(C) INTEREST AND OTHER FINANCING COSTS.—

''(i) IN GENERAL.—Interest and other financing costs of carrying out a part of the project within a reasonable time shall be considered a cost of carrying out the project under a multiyear grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing.

''(ii) CERTIFICATION.—The applicant shall certify to the Secretary that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(4) ADVANCE PAYMENT.—An eligible entity carrying out a large project under a multiyear grant agreement—

''(A) may use funds made available to the eligible entity under this title or title 49 for eligible project costs of the large project; and

''(B) shall be reimbursed, at the option of the eligible entity, for such expenditures from the amount made available under the multiyear grant agreement for the project in that fiscal year or a subsequent fiscal year.

''(e) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—The Secretary may make a grant under this section only for a project that is a project eligible for assistance under this title or chapter 53 of title 49 and is—

''(A) a bridge project carried out on the National Highway System, or that is eligible to be carried out under section 165;

''(B) a project to improve person throughput that is—

''(i) a highway project carried out on the National Highway System, or that is eligible to be carried out under section 165;

''(ii) a public transportation project; or

''(iii) a capital project, as such term is defined in section 22906 of title 49, to improve intercity rail passenger transportation; or

''(C) a project to improve freight throughput that is—

''(i) a highway freight project carried out on the National Highway Freight Network established under section 167 or on the National Highway System;

''(ii) a freight intermodal, freight rail, or railway-highway grade crossing or grade separation project; or

''(iii) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility and that is a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility.

''(2) LIMITATION.—

''(A) CERTAIN FREIGHT PROJECTS.—Projects described in clauses (ii) and (iii) of paragraph (1)(C) may receive a grant under this section only if—

''(i) the project will make a significant improvement to the movement of freight on the National Highway System; and

''(ii) the Federal share of the project funds only elements of the project that provide public benefits.

''(B) CERTAIN PROJECTS FOR PERSON THROUGHPUT.—Projects described in clauses (ii) and (iii) of paragraph (1)(B) may receive a grant under this section only if the project will make a significant improvement in mobility on public roads.

''(f) ELIGIBLE PROJECT COSTS.—An eligible entity receiving a grant under this section may use such grant for—

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

''(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements directly related to improving system performance.

''(g) PROJECT REQUIREMENTS.—The Secretary may select a project described under this section for funding under this section only if the Secretary determines that the project—

''(1) generates significant regional or national economic, mobility, safety, resilience, or environmental benefits;

''(2) is cost effective;

''(3) is based on the results of preliminary engineering;

''(4) has secured or will secure acceptable levels of non-Federal financial commitments, including—

''(A) 1 or more stable and dependable sources of funding and financing to construct, maintain, and operate the project; and

''(B) contingency amounts to cover unanticipated cost increases;

''(5) cannot be easily and efficiently completed without additional Federal funding or financial assistance available to the project sponsor, beyond existing Federal apportionments; and

''(6) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project.

''(h) MERIT CRITERIA AND CONSIDERATIONS.—

''(1) MERIT CRITERIA.—In awarding a grant under this section, the Secretary shall evaluate the following merit criteria:

''(A) The extent to which the project supports achieving a state of good repair.

''(B) The level of benefits the project is expected to generate, including—

''(i) the costs avoided by the prevention of closure or reduced use of the asset to be improved by the project;

''(ii) reductions in maintenance costs over the life of the asset;

''(iii) safety benefits, including the reduction of accidents and related costs;

''(iv) improved person or freight throughput, including congestion reduction and reliability improvements;

''(v) national and regional economic benefits;

''(vi) resilience benefits;

''(vii) environmental benefits, including reduction in greenhouse gas emissions and air quality benefits; and

''(viii) benefits to all users of the project, including pedestrian, bicycle, nonvehicular, railroad, and public transportation users.

''(C) How the benefits compare to the costs of the project.

''(D) The average number of people or volume of freight, as applicable, supported by the project, including visitors based on travel and tourism.

''(2) ADDITIONAL CONSIDERATIONS.—In awarding a grant under this section, the Secretary shall also consider the following:

''(A) Whether the project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents.

''(B) Whether the project uses innovative technologies, innovative design and construction techniques, or pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes and, if so, the degree to which such technologies, techniques, or materials are used.

''(C) Whether the project improves connectivity between modes of transportation moving people or goods in the Nation or region.

''(D) Whether the project provides new or improved connections between at least 2 metropolitan areas with a population of at least 500,000.

''(i) PROJECT SELECTION.—

''(1) EVALUATION.—To evaluate applications for funding under this section, the Secretary shall—

''(A) determine whether a project is eligible for a grant under this section;

''(B) evaluate, through a methodology that is discernible and transparent to the public, how each application addresses the merit criteria pursuant to subsection (h);

''(C) assign a quality rating for each merit criteria for each application based on the evaluation in subparagraph (B);

''(D) ensure that applications receive final consideration by the Secretary to receive an award under this section only on the basis of such quality ratings and that the Secretary gives final consideration only to applications that meet the minimally acceptable level for each of the merit criteria; and

''(E) award grants only to projects rated highly under the evaluation and rating process.

''(2) CONSIDERATIONS FOR LARGE PROJECTS.—In awarding a grant for a large project, the Secretary shall—

''(A) consider the amount of funds available in future fiscal years for the program under this section; and

''(B) assume the availability of funds in future fiscal years for the program that extend beyond the period of authorization based on the amount made available for the program in the last fiscal year of the period of authorization.

''(3) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure geographic diversity and a balance between rural and urban communities among grant recipients over fiscal years 2022 through 2025.

''(4) PUBLICATION OF METHODOLOGY.—

''(A) IN GENERAL.—Prior to the issuance of any notice of funding opportunity for grants under this section, the Secretary shall publish and make publicly available on the Department's website—

''(i) a detailed explanation of the merit criteria developed under subsection (h);

''(ii) a description of the evaluation process under this subsection; and

''(iii) how the Secretary shall determine whether a project satisfies each of the requirements under subsection (g).

''(B) UPDATES.—The Secretary shall update and make publicly available on the website of the Department of Transportation such information at any time a revision to the information described in subparagraph (A) is made.

''(C) INFORMATION REQUIRED.—The Secretary shall include in the published notice of funding opportunity for a grant under this section detailed information on the rating methodology and merit criteria to be used to evaluate applications, or a reference to the information on the website of the Department of Transportation, as required by subparagraph (A).

''(j) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this section may not exceed 60 percent.

''(2) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a grant under this section may be used to satisfy the non-Federal share of the cost of a project for which such a grant is made, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

''(k) TREATMENT OF PROJECTS.—

''(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

''(A) the requirements of this title to a highway project;

''(B) the requirements of chapter 53 of title 49 to a public transportation project; and

''(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

''(2) MULTIMODAL PROJECTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

''(i) determine the predominant modal component of the project; and

''(ii) apply the applicable requirements of such predominant modal component to the project.

''(B) EXCEPTIONS.—

''(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

''(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

''(C) BUY AMERICA.—In applying the Buy American requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

''(i) consider the various modal components of the project; and

''(ii) seek to maximize domestic jobs.

''(3) FEDERAL-AID HIGHWAY REQUIREMENTS.—Notwithstanding any other provision of this subsection, the Secretary shall require recipients of grants under this section to comply with subsection (a) of section 113 with respect to public transportation projects, passenger rail projects, and freight rail projects, in the same manner that recipients of grants are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

''(l) TIFIA PROGRAM.—At the request of an eligible entity under this section, the Secretary may use amounts awarded to the entity to pay subsidy and administrative costs necessary to provide the entity Federal credit assistance under chapter 6 with respect to the project for which the grant was awarded.

''(m) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may use up to $5,000,000 for the costs of administering the program under this section.

''(n) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 to provide technical assistance to eligible entities.

''(o) CONGRESSIONAL REVIEW.—

''(1) NOTIFICATION.—Not less than 60 days before making an award under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate—

''(A) a list of all applications determined to be eligible for a grant by the Secretary;

''(B) the quality ratings assigned to each application pursuant to subsection (i);

''(C) a list of applications that received final consideration by the Secretary to receive an award under this section;

''(D) each application proposed to be selected for a grant award;

''(E) proposed grant amounts, including for each new multiyear grant agreement, the proposed payout schedule for the project; and

''(F) an analysis of the impacts of any large projects proposed to be selected on existing commitments and anticipated funding levels for the next 4 fiscal years, based on information available to the Secretary at the time of the report.

''(2) COMMITTEE REVIEW.—Before the last day of the 60-day period described in paragraph (1), each Committee described in paragraph (1) shall review the Secretary's list of proposed projects.

''(3) CONGRESSIONAL DISAPPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this section if a joint resolution is enacted disapproving funding for the project before the last day of the 60-day period described in paragraph (1).

''(p) TRANSPARENCY.—

''(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

''(A) a summary of each application made to the program for the grant application period; and

''(B) the evaluation and justification for the project selection, including ratings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

''(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

''(q) DEFINITIONS.—In this section:

''(1) AREAS OF PERSISTENT POVERTY.—The term 'areas of persistent poverty' has the meaning given such term in section 172(l).

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

''(A) a State or a group of States;

''(B) a unit of local government, including a metropolitan planning organization, or a group of local governments;

''(C) a political subdivision of a State or local government;

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

''(E) a Tribal government or a consortium of Tribal governments;

''(F) a Federal agency eligible to receive funds under section 201, 203, or 204 that applies jointly with a State or group of States;

''(G) a territory; and

''(H) a multistate or multijurisdictional group of entities described in this paragraph.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 117 and inserting the following:

''117. Projects of national and regional significance.''.

SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT GRANT PROGRAM.

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

''§ 173. Community transportation investment grant program

''(a) ESTABLISHMENT.—The Secretary shall establish a community transportation investment grant program to improve surface transportation safety, state of good repair, accessibility, and environmental quality through infrastructure investments.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—In carrying out the program established under subsection (a), the Secretary shall make grants, on a competitive basis, to eligible entities in accordance with this section.

''(2) GRANT AMOUNT.—The maximum amount of a grant under this section shall be $25,000,000.

''(c) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

''(d) ELIGIBLE PROJECT COSTS.—Grant amounts for an eligible project carried out under this section may be used for—

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

''(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to such land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

''(e) RURAL AND COMMUNITY SETASIDES.—

''(1) IN GENERAL.—The Secretary shall reserve—

''(A) not less than 25 percent of the amounts made available to carry out this section for projects located in rural areas; and

''(B) not less than 25 percent of the amounts made available to carry out this section for projects located in urbanized areas with a population greater than 49,999 individuals and fewer than 200,001 individuals.

''(2) DEFINITION OF RURAL AREA.—In this subsection, the term 'rural area' means all areas of a State or territory not included in urbanized areas.

''(3) EXCESS FUNDING.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

''(f) EVALUATION.—To evaluate applications under this section, the Secretary shall—

''(1) develop a process to objectively evaluate applications on the benefits of the project proposed in such application—

''(A) to transportation safety, including reductions in traffic fatalities and serious injuries;

''(B) to state of good repair, including improved condition of bridges and pavements;

''(C) to transportation system access, including improved access to jobs and services; and

''(D) in reducing greenhouse gas emissions;

''(2) develop a rating system to assign a numeric value to each application, based on each of the criteria described in paragraph (1);

''(3) for each application submitted, compare the total benefits of the proposed project, as determined by the rating system developed under paragraph (2), with the costs of such project, and rank each application based on the results of the comparison; and

''(4) ensure that only such applications that are ranked highly based on the results of the comparison conducted under paragraph (3) are considered to receive a grant under this section.

''(g) WEIGHTING.—In establishing the evaluation process under subsection (f), the Secretary may assign different weights to the criteria described in subsection (f)(1) based on project type, population served by a project, and other context-sensitive considerations, provided that—

''(1) each application is rated on all criteria described in subsection (f)(1); and

''(2) each application has the same possible minimum and maximum rating, regardless of any differences in the weighting of criteria.

''(h) TRANSPARENCY.—

''(1) PUBLICLY AVAILABLE INFORMATION.—Prior to the issuance of any notice of funding opportunity under this section, the Secretary shall make publicly available on the website of the Department of Transportation a detailed explanation of the evaluation and rating process developed under subsection (f), including any differences in the weighting of criteria pursuant to subsection (g), if applicable, and update such

website for each revision of the evaluation and rating process.

''(2) NOTIFICATIONS TO CONGRESS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate the following written notifications:

''(A) A notification when the Secretary publishes or updates the information required under paragraph (1).

''(B) Not later than 30 days prior to the date on which the Secretary awards a grant under this section, a notification that includes—

''(i) the ratings of each application submitted pursuant to subsection (f)(2);

''(ii) the ranking of each application submitted pursuant to subsection (f)(3); and

''(iii) a list of all applications that receive final consideration by the Secretary to receive an award under this section pursuant to subsection (f)(4).

''(C) Not later than 3 business days prior to the date on which the Secretary announces the award of a grant under this section, a notification describing each grant to be awarded, including the amount and the recipient.

''(i) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out this section, the Secretary may reserve up to $3,000,000 to provide technical assistance to eligible entities.

''(j) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may reserve up to $5,000,000 for the administrative costs of carrying out the program under this section.

''(k) TREATMENT OF PROJECTS.—

''(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

''(A) the requirements of this title to a highway project;

''(B) the requirements of chapter 53 of title 49 to a public transportation project; and

''(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

''(2) MULTIMODAL PROJECTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

''(i) determine the predominant modal component of the project; and

''(ii) apply the applicable requirements of such predominant modal component to the project.

''(B) EXCEPTIONS.—

''(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

''(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

''(C) BUY AMERICA.—In applying the Buy American requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

''(i) consider the various modal components of the project; and

''(ii) seek to maximize domestic jobs.

''(3) FEDERAL-AID HIGHWAY REQUIREMENTS.—Notwithstanding any other provision of this subsection, the Secretary shall require recipients of grants under this section to comply with subsection (a) of section 113 with respect to public transportation projects, passenger rail projects, and freight rail projects, in the same manner that recipients of grants are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

''(l) TRANSPARENCY.—

''(1) IN GENERAL.—Not later than 30 days after awarding a grant for a project under this section, the Secretary shall send to all applicants, and publish on the website of the Department of Transportation—

''(A) a summary of each application made to the program for the grant application period; and

''(B) the evaluation and justification for the project selection, including ratings and rankings assigned to all applications and a list of applications that received final consideration by the Secretary to receive an award under this section, for the grant application period.

''(2) BRIEFING.—The Secretary shall provide, at the request of a grant applicant under this section, the opportunity to receive a briefing to explain any reasons the grant applicant was not awarded a grant.

''(m) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a metropolitan planning organization;

''(B) a unit of local government;

''(C) a transit agency;

''(D) a Tribal Government or a consortium of Tribal governments;

''(E) a multijurisdictional group of entities described in this paragraph;

''(F) a special purpose district with a transportation function or a port authority;

''(G) a territory; or

''(H) a State that applies for a grant under this section jointly with an entity described in subparagraphs (A) through (G).

''(2) ELIGIBLE PROJECT.—The term 'eligible project' means any project eligible under this title or chapter 53 of title 49.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following new item:

''173. Community transportation investment grant program.''.

SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRASTRUCTURE TO MODERNIZE AND RECONNECT AMERICA FOR THE 21ST CENTURY.

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

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

(1) in subsection (a) by striking ''Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall'' and inserting ''The Secretary shall periodically'';

(2) in subsection (b)(2) by inserting ''previously designated by the Federal Highway Administration or'' after ''fueling corridors'';

(3) in subsection (d)—

(A) by striking ''5 years after the date of establishment of the corridors under subsection (a), and every 5 years thereafter'' and inserting ''180 days after the date of enactment of the INVEST in America Act''; and

(B) by inserting ''establish a recurring process to regularly'' after ''the Secretary shall'';

(4) in subsection (e)—

(A) in paragraph (1) by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2)—

(i) by striking ''establishes an aspirational goal of achieving'' and inserting ''describes efforts to achieve''; and

(ii) by striking ''by the end of fiscal year 2020.'' and inserting a semicolon; and

(C) by adding at the end the following:

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

''(4) summarizes the progress and implementation of the grant program under subsection (f), including—

''(A) a description of how funds awarded through the grant program under subsection (f) will aid efforts to achieve strategic deployment of electric vehicle charging infrastructure, natural gas fueling, propane fueling, and hydrogen fueling infrastructure in those corridors;

''(B) the total number and location of charging and fueling stations installed under subsection (f); and

''(C) the total estimated greenhouse gas emissions that have been reduced through the use of electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure funded under subsection (f) using the methodology identified in paragraph (3)(B).''; and

(5) by adding at the end the following:

''(f) ELECTRIC VEHICLE CHARGING, NATURAL GAS FUELING, PROPANE FUELING, AND HYDROGEN FUELING INFRASTRUCTURE GRANTS.—

''(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall establish a grant program to award grants to eligible entities for electric vehicle charging, natural gas fueling, propane fueling, and hydrogen fueling infrastructure projects.

''(2) ELIGIBLE ENTITY.—An entity eligible to receive a grant under this subsection is—

''(A) a State (as such term is defined in section 401) or political subdivision of a State;

''(B) a metropolitan planning organization;

''(C) a unit of local government;

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

''(E) a Tribal government;

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

''(G) a group of entities described in subparagraphs (A) through (F).

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

''(A) a description of—

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

''(I) charging or fueling connector types;

''(II) publicly available information on real-time availability; and

''(III) payment methods available to all members of the public to ensure secure, convenient, fair, and equal access and not limited by membership to a particular provider;

''(ii) collaborative engagement with the entity with jurisdiction over the roadway and any other relevant stakeholders (including automobile manufacturers, utilities, infrastructure providers, technology providers, electric charging, natural gas, propane, and hydrogen fuel providers, metropolitan planning organizations, States, Indian Tribes, units of local government, fleet owners, fleet managers, fuel station owners and operators, labor organizations, infrastructure construction and component parts suppliers, and multistate and regional entities)—

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

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

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

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

''(iii) the location of the station or fueling site, including consideration of—

''(I) the availability of onsite amenities for vehicle operators, including restrooms or food facilities;

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

''(III) height and fueling capacity requirements for facilities that charge or refuel large vehicles, including semitrailer trucks; and

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

''(iv) infrastructure installation that can be responsive to technology advancements, including accommodating autonomous vehicles and future charging methods;

''(v) the long-term operation and maintenance of the electric vehicle charging or hydrogen fueling infrastructure to avoid stranded assets and protect the investment of public funds in such infrastructure; and

''(vi) in the case of an applicant that is not a State department of transportation, the degree of coordination with the applicable State department of transportation; and

''(B) an assessment of the estimated greenhouse gas emissions and air pollution from vehicle emissions that will be reduced through the use of electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure, which shall be conducted using one standardized methodology or tool as determined by the Secretary.

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

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

''(i) reduce estimated greenhouse gas emissions and air pollution from vehicle emissions, weighted by the total Federal investment in the project;

''(ii) improve alternative fueling corridor networks by—

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

''(II) in the case of corridor-ready corridors, providing additional capacity—

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

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

''(iii) meet current or anticipated market demands for charging or fueling infrastructure;

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

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

''(vi) reduce greenhouse gas emissions in established goods-movement corridors, locations serving first- and last-mile freight near ports and freight hubs, and locations that optimize infrastructure networks and reduce hazardous air pollutants in communities disproportionately impacted by such pollutants; and

''(B) ensure, to the maximum extent practicable, geographic diversity among grant recipients to ensure that electric vehicle charging infrastructure or hydrogen fueling infrastructure is available throughout the United States.

''(5) USE OF FUNDS.—

''(A) IN GENERAL.—Any grant made under this subsection shall be—

''(i) directly related to the charging or fueling of a vehicle; and

''(ii) only for charging or fueling infrastructure that is open to the general public.

''(B) LOCATION OF INFRASTRUCTURE.—

''(i) IN GENERAL.—Any electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure acquired and installed with a grant under this subsection shall be located along an alternative fuel corridor designated under this section or by a State or group of States.

''(ii) EXCEPTION.—Notwithstanding clause (i), the Secretary may make a grant for electric vehicle charging or hydrogen fueling infrastructure not on a designated alternative fuel corridor if the applicant demonstrates that the proposed charging or fueling infrastructure would expand deployment of electric vehicle charging or hydrogen fueling to a greater number of users than investments on such corridor.

''(C) OPERATING ASSISTANCE.—

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

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

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

''(D) SIGNS.—

''(i) IN GENERAL.—Subject to this paragraph and paragraph (6)(B), an eligible entity that receives a grant under this subsection may use a portion of the funds to acquire and install—

''(I) traffic control devices located in the right-of-way to provide directional information to electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure acquired, installed, or operated with the grant under this subsection; and

''(II) on-premises signs to provide information about electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure acquired, installed, or operated with a grant under this subsection.

''(ii) REQUIREMENT.—Any traffic control device or on-premises sign acquired, installed, or operated with a grant under this subsection shall comply with the Manual on Uniform Traffic Control Devices, if located in the highway right-of-way.

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

''(F) PRIVATE ENTITY.—

''(i) IN GENERAL.—An eligible entity receiving a grant under this subsection may use the funds in accordance with this paragraph to contract with a private entity for installation, operation, or maintenance of electric vehicle charging, natural gas fueling, propane fueling, or hydrogen fueling infrastructure.

''(ii) INCLUSION.—An eligible private entity includes privately, publicly, or cooperatively owned utilities, private electric vehicle service equipment and hydrogen fueling infrastructure providers, and retail fuel stations.

''(6) PROJECT REQUIREMENTS.—

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

''(B) ELECTRIC VEHICLE CHARGING PROJECTS.—A project for electric vehicle charging infrastructure funded by a grant under this subsection shall be subject to the requirements of section 155.

''(7) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall not exceed 80 percent of the total project cost.''.

SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, as amended by this title, is further amended by inserting after section 171 the following:

''§ 172. Community climate innovation grants

''(a) ESTABLISHMENT.—The Secretary shall establish a community climate innovation grant program (in this section referred to as the 'Program') to make grants, on a competitive basis, for locally selected projects that reduce greenhouse gas emissions while improving the mobility, accessibility, and connectivity of the surface transportation system.

''(b) PURPOSE.—The purpose of the Program shall be to support communities in reducing greenhouse gas emissions from the surface transportation system.

''(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under the Program to the following entities:

''(1) A metropolitan planning organization.

''(2) A unit of local government or a group of local governments, or a county or multi-county special district.

''(3) A subdivision of a local government.

''(4) A transit agency.

''(5) A special purpose district with a transportation function or a port authority.

''(6) A Tribal government or a consortium of tribal governments.

''(7) A territory.

''(8) A multijurisdictional group of entities described in paragraphs (1) through (7).

''(d) APPLICATIONS.—To be eligible for a grant under the Program, an entity specified in subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

''(e) ELIGIBLE PROJECTS.—The Secretary may only provide a grant under the Program for a project that is expected to yield a significant reduction in greenhouse gas emissions from the surface transportation system and—

''(1) is a project eligible for assistance under this title or under chapter 53 of title 49 or supports fueling infrastructure for fuels defined under section 9001(5) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(5)); or

''(2) is a capital project as defined in section 22906 of title 49 to improve intercity passenger rail that will yield a significant reduction in single occupant vehicle trips and improve mobility on public roads.

''(f) ELIGIBLE USES.—Grant amounts received for a project under the Program may be used for—

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

''(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

''(g) PROJECT PRIORITIZATION.—In making grants for projects under the Program, the Secretary shall give priority to projects that are expected to yield the most significant reductions in greenhouse gas emissions from the surface transportation system.

''(h) ADDITIONAL CONSIDERATIONS.—In making grants for projects under the Program, the Secretary shall consider the extent to which—

''(1) a project maximizes greenhouse gas reductions in a cost-effective manner;

''(2) a project reduces dependence on single-occupant vehicle trips or provides additional transportation options;

''(3) a project improves the connectivity and accessibility of the surface transportation system, particularly to low- and zero-emission forms of transportation, including public transportation, walking, and bicycling;

''(4) an applicant has adequately considered or will adequately consider, including through the opportunity for public comment, the environmental justice and equity impacts of the project;

''(5) a project contributes to geographic diversity among grant recipients, including to achieve a balance between urban, suburban, and rural communities;

''(6) a project serves low-income residents of low-income communities, including areas of persistent poverty, while not displacing such residents;

''(7) a project uses pavement materials that demonstrate reductions in greenhouse gas emissions through sequestration or innovative manufacturing processes;

''(8) a project repurposes neglected or underused infrastructure, including abandoned highways, bridges, railways, trail ways, and adjacent underused spaces, into new hybrid forms of public space that support multiple modes of transportation; and

''(9) a project includes regional multimodal transportation system management and operations elements that will improve the effectiveness of such project and encourage reduction of single occupancy trips by providing the ability of users to plan, use, and pay for multimodal transportation alternatives.

''(i) FUNDING.—

''(1) MAXIMUM AMOUNT.—The maximum amount of a grant under the Program shall be $25,000,000.

''(2) TECHNICAL ASSISTANCE.—Of the amounts made available to carry out the Program, the Secretary may use up to 1 percent to provide technical assistance to applicants and potential applicants.

''(j) TREATMENT OF PROJECTS.—

''(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

''(A) the requirements of this title to a highway project;

''(B) the requirements of chapter 53 of title 49 to a public transportation project; and

''(C) the requirements of section 22905 of title 49 to a passenger rail or freight rail project.

''(2) MULTIMODAL PROJECTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

''(i) determine the predominant modal component of the project; and

''(ii) apply the applicable requirements of such predominant modal component to the project.

''(B) EXCEPTIONS.—

''(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49 shall apply.

''(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49 shall apply.

''(C) BUY AMERICA.—In applying the Buy American requirements under section 313 of this title and sections 5320, 22905(a), and 24305(f) of title 49 to a multimodal project under this paragraph, the Secretary shall—

''(i) consider the various modal components of the project; and

''(ii) seek to maximize domestic jobs.

''(3) FEDERAL-AID HIGHWAY REQUIREMENTS.—Notwithstanding any other provision of this subsection, the Secretary shall require recipients of grants under this section to comply with subsection (a) of section 113 with respect to public transportation projects, passenger rail projects, and freight rail projects, in the same manner that recipients of grants are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

''(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FACILITIES.—None of the funds provided under this section may be used for a project that will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high-occupancy vehicle facility and is consistent with section 166.

''(l) DEFINITION OF AREAS OF PERSISTENT POVERTY.—In this section, the term 'areas of persistent poverty' means—

''(1) any county that has had 20 percent or more of the population of such county living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

''(2) any census tract with a poverty rate of at least 20 percent, as measured by the most recent 5-year data series available from the American Community Survey of the Bureau of the Census for all States and Puerto Rico; or

''(3) any other territory or possession of the United States that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 island areas decennial censuses, or equivalent data, of the Bureau of the Census.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 171 the following:

''172. Community climate innovation grants.''.

SEC. 1305. METRO PERFORMANCE PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall directly allocate funds in accordance with this section to enhance local decision making and control in delivering projects to address local transportation needs.

(b) DESIGNATION.—

(1) IN GENERAL.—The Secretary shall designate direct recipients based on the criteria in paragraph (3) to be direct recipients of funds under this section.

(2) RESPONSIBILITIES.—A direct recipient shall be responsible for compliance with any requirements related to the use of Federal funds vested in a State department of transportation under chapter 1 of title 23, United States Code.

(3) CRITERIA.—In designating an applicant under this subsection, the Secretary shall consider—

(A) the legal, financial, and technical capacity of the applicant;

(B) the level of coordination between the applicant and—

(i) the State department of transportation of the State or States in which the metropolitan planning area represented by the applicant is located;

(ii) local governments and providers of public transportation within the metropolitan planning area represented by the applicant; and

(iii) if more than 1 metropolitan planning organization is designated within an urbanized area represented by the applicant, any other such metropolitan planning organization;

(C) in the case of an applicant that represents an urbanized area population of greater than 200,000, the effectiveness of project delivery and timely obligation of funds made available under section 133(d)(1)(A)(i) of title 23, United States Code;

(D) if the applicant or a local government within the metropolitan planning area that the applicant represents has been the recipient of a discretionary grant from the Secretary within the preceding 5 years, the administration of such grant;

(E) the extent to which the planning and decision making process of the applicant, including the long-range transportation plan and the approved transportation improvement program under section 134 of such title, support—

(i) the performance goals established under section 150(b) of such title; and

(ii) the achievement of metropolitan or statewide performance targets established under section 150(d) of such title;

(F) whether the applicant is a designated recipient of funds from the Federal Transit Administration as described under subsections (A) and (B) of section 5302(4) of title 49, United States Code; and

(G) any other criteria established by the Secretary.

(4) REQUIREMENTS.—

(A) CALL FOR NOMINATION.—Not later than February 1, 2022, the Secretary shall publish in the Federal Register a notice soliciting applications for designation under this subsection.

(B) GUIDANCE.—The notification under paragraph (1) shall include guidance on the requirements and responsibilities of a direct recipient under this section, including implementing regulations.

(C) DETERMINATION.—The Secretary shall make all designations under this section for fiscal year 2023 not later than June 1, 2022.

(5) TERM.—Except as provided in paragraph (6), a designation under this subsection shall—

(A) be for a period of not less than 5 years; and

(B) be renewable.

(6) TERMINATION.—

(A) IN GENERAL.—The Secretary shall establish procedures for the termination of a designation under this subsection.

(B) CONSIDERATIONS.—In establishing procedures under subparagraph (A), the Secretary shall consider—

(i) with respect to projects carried out under this section, compliance with the requirements of title 23, United States Code, or chapter 53 of title 49, United States Code; and

(ii) the obligation rate of any funds—

(I) made available under this section; and

(II) in the case of a metropolitan planning organization that represents a metropolitan planning area with an urbanized area population of greater than 200,000, made available under section 133(d)(1)(A)(i) of title 23, United States Code.

(c) USE OF FUNDS.—

(1) ELIGIBLE PROJECTS.—Funds made available under this section may be obligated for the purposes described in section 133(b) of title 23, United States Code.

(2) ADMINISTRATIVE EXPENSES AND TECHNICAL ASSISTANCE.—Of the amounts made available under this section, the Secretary may set aside not more than $5,000,000 for program management, oversight, and technical assistance to direct recipients.

(d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

(1) DIRECT AVAILABILITY OF FUNDS.—Notwithstanding title 23, United States Code, the amounts made available under this section shall be allocated to each direct recipient for obligation.

(2) PROJECT DELIVERY.—

(A) IN GENERAL.—The direct recipient may collaborate with a State, unit of local government, regional entity, or transit agency to carry out a project under this section and ensure compliance with all applicable Federal requirements.

(B) STATE AUTHORITY.—The State may exercise, on behalf of the direct recipient, any available decisionmaking authorities or actions assumed from the Secretary.

(C) USE OF FUNDS.—The direct recipient may use amounts made available under this section to compensate a State, unit of local government, regional entity, or transit agency for costs incurred in providing assistance under this paragraph.

(3) DISTRIBUTION OF AMOUNTS AMONG DIRECT RECIPIENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), on the first day of the fiscal year for which funds are made available under this section, the Secretary shall allocate such funds to each direct recipient as the proportion of the population (as determined by data collected by the

Bureau of the Census) of the urbanized area represented by any 1 direct recipient bears to the total population of all of urbanized areas represented by all direct recipients.

(B) MINIMUM AND MAXIMUM AMOUNTS.—Of funds allocated to direct recipients under subparagraph (A), each direct recipient shall receive not less than $10,000,000 and not more than $50,000,000 each fiscal year.

(C) MINIMUM GUARANTEED AMOUNT.—In making a determination whether to designate a metropolitan planning organization as a direct recipient under subsection (b), the Secretary shall ensure that each direct recipient receives the minimum required allocation under subparagraph (B).

(D) ADDITIONAL AMOUNTS.—If any amounts remain undistributed after the distribution described in this subsection, such remaining amounts and an associated amount of obligation limitation shall be made available as if suballocated under clauses (i) and (ii) of section 133(d)(1)(A) of title 23, United States Code, and distributed among the States in the proportion that the relative shares of the population (as determined by data collected by the Bureau of the Census) of the urbanized areas of each State bears to the total populations of all urbanized areas across all States.

(4) ASSUMPTION OF RESPONSIBILITY OF THE SECRETARY.—

(A) IN GENERAL.—For projects carried out with funds provided under this section, the direct recipient may assume the responsibilities of the Secretary under section 106 of title 23, United States Code, for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate.

(B) AGREEMENT.—The Secretary and the direct recipient shall enter into an agreement relating to the extent to which the direct recipient assumes the responsibilities of the Secretary under this paragraph.

(C) LIMITATIONS.—The Secretary shall retain responsibilities described in subparagraph (A) for any project that the Secretary determines to be in a high-risk category, including projects on the National Highway System.

(e) EXPENDITURE OF FUNDS.—

(1) CONSISTENCY WITH METROPOLITAN PLANNING.—Except as otherwise provided in this section, programming and expenditure of funds for projects under this section shall be consistent with the requirements of section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

(2) SELECTION OF PROJECTS.—

(A) IN GENERAL.—Notwithstanding subsections (j)(5) and (k)(4) of section 134 of title 23, United States Code, or subsections (j)(5) and (k)(4) of section 5303 of title 49, United States Code, a direct recipient shall select, from the approved transportation improvement program under such sections, all projects to be funded under this section, including projects on the National Highway System.

(B) ELIGIBLE PROJECTS.—The project selection process described in this subsection shall apply to all federally funded projects within the boundaries of a metropolitan planning area served by a direct recipient that are carried out under this section.

(C) CONSULTATION REQUIRED.—In selecting a project under this subsection, the metropolitan planning organization shall consult with—

(i) in the case of a highway project, the State and locality in which such project is located; and

(ii) in the case of a transit project, any affected public transportation operator.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a direct recipient to partner with a State department of transportation or other recipient of Federal funds under title 23, United States Code, or chapter 53 of title 49, United States Code, to carry out a project.

(f) TREATMENT OF FUNDS.—

(1) IN GENERAL.—Except as provided in this section, funds made available to carry out this section shall be administered as if apportioned under chapter 1 of title 23, United States Code.

(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be determined in accordance with section 120 of title 23, United States Code.

(g) REPORT.—

(1) DIRECT RECIPIENT REPORT.—Not later than 60 days after the end of each fiscal year, each direct recipient shall submit to the Secretary a report that includes—

(A) a list of projects funded with amounts provided under this section;

(B) a description of any obstacles to complete projects or timely obligation of funds; and

(C) recommendations to improve the effectiveness of the program under this section.

(2) REPORT TO CONGRESS.—Not later than October 1, 2024, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) summarizes the findings of each direct recipient provided under paragraph (1);

(B) describes the efforts undertaken by both direct recipients and the Secretary to ensure compliance with the requirements of title 23 and chapter 53 of title 49, United States Code;

(C) analyzes the capacity of direct recipients to receive direct allocations of funds under chapter 1 of title 23, United States Code; and

(D) provides recommendations from the Secretary to—

(i) improve the administration, oversight, and performance of the program established under this section;

(ii) improve the effectiveness of direct recipients to complete projects and obligate funds in a timely manner; and

(iii) evaluate options to expand the authority provided under this section, including to allow for the direct allocation to metropolitan planning organizations of funds made available to carry out clause (i) or (ii) of section 133(d)(1)(A) of title 23, United States Code.

(3) UPDATE.—Not less frequently than every 2 years, the Secretary shall update the report described in paragraph (2).

(h) DEFINITIONS.—

(1) DIRECT RECIPIENT.—In this section, the term ''direct recipient'' means a metropolitan planning organization designated by the Secretary as high-performing under subsection (b) and that was directly allocated funds as described in subsection (d).

(2) METROPOLITAN PLANNING AREA.—The term ''metropolitan planning area'' has the meaning given such term in section 134 of title 23, United States Code.

(3) METROPOLITAN PLANNING ORGANIZATION.—The term ''metropolitan planning organization'' has the meaning given such term in section 134 of title 23, United States Code.

(4) NATIONAL HIGHWAY SYSTEM.—The term ''National Highway System'' has the meaning given such term in section 101 of title 23, United States Code.

(5) STATE.—The term ''State'' has the meaning given such term in section 101 of title 23, United States Code.

(6) URBANIZED AREA.—The term ''urbanized area'' has the meaning given such term in section 134 of title 23, United States Code.

SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a gridlock reduction program to make grants, on a competitive basis, for projects to reduce, and mitigate the adverse impacts of, traffic congestion.

(b) APPLICATIONS.—To be eligible for a grant under this section, an applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines appropriate.

(c) ELIGIBLE APPLICANTS.—The Secretary may make grants under this section to an applicant that is serving a combined statistical area, as defined by the Office of Management and Budget, with a population of not less than 1,300,000 and that is—

(1) a metropolitan planning organization;

(2) a unit of local government or a group of local governments;

(3) a multijurisdictional group of entities described in paragraphs (1) and (2); or

(4) a State that is in partnership with an entity or group of entities described in paragraph (1), (2), or (3).

(d) ELIGIBLE PROJECTS.—The Secretary may award grants under this section to applicants that submit a comprehensive program of surface transportation-related projects to reduce traffic congestion and related adverse impacts, including a project for 1 or more of the following:

(1) Transportation systems management and operations.

(2) Intelligent transportation systems.

(3) Real-time traveler information.

(4) Traffic incident management.

(5) Active traffic management.

(6) Traffic signal timing.

(7) Multimodal travel payment systems.

(8) Transportation demand management, including employer-based commuting programs such as carpool, vanpool, transit benefit, parking cashout, shuttle, or telework programs.

(9) A project to provide transportation options to reduce traffic congestion, including—

(A) a project under chapter 53 of title 49, United States Code;

(B) a bicycle or pedestrian project, including a project to provide safe and connected active transportation networks; and

(C) a surface transportation project carried out in accordance with the national travel and tourism infrastructure strategic plan under section 1431(e) of the FAST Act (49 U.S.C. 301 note).

(10) Any other project, as determined appropriate by the Secretary.

(e) AWARD PRIORITIZATION.—

(1) IN GENERAL.—In selecting grants under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent transportation congestion, as determined by the Secretary.

(2) ADDITIONAL CONSIDERATIONS.—In selecting grants under this section, the Secretary shall also consider the extent to which the project would—

(A) reduce traffic congestion and improve the reliability of the surface transportation system;

(B) mitigate the adverse impacts of traffic congestion on the surface transportation system, including safety and environmental impacts;

(C) maximize the use of existing capacity; and

(D) employ innovative, integrated, and multimodal solutions to the items described in subparagraphs (A), (B), and (C).

(f) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section may not exceed 60 percent.

(2) MAXIMUM FEDERAL SHARE.—Federal assistance other than a grant for a project under this section may be used to satisfy the non-Federal share of the cost of such project, except that the total Federal assistance provided for a project receiving a grant under this section may not exceed 80 percent of the total project cost.

(g) USE OF FUNDS.—Funds made available for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(h) FUNDING.—

(1) GRANT AMOUNT.—A grant under this section shall be in an amount not less than $10,000,000 and not more than $50,000,000.

(2) AVAILABILITY.—Funds made available under this program shall be available until expended.

(i) FREIGHT PROJECT SET-ASIDE.—

(1) IN GENERAL.—The Secretary shall set aside not less than 50 percent of the funds made available to carry out this section for grants for freight projects under this subsection.

(2) ELIGIBLE USES.—The Secretary shall provide funds set aside under this subsection to applicants that submit a comprehensive program of surface transportation-related projects to reduce freight-related traffic congestion and related adverse impacts, including—

(A) freight intelligent transportation systems;

(B) real-time freight parking information;

(C) real-time freight routing information;

(D) freight transportation and delivery safety projects;

(E) first-mile and last-mile delivery solutions;

(F) shifting freight delivery to off-peak travel times;

(G) reducing greenhouse gas emissions and air pollution from freight transportation and delivery, including through the use of innovative vehicles that produce fewer greenhouse gas emissions;

(H) use of centralized delivery locations;

(I) designated freight vehicle parking and staging areas;

(J) curb space management; and

(K) other projects, as determined appropriate by the Secretary.

(3) AWARD PRIORITIZATION.—

(A) IN GENERAL.—In providing funds set aside under this section, the Secretary shall prioritize applicants serving urbanized areas, as described in subsection (c), that are experiencing a high degree of recurrent congestion due to freight transportation, as determined by the Secretary.

(B) ADDITIONAL CONSIDERATIONS.—In providing funds set aside under this subsection, the Secretary shall consider the extent to which the proposed project—

(i) reduces freight-related traffic congestion and improves the reliability of the freight transportation system;

(ii) mitigates the adverse impacts of freight-related traffic congestion on the surface transportation system, including safety and environmental impacts;

(iii) maximizes the use of existing capacity;

(iv) employs innovative, integrated, and multimodal solutions to the items described in clauses (i) through (iii);

(v) leverages Federal funds with non-Federal contributions; and

(vi) integrates regional multimodal transportation management and operational projects that address both passenger and freight congestion.

(4) FLEXIBILITY.—If the Secretary determines that there are insufficient qualified applicants to use the funds set aside under this subsection, the Secretary may use such funds for grants for any projects eligible under this section.

(j) REPORT.—

(1) RECIPIENT REPORT.—The Secretary shall ensure that not later than 2 years after the Secretary awards grants under this section, the recipient of each such grant submits to the Secretary a report that contains—

(A) information on each activity or project that received funding under this section;

(B) a summary of any non-Federal resources leveraged by a grant under this section;

(C) any statistics, measurements, or quantitative assessments that demonstrate the congestion reduction, reliability, safety, and environmental benefits achieved through activities or projects that received funding under this section; and

(D) any additional information required by the Secretary.

(2) REPORT TO CONGRESS.—Not later than 9 months after the date specified in paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available on a website, a report detailing—

(A) a summary of any information provided under paragraph (1); and

(B) recommendations and best practices to—

(i) reduce traffic congestion, including freight-related traffic congestion, and improve the reliability of the surface transportation system;

(ii) mitigate the adverse impacts of traffic congestion, including freight-related traffic congestion, on the surface transportation system, including safety and environmental impacts; and

(iii) employ innovative, integrated, and multimodal solutions to the items described in clauses (i) and (ii).

(k) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate of the intention to award such a grant.

(l) TREATMENT OF PROJECTS.—

(1) FEDERAL REQUIREMENTS.—The Secretary shall, with respect to a project funded by a grant under this section, apply—

(A) the requirements of title 23, United States Code, to a highway project;

(B) the requirements of chapter 53 of title 49, United States Code, to a public transportation project; and

(C) the requirements of section 22905 of title 49, United States Code, to a passenger rail or freight rail project.

(2) MULTIMODAL PROJECTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, if an eligible project is a multimodal project, the Secretary shall—

(i) determine the predominant modal component of the project; and

(ii) apply the applicable requirements of such predominant modal component to the project.

(B) EXCEPTIONS.—

(i) PASSENGER OR FREIGHT RAIL COMPONENT.—For any passenger or freight rail component of a project, the requirements of section 22907(j)(2) of title 49, United States Code, shall apply.

(ii) PUBLIC TRANSPORTATION COMPONENT.—For any public transportation component of a project, the requirements of section 5333 of title 49, United States Code, shall apply.

(C) BUY AMERICA.—In applying the Buy American requirements under section 313 of title 23, United States Code, and sections 5320, 22905(a), and 24305(f) of title 49, United States Code, to a multimodal project under this paragraph, the Secretary shall—

(i) consider the various modal components of the project; and

(ii) seek to maximize domestic jobs.

(3) FEDERAL-AID HIGHWAY REQUIREMENTS.—Notwithstanding any other provision of this subsection, the Secretary shall require recipients of grants under this section to comply with subsection (a) of section 113 of title 23, United States Code, with respect to public transportation projects, passenger rail projects, and freight rail projects, in the same manner that recipients of grants are required to comply with such subsection for construction work performed on highway projects on Federal-aid highways.

(m) TREATMENT OF FUNDS.—Except as provided in subsection (l), funds authorized for the purposes described in this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 1307. REBUILD RURAL GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a rebuild rural grant program to improve the safety, state of good repair, and connectivity of transportation infrastructure in rural communities.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, in accordance with this section.

(2) GRANT AMOUNT.—A grant made under this program shall be for no more than $25,000,000.

(c) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this section to—

(1) a State;

(2) a metropolitan planning organization or a regional transportation planning organization;

(3) a unit of local government;

(4) a Federal land management agency;

(5) a Tribal government or a consortium of Tribal governments;

(6) a territory; and

(7) a multijurisdictional group of entities described in this subsection.

(d) APPLICATIONS.—To be eligible for a grant under this section, an entity specified under subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

(e) ELIGIBLE PROJECTS.—The Secretary shall provide grants under this section to projects eligible under title 23, United States Code, including projects on and off the Federal-aid highway system, that improve safety, state of good repair, or connectivity in a rural community, including projects to—

(1) improve transportation safety, including projects on high-risk rural roads and on Federal lands;

(2) improve state of good repair, including projects to repair and rehabilitate bridges on and off the Federal-aid highway system;

(3) provide or increase access to jobs and services;

(4) provide or increase access to—

(A) a grain elevator;

(B) an agricultural facility;

(C) a mining facility;

(D) a forestry facility;

(E) an intermodal facility;

(F) travel or tourism destinations; or

(G) any other facility that supports the economy of a rural community; and

(5) reduce vehicle-wildlife collisions and improve habitat connectivity.

(f) ELIGIBLE PROJECT COSTS.—Grant amounts for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—The share of the cost of a project provided with a grant under this section may not exceed 80 percent of the total cost of such project.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total cost of such project.

(h) PRIORITY.—In making grants under this section, the Secretary shall prioritize projects that address—

(1) significant transportation safety challenges;

(2) state of good repair challenges that pose safety risks or risks to a local economy;

(3) economic development challenges;

(4) connectivity challenges that limit access to jobs or services; and

(5) coordination of projects in the highway right-of-way with proposed broadband service infrastructure needs.

(i) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project carried out under this section shall be treated as if the project is located on a Federal-aid highway.

(k) DEFINITION OF RURAL COMMUNITY.—In this section, the term ''rural community'' means an area that is not an urbanized area, as such term is defined in section 101(a) of title 23, United States Code.

SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program under which the Secretary shall make grants, on a competitive basis, to eligible entities to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle operators.

(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(c) ELIGIBLE PROJECTS.—Projects eligible under this section are projects that—

(1) construct safety rest areas that include parking for commercial motor vehicles;

(2) construct commercial motor vehicle parking facilities—

(A) adjacent to private commercial truckstops and travel plazas;

(B) within the boundaries of, or adjacent to, a publicly owned freight facility, including a port terminal operated by a public authority; and

(C) at existing facilities, including inspection and weigh stations and park-and-ride locations;

(3) open existing weigh stations, safety rest areas, and park-and-ride facilities to commercial motor vehicle parking;

(4) facilitate access to publicly and privately provided commercial motor vehicle parking, such as through the use of intelligent transportation systems;

(5) construct turnouts along a Federal-aid highway for commercial motor vehicles;

(6) make capital improvements to public commercial motor vehicle parking facilities that are closed on a seasonal basis to allow the facilities to remain open year-round;

(7) open existing commercial motor vehicle chain-up areas that are closed on a seasonal basis to allow the facilities to remain open year-round for commercial motor vehicle parking;

(8) address commercial motor vehicle parking and layover needs in emergencies that strain the capacity of existing publicly and privately provided commercial motor vehicle parking; and

(9) make improvements to existing commercial motor vehicle parking facilities, including advanced truckstop electrification systems.

(d) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity may use a grant under this section for—

(A) development phase activities, including planning, feasibility analysis, benefit-cost analysis, environmental review, preliminary engineering and design work, and other preconstruction activities necessary to advance a project described in subsection (c); and

(B) construction and operational improvements, as such terms are defined in section 101 of title 23, United States Code.

(2) PRIVATE SECTOR PARTICIPATION.—An eligible entity that receives a grant under this section may partner with a private entity to carry out an eligible project under this section.

(3) LIMITATION.—Not more than 10 percent of the amounts made available to carry out this section may be used to promote the availability of existing commercial motor vehicle parking.

(e) SELECTION CRITERIA.—In making grants under this section, the Secretary shall consider—

(1) in the case of construction of new commercial motor vehicle parking capacity, the shortage of public and private commercial motor vehicle parking near the project; and

(2) the extent to which each project—

(A) would increase commercial motor vehicle parking capacity or utilization;

(B) would facilitate the efficient movement of freight;

(C) would improve safety, traffic congestion, and air quality;

(D) is cost effective; and

(E) reflects consultation with motor carriers, commercial motor vehicle operators, and private providers of commercial motor vehicle parking.

(f) NOTIFICATION OF CONGRESS.—Not later than 3 business days before announcing a project selected to receive a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(g) TREATMENT OF FUNDS.—

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

(2) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined in accordance with subsections (b) and (c) of section 120 of title 23, United States Code.

(h) PROHIBITION ON CHARGING FEES.—To be eligible for a grant under this section, an eligible entity shall certify that no fees will be charged for the use of a project assisted with such grant.

(i) AMENDMENT TO MAP–21.—Section 1401(c)(1) of MAP–21 (23 U.S.C. 137 note) is amended—

(1) by inserting ''and private providers of commercial motor vehicle parking'' after ''personnel''; and

(2) in subparagraph (A) by striking ''the capability of the State to provide'' and inserting ''the availability of''.

(j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

(1) UPDATE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall update the survey of each State required under section 1401(c)(1) of the MAP–21 (23 U.S.C. 137 note).

(2) REPORT.—Not later than 1 year after the deadline under paragraph (1), the Secretary shall publish on the website of the Department of Transportation a report that—

(A) evaluates the availability of adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

(B) evaluates the effectiveness of the projects funded under this section in improving access to commercial motor vehicle parking; and

(C) reports on the progress being made to provide adequate commercial motor vehicle parking facilities in the State.

(3) CONSULTATION.—The Secretary shall prepare the report required under paragraph (2) in consultation with—

(A) relevant State motor carrier safety personnel;

(B) motor carriers and commercial motor vehicle operators; and

(C) private providers of commercial motor vehicle parking.

(k) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such term in section 31132 of title 49, United States Code.

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

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a political subdivision of a State or local government carrying out responsibilities relating to commercial motor vehicle parking; and

(E) a multistate or multijurisdictional group of entities described in subparagraphs (A) through (D).

(3) SAFETY REST AREA.—The term ''safety rest area'' has the meaning given such term in section 120(c) of title 23, United States Code.

SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an active transportation connectivity grant program to provide for safe and connected active transportation facilities.

(b) GRANT AUTHORITY.—In carrying out the program established in subsection (a), the Secretary shall make grants, on a competitive basis, in accordance with this section.

(c) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this section to—

(1) a State;

(2) a metropolitan planning organization;

(3) a regional transportation authority;

(4) a unit of local government, including a county or multi-county special district;

(5) a Federal land management agency;

(6) a natural resource or public land agency;

(7) a Tribal government or a consortium of Tribal governments;

(8) any local or regional governmental entity with responsibility for or oversight of transportation or recreational trails; and

(9) a multistate or multijurisdictional group of entities described in this subsection.

(d) APPLICATIONS.—To be eligible for a grant under this section, an entity specified under subsection (c) shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary determines is appropriate.

(e) ELIGIBLE PROJECTS.—The Secretary shall provide grants under this section to projects that improve the connectivity and the use of active transportation facilities—

(1) including—

(A) active transportation networks;

(B) active transportation spines; and

(C) planning related to the development of—

(i) active transportation networks;

(ii) active transportation spines; and

(iii) complete streets plans to create a connected network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails; and

(2) that have—

(A) total project costs of not less than $15,000,000; or

(B) in the case of planning grants under subsection (f), a total cost of not less than $100,000.

(f) PLANNING GRANTS.—Of the amounts made available to carry out this section, the Secretary may use not more than 10 percent to provide planning grants to eligible applicants for activities under subsection (e)(1)(C).

(g) CONSIDERATIONS.—In making grants under this section, the Secretary shall consider the extent to which—

(1) a project is likely to provide substantial additional opportunities for walking and bicycling, including through the creation of—

(A) active transportation networks connecting destinations within or between communities, including schools, workplaces, residences, businesses, recreation areas, and other community areas; and

(B) active transportation spines connecting 2 or more communities, metropolitan areas, or States;

(2) an applicant has adequately considered or will consider, including through the opportunity

for public comment, the environmental justice and equity impacts of the project;

(3) the project would improve safety for vulnerable road users, including through the use of complete street design policies or a safe system approach; and

(4) a project integrates active transportation facilities with public transportation services, where available, to improve access to public transportation.

(h) LIMITATION.—

(1) IN GENERAL.—The share of the cost of a project assisted with a grant under this section may not exceed 80 percent.

(2) MAXIMUM FEDERAL ASSISTANCE.—Federal assistance other than a grant under this section may be used to satisfy up to 100 percent of the total project cost.

(i) ELIGIBLE PROJECT COSTS.—Amounts made available for a project under this section may be used for—

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

(2) construction, reconstruction, rehabilitation, acquisition of real property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

(j) NOTIFICATION.—Not later than 3 business days before awarding a grant under this section, the Secretary of Transportation shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate of the intention to award such a grant.

(k) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project carried out under this section shall be treated in the manner described under section 133(i) of title 23, United States Code.

(l) DEFINITIONS.—In this section:

(1) ACTIVE TRANSPORTATION.—The term ''active transportation'' means mobility options powered primarily by human energy, including bicycling and walking.

(2) ACTIVE TRANSPORTATION NETWORK.—The term ''active transportation network'' means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect destinations within a community, a metropolitan area, or on Federal lands.

(3) ACTIVE TRANSPORTATION SPINE.—The term ''active transportation spine'' means facilities built for active transportation, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect communities, metropolitan areas, Federal lands, or States.

(4) SAFE SYSTEM APPROACH.—The term ''safe system approach'' has the meaning given such term in section 148(a) of title 23, United States Code.

(5) VULNERABLE ROAD USER.—The term ''vulnerable road user'' has the meaning given such term in section 148(a) of title 23, United States Code.

Subtitle D—Planning, Performance Management, and Asset Management

SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.

Section 134 of title 23, United States Code, is amended—

(1) in subsection (a) by striking ''resiliency needs while minimizing transportation-related fuel consumption and air pollution'' and inserting ''resilience and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions'';

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

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

''(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''and transportation improvement programs'' and inserting ''and TIPs''; and

(B) by adding at the end the following:

''(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.'';

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of MAP–21, each'' and inserting ''Each'';

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

''(D) CONSIDERATIONS.—

''(i) EQUITABLE AND PROPORTIONAL REPRESENTATION.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.

''(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

''(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).'';

(C) in paragraph (6)(B) by striking ''paragraph (2)'' and inserting ''paragraphs (2) or (3)(D)''; and

(D) in paragraph (7)—

(i) by striking ''an existing metropolitan planning area'' and inserting ''an urbanized area''; and

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

(5) in subsection (g)—

(A) in paragraph (1) by striking ''a metropolitan area'' and inserting ''an urbanized area'';

(B) in paragraph (2) by striking ''MPOS'' and inserting ''METROPOLITAN PLANNING AREAS'';

(C) in paragraph (3)(A) by inserting ''emergency response and evacuation, climate change adaptation and resilience,'' after ''disaster risk reduction,''; and

(D) by adding at the end the following:

''(4) COORDINATION BETWEEN MPOS.—

''(A) IN GENERAL.—If more than 1 metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

''(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.'';

(6) in subsection (h)(1)—

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

''(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;'';

(B) in subparagraph (I)—

(i) by inserting '', sea level rise, extreme weather, and climate change'' after ''stormwater''; and

(ii) by striking ''and'' at the end;

(C) by redesignating subparagraph (J) as subparagraph (M); and

(D) by inserting after subparagraph (I) the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access;

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and'';

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), the improvement of transportation system access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.'';

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting ''reduce greenhouse gas emissions and'' before ''restore and maintain'';

(B) in paragraph (2)(G) by inserting ''and climate change'' after ''infrastructure to natural disasters'';

(C) in paragraph (2)(H) by inserting ''greenhouse gas emissions,'' after ''pollution,'';

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

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

''(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

''(i) State conservation plans or maps; and

''(ii) inventories of natural or historic resources.''; and

(E) by amending paragraph (6)(C) to read as follows:

''(C) METHODS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

''(I) hold any public meetings at convenient and accessible locations and times;

''(II) employ visualization techniques to describe plans; and

''(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

''(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

''(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

''(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.'';

(9) in subsection (j) by striking ''transportation improvement program'' and inserting ''TIP'' each place it appears; and

(10) by striking ''Federally'' each place it appears and inserting ''federally''.

SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (2)—

(i) by striking ''The statewide transportation plan and the'' and inserting the following:

''(A) IN GENERAL.—The statewide transportation plan and the'';

(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(iii) by adding at the end the following:

''(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases.''; and

(C) in paragraph (3) by striking ''transportation improvement program'' and inserting ''STIP'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting ''reduce greenhouse gas emissions,'' after ''promote energy conservation,'';

(II) by inserting ''and public health'' after ''improve the quality of life''; and

(III) by inserting '', including housing and land use patterns'' after ''economic development patterns'';

(ii) in subparagraph (I)—

(I) by inserting '', sea level rise, extreme weather, and climate change'' after ''mitigate stormwater''; and

(II) by striking ''and'' after the semicolon;

(iii) by redesignating subparagraph (J) as subparagraph (M); and

(iv) by inserting after subparagraph (I) the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access;

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households; and'';

(B) in paragraph (2)—

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

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

''(i) the national goals described in section 150(b);

''(ii) the consideration of transportation system access (consistent with section 150(f));

''(iii) the achievement of statewide targets established under section 150(d); and

''(iv) the general purposes described in section 5301 of title 49.''; and

(ii) in subparagraph (D) by striking ''statewide transportation improvement program'' and inserting ''STIP''; and

(C) in paragraph (3) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(3) in subsection (e)(3) by striking ''transportation improvement program'' and inserting ''STIP'';

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

(ii) by amending clause (ii) to read as follows:

''(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

''(I) State and tribal conservation plans or maps; and

''(II) inventories of natural or historic resources.'';

(B) in paragraph (3)(B)—

(i) by striking ''In carrying out'' and inserting the following:

''(i) IN GENERAL.—in carrying out'';

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

''(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

''(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

''(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.'';

(C) in paragraph (4)(A) by inserting ''reduce greenhouse gas emissions and'' after ''potential to''; and

(D) in paragraph (8) by inserting ''greenhouse gas emissions,'' after ''pollution,'';

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (3) by striking ''operators),,'' and inserting ''operators),'';

(C) in paragraph (4) by striking ''statewide transportation improvement program'' and inserting ''STIP'' each place it appears;

(D) in paragraph (5)—

(i) in subparagraph (A) by striking ''transportation improvement program'' and inserting ''STIP'';

(ii) in subparagraph (B)(ii) by striking ''metropolitan transportation improvement program'' and inserting ''TIP'';

(iii) in subparagraph (C) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(iv) in subparagraph (E) by striking ''transportation improvement program'' and inserting ''STIP'';

(v) in subparagraph (F)(i) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(vi) in subparagraph (G)(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(vii) in subparagraph (H) by striking ''transportation improvement program'' and inserting ''STIP'';

(E) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking ''transportation improvement program'' and inserting ''STIP''; and

(II) by striking ''and projects carried out under the bridge program or the Interstate maintenance program''; and

(ii) in subparagraph (B)—

(I) by striking ''or under the bridge program or the Interstate maintenance program'';

(II) by striking ''5310, 5311, 5316, and 5317'' and inserting ''5310 and 5311''; and

(III) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(F) in paragraph (7)—

(i) in the heading by striking ''TRANSPORTATION IMPROVEMENT PROGRAM'' and inserting ''STIP''; and

(ii) by striking ''transportation improvement program'' and inserting ''STIP'';

(G) in paragraph (8) by striking ''statewide transportation plans and programs'' and inserting ''statewide transportation plans and STIPs''; and

(H) in paragraph (9) by striking ''transportation improvement program'' and inserting ''STIP'';

(6) in subsection (h)(2)(A) by striking ''Not later than 5 years after the date of enactment of the MAP–21,'' and inserting ''Not less frequently than once every 4 years,'';

(7) in subsection (k) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears; and

(8) in subsection (m) by striking ''transportation improvement programs'' and inserting ''STIPs''.

SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.

(a) IN GENERAL.—Section 150 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (7) as paragraph (8); and

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

''(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and reduce the climate impacts of the transportation system.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''Not later than 18 months after the date of enactment of the MAP–21, the Secretary'' and inserting ''The Secretary''; and

(B) by adding at the end the following:

''(7) GREENHOUSE GAS EMISSIONS.—The Secretary shall establish, in consultation with the Administrator of the Environmental Protection Agency, measures for States to use to assess—

''(A) carbon dioxide emissions per capita on public roads; and

''(B) any other greenhouse gas emissions per capita on public roads that the Secretary determines to be appropriate.'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each'' and inserting ''Each''; and

(ii) by striking ''and (6)'' and inserting ''(6), and (7)''; and

(B) by adding at the end the following:

''(3) REGRESSIVE TARGETS.—

''(A) IN GENERAL.—A State may not establish a regressive target for the measures described under paragraph (4) or paragraph (7) of subsection (c).

''(B) REGRESSIVE TARGET DEFINED.—In this paragraph, the term 'regressive target' means a target that fails to demonstrate constant or improved performance for a particular measure.'';

(4) in subsection (e)—

(A) by striking ''Not later than 4 years after the date of enactment of the MAP–21 and biennially thereafter, a'' and inserting ''A''; and

(B) by inserting ''biennial'' after ''the Secretary a''; and

(5) by adding at the end the following:

''(f) TRANSPORTATION SYSTEM ACCESS.—

''(1) IN GENERAL.—The Secretary shall establish measures for States and metropolitan planning organizations to use to assess the level of safe, reliable, and convenient transportation system access to—

''(A) employment; and

''(B) services.

''(2) CONSIDERATIONS.—The measures established pursuant to paragraph (1) shall include the ability for States and metropolitan planning organizations to assess—

''(A) the change in the level of transportation system access for various modes of travel, including connection to other modes of transportation, that would result from new transportation investments;

''(B) the level of transportation system access for economically disadvantaged communities, including to affordable housing; and

''(C) the extent to which transportation access is impacted by zoning policies and land use planning practices that effect the affordability, elasticity, and diversity of the housing supply.

''(3) DEFINITION OF SERVICES.—In this subsection, the term 'services' includes healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments.''.

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

(1) in subsection (j)(2)(D)—

(A) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' in the heading and inserting ''PERFORMANCE MANAGEMENT'';

(B) by striking ''The TIP'' and inserting the following:

''(i) IN GENERAL.—The TIP''; and

(C) by adding at the end the following:

''(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas that represent an urbanized area designated as a transportation management area under subsection (k), the TIP shall include—

''(I) a discussion of the anticipated effect of the TIP toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to such performance targets; and

''(II) a description of how the TIP would improve the overall level of transportation system access, consistent with section 150(f).'';

(2) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking ''shall address congestion management'' and inserting the following: ''shall address—

''(i) congestion management'';

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

(iii) by adding at the end the following:

''(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f), that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49.''; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) the TIP approved under clause (ii) improves the level of transportation system access, consistent with section 150(f).''; and

(3) in subsection (l)(2)—

(A) by striking ''5 years after the date of enactment of the MAP–21'' and inserting ''2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter'';

(B) in subparagraph (C) by striking ''and whether metropolitan planning organizations are developing meaningful performance targets; and'' and inserting a semicolon; and

(C) by striking subparagraph (D) and inserting the following:

''(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B)); and

''(E) the progress of implementing the measure established under section 150(f).''.

(c) STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.—Section 135(g)(4) of title 23, United States Code, is further amended—

(1) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' in the heading and inserting ''PERFORMANCE MANAGEMENT'';

(2) by striking ''shall include, to the maximum extent practicable, a discussion'' and inserting the following: ''shall include—

''(A) a discussion'';

(3) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(B) a consideration of how the STIP impacts the overall level of transportation system access, consistent with section 150(f).''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a)(3)(B) shall take effect 1 year before the subsequent State target and reporting deadlines established pursuant to section 150 of title 23, United States Code.

(e) DEVELOPMENT OF GREENHOUSE GAS MEASURE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out paragraph (7) of section 150(c) of title 23, United States Code, as added by this Act.

(f) DEVELOPMENT OF TRANSPORTATION SYSTEM ACCESS MEASURE.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group to assess the provisions of paragraphs (1) and (2) of section 150(f) and make recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access for various modes of travel, consistent with section 150(f) of title 23, United States Code.

(2) MEMBERS.—The working group established pursuant to paragraph (1) shall include representatives from—

(A) the Department of Transportation;

(B) State departments of transportation, including representatives that specialize in pedestrian and bicycle safety;

(C) the Bureau of Transportation Statistics;

(D) metropolitan planning organizations representing transportation management areas (as those terms are defined in section 134 of title 23, United States Code);

(E) other metropolitan planning organizations or local governments;

(F) providers of public transportation;

(G) nonprofit entities related to transportation, including relevant safety groups;

(H) experts in the field of transportation access data; and

(I) any other stakeholders, as determined by the Secretary.

(3) REPORT.—

(A) SUBMISSION.—Not later than 1 year after the establishment of the working group pursuant to paragraph (1), the working group shall submit to the Secretary a report of recommendations regarding the establishment of measures for States and metropolitan planning organizations to use to assess the level of transportation system access, consistent with section 150(f) of title 23, United States Code.

(B) PUBLICATION.—Not later than 30 days after the date on which the Secretary receives the report under subparagraph (A), the Secretary shall publish the report on a publicly accessible website of the Department of Transportation.

(4) RULEMAKING.—Not later than 2 years after the date on which the Secretary receives the report under paragraph (3), the Secretary shall issue such regulations as are necessary to implement the requirements of section 150(f) of title 23, United States Code.

(5) TERMINATION.—The Secretary shall terminate the working group established pursuant to paragraph (1) on the date on which the regulation issued pursuant to paragraph (4) takes effect.

(g) TRANSPORTATION SYSTEM ACCESS DATA.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Secretary of Transportation establishes the measure required under section 150(f) of title 23, United States Code, the Secretary shall develop or procure eligible transportation system access data sets and analytical tools and make such data sets and analytical tools available to State departments of transportation and metropolitan planning areas that represent transportation management areas.

(2) REQUIREMENTS.—An eligible transportation system access data set and analytical tool shall have the following characteristics:

(A) The ability to quantify the level of safe, reliable, and convenient transportation system access to—

(i) employment;

(ii) services; and

(iii) connections to other modes of transportation.

(B) The ability to quantify transportation system access for various modes of travel, including—

(i) driving;

(ii) public transportation;

(iii) walking (including conveyance for persons with disabilities); and

(iv) cycling (including micromobility).

(C) The ability to disaggregate the level of transportation system access by various transportation modes by a variety of population categories, including—

(i) low-income populations;

(ii) minority populations;

(iii) age;

(iv) disability; and

(v) geographical location.

(D) The ability to assess the change in the level of transportation system access that would result from new transportation investments.

(3) CONSIDERATION.—An eligible transportation system access data set and analytical tool shall take into consideration safe and connected networks for walking, cycling, and persons with disabilities.

(h) DEFINITIONS.—In this section:

(1) TRANSPORTATION SYSTEM ACCESS.—The term ''transportation system access'' has the meaning given such term in section 101 of title 23, United States Code.

(2) SERVICES.—The term ''services'' has the meaning given such term in section 150(f) of title 23, United States Code.

SEC. 1404. TRANSPORTATION DEMAND DATA AND MODELING STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study on transportation demand data and modeling, including transportation demand forecasting.

(2) CONTENTS.—In carrying out the study under this section, the Secretary shall—

(A) collect observed transportation demand data and transportation demand forecasts from States and metropolitan planning organizations, including data and forecasts on—

(i) traffic counts;

(ii) transportation mode share and public transportation ridership; and

(iii) vehicle occupancy measures;

(B) compare the transportation demand forecasts with the observed transportation demand data gathered under subparagraph (A); and

(C) use the information described in subparagraphs (A) and (B) to—

(i) develop best practices and guidance for States and metropolitan planning organizations to use in forecasting transportation demand for future investments in transportation improvements;

(ii) evaluate the impact of transportation investments, including new roadway capacity, on transportation behavior and transportation demand, including public transportation ridership, induced highway transportation, and congestion;

(iii) support more accurate transportation demand forecasting by States and metropolitan planning organizations;

(iv) enhance the capacity of States and metropolitan planning organizations to—

(I) forecast transportation demand; and

(II) track observed transportation behavior responses, including induced transportation, to changes in transportation capacity, pricing, and land use patterns; and

(v) develop transportation demand management strategies to maximize the efficiency of the transportation system, improve mobility, reduce congestion, and lower vehicle emissions.

(3) COVERED ENTITIES.—In carrying out the study under this section, the Secretary shall ensure that data and forecasts described in paragraph (2)(A) are collected from—

(A) States;

(B) metropolitan planning organizations that serve an area with a population of 200,000 people or fewer; and

(C) metropolitan planning organizations that serve an area with a population of over 200,000 people.

(4) WORKING WITH THE PRIVATE SECTOR.—In carrying out this section, the Secretary may, and is encouraged to, procure additional data as necessary from university transportation centers, private sector providers, and other entities as is needed and may use funds authorized under section 503(b) of title 23, United States Code, for carrying out this paragraph.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the study conducted under subsection (a).

(c) SECRETARIAL SUPPORT.—The Secretary shall seek opportunities to support the transportation planning processes under sections 134 and 135 of title 23, United States Code, through the provision of data to States and metropolitan planning organizations to improve the quality of transportation plans, models, and demand forecasts.

SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANSPORTATION PLANS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall amend section 450.324(f)(11)(v) of title 23, Code of Federal Regulations, to ensure that the outer years of a metropolitan transportation plan are defined as ''beyond the first 4 years''.

Subtitle E—Federal Lands, Tribes, and Territories

SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

Section 165 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''$158,000,000'' and inserting ''$210,000,000''; and

(B) in paragraph (2) by striking ''$42,000,000'' and inserting ''$100,000,000'';

(2) in subsection (c)(6)(A)(iii) by striking ''in accordance with subsections (b) and (c) of section 129'' and inserting ''including such boats, facilities, and approaches that are privately or majority-privately owned, provided that such boats, facilities, and approaches provide a substantial public benefit''; and

(3) by adding at the end the following:

''(d) PARTICIPATION OF TERRITORIES IN DISCRETIONARY PROGRAMS.—For any program in which the Secretary may allocate funds out of the Highway Trust Fund (other than the Mass Transit Account) to a State at the discretion of the Secretary, the Secretary may allocate funds to one or more territory for any project or activity that otherwise would be eligible under such program if such project or activity was being carried out in a State.''.

SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.

Section 202 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking ''improving deficient'' and inserting ''the construction and reconstruction of'';

(B) in paragraph (2)—

(i) in subparagraph (A) by inserting ''construct,'' after ''project to''; and

(ii) in subparagraph (B)—

(I) by striking ''deficient''; and

(II) by inserting ''in poor condition'' after ''facility bridges''; and

(C) in paragraph (3)—

(i) in the heading by striking ''ELIGIBLE BRIDGES'' and inserting ''ELIGIBILITY FOR EXISTING BRIDGES'';

(ii) by striking ''a bridge'' and inserting ''an existing bridge''; and

(iii) in subparagraph (C) by striking ''structurally deficient or functionally obsolete'' and inserting ''in poor condition''; and

(2) in subsection (e) by striking ''for eligible projects described in section 148(a)(4).'' and inserting the following: ''for—

''(A) eligible projects described in section 148(a)(4);

''(B) projects to promote public awareness and education concerning highway safety matters (including bicycle, all-terrain, motorcyclist, and pedestrian safety); or

''(C) projects to enforce highway safety laws.''.

SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

(a) TRIBAL TRANSPORTATION PROGRAM.—Section 202 of title 23, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Before making any distribution under subsection (b), the Secretary shall set aside $50,000,000 from the funds made available under the tribal transportation program for each fiscal year to carry out the Tribal High Priority Projects program under section 1123 of MAP–21 (23 U.S.C. 202 note).''.

(b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—Section 1123 of MAP–21 (23 U.S.C. 202 note) is amended—

(1) in subsection (a)(1)(C) by striking ''required by that section'' and inserting ''required under such program'';

(2) in subsection (b)(1) by striking ''use amounts made available under subsection (h) to'';

(3) in subsection (d)—

(A) in paragraph (2) by inserting '', in consultation with the Secretary of the Interior,'' after ''The Secretary''; and

(B) in paragraph (3) by striking ''of the Interior'' each place it appears;

(4) in subsection (f) by striking ''$1,000,000'' and inserting ''$5,000,000'';

(5) in subsection (g) by striking ''and the Secretary'' and inserting ''or the Secretary''; and

(6) by striking subsection (h) and inserting the following:

''(h) ADMINISTRATION.—The funds made available to carry out this section shall be administered in the same manner as funds made available for the Tribal transportation program under section 202 of title 23, United States Code.''.

SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 203(a) of title 23, United States Code, is amended by adding at the end the following:

''(6) TRANSFER FOR HIGH-COMMUTER CORRIDORS.—

''(A) REQUEST.—If the head of a covered agency determines that a high-commuter corridor requires additional investment, based on the criteria described in subparagraph (D), the head of a covered agency, with respect to such corridor, shall submit to the State—

''(i) information on condition of pavements and bridges;

''(ii) an estimate of the amounts needed to bring such corridor into a state of good repair, taking into consideration any planned future investments; and

''(iii) at the discretion of the head of a covered agency, a request that the State transfer to the covered agency, under the authority of section 132 or section 204, or to the Federal Highway Administration, under the authority of section 104, a portion of such amounts necessary to address the condition of the corridor.

''(B) STATE RESPONSE.—Not later than 45 days after the date of receipt of the request described in subparagraph (A)(iii), the State shall—

''(i) approve the request;

''(ii) deny the request and explain the reasons for such denial; or

''(iii) request any additional information necessary to take action on the request.

''(C) NOTIFICATION TO THE SECRETARY.—The head of a covered agency shall provide to the Secretary a copy of any request described under subparagraph (A)(iii) and response described under subparagraph (B).

''(D) CRITERIA.—In making a determination under subparagraph (A), the head of a covered agency, with respect to the corridor, shall consider—

''(i) the condition of roads, bridges, and tunnels; and

''(ii) the average annual daily traffic.

''(E) DEFINITIONS.—In this paragraph:

''(i) COVERED AGENCY.—The term 'covered agency' means a Federal agency eligible to receive funds under this section, section 203, or section 204.

''(ii) HIGH-COMMUTER CORRIDOR.—The term 'high-commuter corridor' means a Federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles.''.

(b) GAO STUDY REGARDING NPS MAINTENANCE.—

(1) STUDY.—The Comptroller General of the United States shall study the National Park Service maintenance prioritization of Federal lands transportation facilities.

(2) CONTENTS.—At minimum, the study under paragraph (1) shall examine—

(A) general administrative maintenance of the National Park Service;

(B) how the National Park Service currently prioritizes maintenance of Federal facilities covered under the Federal Lands Transportation Program;

(C) what kind of maintenance the National Parkway Service is performing;

(D) to what degree does the National Park Service prioritize high-commuter corridors; and

(E) how the National Park Service can better service the needs of high commuter corridors.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report summarizing the study and the results of such study, including recommendations for addressing the maintenance needs and prioritization of high-commuter corridors.

(4) DEFINITION OF HIGH-COMMUTER CORRIDOR.—In this section, the term ''high-commuter corridor'' means a Federal lands transportation facility that has average annual daily traffic of not less than 20,000 vehicles.

SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 207 the following:

''§ 208. Federal lands and Tribal major projects program

''(a) ESTABLISHMENT.—The Secretary shall establish a Federal lands and Tribal major projects program (referred to in this section as the 'program') to provide funding to construct, reconstruct, or rehabilitate critical Federal lands and Tribal transportation infrastructure.

''(b) ELIGIBLE APPLICANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), entities eligible to receive funds under sections 201, 202, 203, and 204 may apply for funding under the program.

''(2) SPECIAL RULE.—A State, county, or unit of local government may only apply for funding under the program if sponsored by an eligible Federal land management agency or Indian Tribe.

''(c) ELIGIBLE PROJECTS.—An eligible project under the program shall be on a Federal lands transportation facility, a Federal lands access transportation facility, or a tribal transportation facility, except that such facility is not required to be included in an inventory described in section 202 or 203, and for which—

''(1) the project—

''(A) has completed the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) which has been demonstrated through—

''(i) a record of decision with respect to the project;

''(ii) a finding that the project has no significant impact; or

''(iii) a determination that the project is categorically excluded; or

''(B) is reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project; and

''(2) the project has an estimated cost equal to or exceeding—

''(A) $12,500,000 if it is on a Federal lands transportation facility or a Federal lands access transportation facility; and

''(B) $5,000,000 if it is on a Tribal transportation facility.

''(d) ELIGIBLE ACTIVITIES.—Grant amounts received for a project under this section may be used for—

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

''(2) construction, reconstruction, and rehabilitation activities.

''(e) APPLICATIONS.—Eligible applicants shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

''(f) PROJECT REQUIREMENTS.—The Secretary may select a project to receive funds under the program only if the Secretary determines that the project—

''(1) improves the condition of critical transportation facilities, including multimodal facilities;

''(2) cannot be easily and efficiently completed with amounts made available under section 202, 203, or 204; and

''(3) is cost effective.

''(g) MERIT CRITERIA.—In making a grant under this section, the Secretary shall consider whether the project—

''(1) will generate state of good repair, resilience, economic competitiveness, quality of life, mobility, or safety benefits;

''(2) in the case of a project on a Federal lands transportation facility or a Federal lands access transportation facility, has costs matched by funds that are not provided under this section or this title; and

''(3) generates benefits for land owned by multiple Federal land management agencies or Indian Tribes, or which spans multiple States.

''(h) EVALUATION AND RATING.—To evaluate applications, the Secretary shall—

''(1) determine whether a project meets the requirements under subsection (f);

''(2) evaluate, through a discernable and transparent methodology, how each application addresses one or more merit criteria established under subsection (g);

''(3) assign a rating for each merit criteria for each application; and

''(4) consider applications only on the basis of such quality ratings and which meet the minimally acceptable level for each of the merit criteria.

''(i) COST SHARE.—

''(1) FEDERAL LANDS PROJECTS.—

''(A) IN GENERAL.—Notwithstanding section 120, the Federal share of the cost of a project on a Federal lands transportation facility or a Federal lands access transportation facility shall be up to 90 percent.

''(B) NON-FEDERAL SHARE.—Notwithstanding any other provision of law, any Federal funds may be used to pay the non-Federal share of the cost of a project carried out under this section.

''(2) TRIBAL PROJECTS.—The Federal share of the cost of a project on a Tribal transportation facility shall be 100 percent.

''(j) USE OF FUNDS.—For each fiscal year, of the amounts made available to carry out this section, not more than 50 percent shall be used for eligible projects on Federal lands transportation facilities or Federal lands access transportation facilities and Tribal transportation facilities, respectively.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 207 the following new item:

''208. Federal lands and Tribal major projects program.''.

(c) REPEAL.—Section 1123 of the FAST Act (23 U.S.C. 201 note), and the item related to such section in the table of contents under section 1(b) of such Act, are repealed.

SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.

Section 102 of title 49, United States Code, is amended—

(1) in subsection (e)(1)—

(A) by striking ''6 Assistant'' and inserting ''7 Assistant'';

(B) in subparagraph (C) by striking ''; and'' and inserting a semicolon;

(C) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) an Assistant Secretary for Tribal Government Affairs, who shall be appointed by the President; and''; and

(2) in subsection (f)—

(A) in the heading by striking ''DEPUTY ASSISTANT SECRETARY FOR TRIBAL GOVERNMENT AFFAIRS'' and inserting ''OFFICE OF TRIBAL GOVERNMENT AFFAIRS''; and

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

''(1) ESTABLISHMENT.—There is established in the Department an Office of Tribal Government Affairs, under the Assistant Secretary for Tribal Government Affairs, to—

''(A) oversee the Tribal transportation self-governance program under section 207 of title 23;

''(B) plan, coordinate, and implement policies and programs serving Indian Tribes and Tribal organizations;

''(C) coordinate Tribal transportation programs and activities in all offices and administrations of the Department;

''(D) provide technical assistance to Indian Tribes and Tribal organizations; and

''(E) be a participant in any negotiated rulemakings relating to, or having an impact on, projects, programs, or funding associated with the tribal transportation program under section 202 of title 23.''.

SEC. 1507. ALTERNATIVE CONTRACTING METHODS.

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

''(f) ALTERNATIVE CONTRACTING METHODS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may use a contracting method available to a State under this title on behalf of—

''(A) a Federal land management agency, with respect to any funds available pursuant to section 203 or 204;

''(B) a Federal land management agency, with respect to any funds available pursuant to section 1535 of title 31 for any eligible use described in sections 203(a)(1) and 204(a)(1) of this title; or

''(C) a Tribal Government, with respect to any funds available pursuant to section 202(b)(7)(D).

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

''(A) project bundling;

''(B) bridge bundling;

''(C) design-build contracting;

''(D) 2-phase contracting;

''(E) long-term concession agreements; and

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

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection—

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

''(B) modifies the point of obligation of Federal salaries and expenses.''.

(b) USE OF ALTERNATIVE CONTRACTING METHOD.—In carrying out the amendments made by this section, the Secretary shall—

(1) in consultation with the applicable Federal land management agencies, establish procedures that are—

(A) applicable to each alternative contracting method; and

(B) to the maximum extent practicable, consistent with requirements for Federal procurement transactions;

(2) solicit input on the use of each alternative contracting method from any affected industry prior to using such method; and

(3) analyze and prepare an evaluation of the use of each alternative contracting method.

SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.

(a) IN GENERAL.—The Commissioner of the Bureau of Reclamation may transfer ownership of a bridge that is owned by the Bureau of Reclamation if—

(1) the ownership of the bridge is transferred to a State with the concurrence of such State;

(2) the State to which ownership is transferred agrees to operate and maintain the bridge;

(3) the transfer of ownership complies with all applicable Federal requirements, including—

(A) section 138 of title 23, United States Code;

(B) section 306108 of title 54, United States Code; and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(4) the Bureau of Reclamation and the State to which ownership is being transferred jointly notify the Secretary of Transportation of the intent to conduct a transfer prior to such transfer.

(b) ACCESS.—In a transfer of ownership of a bridge under this section, the Commissioner of the Bureau of Reclamation—

(1) shall not be required to transfer ownership of the land on which the bridge is located or any adjacent lands; and

(2) shall make arrangements with the State to which ownership is being transferred to allow for adequate access to such bridge, including for the purposes of construction, maintenance, and bridge inspections pursuant to section 144 of title 23, United States Code.

SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO INDIAN TRIBES.

Not later than January 31 of each year, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

(1) identifies the number of Indian Tribes that were direct recipients of funds under any discretionary Federal highway, transit, or highway safety program in the prior fiscal year;

(2) lists the total amount of such funds made available directly to such Tribes;

(3) identifies the number and location of Indian Tribes that were indirect recipients of funds under any formula-based Federal highway, transit, or highway safety program in the prior fiscal year; and

(4) lists the total amount of such funds made available indirectly to such tribes through states or other direct recipients of Federal highway, transit or highway safety funding.

SEC. 1510. GAO STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the deferred maintenance of United States forest roads, including—

(1) the current backlog;

(2) the current actions on such maintenance and backlog;

(3) the impacts of public safety due to such deferred maintenance; and

(4) recommendations for Congress on ways to address such backlog.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study conducted under subsection (a).

Subtitle F—Additional Provisions

SEC. 1601. VISION ZERO.

(a) IN GENERAL.—A local government, metropolitan planning organization, or regional transportation planning organization may develop and implement a vision zero plan to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years.

(b) USE OF FUNDS.—Amounts apportioned to a State under paragraph (2) or (3) of section 104(b) of title 23, United States Code, may be used to carry out a vision zero plan under this section.

(c) CONTENTS OF PLAN.—A vision zero plan under this section shall include—

(1) a description of programs, strategies, or policies intended to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years, that is consistent with a State strategic highway safety plan and uses existing transportation data and consideration of risk factors;

(2) plans for implementation of, education of the public about, and enforcement of such programs, strategies, or policies;

(3) a description of how such programs, strategies, or policies, and the enforcement of such programs, strategies, or policies will—

(A) equitably invest in the safety needs of low-income and minority communities;

(B) ensure that such communities are not disproportionately targeted by law enforcement; and

(C) protect the rights of members of such communities with respect to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

(4) a description of a mechanism to evaluate progress of the development and implementation of the plan, including the gathering and use of transportation safety and demographic data.

(d) INCLUSIONS.—A vision zero plan may include a complete streets prioritization plan that identifies a specific list of projects to—

(1) create a connected network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect communities and provide safe, reliable, affordable, and convenient access to employment, housing, and services, consistent with the goals described in section 150(b) of title 23, United States Code;

(2) integrate active transportation facilities with public transportation service or improve access to public transportation; and

(3) improve transportation options for low-income and minority communities.

(e) COORDINATION.—A vision zero plan under this section shall provide for coordination of various subdivisions of a unit of local government in the implementation of the plan, including subdivisions responsible for law enforcement, public health, data collection, and public works.

(f) SAFETY PERFORMANCE MANAGEMENT.—A vision zero plan under this section is not sufficient to demonstrate compliance with the safety performance or planning requirements of section 148 or 150 of title 23, United States Code.

SEC. 1602. SPEED LIMITS.

(a) SPEED LIMITS.—The Secretary of Transportation shall revise the Manual on Uniform Traffic Control Devices to provide for a safe system approach to setting speed limits, consistent with the safety recommendations issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–27 and H–17–028.

(b) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

(1) crash statistics;

(2) road geometry characteristics;

(3) roadside characteristics;

(4) traffic volume;

(5) the possibility and likelihood of human error;

(6) human injury tolerance;

(7) the prevalence of vulnerable road users; and

(8) any other consideration, consistent with a safe system approach, as determined by the Secretary.

(c) REPORT ON SPEED MANAGEMENT PROGRAM PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall update and report on the implementation progress of the Speed Management Program Plan of the Department of Transportation, as described in the safety recommendation issued by the National Transportation Safety Board on August 15, 2017, numbered H–17–018.

(d) DEFINITIONS.—In this section, the terms ''safe system approach'' and ''vulnerable road user'' have the meanings given such terms in section 148(a) of title 23, United States Code.

SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term ''appropriate State agency'' means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and facilitate the installation and operation of broadband infrastructure within the State.

(2) BROADBAND.—The term ''broadband'' has the meaning given the term ''advanced telecommunications capability'' in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

(3) BROADBAND CONDUIT.—The term ''broadband conduit'' means a conduit or innerduct for fiber optic cables (or successor technology of greater quality and speed) that supports the provision of broadband.

(4) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any buried or underground facility and any wireless or wireline connection that enables the provision of broadband.

(5) BROADBAND PROVIDER.—The term ''broadband provider'' means an entity that provides broadband to any person or facilitates provision of broadband to any person, including, with respect to such entity—

(A) a corporation, company, association, firm, partnership, nonprofit organization, or any other private entity;

(B) a State or local broadband provider;

(C) an Indian Tribe; and

(D) a partnership between any of the entities described in subparagraphs (A), (B), and (C).

(6) COVERED HIGHWAY CONSTRUCTION PROJECT.—

(A) IN GENERAL.—The term ''covered highway construction project'' means, without regard to ownership of a highway, a project to construct a new highway or an additional lane for an existing highway, to reconstruct an existing highway, or new construction, including for a paved shoulder.

(B) EXCLUSIONS.—The term ''covered highway construction project'' excludes any project—

(i) awarded before the date on which regulations required under subsection (b) take effect;

(ii) that does not include work beyond the edge of pavement or current paved shoulder; or

(iii) that does not require excavation.

(7) DIG ONCE REQUIREMENT.—The term ''dig once requirement'' means a requirement designed to reduce the cost and accelerate the deployment to broadband by minimizing the number and scale of repeated excavations for the installation and maintenance of broadband conduit or broadband infrastructure in rights-of-way.

(8) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(9) NTIA ADMINISTRATOR.—The term ''NTIA Administrator'' means the Assistant Secretary of Commerce for Communications and Information.

(10) PROJECT.—The term ''project'' has the meaning given such term in section 101 of title 23, United States Code.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(12) STATE.—The term ''State'' has the meaning given such term in section 401 of title 23, United States Code.

(13) STATE OR LOCAL BROADBAND PROVIDER.—The term ''State or local broadband provider'' means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides broadband to any person or facilitates the provision of broadband to any person in that State.

(14) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the recognized governing body of an Indian Tribe or any agency, authority, or instrumentality of such governing body or such Indian Tribe.

(b) DIG ONCE REQUIREMENT.—To facilitate the installation of broadband infrastructure, the Secretary shall, not later than 9 months after the date of enactment of this Act, promulgate regulations to ensure that each State that receives funds under chapter 1 of title 23, United States Code, meets the following requirements:

(1) BROADBAND PLANNING.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband coordinator, who may have additional responsibilities in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State; and

(B) review existing State broadband plans, including existing dig once requirements of the State, municipal governments incorporated under State law, and Tribal governments within the State, to determine opportunities to coordinate projects occurring within or across highway rights-of-way with planned broadband infrastructure projects.

(2) NOTICE OF PLANNED CONSTRUCTION FOR BROADBAND PROVIDERS.—

(A) NOTICE.—The State department of transportation, in consultation with appropriate State agencies, shall establish a process—

(i) for the registration of broadband providers that seek to be included in the advance notification of, and opportunity to participate in, broadband infrastructure right-of-way facilitation efforts within the State; and

(ii) to electronically notify all broadband providers registered under clause (i)—

(I) of the State transportation improvement program on at least an annual basis; and

(II) of projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(B) WEBSITE.—A State department of transportation shall be considered to meet the requirements of subparagraph (A) if such State department of transportation publishes on a public website—

(i) the State transportation improvement program on at least an annual basis; and

(ii) projects within the highway right-of-way for which Federal funding is expected to be obligated in the subsequent fiscal year.

(C) COORDINATION.—The State department of transportation, in consultation with appropriate State agencies, shall establish a process for a broadband provider to commit to installing broadband conduit or broadband infrastructure as part of any project.

(3) REQUIRED INSTALLATION OF CONDUIT.—

(A) IN GENERAL.—The State department of transportation shall install broadband conduit, in accordance with this paragraph, except as described in subparagraph (F), as part of any

covered highway construction project, unless a broadband provider has committed to install broadband conduit or broadband infrastructure as part of such project in a process described under paragraph (2)(C).

(B) INSTALLATION REQUIREMENTS.—The State department of transportation shall ensure that—

(i) an appropriate number of broadband conduits, as determined in consultation with the appropriate State agencies, are installed along the highway of a covered highway construction project to accommodate multiple broadband providers, with consideration given to the availability of existing conduits;

(ii) the size of each such conduit is consistent with industry best practices and is sufficient to accommodate potential demand, as determined in consultation with the appropriate State agencies;

(iii) hand holes and manholes necessary for fiber access and pulling with respect to such conduit are placed at intervals consistent with standards determined in consultation with the appropriate State agencies (which may differ by type of road, topologies, and rurality) and consistent with safety requirements;

(iv) each broadband conduit installed pursuant to this paragraph includes a pull tape and is capable of supporting fiber optic cable placement techniques consistent with best practices; and

(v) is placed at a depth consistent with requirements of the covered highway construction project and best practices and that, in determining the depth of placement, consideration is given to the location of existing utilities and cable separation requirements of State and local electrical codes.

(C) GUIDANCE FOR THE INSTALLATION OF BROADBAND CONDUIT.—The Secretary, in consultation with the NTIA Administrator, shall issue guidance for best practices related to the installation of broadband conduit as described in this paragraph and of conduit and similar infrastructure for intelligent transportation systems (as such term is defined in section 501 of title 23, United States Code) that may utilize broadband conduit installed pursuant to this paragraph.

(D) ACCESS.—

(i) IN GENERAL.—The State department of transportation shall ensure that any requesting broadband provider has access to each broadband conduit installed pursuant to this paragraph, on a competitively neutral and nondiscriminatory basis, and in accordance with State permitting, licensing, leasing, or other similar laws and regulations.

(ii) FEE SCHEDULE.—The State department of transportation, in consultation with appropriate State agencies, shall publish a fee schedule for a broadband provider to access conduit installed pursuant to this paragraph. Fees in such schedule—

(I) shall be consistent with the fees established pursuant to section 224 of the Communications Act of 1934 (47 U.S.C. 224);

(II) may vary by topography, location, type of road, rurality, and other factors in the determination of the State; and

(III) may be updated not more frequently than annually.

(iii) IN-KIND COMPENSATION.—The State department of transportation may negotiate in-kind compensation with any broadband provider requesting access to broadband conduit installed under the provisions of this paragraph as a replacement for part or all of, but not to exceed, the relevant fee in the fee schedule described in clause (ii).

(iv) SAFETY CONSIDERATIONS.—The State department of transportation shall require of broadband providers a process for safe access to the highway right-of-way during installation and on-going maintenance of the broadband fiber optic cables including a traffic control safety plan.

(v) COMMUNICATION.—A broadband provider with access to the conduit installed pursuant to this subsection shall notify and receive permission from the relevant agencies of State responsible for the installation of such broadband conduit prior to accessing any highway or highway right-of-way, in accordance with applicable Federal requirements.

(E) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, broadband conduit and broadband infrastructure installation projects under this paragraph shall comply with section 113(a) of title 23, United States Code.

(F) WAIVER AUTHORITY.—

(i) IN GENERAL.—A State department of transportation may waive the required installation of broadband conduit for part or all of any covered highway construction project under this paragraph if, in the determination of the State—

(I) broadband infrastructure, terrestrial broadband infrastructure, aerial broadband fiber cables, or broadband conduit is present near a majority of the length of the covered highway construction project;

(II) the installation of conduit increases overall costs of a covered highway construction project by 1.5 percent or greater;

(III) the installation of broadband conduit associated with covered highway construction project will not be utilized or connected to future broadband infrastructure in the next 20 years, in the determination of the State department of transportation, in consultation with appropriate State agencies and potentially affected local governments and Tribal governments;

(IV) the requirements of this paragraph would require installation of conduit redundant with a dig once requirement of a local or Tribal government;

(V) there exists a circumstance involving force majeure; or

(VI) other relevant factors, as determined by the Secretary in consultation with the NTIA Administrator through regulation, warrant a waiver.

(ii) CONTENTS OF WAIVER.—A waiver authorized under this subparagraph shall—

(I) identify the covered highway construction project; and

(II) include a brief description of the determination of the State for issuing such waiver.

(iii) AVAILABILITY OF WAIVER.—A waiver authorized under this subparagraph shall be included in the plans, specifications, and estimates for the associated project, as long as such info is publicly available.

(4) PRIORITY.—If a State provides for the installation of broadband infrastructure or broadband conduit in the right-of-way of an applicable project under this subsection, the State department of transportation, along with appropriate State agencies, shall carry out appropriate measures to ensure that any existing broadband providers are afforded equal opportunity access, as compared to other broadband providers, with respect to the program under this subsection.

(5) CONSULTATION.—

(A) IN GENERAL.—In promulgating regulations required by this subsection or to implement any part of this section, the Secretary shall consult—

(i) the NTIA Administrator;

(ii) the Federal Communications Commission;

(iii) State departments of transportation;

(iv) appropriate State agencies;

(v) agencies of local governments responsible for transportation and rights-of-way, utilities, and telecommunications and broadband;

(vi) Tribal governments;

(vii) broadband providers; and

(viii) manufacturers of optical fiber, conduit, pull tape, and related items.

(B) BROADBAND USERS.—The Secretary shall ensure that the entities consulted under clauses (iii) through (vi) of subparagraph (A) include rural areas and populations with limited access to broadband infrastructure.

(C) BROADBAND PROVIDERS.—The Secretary shall ensure that the entities consulted under clause (vii) of subparagraph (A) include entities who provide broadband to rural areas and populations with limited access to broadband infrastructure.

(6) PROHIBITION ON UNFUNDED MANDATE.—

(A) IN GENERAL.—This subsection shall apply only to projects for which Federal obligations or expenditures are initially approved on or after the date regulations required under this subsection take effect.

(B) NO MANDATE.—Absent an available and dedicated Federal source of funding—

(i) nothing in this subsection establishes a mandate or requirement that a State install broadband conduit in a highway right-of-way; and

(ii) nothing in paragraph (3) shall establish any requirement for a State.

(7) RULES OF CONSTRUCTION.—

(A) STATE LAW.—Nothing in this subsection shall be construed to require a State to install or allow the installation of broadband conduit or broadband infrastructure—

(i) that is otherwise inconsistent with what is allowable under State law; or

(ii) where the State lacks the authority or property easement necessary for such installation.

(B) NO REQUIREMENT FOR INSTALLATION OF MOBILE SERVICES EQUIPMENT.—Nothing in this section shall be construed to require a State, a municipal government incorporated under State law, or an Indian Tribe to install or allow for the installation of equipment essential for the provision of commercial mobile services (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401)), other than broadband conduit and associated equipment described in paragraph (3)(B).

(c) RELATION TO STATE DIG ONCE REQUIREMENTS.—Nothing in subsection (b) or any regulations promulgated under subsection (b) shall be construed to alter or supersede any provision of a State law or regulation that provides for a dig once requirement that includes similar or more stringent requirements to the provisions of subsection (b) and any regulations promulgated under subsection (b).

(d) DIG ONCE FUNDING TASK FORCE.—

(1) ESTABLISHMENT.—There is established an independent task force on funding the nationwide dig once requirement described in this section to be known as the ''Dig Once Funding Task Force'' (hereinafter referred to as the ''Task Force'').

(2) DUTIES.—The duties of the Task Force shall be to—

(A) estimate the annual cost for implementing and administering a nationwide dig once requirement; and

(B) propose and evaluate options for funding a nationwide dig once requirement described in this section that includes—

(i) a discussion of the role and potential share of costs of—

(I) the Federal Government;

(II) State, local, and Tribal governments; and

(III) broadband providers; and

(ii) consideration of the role of existing dig once requirements of State, local, and Tribal governments and private broadband investment, with a goal to not discourage or disincentivize such dig once requirements or such investment.

(3) REPORTS.—

(A) INTERIM REPORT AND BRIEFING.—Not later than 9 months after the date of enactment of this Act, the Task Force shall submit an interim report to Congress and provide briefings for Congress on the findings of the Task Force.

(B) FINAL REPORT.—Not later than 12 months after the date of enactment of this Act, the Task Force shall submit a final report to Congress on the findings of the Task Force.

(4) MEMBERS.—

(A) APPOINTMENTS.—The Task Force shall consist of 14 members, consisting of—

(i) the 2 co-chairs described in subparagraph (B);

(ii) 6 members jointly appointed by the Speaker and minority leader of the House of Representatives, in consultation with the respective Chairs and Ranking Members of the—

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

(II) the Committee on Energy and Commerce of the House of Representatives; and

(III) the Committee on Appropriations of the House of Representatives; and

(iii) 6 members jointly appointed by the majority leader and minority leader of the Senate, in consultation with the respective Chairs and Ranking Members of the—

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

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

(III) the Committee on Appropriations of the Senate.

(B) CO-CHAIRS.—The Task Force shall be co-chaired by the Secretary and the NTIA Administrator, or their designees.

(C) COMPOSITION.—The Task Force shall include at least—

(i) 1 representative from a State department of transportation;

(ii) 1 representative from a local government;

(iii) 1 representative from a Tribal government;

(iv) 1 representative from a broadband provider;

(v) 1 representative from a State or local broadband provider;

(vi) 1 representative from a labor union; and

(vii) 1 representative from a public interest organization.

(D) APPOINTMENT DEADLINE.—Members shall be appointed to the Task Force not later than 60 days after the date of enactment of this Act.

(E) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If 1 or more appointments required under subparagraph (A) is not made by the appointment date specified in subparagraph (D), the authority to make such appointment or appointments shall expire and the number of members of the Task Force shall be reduced by the number equal to the number of appointments so expired.

(F) TERMS.—Members shall be appointed for the life of the Task Force. A vacancy in the Task Force shall not affect its powers and shall be filled in the same manner as the initial appointment was made.

(5) CONSULTATIONS.—In carrying out the duties required under this subsection, the Task Force shall consult, at a minimum—

(A) the Federal Communications Commission;

(B) agencies of States including—

(i) State departments of transportation; and

(ii) appropriate State agencies;

(C) agencies of local governments responsible for transportation and rights of way, utilities, and telecommunications and broadband;

(D) Tribal governments;

(E) broadband providers and other telecommunications providers;

(F) labor unions; and

(G) State or local broadband providers and Tribal governments that act as broadband providers.

(6) ADDITIONAL PROVISIONS.—

(A) EXPENSES FOR NON-FEDERAL MEMBERS.—Non-Federal members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(B) STAFF.—Staff of the Task Force shall comprise detailees with relevant expertise from the Department of Transportation and the National Telecommunications and Information Administration, or another Federal agency the co-chairpersons consider appropriate, with the consent of the head of the Federal agency, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(C) ADMINISTRATIVE ASSISTANCE.—The Secretary and NTIA Administrator shall provide to the Task Force on a reimbursable basis administrative support and other services for the performance of the functions of the Task Force.

(7) TERMINATION.—The Task Force shall terminate not later than 90 days after issuance of the final report required under paragraph (3)(B).

SEC. 1604. BALANCE EXCHANGES FOR INFRASTRUCTURE PROGRAM.

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

"§ 174. Balance Exchanges for Infrastructure Program

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVELY ALLOCATED.—The term 'administratively allocated' means the allocation by the Secretary of budget authority for a project under the TIFIA program that occurs when—

''(A) a potential applicant has been invited into the creditworthiness phase for a project under the TIFIA program; or

''(B) the project is subject to a master credit agreement (as defined in section 601(a)), in accordance with section 602(b)(2).

''(2) APPALACHIAN STATE.—The term 'Appalachian State' means a State that contains 1 or more counties in the Appalachian region (as defined in section 14102(a) of title 40).

''(3) PROGRAM.—The term 'program' means the Balance Exchanges for Infrastructure Program established under subsection (b).

''(4) TIFIA CARRYOVER BALANCE.—

''(A) IN GENERAL.—The term 'TIFIA carryover balance' means the amounts made available for the TIFIA program for previous fiscal years that are unobligated and have not been administratively allocated.

''(B) INCLUSION.—The term 'TIFIA carryover balance' includes—

''(i) the applicable amount of contract authority for the amounts described in subparagraph (A); and

''(ii) the equivalent amount of obligation limitation for the fiscal year in which the Secretary makes a transfer under subsection (f)(2).

''(5) TIFIA PROGRAM.—The term 'TIFIA program' has the meaning given the term in section 601(a).

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'Balance Exchanges for Infrastructure Program', in accordance with this section to provide flexibility for the Secretary and States to improve highway infrastructure.

''(c) OFFER TO FUND PROJECTS OR EXCHANGE FUNDS.—

''(1) SOLICITATION.—For each fiscal year for which an amount is reserved under subsection (f)(1), the Secretary shall—

''(A) not later than December 1 of that fiscal year—

''(i) solicit requests from Appalachian States to return amounts under subsection (d)(1)(A); and

''(ii) solicit applications from Appalachian States for grants under subsection (e); and

''(B) require that, not later than 60 days after the date of the solicitations under subparagraph (A), each Appalachian State that elects to participate in the program shall submit to the Secretary either—

''(i) a request that describes the amount that the Appalachian State requests to return under subsection (d)(1)(A); or

''(ii) an application for a grant under subsection (e).

''(d) EXCHANGE AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall enter into an agreement with each Appalachian State that submits a request under subsection (c)(1)(A)(i) under which—

''(A) the Appalachian State shall return to the Secretary all, or at the discretion of the Appalachian State, a portion of, the unobligated amounts from the Highway Trust Fund (including the applicable amount of contract authority and an equal amount of special no-year obligation limitation associated with that contract authority) apportioned to the Appalachian State for the Appalachian development highway system under section 14501 of title 40 (but not including any amounts made available by an appropriations Act without an initial authorization); and

''(B) the Secretary shall transfer to the Appalachian State, from amounts transferred to the program under subsection (f)(2) for that fiscal year, an amount (including the applicable amount of contract authority and an equal amount of annual obligation limitation) equal to the amount that the Appalachian State returned under subparagraph (A) that shall be used to carry out projects described in paragraph (3).

''(2) STATE LIMITATION.—The amount of contract authority returned by an Appalachian State under paragraph (1)(A) may not exceed the amount of the special no-year obligation limitation available to the Appalachian State prior to the return of the special no-year obligation limitation under that paragraph.

''(3) ELIGIBLE PROJECTS.—

''(A) IN GENERAL.—A project eligible to be carried out using funds transferred to an Appalachian State under paragraph (1)(B) is a project described in subsections (b) and (c) of section 133.

''(B) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds transferred to an Appalachian State under paragraph (1)(B) shall be up to 100 percent, at the discretion of the Appalachian State.

''(C) APPLICATION OF SECTION 133.—Except as otherwise provided in this paragraph, section 133 shall not apply to a project carried out using funds transferred to an Appalachian State under paragraph (1)(B).

''(4) TOTAL LIMITATION.—For each fiscal year, the total amount exchanged under paragraph (1) shall not exceed the amount available to be transferred to the program under subsection (f).

''(5) AMOUNTS EXCHANGED.—For each fiscal year, if the total amount requested by all Appalachian States to return under paragraph (1)(A) is greater than the amount described in paragraph (4), the Secretary shall exchange amounts under paragraph (1) based on the proportion that—

''(A) the amount requested to be returned for the fiscal year by the Appalachian State; bears to

''(B) the amount requested to be returned for the fiscal year by all Appalachian States.

''(e) APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM CORRIDOR GRANTS.—

''(1) IN GENERAL.—Using amounts returned to the Secretary under subsection (d)(1)(A), the Secretary shall provide grants of contract authority, to remain available until expended, and subject to special no-year obligation limitation, on a competitive basis to Appalachian States for eligible projects described in paragraph (2).

''(2) ELIGIBLE PROJECT.—A project eligible to be carried out with a grant under this subsection is a project that is—

''(A) eligible under section 14501 of title 40 as of the date of enactment of this section; and

''(B) reasonably expected to begin construction by not later than 2 years after the date of obligation of funds provided under this subsection for the project.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an Appalachian

State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out using a grant provided under this subsection shall be up to 100 percent, at the discretion of the Appalachian State.

''(5) LIMITATION.—An Appalachian State that enters into an agreement to exchange funds under subsection (d) for any fiscal year shall not be eligible to receive a grant under this subsection.

''(f) TRANSFER FROM TIFIA PROGRAM.—

''(1) IN GENERAL.—On October 1 of each fiscal year, the Secretary shall reserve, for the purpose of funding transfers under paragraph (2) until the transfers are completed, the amount of TIFIA carryover balance that exceeds the amount available to carry out the TIFIA program for that fiscal year.

''(2) TRANSFERS.—For each fiscal year, not later than 60 days after the date on which the Secretary receives the responses to the solicitations under subsection (c)(1), the Secretary shall transfer from the TIFIA program to the program an amount of contract authority and equal amount of obligation limitation that is equal to the lesser of—

''(A) the total amount requested by all Appalachian States for the fiscal year under subsection (c)(1)(B)(i);

''(B) the total amount requested by all Appalachian States for grants under subsection (c)(1)(B)(ii); and

''(C) the amount reserved under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

''174. Balance Exchanges for Infrastructure Program.''.

SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Administrator shall seek to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to under which the Transportation Research Board shall conduct a study—

(A) to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities eligible for assistance under title 23, United States Code, to inform the development of appropriate total maximum daily load requirements;

(B) to provide recommendations (including recommended revisions to existing laws and regulations) regarding the evaluation and selection by State departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed, including environmental restoration and pollution abatement carried out under section 328 of title 23, United States Code;

(C) to examine the potential for the Secretary to assist State departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities that are eligible for assistance under title 23, United States Code, through information-sharing agreements, database assistance, or an administrative platform to provide the information described in subparagraphs (A) and (B) to entities issued permits under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(D) to examine the benefit of concentrating stormwater retrofits in impaired watersheds and selecting such retrofits according to a process that depends on a watershed management plan developed in accordance with section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329).

(2) REQUIREMENTS.—In conducting the study under the agreement entered into pursuant to paragraph (1), the Transportation Research Board shall—

(A) review and supplement, as appropriate, the methodologies examined and recommended in the 2019 report of the National Academies of Sciences, Engineering, and Medicine titled ''Approaches for Determining and Complying with TMDL Requirements Related to Roadway Stormwater Runoff'';

(B) consult with—

(i) the Secretary of Transportation;

(ii) the Secretary of Agriculture;

(iii) the Administrator;

(iv) the Secretary of the Army, acting through the Chief of Engineers; and

(v) State departments of Transportation; and

(C) solicit input from—

(i) stakeholders with experience in implementing stormwater management practices for projects; and

(ii) educational and technical stormwater management groups.

(3) REPORT.—In carrying out the agreement entered into pursuant to paragraph (1), not later than 18 months after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary of Transportation, the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

(b) STORMWATER BEST MANAGEMENT PRACTICES REPORTS.—

(1) REISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall update and reissue the best management practices reports to reflect new information and advancements in stormwater management.

(2) UPDATES.—Not less frequently than once every 5 years after the date on which the Secretary reissues the best management practices reports under paragraph (1), the Secretary shall update and reissue the best management practices reports, unless the contents of the best management practices reports have been incorporated (including by reference) into applicable regulations of the Secretary.

(c) DEFINITIONS.—In this section:

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

(2) BEST MANAGEMENT PRACTICES REPORTS.—The term ''best management practices reports'' means—

(A) the 2014 report sponsored by the Department of Transportation titled ''Determining the State of the Practice in Data Collection and Performance Measurement of Stormwater Best Management Practices'' (FHWA–HEP–16–021); and

(B) the 2000 report sponsored by the Department of Transportation titled ''Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring''.

(3) TOTAL MAXIMUM DAILY LOAD.—The term ''total maximum daily load'' has the meaning given such term in section 130.2 of title 40, Code of Federal Regulations (or successor regulations).

SEC. 1606. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board established under section 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 792), in consultation with the Secretary of Transportation, shall establish accessibility guidelines setting forth minimum standards for pedestrian facilities in the public right-of-way.

(b) CONTENT OF GUIDANCE.—The guidelines described in subsection (a) shall be substantially similar to, and carried out under the same statutory authority as—

(1) the notice of proposed rulemaking published on July 26, 2011, titled ''Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way'' (76 Fed. Reg. 44664); and

(2) the supplemental notice of proposed rulemaking published on February 13, 2013, titled ''Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths'' (78 Fed. Reg. 10110).

(c) ADOPTION OF REGULATIONS.—Not later than 180 days after the establishment of the guidelines pursuant to subsection (a), the Secretary shall issue such regulations as are necessary to adopt such guidelines.

SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.

(a) HIGHWAY FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), shall conduct a highway formula modernization study to assess the method and data used to apportion Federal-aid highway funds under subsections (b) and (c) of section 104 of title 23, United States Code, and issue recommendations on such method and data.

(2) ASSESSMENT.—The highway formula modernization study required under paragraph (1) shall include an assessment of, based on the latest available data, whether the apportionment method under such section results in—

(A) an equitable distribution of funds based on the estimated tax payments attributable to—

(i) highway users in the State that are paid into the Highway Trust Fund; and

(ii) individuals in the State that are paid to the Treasury, based on contributions to the Highway Trust Fund from the general fund of the Treasury; and

(B) the achievement of the goals described in section 101(b)(3) of title 23, United States Code.

(3) CONSIDERATIONS.—In carrying out the assessment under paragraph (2), the Secretary shall consider the following:

(A) The factors described in sections 104(b), 104(f)(2), 104(h)(2), 130(f), and 144(e) of title 23, United States Code, as in effect on the date of enactment of SAFETEA–LU (Public Law 109–59).

(B) The availability and accuracy of data necessary to calculate formula apportionments under the factors described in subparagraph (A).

(C) The measures established under section 150 of title 23, United States Code, and whether such measures are appropriate for consideration as formula apportionment factors.

(D) The results of the CMAQ formula modernization study required under subsection (b).

(E) Any other factors that the Secretary determines are appropriate.

(4) RECOMMENDATIONS.—The Secretary shall, in consultation with the State departments of transportation and representatives of local governments (including metropolitan planning organizations), develop recommendations on a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves an equitable distribution of funds described under paragraph (2)(A) and the goals described in paragraph (2)(B).

(b) CMAQ FORMULA MODERNIZATION STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall conduct an CMAQ formula modernization study to assess whether the apportionment method under section 104(b)(4) of title 23, United States Code, results in a distribution of funds that best achieves the air quality goals of section 149 of such title.

(2) CONSIDERATIONS.—In providing consultation under this subsection, the Administrator of the Environmental Protection Agency shall provide to the Secretary an analysis of—

(A) factors that contribute to the apportionment, including population, types of pollutants, and severity of pollutants, as such factors were determined on the date prior to the date of enactment of MAP–21;

(B) the weighting of the factors listed under subparagraph (A); and

(C) the recency of the data used in making the apportionment under section 104(b)(4) of title 23, United States Code.

(3) RECOMMENDATIONS.—If, in conducting the study under this subsection, the Secretary finds that modifying the apportionment method under section 104(b)(4) of title 23, United States Code, would best achieve the air quality goals of section 149 of title 23, United States Code, the Secretary shall, in consultation with the Administrator, include in such study recommendations for a new apportionment method, including—

(A) the factors recommended to be included in such apportionment method;

(B) the weighting recommended to be applied to the factors under subparagraph (A); and

(C) any other recommendations to ensure that the apportionment method best achieves the air quality goals section 149 of such title.

(c) REPORT.—No later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the highway formula modernization study and the CMAQ formula modernization study.

SEC. 1608. CONSOLIDATION OF PROGRAMS.

Section 1519 of MAP–21 (Public Law 112–141) is amended—

(1) in subsection (a)—

(A) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2025''; and

(B) by striking ''$3,500,000'' and inserting ''$4,000,000'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) FEDERAL SHARE.—The Federal share of the cost of a project or activity carried out under subsection (a) shall be 100 percent.''.

SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the efforts of the Department of Transportation to encourage elementary, secondary, and post-secondary students to pursue careers in the surface transportation sector.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a description of efforts to increase awareness of careers related to surface transportation among elementary, secondary, and post-secondary students;

(2) a description of efforts to prepare and inspire such students for surface transportation careers;

(3) a description of efforts to support the development of a diverse, well-qualified workforce for future surface transportation needs; and

(4) the effectiveness of the efforts described in paragraphs (1) through (3).

SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY SURFACE TRANSPORTATION WORKFORCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a task force on developing a 21st century surface transportation workforce (in this section referred to as the ''Task Force'').

(b) DUTIES.—Not later than 12 months after the establishment of the Task Force under subsection (a), the Task Force shall develop and submit to the Secretary recommendations and strategies for the Department of Transportation to—

(1) evaluate the current and future state of the surface transportation workforce, including projected job needs in the surface transportation sector;

(2) identify factors influencing individuals pursuing careers in surface transportation, including barriers to attracting individuals into the workforce;

(3) address barriers to retaining individuals in surface transportation careers;

(4) identify and address potential impacts of emerging technologies on the surface transportation workforce;

(5) increase access for vulnerable or underrepresented populations, especially women and minorities, to high-skill, in-demand surface transportation careers;

(6) facilitate and encourage elementary, secondary, and post-secondary students in the United States to pursue careers in the surface transportation sector; and

(7) identify and develop pathways for students and individuals to secure pre-apprenticeships, registered apprenticeships, and other work-based learning opportunities in the surface transportation sector of the United States.

(c) CONSIDERATIONS.—In developing recommendations and strategies under subsection (b), the Task Force shall—

(1) identify factors that influence whether young people pursue careers in surface transportation, especially traditionally underrepresented populations, including women and minorities;

(2) consider how the Department, businesses, industry, labor, educators, and other stakeholders can coordinate efforts to support qualified individuals in pursuing careers in the surface transportation sector;

(3) identify methods of enhancing surface transportation pre-apprenticeships and registered apprenticeships, job skills training, mentorship, education, and outreach programs that are exclusive to youth in the United States; and

(4) identify potential sources of funding, including grants and scholarships, that may be used to support youth and other qualified individuals in pursuing careers in the surface transportation sector.

(d) CONSULTATION.—In developing the recommendations and strategies required under subsection (b), the Task Force may consult with—

(1) local educational agencies and institutes of higher education, including community colleges and vocational schools; and

(2) State workforce development boards.

(e) REPORT.—Not later than 60 days after the submission of the recommendations and strategies under subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing such recommendations and strategies.

(f) COMPOSITION OF TASK FORCE.—The Secretary shall appoint members to the Task Force whose diverse background and expertise allow such members to contribute balanced points of view and ideas in carrying out this section, comprised of equal representation from each of the following:

(1) Industries in the surface transportation sector.

(2) Surface transportation sector labor organizations.

(3) Such other surface transportation stakeholders and experts as the Secretary considers appropriate.

(g) PERIOD OF APPOINTMENT.—Members shall be appointed to the Task Force for the duration of the existence of the Task Force.

(h) COMPENSATION.—Task Force members shall serve without compensation.

(i) SUNSET.—The Task Force shall terminate upon the submission of the report required under subsection (e).

(j) DEFINITIONS.—In this section:

(1) PRE-APPRENTICESHIP.—The term ''pre-apprenticeship'' means a training model or program that prepares individuals for acceptance into a registered apprenticeship and has a demonstrated partnership with 1 or more registered apprenticeships.

(2) REGISTERED APPRENTICESHIP.—The term ''registered apprenticeship'' means an apprenticeship program registered under the Act of August 16, 1937 (29 U.S.C. 50 et seq.; commonly known as the ''National Apprenticeship Act''), that satisfies the requirements of parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERVICES.

Section 140(b) of title 23, United States Code, is amended to read as follows:

''(b) WORKFORCE TRAINING AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor and any other department or agency of the Government, State agency, authority, association, institution, Indian Tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer surface transportation and technology training, including skill improvement programs, and to develop and fund summer transportation institutes.

''(2) STATE RESPONSIBILITIES.—A State department of transportation participating in the program under this subsection shall—

''(A) develop an annual workforce plan that identifies immediate and anticipated workforce gaps and underrepresentation of women and minorities and a detailed plan to fill such gaps and address such underrepresentation;

''(B) establish an annual workforce development compact with the State workforce development board and appropriate agencies to provide a coordinated approach to workforce training, job placement, and identification of training and skill development program needs, which shall be coordinated to the extent practical with an institution or agency, such as a State workforce development board under section 101 of the Workforce Innovation and Opportunities Act (29 U.S.C. 3111), that has established skills training, recruitment, and placement resources; and

''(C) demonstrate program outcomes, including—

''(i) impact on areas with transportation workforce shortages;

''(ii) diversity of training participants;

''(iii) number and percentage of participants obtaining certifications or credentials required for specific types of employment;

''(iv) employment outcome, including job placement and job retention rates and earnings, using performance metrics established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

''(v) to the extent practical, evidence that the program did not preclude workers that participate in training or registered apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter.

''(3) FUNDING.—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as necessary, not to exceed $10,000,000 in each fiscal year, for the administration of this subsection. Such sums shall remain available until expended.

''(4) NONAPPLICABILITY OF TITLE 41.—Subsections (b) through (d) of section 6101 of title 41

shall not apply to contracts and agreements made under the authority granted to the Secretary under this subsection.

''(5) USE OF SURFACE TRANSPORTATION PROGRAM AND NATIONAL HIGHWAY PERFORMANCE PROGRAM FUNDS.—Notwithstanding any other provision of law, not to exceed ½ of 1 percent of funds apportioned to a State under paragraph (1) or (2) of section 104(b) may be available to carry out this subsection upon request of the State transportation department to the Secretary.''.

SEC. 1612. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM FUNDING FLEXIBILITY.

(a) IN GENERAL.—Any funds made available to a State for the Appalachian development highway system program under subtitle IV of title 40, United States Code, before the date of enactment of this Act may be used, at the request of such State to the Secretary of Transportation, for the purposes described in section 133(b) of title 23, United States Code.

(b) LIMITATION.—The authority in subsection (a) may only be used by an Appalachian development highway system State if all of the Appalachian development highway system corridors authorized by subtitle IV of title 40, United States Code, in such State, have been fully completed and are open to traffic prior to the State making a request to the Secretary as described in subsection (a).

SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT PROGRAM.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (e)(1) by inserting ''and (8) through (9)'' after ''paragraphs (1) through (4)''; and

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

''(4) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that includes—

''(A) a list of all grant recipients under this subsection;

''(B) an explanation of why each recipient was chosen in accordance with the criteria under paragraph (2);

''(C) a summary of each recipient's objective to carry out the purpose described in paragraph (1) and an analysis of progress made toward achieving each such objective;

''(D) an accounting for the use of Federal funds obligated or expended in carrying out this subsection; and

''(E) an analysis of outcomes of the program under this subsection.''.

SEC. 1614. WORKING GROUP ON CONSTRUCTION RESOURCES.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Transportation shall establish a working group (in this section referred to as the ''Working Group'') to conduct a study on access to covered resources for infrastructure projects.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Secretary shall appoint to the Working Group individuals with knowledge and expertise in the production and transportation of covered resources.

(2) REPRESENTATION.—The Working Group shall include at least 1 representative of each of the following:

(A) State departments of transportation.

(B) State agencies associated with covered resources protection.

(C) State planning and geologic survey and mapping agencies.

(D) Commercial motor vehicle operators, including small business operators and operators who transport covered resources.

(E) Covered resources producers.

(F) Construction contractors.

(G) Metropolitan planning organizations and regional planning organizations.

(H) Indian Tribes, including Tribal elected leadership or Tribal transportation officials.

(I) Any other stakeholders that the Secretary determines appropriate.

(3) TERMINATION.—The Working Group shall terminate 6 months after the date on which the Secretary receives the report under subsection (e)(1).

(c) DUTIES.—In carrying out the study required under subsection (a), the Working Group shall analyze—

(1) the use of covered resources in transportation projects funded with Federal dollars;

(2) how the proximity of covered resources to such projects affects the cost and environmental impact of such projects;

(3) whether and how State, Tribal, and local transportation and planning agencies consider covered resources when developing transportation projects; and

(4) any challenges for transportation project sponsors regarding access and proximity to covered resources.

(d) CONSULTATION.—In carrying out the study required under subsection (a), the Working Group shall consult with, as appropriate—

(1) chief executive officers of States;

(2) State, Tribal, and local transportation and planning agencies;

(3) other relevant State, Tribal, and local agencies, including State agencies associated with covered resources protection;

(4) members of the public with industry experience with respect to covered resources;

(5) other Federal entities that provide funding for transportation projects; and

(6) any other stakeholder the Working Group determines appropriate.

(e) REPORTS.—

(1) WORKING GROUP REPORT.—Not later than 2 years after the date on which the Working Group is established, the Working Group shall submit to the Secretary a report that includes—

(A) the findings of the study required under subsection (a), including a summary of comments received during the consultation process under subsection (d); and

(B) any recommendations to preserve access to and reduce the costs and environmental impacts of covered resources for infrastructure projects.

(2) DEPARTMENTAL REPORT.—Not later than 3 months after the date on which the Secretary receives the report under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a summary of the findings under such report and any recommendations, as appropriate.

(f) DEFINITIONS.—In this section:

(1) COVERED RESOURCES.—The term ''covered resources'' means common variety materials used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

(2) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 1615. NUMBERING SYSTEM OF HIGHWAY INTERCHANGES.

(a) IN GENERAL.—Notwithstanding section 315 of title 23, United States Code, and section 1.36 of title 23, Code of Federal Regulations, the Secretary of Transportation may not impose a penalty on a State that does not comply with section 2E.31 of the Manual on Uniform Traffic Control Devices (or a successor section) with respect to the numbering of highway interchanges.

(b) APPLICABILITY.—Subsection (a) shall only apply to a method of numbering of a highway interchange in effect on the date of enactment of this Act.

SEC. 1616. TOLL CREDITS.

(a) PURPOSES.—The Secretary of Transportation shall—

(1) identify the extent of the demand to purchase toll credits;

(2) identify the expected cash price of toll credits;

(3) analyze the impact of the exchange of toll credits on transportation expenditures; and

(4) identify any other repercussions of establishing a toll credit exchange.

(b) SOLICITATION.—To carry out the requirements of this section, the Secretary shall solicit information from States eligible to use a credit under section 120(i) of title 23, United States Code, including—

(1) the amount of unused toll credits, including—

(A) toll revenue generated and the sources of that revenue;

(B) toll revenue used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce; and

(C) an accounting of any Federal funds used by the public, quasi-public, or private agency to build, improve, or maintain the toll facility, to validate that the credit has been reduced by a percentage equal to the percentage of the total cost of building, improving, or maintaining the facility that was derived from Federal funds;

(2) the documentation of maintenance of effort for toll credits earned by the State; and

(3) the accuracy of the accounting system of the State to earn and track toll credits.

(c) WEBSITE.—The Secretary shall make available a publicly accessible website on which a State eligible to use a credit under section 120(i) of title 23, United States Code shall publish the information described under subsection (b)(1).

(d) EVALUATION AND RECOMMENDATIONS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available on the website of the Department of Transportation—

(1) an evaluation of the accuracy of the accounting and documentation of toll credits earned under section 120(i);

(2) a determination whether a toll credit marketplace is viable and cost effective;

(3) estimates, to the extent possible, of the average sale price of toll credits; and

(4) recommendations on any modifications necessary, including legislative changes, to establish and implement a toll credit exchange program.

(e) DEFINITION.—In this section, the term ''State'' has the meaning given the term in section 101(a) of title 23, United States Code.

SEC. 1617. TRANSPORTATION CONSTRUCTION MATERIALS PROCUREMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the procurement processes used by State departments of transportation to select construction materials on projects utilizing Federal-aid highway funds.

(b) CONTENTS.—The review under subsection (a) shall include—

(1) a review of competitive practices in the bidding process for transportation construction materials;

(2) a list of States that currently issue bids that include flexibility in the type of construction materials used to meet the project specifications;

(3) any information provided by States on considerations that influence the decision to include competition by type of material in transportation construction projects;

(4) any data on whether issuing bids that include flexibility in the type of construction materials used to meet the project specifications will affect project costs over the lifecycle of an asset;

(5) any data on the degree to which competition leads to greater use of sustainable, innovative, or resilient materials; and

(6) an evaluation of any barriers to more widespread use of competitive bidding processes for transportation construction materials.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the review initiated by the Secretary pursuant to this section.

SEC. 1618. CONSTRUCTION OF CERTAIN ACCESS AND DEVELOPMENT ROADS.

Section 118(d) of title 23, United States Code, is amended by striking ''and the Commonwealth of Puerto Rico'' and inserting '', the Commonwealth of Puerto Rico, and any other territory of the United States''.

SEC. 1619. NATIONWIDE ROAD SAFETY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall, every 2 years, conduct nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each State.

(b) REQUIREMENTS.—The assessments required under subsection (a) shall be conducted—

(1) by Department of Transportation field offices from the Federal Highway Administration, the National Highway Transportation Safety Administration, the Federal Transit Administration, and the Federal Motor Carrier Safety Administration; and

(2) in consultation with—

(A) State and local agencies with jurisdiction over pedestrian and bicycle safety;

(B) pedestrian safety and bicycle safety advocacy organizations; and

(C) other relevant pedestrian and bicycle safety stakeholders.

(c) PURPOSES.—The purpose of the assessments under this section is to—

(1) identify and examine specific locations with documented or perceived problems with pedestrian and bicycle safety and access;

(2) examine barriers to providing safe pedestrian and bicycle access to transportation infrastructure; and

(3) develop and issue recommendations designed to effectively address specific safety and access issues and enhance pedestrian and bicycle safety in high risk areas.

(d) REPORT ON STATE ASSESSMENTS.—Upon completion of the assessment of a State, the Secretary shall issue, and make available to the public, a report containing the assessment that includes—

(1) a list of locations that have been assessed as presenting a danger to pedestrians or bicyclists; and

(2) recommendations to enhance pedestrian and bicycle safety in those locations.

(e) REPORT ON NATIONWIDE PROGRAM.—Upon completion of the biannual assessment nationwide required under this section, the Secretary shall issue, and make available to the public, that covers assessments for all jurisdictions and also present it to the congressional transportation committees.

(f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY DATABASE.—The Secretary, in order to enhance pedestrian and bicycle safety and improve information sharing on pedestrian and bicycle safety challenges between the Federal Government and State and local governments, shall maintain a national pedestrian and bicycle safety database that includes—

(1) a list of high-risk intersections, roads, and highways with a documented history of pedestrian or bicycle accidents or fatalities and details regarding those incidents; and

(2) information on corrective measures that have been implemented at the State, local, or Federal level to enhance pedestrian and bicyclist safety at those high risk areas, including details on the nature and date of corrective action.

(g) STATE DEFINED.—In this section, the term ''State'' means each of the States, the District of Columbia, and Puerto Rico.

SEC. 1620. WILDLIFE CROSSINGS.

(a) IN GENERAL.—

(1) OBLIGATION REQUIREMENT.—For each of fiscal years 2022 through 2025, of the amounts apportioned to a State under paragraph (1) of section 104(b) of title 23, United States Code, each State shall obligate amounts distributed to such State under subsection (b) for projects and strategies that reduce vehicle-caused wildlife mortality related to, or to restore and maintain connectivity among terrestrial or aquatic habitats affected by, a transportation facility otherwise eligible for assistance under section 119 of title 23, United States Code.

(2) TOTAL AMOUNT.—The total amount to be obligated by all States under paragraph (1) shall equal $75,000,000 for each of fiscal years 2022 through 2025.

(b) DISTRIBUTION.—Each State's share of the amount described under subsection (a)(2) shall be determined by multiplying the amount described under such subsection by the ratio that—

(1) the amount apportioned in the previous fiscal year to the State under section 104 of title 23, United States Code; bears to

(2) the total amount of funds apportioned to all States in the previous fiscal year.

(c) STATE FLEXIBILITY.—

(1) IN GENERAL.—A State may opt out of the obligation requirement described under this section if the Governor of the State notifies the Secretary that the State has inadequate needs to justify the expenditure not later than 30 days prior to apportionments being made for any fiscal year.

(2) USE OF FUNDS.—A State that exercises the authority under paragraph (1) may use the funds described under this section for any purpose described under section 119 of title 23, United States Code.

SEC. 1621. CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.

(a) CLIMATE RESILIENT TRANSPORTATION INFRASTRUCTURE STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the Transportation Research Board of the National Academies to conduct a study of the actions needed to ensure that Federal agencies are taking into account current and future climate conditions in planning, designing, building, operating, maintaining, investing in, and upgrading any federally funded transportation infrastructure investments.

(b) METHODOLOGIES.—In conducting the study, the Transportation Research Board shall build on the methodologies examined and recommended in—

(1) the 2018 report issued the American Society of Civil Engineers, titled ''Climate-Resilient Infrastructure: Adaptive Design and Risk Management''; and

(2) the report issued by the California Climate-Safe Infrastructure Working Group, titled ''Paying it Forward: The Path Toward Climate-Safe Infrastructure in California''.

(c) CONTENTS OF STUDY.—The study shall include specific recommendations regarding the following:

(1) Integrating scientific knowledge of projected climate change impacts, and other relevant data and information, into Federal infrastructure planning, design, engineering, construction, operation and maintenance.

(2) Addressing critical information gaps and challenges.

(3) Financing options to help fund climate-resilient infrastructure.

(4) A platform or process to facilitate communication between climate scientists and other experts with infrastructure planners, engineers and other relevant experts.

(5) A stakeholder process to engage with representatives of State, local, tribal and community groups.

(6) A platform for tracking Federal funding of climate-resilient infrastructure.

(d) CONSIDERATIONS.—In carrying out the study, the Transportation Research Board shall determine the need for information related to climate resilient transportation infrastructure by considering—

(1) the current informational and institutional barriers to integrating projected infrastructure risks posed by climate change into federal infrastructure planning, design, engineering, construction, operation and maintenance;

(2) the critical information needed by engineers, planners and those charged with infrastructure upgrades and maintenance to better incorporate climate change risks and impacts over the lifetime of projects;

(3) how to select an appropriate, adaptive engineering design for a range of future climate scenarios as related to infrastructure planning and investment;

(4) how to incentivize and incorporate systems thinking into engineering design to maximize the benefits of multiple natural functions and emissions reduction, as well as regional planning;

(5) how to take account of the risks of cascading infrastructure failures and develop more holistic approaches to evaluating and mitigating climate risks;

(6) how to ensure that investments in infrastructure resilience benefit all communities, including communities of color, low-income communities and tribal communities that face a disproportionate risk from climate change and in many cases have experienced long-standing unmet needs and underinvestment in critical infrastructure;

(7) how to incorporate capital assessment and planning training and techniques, including a range of financing options to help local and State governments plan for and provide matching funds; and

(8) how federal agencies can track and monitor federally funded resilient infrastructure in a coordinated fashion to help build the understanding of the cost-benefit of resilient infrastructure and to build the capacity for implementing resilient infrastructure.

(e) CONSULTATION.—In carrying out the study, the Transportation Research Board—

(1) shall convene and consult with a panel of national experts, including operators and users of Federal transportation infrastructure and private sector stakeholders; and

(2) is encouraged to consult with—

(A) representatives from the thirteen federal agencies that comprise the United States Global Change Research Program;

(B) representatives from the Department of the Treasury;

(C) professional engineers with relevant expertise in infrastructure design;

(D) scientists from the National Academies with relevant expertise;

(E) scientists, social scientists and experts from academic and research institutions who have expertise in climate change projections and impacts; engineering; architecture; or other relevant areas of expertise;

(F) licensed architects with relevant experience in infrastructure design;

(G) certified planners;

(H) representatives of State, local and Tribal governments; and

(I) representatives of environmental justice groups.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Transportation Research Board shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this section.

SEC. 1622. ELIMINATION OF DUPLICATION OF ENVIRONMENTAL REVIEWS AND APPROVALS.

The Secretary of Transportation shall issue a final rule implementing the program under section 330 of title 23, United States Code.

SEC. 1623. AMBER ALERTS ALONG MAJOR TRANSPORTATION ROUTES.

(a) IN GENERAL.—Section 303 of the PROTECT Act (34 U.S.C. 20503) is amended—

(1) in the section heading, by inserting ''**AND MAJOR TRANSPORTATION ROUTES**'' *after* ''**ALONG HIGHWAYS**''*;*

(2) in subsection (a)—

(A) by inserting ''(referred to in this section as the 'Secretary')'' after ''Secretary of Transportation''; and

(B) by inserting ''and at airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States'' after ''along highways'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''other motorist information systems to notify motorists'' and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers''; and

(ii) by inserting '', aircraft passengers, ship passengers, and travelers'' after ''necessary to notify motorists''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''other motorist information systems to notify motorists'' and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers'';

(ii) in subparagraph (D), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''support the notification of motorists'';

(iii) in subparagraph (E), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists'', each place it appears;

(iv) in subparagraph (F), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists''; and

(v) in subparagraph (G), by inserting '', aircraft passengers, ship passengers, and travelers'' after ''motorists'';

(4) in subsection (c), by striking ''other motorist information systems to notify motorists'', each place it appears, and inserting ''other information systems to notify motorists, aircraft passengers, ship passengers, and travelers'';

(5) by amending subsection (d) to read as follows:

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

''(2) WAIVER.—If the Secretary determines that American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States is unable to comply with the requirement under paragraph (1), the Secretary shall waive such requirement.'';

(6) in subsection (g)—

(A) by striking ''In this section'' and inserting ''In this subtitle''; and

(B) by striking ''or Puerto Rico'' and inserting ''American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the PROTECT Act (Public Law 108–21) is amended by striking the item relating to section 303 and inserting the following:

''Sec. 303. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.''.

SEC. 1624. NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.

Subsection (s) of section 127 of title 23, United States Code is amended to read as follows:

''(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO EMISSION VEHICLES.—A vehicle, if operated by an engine fueled primarily by natural gas, powered primarily by means of electric battery power, or fueled primarily by means of other zero emission fuel technologies, may exceed the weight limit on the power unit by up to 2,000 pounds (up to a maximum gross vehicle weight of 82,000 pounds) under this section.''.

SEC. 1625. GUIDANCE ON EVACUATION ROUTES.

(a) IN GENERAL.—

(1) GUIDANCE.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency, and consistent with guidance issued by the Federal Emergency Management Agency pursuant to section 1209 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), shall revise existing guidance or issue new guidance as appropriate for State, local, and Indian Tribal governments regarding the design, construction, maintenance, and repair of evacuation routes.

(2) CONSIDERATIONS.—In revising or issuing guidance under subsection (a)(1), the Administrator of the Federal Highway Administration shall consider—

(A) methods that assist evacuation routes to—

(i) withstand likely risks to viability, including flammability and hydrostatic forces;

(ii) improve durability, strength (including the ability to withstand tensile stresses and compressive stresses), and sustainability; and

(iii) provide for long-term cost savings;

(B) the ability of evacuation routes to effectively manage contraflow operations;

(C) for evacuation routes on public lands, the viewpoints of the applicable Federal land management agency regarding emergency operations, sustainability, and resource protection; and

(D) such other items the Administrator of the Federal Highway Administration considers appropriate.

(3) REPORT.—In the case in which the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, concludes existing guidance addresses the considerations in paragraph (2), The Administrator of the Federal Highway Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed report describing how existing guidance addresses such considerations.

(b) STUDY.—The Administrator of the Federal Highway Administration, in coordination with the Administrator of the Federal Emergency Management Agency and State, local, territorial, and Indian Tribal governments, shall—

(1) conduct a study of the adequacy of available evacuation routes to accommodate the flow of evacuees; and

(2) submit recommendations to Congress on how to help with anticipated evacuation route flow, based on the study conducted under paragraph (1).

SEC. 1626. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following:

''(92) The Louisiana Capital Region High Priority Corridor, which shall generally follow—

''(A) Interstate 10, between its intersections with Interstate 12 and Louisiana Highway 415;

''(B) Louisiana Highway 415, between its intersections with Interstate 10 and United States route 190;

''(C) United States route 190, between its intersections with Louisiana Highway 415 and intersection with Interstate110;

''(D) Interstate 110, between its intersections with United States route 190 and Interstate 10;

''(E) Louisiana Highway 30, near St. Gabriel, LA and its intersections with Interstate 10;

''(F) Louisiana Highway 1, near White Castle, LA and its intersection with Interstate 10; and

''(G) A bridge connecting Louisiana Highway 1 with Louisiana Highway 30, south of the Interstate described in subparagraph (A).''.

SEC. 1627. GUIDANCE ON INUNDATED AND SUBMERGED ROADS.

Upon issuance of guidance issued pursuant to section 1228 of the Disaster Recovery Reform Act of 2018 (Public Law 115–254), the Administrator of the Federal Highway Administration, in consultation with the Administrator of the Federal Emergency Management Agency, shall review such guidance and issue guidance regarding repair, restoration, and replacement of inundated and submerged roads damaged or destroyed by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to roads eligible for assistance under Federal Highway Administration programs.

SEC. 1628. DRY BULK WEIGHT TOLERANCE.

Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(v) DRY BULK WEIGHT TOLERANCE.—

''(1) DEFINITION OF DRY BULK GOODS.—In this subsection, the term 'dry bulk goods' means any homogeneous unmarked nonliquid cargo being transported in a trailer specifically designed for that purpose.

''(2) WEIGHT TOLERANCE.—Notwithstanding any other provision of this section, except for the maximum gross vehicle weight limitation, a commercial motor vehicle transporting dry bulk goods may not exceed 110 percent of the maximum weight on any axle or axle group described in subsection (a), including any enforcement tolerance.''.

SEC. 1629. HIGHWAY USE TAX EVASION PROJECTS.

Section 143(b)(2)(A) of title 23, United States Code, is amended by striking ''2016 through 2020'' and inserting ''2022 through 2025''.

SEC. 1630. THE UNITED STATES OPPOSES CHILD LABOR.

It is the policy of the United States that funds authorized or made available by this Act, or the amendments made by this Act, should not be used to purchase products produced whole or in part through the use of child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

SEC. 2101. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

''§ 5338. Authorizations

''(a) GRANTS.—

''(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5308, 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335, 5337, 5339, and 5340—

''(A) $16,185,800,000 for fiscal year 2022;

''(B) $16,437,600,000 for fiscal year 2023;

''(C) $16,700,600,000 for fiscal year 2024; and

''(D) $16,963,600,000 for fiscal year 2025.

''(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

''(A) $189,879,151 for fiscal year 2022, $192,841,266 for fiscal year 2023, $195,926,726 for fiscal year 2024, and $199,002,776 for fiscal year 2025, shall be available to carry out section 5305;

''(B) $7,505,830,848 for fiscal year 2022, $7,622,921,809 for fiscal year 2023, $7,744,888,558 for fiscal year 2024, and $7,866,483,309 for fiscal year 2025 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

''(C) $101,510,000 for fiscal year 2022, $103,093,556 for fiscal year 2023, $104,743,053 for fiscal year 2024, and $106,387,519 for fiscal year 2025 shall be available for grants under section 5308;

''(D) $434,830,298 for fiscal year 2022, $441,613,651 for fiscal year 2023, $448,679,469 for fiscal year 2024, and $455,723,737 for fiscal year 2025 shall be available to carry out section 5310, of which not less than—

''(i) $5,075,500 for fiscal year 2022, $5,154,678 for fiscal year 2023, $5,237,153 for fiscal year 2024, and $5,319,376 for fiscal year 2025 shall be available to carry out section 5310(j); and

''(ii) $20,302,000 for fiscal year 2022, $20,618,711 for fiscal year 2023, $20,948,611 for fiscal year 2024, and $21,277,504 for fiscal year 2025 shall be available to carry out section 5310(k);

''(E) $1,025,199,724 for fiscal year 2022, $1,041,192,839 for fiscal year 2023, $1,057,851,925 for fiscal year 2024, and $1,074,460,200 for fiscal year 2025 shall be available to carry out section 5311, of which not less than—

''(i) $55,679,500 for fiscal year 2022, $56,392,100 for fiscal year 2023, $57,134,374 for fiscal year 2024, and $57,874,383 for fiscal year 2025 shall be available to carry out section 5311(c)(1); and

''(ii) $50,755,000 for fiscal year 2022, $51,546,778 for fiscal year 2023, $52,371,526 for fiscal year 2024, and $53,193,759 for fiscal year 2025 shall be available to carry out section 5311(c)(2);

''(F) $33,498,300 for fiscal year 2022, $34,020,873 for fiscal year 2023, $34,565,207 for fiscal year 2024, and $35,107,881 for fiscal year 2025 shall be available to carry out section 5312, of which not less than—

''(i) $5,075,500 for fiscal year 2022, $5,154,678 for fiscal year 2023, $5,237,153 for fiscal year 2024, and $5,319,376 for fiscal year 2025 shall be available to carry out each of sections 5312(d)(3), 5312(d)(4) and 5312(j);

''(ii) $3,045,300 for fiscal year 2022, $3,092,807 for fiscal year 2023, $3,142,292 for fiscal year 2024, and $3,191,626 for fiscal year 2025 shall be available to carry out section 5312(h); and

''(iii) $10,151,000 for fiscal year 2022, $10,309,356 for fiscal year 2023, $10,474,305 for fiscal year 2024, and $10,638,752 for fiscal year 2025 shall be available to carry out section 5312(i);

''(G) $23,347,300 for fiscal year 2022, $23,711,518 for fiscal year 2023, $24,090,902 for fiscal year 2024, and $24,469,129 for fiscal year 2025 shall be available to carry out section 5314, of which not less than—

''(i) $4,060,400 for fiscal year 2022, $4,123,742 for fiscal year 2023, $4,189,722 for fiscal year 2024, and $4,255,501 for fiscal year 2025 shall be available to carry out section of 5314(a);

''(ii) $5,075,500 for fiscal year 2022, $5,154,678 for fiscal year 2023, $5,237,153 for fiscal year 2024, and $5,319,376 for fiscal year 2025 shall be available to carry out section 5314(c); and

''(iii) $12,181,200 for fiscal year 2022, $12,371,227 for fiscal year 2023, $12,569,166 for fiscal year 2024, and $12,766,502 for fiscal year 2025 shall be available to carry out section 5314(b)(2);

''(H) $5,075,500 for fiscal year 2022, $5,154,678 for fiscal year 2023, $5,237,153 for fiscal year 2024, and $5,319,376 for fiscal year 2025 shall be available to carry out section 5318;

''(I) $30,453,000 for fiscal year 2022, $30,928,067 for fiscal year 2023, $31,422,916 for fiscal year 2024, and $31,916,256 for fiscal year 2025 shall be available to carry out section 5328, of which not less than—

''(i) $25,377,500 for fiscal year 2022, $25,773,389 for fiscal year 2023, $26,185,763 for fiscal year 2024, and $26,596,880 for fiscal year 2025 shall be available to carry out section of 5328(b); and

''(ii) $2,537,750 for fiscal year 2022, $2,577,339 for fiscal year 2023, $2,618,576 for fiscal year 2024, and $2,659,688 for fiscal year 2025 shall be available to carry out section 5328(c);

''(J) $4,060,400 for fiscal year 2022, $4,123,742 for fiscal year 2023, $4,189,722 for fiscal year 2024, and $4,255,501 for fiscal year 2025 shall be available to carry out section 5335;

''(K) $4,192,573,361 for fiscal year 2022, $4,266,448,314 for fiscal year 2023, $4,344,093,870 for fiscal year 2024, and $4,422,314,724 for fiscal year 2025 shall be available to carry out section 5337;

''(L) to carry out the bus formula program under section 5339(a)—

''(i) $1,240,328,213 for fiscal year 2022, $1,259,667,334 for fiscal year 2023, $1,279,832,171 for fiscal year 2024, and $1,299,925,536 for fiscal year 2025; except that

''(ii) 15 percent of the amounts under clause (i) shall be available to carry out 5339(d);

''(M) $437,080,000 for fiscal year 2022, $424,748,448 for fiscal year 2023, $387,944,423 for fiscal year 2024, and $351,100,151 for fiscal year 2025 shall be available to carry out section 5339(b);

''(N) $375,000,000 for fiscal year 2022, $400,000,000 for fiscal year 2023, $450,000,000 for fiscal year 2024, and $500,000,000 for fiscal year 2025 shall be available to carry out section 5339(c); and

''(O) $587,133,905 for each of fiscal years 2022 through 2025 shall be available to carry out section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311, of which—

''(i) $309,688,908 for each of fiscal years 2022 through 2025 shall be for growing States under section 5340(c); and

''(ii) $277,444,997 for each of fiscal years 2022 through 2025 shall be for high density States under section 5340(d).

''(b) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309 $3,500,000,000 for fiscal year 2022, $4,250,000,000 for fiscal year 2023, $5,000,000,000 for fiscal year 2024, and 5,500,000,000 for fiscal year 2025.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, $142,060,785 for fiscal year 2022, $144,191,696 for fiscal year 2023, $146,412,248 for fiscal year 2024, and 148,652,356 for fiscal year 2025.

''(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than $6,000,000 for each of fiscal years 2022 through 2025 shall be available to carry out section 5329.

''(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than $2,500,000 for each of fiscal years 2022 through 2025 shall be available to carry out section 5326.

''(d) OVERSIGHT.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

''(A) 0.5 percent of amounts made available to carry out section 5305.

''(B) 0.75 percent of amounts made available to carry out section 5307.

''(C) 1 percent of amounts made available to carry out section 5309.

''(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432; 126 Stat. 4968).

''(E) 0.5 percent of amounts made available to carry out section 5310.

''(F) 0.5 percent of amounts made available to carry out section 5311.

''(G) 1 percent of amounts made available to carry out section 5337, of which not less than 25 percent of such amounts shall be available to carry out section 5329 and of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

''(H) 1 percent of amounts made available to carry out section 5339 of which not less than 10 percent of such amounts shall be made available to carry out section 5320.

''(I) 1 percent of amounts made available to carry out section 5308.

''(2) ACTIVITIES.—The activities described in this paragraph are as follows:

''(A) Activities to oversee the construction of a major capital project.

''(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

''(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

''(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection/activities described in paragraph (2).

''(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

''(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

''(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

''(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the general fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

''(f) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.

''(g) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

''(1) IN GENERAL.—Funds provided under this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

''(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

''(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

''(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

''(2) EXCEPTION.—For purposes of paragraph (1), the term 'otherwise related legally or financially' does not include a minority relationship or investment.

''(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5311 of title 49, United States Code, is amended by striking ''5338(a)(2)(F)'' and inserting ''5338(a)(2)(E)''.

(2) Section 5312(i)(1) of title 49, United States Code, is amended by striking ''5338(a)(2)(G)(ii)'' and inserting ''5338(a)(2)(F)(iii)''.

(3) Section 5333(b) of title 49, United States Code, is amended by striking ''5328, 5337, and 5338(b)'' each place it appears and inserting ''and 5337''.

(4) Section 5336 of title 49, United States Code, is amended—

(A) in subsection (d)(1) by striking ''5338(a)(2)(C)'' and inserting ''5338(a)(2)(B)''; and

(B) in subsection (h) by striking ''5338(a)(2)(C)'' and inserting ''5338(a)(2)(B)''.

(5) Subsections (c) and (d)(1) of section 5327 of title 49, United States Code, are amended by striking ''5338(f)'' and inserting ''5338(d)''.

(6) Section 5340(b) of title 49, United States Code, is amended by striking ''5338(b)(2)(N)'' and inserting ''5338(a)(2)(O)''.

SEC. 2102. CHAPTER 53 DEFINITIONS.

Section 5302 of title 49, United States Code, is amended—

(1) in paragraph (1)(E)—

(A) by striking ''and the installation'' and inserting '', the installation''; and

(B) by inserting '', and bikeshare projects'' after ''public transportation vehicles'';

(2) in paragraph (3)—

(A) in subparagraph (G) by striking clause (iii) and inserting the following:

''(iii) provides a fair share of revenue established by the Secretary that will be used for public transportation, except for a joint development that is a community service (as defined by the Federal Transit Administration), publicly operated facility, or offers a minimum of 50 percent of units as affordable housing, meaning legally binding affordability restricted housing units available to tenants with incomes below 60 percent of the area median income or owners with incomes below the area median;''; and

(B) in subparagraph (N)—

(i) by striking ''no emission'' and inserting ''zero emission''; and

(ii) by striking ''(as defined in section 5339(c))''; and

(3) by adding at the end the following:

''(25) RESILIENCE.—

''(A) IN GENERAL.—The term 'resilience' means, with respect to a facility, the ability to—

''(i) anticipate, prepare for, or adapt to conditions; or

''(ii) withstand, respond to, or recover rapidly from disruptions.

''(B) INCLUSIONS.—Such term includes, with respect to a facility, the ability to—

''(i) resist hazards or withstand impacts from disruptions;

''(ii) reduce the magnitude, duration, or impact of a disruption; or

''(iii) have the absorptive capacity, adaptive capacity, and recoverability to decrease vulnerability to a disruption.

''(26) ASSAULT ON A TRANSIT WORKER.—The term 'assault on a transit worker' means any circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties.''.

SEC. 2103. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking ''urban area'' and inserting ''urbanized area'';

(B) by adding at the end the following:

''(3) EXCEPTIONS.—This subsection shall not apply to financial assistance under this chapter—

''(A) in which the non-Federal share of project costs are provided from amounts received under a service agreement with a State or local social service agency or private social service organization pursuant to section 5307(d)(3)(E) or section 5311(g)(3)(C);

''(B) provided to a recipient or subrecipient whose sole receipt of such assistance derives from section 5310; or

''(C) provided to a recipient operating a fixed route service that is—

''(i) for a period of less than 30 days;

''(ii) accessible to the public;

''(iii) contracted by a local government entity that provides local cost share to the recipient; and

''(iv) not contracted for the purposes of a convention or on behalf of a convention and visitors bureau.

''(4) GUIDELINES.—The Secretary shall publish guidelines for grant recipients and private bus operators that clarify when and how a transit agency may step back and provide the service in the event a registered charter provider does not contact the customer, provide a quote, or provide the service.'';

(2) in subsection (h)—

(A) in paragraph (1) by adding ''or'' at the end; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(3) by striking subsection (j) and inserting the following:

''(j) REPORTING ACCESSIBILITY COMPLAINTS.—

''(1) IN GENERAL.—The Secretary shall ensure that an individual who believes that he or she, or a specific class in which the individual belongs, has been subjected to discrimination on the basis of disability by a State or local governmental entity, private nonprofit organization, or Tribe that operates a public transportation service and is a recipient or subrecipient of funds under this chapter, may, by the individual or by an authorized representative, file a complaint with the Department of Transportation.

''(2) PROCEDURES.—Not later than 1 year after the date of enactment of the INVEST in America Act, the Secretary shall implement procedures that allow an individual to submit a complaint described in paragraph (1) by phone, mail-in form, and online through the website of the Office of Civil Rights of the Federal Transit Administration.

''(3) NOTICE TO INDIVIDUALS WITH DISABILITIES.—Not later than 12 months after the date of enactment of the INVEST in America Act, the Secretary shall require that each public transit provider and contractor providing paratransit services shall include on a publicly available website of the service provider, any related mobile device application, and online service—

''(A) notice that an individual can file a disability-related complaint with the local transit agency and the process and any timelines for filing such a complaint;

''(B) the telephone number, or a comparable electronic means of communication, for the disability assistance hotline of the Office of Civil Rights of the Federal Transit Administration;

''(C) notice that a consumer can file a disability related complaint with the Office of Civil Rights of the Federal Transit Administration; and

''(D) an active link to the website of the Office of Civil Rights of the Federal Transit Administration for an individual to file a disability-related complaint.

''(4) INVESTIGATION OF COMPLAINTS.—Not later than 60 days after the last day of each fiscal year, the Secretary shall publish a report that lists the disposition of complaints described in paragraph (1), including—

''(A) the number and type of complaints filed with Department of Transportation;

''(B) the number of complaints investigated by the Department;

''(C) the result of the complaints that were investigated by the Department including whether the complaint was resolved—

''(i) informally;

''(ii) by issuing a violation through a noncompliance Letter of Findings; or

''(iii) by other means, which shall be described; and

''(D) if a violation was issued for a complaint, whether the Department resolved the noncompliance by—

''(i) reaching a voluntary compliance agreement with the entity;

''(ii) referring the matter to the Attorney General; or

''(iii) by other means, which shall be described.

''(5) REPORT.—The Secretary shall, upon implementation of this section and annually thereafter, submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and make publicly available a report containing the information collected under this section.'';

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

''(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with bid specifications requirements of grant recipients under this chapter. Under this subsection, grantee inspections and review are required, and a manufacturer certification is not sufficient.''; and

(5) in subsection (r)—

(A) by inserting ''or beneficial'' after ''detrimental'';

(B) by striking the period at the end and inserting ''; and'';

(C) by striking ''under this chapter may not deny'' and inserting the following: ''under this chapter—

''(1) may not deny''; and

(D) by adding at the end the following:

''(2) shall respond to any request for reasonable access within 75 days of the receipt of the request and, if a recipient of assistance under this chapter denies access to a private intercity or charter transportation operator based on the reasonable access standards, provide, in writing, the reasons for the denial.''.

SEC. 2104. MISCELLANEOUS PROVISIONS.

(a) STATE OF GOOD REPAIR GRANTS.—Section 5337(e) of title 49, United States Code, is amended by adding at the end the following:

''(3) ACCESSIBILITY COSTS.—Notwithstanding paragraph (1), the Federal share of the net project cost of a project to provide accessibility in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) shall be 90 percent.''.

(b) APPORTIONMENTS BASED ON GROWING STATES AND HIGH DENSITY STATES FORMULA FACTORS.—Section 5340(a) of title 49, United States Code, is amended by inserting ''and the District of Columbia'' after ''United States''.

(c) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314 of title 49, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (i) by striking ''; and'' and inserting a semicolon;

(B) in clause (ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) technical assistance to assist recipients with the impacts of a new census count.''; and

(2) in subsection (c)(4)(A) by inserting '', 5311'' after ''5307''.

(d) NATIONAL TRANSIT DATABASE.—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a) by inserting '', including information on transit routes and ridership on those routes'' after ''public sector investment decision''; and

(2) in subsection (c) by inserting '', any data on each assault on a transit worker, and pedestrian injuries and fatalities as a result of an impact with a bus. Each of the data sets shall be publicly reported without aggregating the data with other safety data'' after ''by the recipient''.

(e) URBANIZED AREA FORMULA GRANTS.—Section 5307 of title 49, United States Code, is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (i) by striking ''or'' at the end; and

(B) by adding at the end the following:

''(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; or'';

(2) in subsection (a)(2)(B)—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) operate a minimum of 101 buses and a maximum of 125 buses in fixed route service or demand response service, excluding ADA complementary paratransit service, during peak service hours, in an amount not to exceed 25 percent of the share of the apportionment allocated to such systems within the urbanized area, as determined by the local planning process and included in the designated recipient's final program of projects prepared under subsection (b).''; and

(3) in subsection (b)—

(A) in paragraph (6) by striking ''and'' at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

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

''(7) ensure that the proposed program of projects provides improved access to transit for the individuals described in section 5336(j); and''.

(f) TECHNICAL CORRECTION.—Section 5307(a)(2)(B)(ii) of title 49, United States Code, is amended by striking ''service during peak'' and inserting ''service, during peak''.

(g) IMPOSITION OF DEADLINE.—Section 5324 of title 49, United States Code, is amended by adding at the end the following:

''(f) IMPOSITION OF DEADLINE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded under this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

''(A) the date on which the Governor declared the emergency, as described in subsection (d)(1)(A); or

''(B) the date on which the President declared the emergency to be a major disaster, as described in such subsection.

''(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant such an extension.''.

(h) TRANSPORTATION DEVELOPMENT CREDITS AS LOCAL MATCH.—

(1) SECTION 5307.—Section 5307(d)(3) of title 49, United States Code, is amended—

(A) in subparagraph (D) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(F) transportation development credits.''.

(2) SECTION 5309.—Section 5309 of title 49, United States Code, is amended—

(A) in subsection (f) by adding at the end the following:

''(3) TRANSPORTATION DEVELOPMENT CREDITS.—For purposes of assessments and determinations under this subsection or subsection (h), transportation development credits that are included as a source of local financing or match shall be treated the same as other sources of local financing.''; and

(B) in subsection (l)(4)—

(i) in subparagraph (B) by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C) by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) transportation development credits.''.

(3) SECTION 5339.—Section 5339(a)(7)(B) of title 49, United States Code, is amended—

(A) in clause (iv) by striking ''; or'' and inserting a semicolon;

(B) in clause (v) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(vi) transportation development credits.''.

SEC. 2105. POLICIES AND PURPOSES.

Section 5301(b) of title 49, United States Code, is amended—

(1) in paragraph (7) by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(9) reduce the contributions of the surface transportation system to the total carbon pollution of the United States; and

''(10) improve the resiliency of the public transportation network to withstand weather events and other natural disasters.''.

SEC. 2106. FISCAL YEAR 2022 FORMULAS.

For fiscal year 2022, the Secretary shall apportion and distribute formula funds provided for under chapter 53 of title 49, United States Code, using data submitted to the 2019 National Transit Database.

SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.

Section 5303 of title 49, United States Code, is amended—

(1) by amending subsection (a)(1) to read as follows:

''(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas, and take into consideration resiliency and climate change adaptation needs while reducing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan and statewide transportation planning processes identified in this chapter; and''.

(2) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

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

''(6) STIP.—The term 'STIP' means a statewide transportation improvement program developed by a State under section 135(g).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''and transportation improvement programs'' and inserting ''and TIPs''; and

(B) by adding at the end the following:

''(4) CONSIDERATION.—In developing the plans and TIPs, metropolitan planning organizations shall consider direct and indirect emissions of greenhouse gases.'';

(4) in subsection (d)—

(A) in paragraph (2) by striking ''Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each'' and inserting ''Each'';

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

''(D) CONSIDERATIONS.—

''(i) EQUITABLE AND PROPORTIONAL REPRESENTATION.—In designating officials or representatives under paragraph (2), the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.

''(ii) SAVINGS CLAUSE.—Nothing in this paragraph shall require a metropolitan planning organization in existence on the date of enactment of this subparagraph to be restructured.

''(iii) REDESIGNATION.—Notwithstanding clause (ii), the requirements of this paragraph shall apply to any metropolitan planning organization redesignated under paragraph (6).'';

(C) in paragraph (6)(B) by striking ''paragraph (2)'' and inserting ''paragraphs (2) or (3)(D)''; and

(D) in paragraph (7)—

(i) by striking ''an existing metropolitan planning area'' and inserting ''an urbanized area''; and

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

(5) in subsection (g)—

(A) in paragraph (1) by striking ''a metropolitan area'' and inserting ''an urbanized area'';

(B) in paragraph (2) by striking ''MPOS'' and inserting ''METROPOLITAN PLANNING AREAS''

(C) in paragraph (3)(A) by inserting ''emergency response and evacuation, climate change adaptation and resilience,'' after ''disaster risk reduction,''; and

(D) by adding at the end the following:

''(4) COORDINATION BETWEEN MPOS.—

''(A) IN GENERAL.—If more than 1 metropolitan planning organization is designated within an urbanized area under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting transportation demand.

''(B) SAVINGS CLAUSE.—Nothing in this paragraph requires metropolitan planning organizations designated within a single urbanized area to jointly develop planning documents, including a unified long-range transportation plan or unified TIP.'';

(6) in subsection (h)(1)—

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

''(E) protect and enhance the environment, promote energy conservation, reduce greenhouse gas emissions, improve the quality of life and public health, and promote consistency between transportation improvements and State and local planned growth and economic development patterns, including housing and land use patterns;'';

(B) in subparagraph (H) by striking ''and'' at the end;

(C) in subparagraph (I) by striking the period at the end and inserting ''and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;''; and

(D) by inserting after subparagraph (I) the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access; and

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.'';

(7) in subsection (h)(2) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the metropolitan transportation planning process shall support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), the improvement of transportation system access (consistent with section 150(f)), and the general purposes described in section 5301 of title 49.'';

(8) in subsection (i)—

(A) in paragraph (2)(D)(i) by inserting ''reduce greenhouse gas emissions and'' before ''restore and maintain'';

(B) in paragraph (2)(G) by inserting ''and climate change'' after ''infrastructure to natural disasters'';

(C) in paragraph (2)(H) by inserting ''greenhouse gas emissions,'' after ''pollution,'';

(D) in paragraph (5)—

(i) in subparagraph (A) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

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

''(B) ISSUES.—The consultation shall involve, as appropriate, comparison of transportation plans to other relevant plans, including, if available—

''(i) State conservation plans or maps; and

''(ii) inventories of natural or historic resources.''; and

(E) by amending paragraph (6)(C) to read as follows:

''(C) METHODS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

''(I) hold any public meetings at convenient and accessible locations and times;

''(II) employ visualization techniques to describe plans; and

''(III) make public information available in electronically accessible format and means, such as the internet, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

''(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

''(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

''(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.'';

(9) in subsection (j)—

(A) by striking ''transportation improvement program'' and inserting ''TIP'' each place it appears; and

(B) in paragraph (2)(D)—

(i) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' and inserting ''PERFORMANCE MANAGEMENT'';

(ii) by striking ''The TIP'' and inserting the following:

''(i) IN GENERAL.—The TIP''; and

(iii) by adding at the end the following:

''(ii) TRANSPORTATION MANAGEMENT AREAS.—For metropolitan planning areas that represent an urbanized area designated as a transportation management area under subsection (k), the TIP shall include—

''(I) a discussion of the anticipated effect of the TIP toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to such performance targets; and

''(II) a description of how the TIP would improve the overall level of transportation system access, consistent with section 150(f) of title 23.'';

(10) in subsection (k)—

(A) in paragraph (3)(A)—

(i) by striking ''shall address congestion management'' and inserting the following: ''shall address—

''(i) congestion management'';

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

(iii) by adding at the end the following:

''(ii) the overall level of transportation system access for various modes of travel within the metropolitan planning area, including the level of access for economically disadvantaged communities, consistent with section 150(f) of title 23, that is based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation facilities eligible for funding under this chapter and title 23.''; and

(B) in paragraph (5)(B)—

(i) in clause (i) by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) the TIP approved under clause (ii) improves the level of transportation system access, consistent with section 150(f) of title 23.'';

(11) in subsection (l)(2)—

(A) by striking ''5 years after the date of enactment of the Federal Public Transportation Act of 2012'' and inserting ''2 years after the date of enactment of the INVEST in America Act, and every 2 years thereafter,'';

(B) in subparagraph (C) by striking ''and whether metropolitan planning organizations are developing meaningful performance targets; and'' and inserting a semicolon; and

(C) by striking subparagraph (D) and inserting the following:

''(D) a listing of all metropolitan planning organizations that are establishing performance targets and whether such performance targets established by the metropolitan planning organization are meaningful or regressive (as defined in section 150(d)(3)(B) of title 23); and

''(E) the progress of implementing the measure established under section 150(f) of title 23.''; and

(12) by striking ''Federally'' each place it appears and inserting ''federally''.

SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (2)—

(i) by striking ''The statewide transportation plan and the'' and inserting the following:

''(A) IN GENERAL.—The statewide transportation plan and the'';

(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(iii) by adding at the end the following:

''(B) CONSIDERATION.—In developing the statewide transportation plans and STIPs, States shall consider direct and indirect emissions of greenhouse gases.''; and

(C) in paragraph (3) by striking ''transportation improvement program'' and inserting ''STIP'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by inserting ''reduce greenhouse gas emissions,'' after ''promote energy conservation,'';

(II) by inserting ''and public health'' after ''improve the quality of life''; and

(III) by inserting '', including housing and land use patterns'' after ''economic development patterns'';

(ii) in subparagraph (H) by striking ''and'';

(iii) in subparagraph (I) by striking the period at the end and inserting ''and reduce or mitigate stormwater, sea level rise, extreme weather, and climate change impacts of surface transportation;''; and

(iv) by adding at the end the following:

''(J) facilitate emergency management, response, and evacuation and hazard mitigation;

''(K) improve the level of transportation system access; and

''(L) support inclusive zoning policies and land use planning practices that incentivize affordable, elastic, and diverse housing supply, facilitate long-term economic growth by improving the accessibility of housing to jobs, and prevent high housing costs from displacing economically disadvantaged households.'';

(B) in paragraph (2)—

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

''(A) IN GENERAL.—Through the use of a performance-based approach, transportation investment decisions made as a part of the statewide transportation planning process shall support—

''(i) the national goals described in section 150(b);

''(ii) the consideration of transportation system access (consistent with section 150(f));

''(iii) the achievement of statewide targets established under section 150(d); and

''(iv) the general purposes described in section 5301 of title 49.''; and

(ii) in subparagraph (D) by striking ''statewide transportation improvement program'' and inserting ''STIP''; and

(C) in paragraph (3) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(3) in subsection (e)(3) by striking ''transportation improvement program'' and inserting ''STIP'';

(4) in subsection (f)—

(A) in paragraph (2)(D)—

(i) in clause (i) by inserting ''air quality, public health, housing, transportation, resilience, hazard mitigation, emergency management,'' after ''conservation,''; and

(ii) by amending clause (ii) to read as follows:

''(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve the comparison of transportation plans to other relevant plans and inventories, including, if available—

''(I) State and tribal conservation plans or maps; and

''(II) inventories of natural or historic resources.'';

(B) in paragraph (3)(B)—

(i) by striking ''In carrying out'' and inserting the following:

''(i) IN GENERAL.—in carrying out'';

(ii) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively; and

(iii) by adding at the end the following:

''(ii) ADDITIONAL METHODS.—In addition to the methods described in clause (i), in carrying out subparagraph (A), the State shall, to the maximum extent practicable—

''(I) use virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

''(II) use other methods, as appropriate, to further encourage public participation of historically underrepresented individuals in the transportation planning process.'';

(C) in paragraph (4)(A) by inserting ''reduce greenhouse gas emissions and'' after ''potential to''; and

(D) in paragraph (8) by inserting ''including consideration of the role that intercity buses may play in reducing congestion, pollution, greenhouse gas emissions, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated'' after ''transportation system'';

(5) in subsection (g)—

(A) in paragraph (1)(A) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(B) in paragraph (4)—

(i) by striking ''PERFORMANCE TARGET ACHIEVEMENT'' and inserting ''PERFORMANCE MANAGEMENT'';

(ii) by striking ''shall include, to the maximum extent practicable, a discussion'' and inserting the following: ''shall include

''(A) a discussion'';

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

(iv) by striking ''statewide transportation improvement program'' and inserting ''STIP'' each place it appears; and

(v) by adding at the end the following:

''(B) a consideration of how the STIP impacts the overall level of transportation system access, consistent with section 150(f) of title 23.'';

(C) in paragraph (5)—

(i) in subparagraph (A) by striking ''transportation improvement program'' and inserting ''STIP'';

(ii) in subparagraph (B)(ii) by striking ''metropolitan transportation improvement program'' and inserting ''TIP'';

(iii) in subparagraph (C) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(iv) in subparagraph (E) by striking ''transportation improvement program'' and inserting ''STIP'';

(v) in subparagraph (F)(i) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(vi) in subparagraph (G)(ii) by striking ''transportation improvement program'' and inserting ''STIP''; and

(vii) in subparagraph (H) by striking ''transportation improvement program'' and inserting ''STIP'';

(D) in paragraph (6)—

(i) in subparagraph (A)—

(I) by striking ''transportation improvement program'' and inserting ''STIP''; and

(II) by striking ''and projects carried out under the bridge program or the Interstate maintenance program under title 23''; and

(ii) in subparagraph (B)—

(I) by striking ''or under the bridge program or the Interstate maintenance program'';

(II) by striking ''statewide transportation improvement program'' and inserting ''STIP'';

(E) in paragraph (7)—

(i) in the heading by striking ''TRANSPORTATION IMPROVEMENT PROGRAM'' and inserting ''STIP''; and

(ii) by striking ''transportation improvement program'' and inserting ''STIP'';

(F) in paragraph (8) by striking ''statewide transportation plans and programs'' and inserting ''statewide transportation plans and STIPs''; and

(G) in paragraph (9) by striking ''transportation improvement program'' and inserting ''STIP'';

(6) in subsection (h)(2)(A) by striking ''Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012,'' and inserting ''Not less frequently than once every 4 years,'';

(7) in subsection (j) by striking ''transportation improvement program'' and inserting ''STIP'' each place it appears;

(8) in subsection (l) by striking ''transportation improvement programs'' and inserting ''STIPs''.

SEC. 2109. OBLIGATION LIMITATION.

Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsection (a) of section 5338 of title 49, United States Code, shall not exceed—

(1) $16,185,800,000 in fiscal year 2022;

(2) $16,437,600,000 in fiscal year 2023;

(3) $16,700,600,000 in fiscal year 2024; and

(4) $16,963,600,000 in fiscal year 2025.

SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF FUNDS.

Section 5324 of title 49, United States Code, is further amended by adding at the end the following:

''(g) IMPOSITION OF DEADLINE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may not require any project funded pursuant to this section to advance to the construction obligation stage before the date that is the last day of the sixth fiscal year after the later of—

''(A) the date on which the Governor declared the emergency, as described in subsection (a)(2); or

''(B) the date on which the President declared a major disaster, as described in such subsection.

''(2) EXTENSION OF DEADLINE.—If the Secretary imposes a deadline for advancement to the construction obligation stage pursuant to paragraph (1), the Secretary may, upon the request of the Governor of the State, issue an extension of not more than 1 year to complete such advancement, and may issue additional extensions after the expiration of any extension, if the Secretary determines the Governor of the State has provided suitable justification to warrant an extension.''.

SEC. 2111. CERTIFICATION REQUIREMENTS.

The certification requirements described in section 661.12 of title 49, Code of Federal Regulations, shall, after the date of enactment of this Act, include a certification that buses or other rolling stock (including train control, communication and traction power equipment) being procured do not contain or use any covered telecommunications equipment or services, as such term is defined by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232);

Subtitle B—Improving Frequency and Ridership

SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND RIDERSHIP COMPETITIVE GRANTS.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5307 the following new section:

''§ 5308. Multi-jurisdictional bus frequency and ridership competitive grants

''(a) IN GENERAL.—The Secretary shall make grants under this section, on a competitive basis, to eligible recipients to increase the frequency and ridership of public transit buses.

''(b) APPLICATIONS.—To be eligible for a grant under this section, an eligible recipient shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) APPLICATION TIMING.—Not later than 90 days after amounts are made available to carry out this section, the Secretary shall solicit grant applications from eligible recipients for projects described in subsection (d).

''(d) USES OF FUNDS.—An eligible recipient of a grant under this section shall use such grant for capital projects that—

''(1) increase—

''(A) the frequency of bus service;

''(B) bus ridership; and

''(C) total person throughput; and

''(2) are consistent with, and as described in, the design guidance issued by the National Association of City Transportation Officials and titled 'Transit Street Design Guide'.

''(e) GRANT CRITERIA.—In making grants under this section, the Secretary shall consider the following:

''(1) Each eligible recipient's projected increase in bus frequency.

''(2) Each eligible recipient's projected increase in bus ridership.

''(3) Each eligible recipient's projected increase in total person throughput.

''(4) The degree of regional collaboration described in each eligible recipient's application, including collaboration with—

''(A) a local government entity that operates a public transportation service;

''(B) local government agencies that control street design;

''(C) metropolitan planning organizations (as such term is defined in section 5303); and

''(D) State departments of transportation.

''(f) GRANT TIMING.—The Secretary shall award grants under this section not later than 120 days after the date on which the Secretary completes the solicitation described in subsection (c).

''(g) REQUIREMENTS OF THE SECRETARY.—In carrying out the program under this section, the Secretary shall—

''(1) not later than the date described in subsection (c), publish in the Federal Register a list of all metrics and evaluation procedures to be used in making grants under this section; and

''(2) publish in the Federal Register—

''(A) a summary of the final metrics and evaluations used in making grants under this section; and

''(B) a list of the ratings of eligible recipients receiving a grant under this section based on such metrics and evaluations.

''(h) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of a project carried out under this section shall not exceed 80 percent.

''(2) RESTRICTION ON GRANT AMOUNTS.—The Secretary may make a grant for a project under this section in an amount up to 150 percent of the amount—

''(A) provided for such project under title 23; and

''(B) provided for such project from non-Federal funds budgeted for roadways.

''(i) REQUIREMENTS OF SECTION 5307.—Except as otherwise provided in this section, a grant under this section shall be subject to the requirements of section 5307.

''(j) AVAILABILITY OF FUNDS.—

''(1) IN GENERAL.—Amounts made available to carry out this section shall remain available for 4 fiscal years after the fiscal year for which the amount was made available.

''(2) UNOBLIGATED AMOUNTS.—After the expiration of the period described in paragraph (1) for an amount made available to carry out this section, any unobligated amounts made available to carry out this section shall be added to the amounts made available for the following fiscal year.

''(k) ELIGIBLE RECIPIENTS.—In this section, the term 'eligible recipient' means a recipient of a grant under section 5307 in an urbanized area with a population greater than 500,000.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5307 the following new item:

''5308. Multi-jurisdictional bus frequency and ridership competitive grants.''.

SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FORMULA.

Section 5336 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i) by striking ''95.61 percent'' and inserting ''95 percent'';

(II) in clause (i) by striking ''95.61 percent'' and inserting ''95 percent''; and

(III) in clause (ii) by striking ''95.61 percent'' and inserting ''95 percent''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking ''4.39 percent'' and inserting ''5 percent'';

(II) in clause (i)—

(aa) by inserting ''in the highest 25 percent of routes by ridership'' before ''multiplied by''; and

(bb) by striking ''vehicle passenger miles traveled for each dollar of operating cost in an area'' and inserting ''vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership''; and

(III) in clause (ii)—

(aa) by inserting ''in the highest 25 percent of routes by ridership'' before ''multiplied by''; and

(bb) by striking ''vehicle passenger miles traveled for each dollar of operating cost in all areas'' and inserting ''vehicles operating in peak revenue service per hour in the highest 25 percent of routes by ridership''; and

(B) by adding at the end the following:

''(3) SPECIAL RULE.—For fiscal year 2022, the percentage—

''(A) in paragraph (2)(A) in the matter preceding clause (i) shall be treated as 100 percent; and

''(B) in paragraph (2)(B) in the matter preceding clause (i) shall be treated as 0 percent.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''90.8 percent'' and inserting ''90 percent'' each place it appears;

(B) in paragraph (2)—

(i) by striking ''9.2 percent'' and inserting ''8 percent'';

(ii) by striking ''200,000'' and inserting ''500,000'';

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

''(A) the number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the number of buses operating in peak revenue service per hour on the

highest 25 percent of routes by ridership; divided by''; and

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

''(B) the total number of bus passenger miles traveled on the highest 25 percent of routes by ridership multiplied by the total number of buses operating in peak revenue service per hour on the highest 25 percent of routes by ridership in all areas.''; and

(C) by adding at the end the following:

''(3) 2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 and less than 500,000 is entitled to receive an amount using the formula in paragraph (1).

''(4) For fiscal year 2022, the percentage—

''(A) in paragraph (1) in the matter preceding subparagraph (A) shall be treated as 100 percent;

''(B) in paragraph (2) in the matter preceding subparagraph (A) shall be treated as 0 percent; and

''(C) in paragraph (3) shall be treated as 0 percent.''; and

(3) by adding at the end the following:

''(k) PEAK REVENUE SERVICE DEFINED.—In this section, the term 'peak revenue service' means the time period between the time in the morning that an agency first exceeds the number of midday vehicles in revenue service and the time in the evening that an agency falls below the number of midday vehicles in revenue service.''.

SEC. 2203. MOBILITY INNOVATION.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following new section:

''§ 5316. Mobility innovation

''(a) IN GENERAL.—Amounts made available to a covered recipient to carry out sections 5307, 5310, and 5311 may be used by such covered recipient under this section to assist in the financing of—

''(1) mobility as a service; and

''(2) mobility on demand services.

''(b) FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the net cost of a project carried out under this section shall not exceed 70 percent.

''(2) INSOURCING INCENTIVE.—Notwithstanding paragraph (1), the Federal share of the net cost of a project described in paragraph (1) shall not exceed 90 percent for mobility on demand service operated exclusively by personnel employed by the recipient.

''(3) ZERO EMISSION INCENTIVE.—Notwithstanding paragraph (1), the Federal share of the net cost of a project described in paragraph (1) shall not exceed 90 percent if such project involves an eligible use that uses a vehicle that produces zero carbon dioxide or particulate matter.

''(c) ELIGIBLE USES.—

''(1) IN GENERAL.—The Secretary shall publish guidance describing eligible activities that are demonstrated to—

''(A) increase transit ridership;

''(B) be complementary to fixed route transit service;

''(C) demonstrate meaningful improvements in—

''(i) environmental metrics, including standards established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and greenhouse gas performance targets established pursuant to section 150(d) of title 23;

''(ii) traffic congestion;

''(iii) compliance with the requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(iv) low-income service to increase access to employment, healthcare, and other essential services;

''(v) service outside of transit agency operating hours, provided that the transit agency operating hours are not reduced;

''(vi) new low density service relative to the higher density urban areas of the agency's service area; or

''(vii) rural service.

''(D) FARE COLLECTION MODERNIZATION.—In developing guidance referred to in this section, the Secretary shall ensure that—

''(i) all costs associated with installing, modernizing, and managing fare collection, including touchless payment systems, shall be considered eligible expenses under this title and subject to the applicable Federal share; and

''(ii) such guidance includes guidance on how agencies shall provide unbanked and underbanked users with an opportunity to benefit from mobility as a service platforms.

''(2) PROHIBITION ON USE OF FUNDS.—Amounts used by a covered recipient for projects eligible under this section may not be used for—

''(A) single passenger vehicle miles (in a passenger motor vehicle, as such term is defined in section 32101, that carries less than 9 passengers), unless the trip—

''(i) meets the definition of public transportation; and

''(ii) begins or completes a fixed route public transportation trip;

''(B) deadhead vehicle miles; or

''(C) any service considered a taxi service that operates under an exemption from testing requirements under section 5331.

''(d) FEDERAL REQUIREMENTS.—A project carried out under this section shall be treated as if such project were carried out under the section from which the funds were provided to carry out such project, including the application of any additional requirements provided for by law that apply to section 5307, 5310, or 5311, as applicable.

''(e) WAIVER.—

''(1) INDIVIDUAL WAIVER.—Except as provided in paragraphs (2) and (3), the Secretary may waive any requirement applied to a project carried out under this section pursuant to subsection (d) if the Secretary determines that the project would—

''(A) not undermine labor standards;

''(B) increase employment opportunities of the recipient unless the Secretary determines that such a waiver does not affect employment opportunities; and

''(C) be consistent with the public interest.

''(2) WAIVER UNDER OTHER SECTIONS.—The Secretary may not waive any requirement under paragraph (1) for which a waiver is otherwise available.

''(3) PROHIBITION OF WAIVER.—Notwithstanding paragraph (1), the Secretary may not waive any requirement of—

''(A) section 5333;

''(B) section 5331;

''(C) section 5302(14); and

''(D) chapter 53 that establishes a maximum Federal share for operating costs.

''(4) APPLICATION OF SECTION 5320.—Notwithstanding paragraphs (1) and (2), the Secretary may only waive the requirements of section 5320 with respect to—

''(A) a passenger vehicle owned by an individual; and

''(B) subsection (q) of such section for any passenger vehicle not owned by an individual for the period beginning on the date of enactment of this section and ending 3 years after such date.

''(f) OPEN DATA STANDARDS.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to develop an open data standard and an application programming interface necessary to carry out this section.

''(2) REGULATIONS.—The regulations required under paragraph (1) shall require public transportation agencies, mobility on demand providers, mobility as a service technology providers, other non-government actors, and local governments the efficient means to transfer data to—

''(A) foster the efficient use of transportation capacity;

''(B) enhance the management of new modes of mobility;

''(C) enable the use of innovative planning tools;

''(D) enable single payment systems for all mobility on demand services;

''(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, real time operations data, and rules;

''(F) safeguard personally identifiable information;

''(G) protect confidential business information; and

''(H) enhance cybersecurity protections.

''(3) PROHIBITION ON FOR PROFIT ACTIVITY.—Any data received by an entity under this subsection may not be sold, leased, or otherwise used to generate profit, except for the direct provision of the related mobility on demand services and mobility as a service.

''(4) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have a maximum of 17 members limited to representatives of the Department of Transportation, State and local governments, metropolitan planning organizations, urban and rural covered recipients, associations that represent public transit agencies, representatives from at least 3 different organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States, mobility on demand providers, and mobility as a service technology providers.

''(5) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

''(6) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (4) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (5) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(g) APPLICATION OF RECIPIENT REVENUE VEHICLE MILES.—With respect to revenue vehicle miles with one passenger of a covered recipient using amounts under this section, such miles—

''(1) shall be included in the National Transit Database under section 5335; and

''(2) shall be excluded from vehicle revenue miles data used in the calculation described in section 5336.

''(h) SAVINGS CLAUSE.—Subsection (c)(2) and subsection (g) shall not apply to any eligible activities under this section if such activities are—

''(1) being carried out in compliance with the Americans with Disabilities Act of 1990 22(42 U.S.C. 12101 et seq.); or

''(2) projects eligible under section 5310 that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(i) DEFINITIONS.—In this section:

''(1) DEADHEAD VEHICLE MILES.—The term 'deadhead vehicle miles' means the miles that a vehicle travels when out of revenue service, including leaving or returning to the garage or yard facility, changing routes, when there is no expectation of carrying revenue passengers, and any miles traveled by a private operator without a passenger.

''(2) MOBILITY AS A SERVICE.—The term 'mobility as a service' means services that constitute the integration of mobility on demand services and public transportation that are available and accessible to all travelers, provide multimodal trip planning, and a unified payment system.

''(3) MOBILITY ON DEMAND.—The term 'mobility on demand' means an on-demand transportation service shared among individuals, either concurrently or one after another.

''(4) COVERED RECIPIENT.—The term 'covered recipient' means a State or local government entity, private nonprofit organization, or Tribe that—

''(A) operates a public transportation service; and

''(B) is a recipient or subrecipient of funds under section 5307, 5310, or 5311.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following new item:

''5316. Mobility innovation.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date on which the Secretary has finalized both—

(1) the guidance required under section 5316(c) of title 49, United States Code; and

(2) the regulations required under section 5316(f) of title 49, United States Code.

SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2) by adding at the end the following:

''(D) CENSUS DESIGNATION.—The Secretary may approve a State program that allocates not more than 5 percent of such State's apportionment to assist rural areas that were redesignated as urban areas not more than 2 fiscal years after the last census designation of urbanized area boundaries.''; and

(B) in paragraph (3) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)'';

(ii) in subparagraph (A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(iii) in subparagraph (B) by striking ''$30,000,000'' and inserting ''the amount remaining under section 5338(a)(2)(E)(i) after the amount under subparagraph (A) is distributed'';

(B) in paragraph (2)(C) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)''; and

(C) in paragraph (3)—

(i) in subparagraph (A) by striking ''section 5338(a)(2)(F)'' and inserting ''section 5338(a)(2)(E)''; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) LAND AREA.—

''(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 15 percent of the amount apportioned under this paragraph, multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

''(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

''(C) POPULATION.—Each State shall receive an amount equal to 50 percent of the amount apportioned under this paragraph, multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

''(D) VEHICLE REVENUE MILES.—

''(i) IN GENERAL.—Subject to clause (ii), each State shall receive an amount that is equal to 25 percent of the amount apportioned under this paragraph, multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

''(ii) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under clause (i).

''(E) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 10 percent of the amount apportioned under this paragraph, multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.'';

(3) in subsection (f)—

(A) in paragraph (1) by inserting ''A State may expend funds to continue service into another State to extend a route.'' before ''Eligible activities under''; and

(B) in paragraph (2) by inserting ''and makes the certification and supporting documents publicly available'' before the period at the end; and

(4) in subsection (g) by adding at the end the following:

''(6) ALLOWANCE FOR VOLUNTEER HOURS.—

''(A) APPLICABLE REGULATIONS.—For any funds provided by a department or agency of the Government under paragraph (3)(D) or by a service agreement under paragraph (3)(C), and such department or agency has regulations in place that provide for the valuation of volunteer hours as allowable in-kind contributions toward the non-Federal share of project costs, such regulations shall be used to determine the allowable valuation of volunteer hours as an in-kind contribution toward the non-Federal remainder of net project costs for a transit project funded under this section.

''(B) LIMITATIONS.—Subparagraph (A) shall not apply to the provision of fixed-route bus services funded under this section.''.

SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.

Section 5310 of title 49, United States Code, is amended by adding at the end the following:

''(j) ONE-STOP PARATRANSIT PROGRAM.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish a one-stop paratransit competitive grant program to encourage an extra stop in non-fixed route Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) service for a paratransit rider to complete essential tasks.

''(2) PREFERENCE.—The Secretary shall give preference to eligible recipients that—

''(A) have comparable data for the year prior to implementation of the grant program and made available to the Secretary, academic and nonprofit organizations for research purposes; and

''(B) plan to use agency personnel to implement the pilot program.

''(3) APPLICATION CRITERIA.—To be eligible to participate in the grant program, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including information on—

''(A) locations the eligible entity intends to allow a stop at, if stops are limited, including—

''(i) childcare or education facilities;

''(ii) pharmacies;

''(iii) grocery stores; and

''(iv) bank or ATM locations;

''(B) methodology for informing the public of the grant program;

''(C) vehicles, personnel, and other resources that will be used to implement the grant program;

''(D) if the applicant does not intend the grant program to apply to the full area under the jurisdiction of the applicant, a description of the geographic area in which the applicant intends the grant program to apply; and

''(E) the anticipated amount of increased operating costs.

''(4) SELECTION.—The Secretary shall seek to achieve diversity of participants in the grant program by selecting a range of eligible entities that includes at least—

''(A) 5 eligible recipients that serve an area with a population of 50,000 to 200,000;

''(B) 10 eligible recipients that serve an area with a population of over 200,000; and

''(C) 5 eligible recipients that provide transportation for rural communities.

''(5) DATA-SHARING CRITERIA.—An eligible recipient in this subsection shall provide data as the Secretary requires, including—

''(A) number of ADA paratransit trips conducted each year;

''(B) requested time of each paratransit trip;

''(C) scheduled time of each paratransit trip;

''(D) actual pickup time for each paratransit trip;

''(E) average length of a stop in the middle of a ride as allowed by this subsection;

''(F) any complaints received by a paratransit rider;

''(G) rider satisfaction with paratransit services; and

''(H) after the completion of the grant, an assessment by the eligible recipient of its capacity to continue a one-stop program independently.

''(6) REPORT.—

''(A) IN GENERAL.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which such fiscal year ends.

''(B) CONTENTS.—The report required under subparagraph (A) shall include a detailed description of the activities carried out under the program, and an evaluation of the program, including an evaluation of the data shared by eligible recipients under paragraph (5).''.

Subtitle C—Buy America and Other Procurement Reforms

SEC. 2301. BUY AMERICA.

(a) BUY AMERICA.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting before section 5321 the following:

''§ 5320. Buy America

''(a) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

''(b) WAIVER.—The Secretary may waive subsection (a) if the Secretary finds that—

''(1) applying subsection (a) would be inconsistent with the public interest;

''(2) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

''(3) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—

''(A) the cost of components and subcomponents produced in the United States is more than 70 percent of the cost of all components of the rolling stock; and

''(B) final assembly of the rolling stock has occurred in the United States; or

''(4) including domestic material will increase the cost of the overall project by more than 25 percent.

''(c) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—

''(1) WAIVER PROCEDURE.—Not later than 120 days after the submission of a request for a waiver, the Secretary shall make a determination under subsection (b)(1), (b)(2), or (b)(4) as to whether to waive subsection (a).

''(2) PUBLIC NOTIFICATION AND COMMENT.—

''(A) IN GENERAL.—Not later than 30 days before making a determination regarding a waiver described in paragraph (1), the Secretary shall provide notification and an opportunity for public comment on the request for such waiver.

''(B) NOTIFICATION REQUIREMENTS.—The notification required under subparagraph (A) shall—

''(i) describe whether the application is being made for a waiver described in subsection (b)(1), (b)(2) or (b)(4); and

''(ii) be provided to the public by electronic means, including on the public website of the Department of Transportation.

''(3) DETERMINATION.—Before a determination described in paragraph (1) takes effect, the Secretary shall publish a detailed justification for such determination that addresses all public comments received under paragraph (2)—

''(A) on the public website of the Department of Transportation; and

''(B) if the Secretary issues a waiver with respect to such determination, in the Federal Register.

''(4) ANNUAL REPORT.—Annually, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (1) during the preceding year.

''(d) ROLLING STOCK WAIVER CONDITIONS.—

''(1) LABOR COSTS FOR FINAL ASSEMBLY.—In this section, highly skilled labor costs involved in final assembly shall be included as a separate component in the cost of components and subcomponents under subsection (b)(3)(A).

''(2) HIGH DOMESTIC CONTENT COMPONENT BONUS.—In this section, in calculating the domestic content of the rolling stock under subsection (b)(3), the percent, rounded to the nearest whole number, of the domestic content in components of such rolling stock, weighted by cost, shall be used in calculating the domestic content of the rolling stock, except—

''(A) with respect to components that exceed—

''(i) 70 percent domestic content, the Secretary shall add 10 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

''(ii) 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content when calculating the domestic content of the rolling stock; and

''(B) in no case may a component exceed 100 domestic content when calculating the domestic content of the rolling stock.

''(3) ROLLING STOCK FRAMES OR CAR SHELLS.—

''(A) INCLUSION OF COSTS.—Subject to the substantiation requirement of subparagraph (B), in carrying out, in calculating the cost of the domestic content of the rolling stock under subsection (b)(3), in the case of a rolling stock procurement receiving assistance under this chapter in which the average cost of a rolling stock vehicle in the procurement is more than $300,000, if rolling stock frames or car shells are not produced in the United States, the Secretary shall include in the calculation of the domestic content of the rolling stock the cost of the steel or iron that is produced in the United States and used in the rolling stock frames or car shells.

''(B) SUBSTANTIATION.—If a rolling stock vehicle manufacturer wishes to include in the calculation of the vehicle's domestic content the cost of steel or iron produced in the United States and used in the rolling stock frames and car shells that are not produced in the United States, the manufacturer shall maintain and provide upon request a mill certification that substantiates the origin of the steel or iron.

''(4) TREATMENT OF WAIVED COMPONENTS AND SUBCOMPONENTS.—In this section, a component or subcomponent waived under subsection (b) shall be excluded from any part of the calculation required under subsection (b)(3)(A).

''(5) ZERO-EMISSION VEHICLE DOMESTIC BATTERY CELL INCENTIVE.—The Secretary shall provide an additional 2.5 percent of domestic content to the total rolling stock domestic content percentage calculated under this section for any zero-emission vehicle that uses only battery cells for propulsion that are manufactured domestically.

''(6) PROHIBITION ON DOUBLE COUNTING.—

''(A) IN GENERAL.—No labor costs included in the cost of a component or subcomponent by the manufacturer of rolling stock may be treated as rolling stock assembly costs for purposes of calculating domestic content.

''(B) VIOLATION.—A violation of this paragraph shall be treated as a false claim under subchapter III of chapter 37 of title 31.

''(7) DEFINITION OF HIGHLY SKILLED LABOR COSTS.—In this subsection, the term 'highly skilled labor costs'—

''(A) means the apportioned value of direct wage compensation associated with final assembly activities of workers directly employed by a rolling stock original equipment manufacturer and directly associated with the final assembly activities of a rolling stock vehicle that advance the value or improve the condition of the end product;

''(B) does not include any temporary or indirect activities or those hired via a third-party contractor or subcontractor;

''(C) are limited to metalworking, fabrication, welding, electrical, engineering, and other technical activities requiring training;

''(D) are not otherwise associated with activities required under section 661.11 of title 49, Code of Federal Regulations; and

''(E) includes only activities performed in the United States and does not include that of foreign nationals providing assistance at a United States manufacturing facility.

''(e) CERTIFICATION OF DOMESTIC SUPPLY AND DISCLOSURE.—

''(1) CERTIFICATION OF DOMESTIC SUPPLY.—If the Secretary denies an application for a waiver under subsection (b), the Secretary shall provide to the applicant a written certification that—

''(A) the steel, iron, or manufactured goods, as applicable, (referred to in this paragraph as the 'item') is produced in the United States in a sufficient and reasonably available amount;

''(B) the item produced in the United States is of a satisfactory quality; and

''(C) includes a list of known manufacturers in the United States from which the item can be obtained.

''(2) DISCLOSURE.—The Secretary shall disclose the waiver denial and the written certification to the public in an easily identifiable location on the website of the Department of Transportation.

''(f) WAIVER PROHIBITED.—The Secretary may not make a waiver under subsection (b) for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

''(1) has an agreement with the United States Government under which the Secretary has waived the requirement of this section; and

''(2) has violated the agreement by discriminating against goods to which this section applies that are produced in the United States and to which the agreement applies.

''(g) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under title II of the INVEST in America Act if a court or department, agency, or instrumentality of the Government decides the person intentionally—

''(1) affixed a 'Made in America' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies but not produced in the United States; or

''(2) represented that goods described in paragraph (1) were produced in the United States.

''(h) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

''(i) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

''(j) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

''(k) STEEL AND IRON.—For purposes of this section, steel and iron meeting the requirements of section 661.5(b) of title 49, Code of Federal Regulations, may be considered produced in the United States.

''(l) DEFINITION OF SMALL PURCHASE.—For purposes of determining whether a purchase qualifies for a general public interest waiver under subsection (b)(1), including under any regulation promulgated under such subsection, the term 'small purchase' means a purchase of not more than $150,000.

''(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—

''(1) IN GENERAL.—The Secretary shall prescribe regulations requiring a preaward and postdelivery certification of a rolling stock vehicle that meets the requirements of this section and Government motor vehicle safety requirements to be eligible for a grant under this chapter. For compliance with this section—

''(A) Federal inspections and review are required;

''(B) a manufacturer certification is not sufficient; and

''(C) a rolling stock vehicle that has been certified by the Secretary remains certified until the manufacturer makes a material change to the vehicle, or adjusts the cost of all components of the rolling stock, that reduces, by more than half, the percentage of domestic content above 70 percent.

''(2) CERTIFICATION OF PERCENTAGE.—The Secretary may, at the request of a component or subcomponent manufacturer, certify the percentage of domestic content and place of manufacturing for a component or subcomponent.

''(3) FREEDOM OF INFORMATION ACT.—In carrying out this subsection, the Secretary shall consistently apply the provisions of section 552 of title 5, including subsection (b)(4) of such section.

''(4) NONCOMPLIANCE.—The Secretary shall prohibit recipients from procuring rolling stock, components, or subcomponents from a supplier that intentionally provides false information to comply with this subsection.

''(n) SCOPE.—The requirements of this section apply to all contracts for a public transportation project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least one contract for the public transportation project is funded with amounts made available to carry out this chapter.

''(o) BUY AMERICA CONFORMITY.—The Secretary shall ensure that all Federal funds for new commuter rail projects shall comply with this section and shall not be subject to section 22905(a).

''(p) AUDITS AND REPORTING OF WASTE, FRAUD, AND ABUSE.—

''(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct

an annual audit on certifications under subsection (m) regarding compliance with Buy America.

''(2) REPORT FRAUD, WASTE, AND ABUSE.—The Secretary shall display a 'Report Fraud, Waste, and Abuse' button and link to Department of Transportation's Office of Inspector General Hotline on the Federal Transit Administration's Buy America landing page.

''(3) CONTRACT REQUIREMENT.—The Secretary shall require all recipients who enter into contracts to purchase rolling stock with funds provided under this chapter to include in such contract information on how to contact the Department of Transportation's Office of Inspector General Hotline to report suspicions of fraud, waste, and abuse.

''(q) PASSENGER MOTOR VEHICLES.—

''(1) IN GENERAL.—Any domestically manufactured passenger motor vehicle shall be considered to be produced in the United States under this section.

''(2) DOMESTICALLY MANUFACTURED PASSENGER MOTOR VEHICLE.—In this subsection, the term 'domestically manufactured passenger motor vehicle' means any passenger motor vehicle, as such term is defined in section 32304(a) that—

''(A) has under section 32304(b)(1)(B) its final assembly place in the United States; and

''(B) the percentage (by value) of passenger motor equipment under section 32304(b)(1)(A) equals or exceeds 60 percent value added.

''(r) ROLLING STOCK COMPONENTS AND SUBCOMPONENTS.—No component or subcomponent of rolling stock shall be treated as produced in the United States for purposes of subsection (b)(3) or determined to be of domestic origin under section 661.11 of title 49, Code of Federal Regulations, if the material inputs of such component or subcomponent were imported into the United States and the operations performed in the United States on the imported articles would not result in a change in the article's classification to chapter 86 or 87 of the Harmonized Tariff Schedule of the United States from another chapter or a new heading of any chapter from the heading under which the article was classified upon entry.

''(s) TREATMENT OF STEEL AND IRON COMPONENTS AS PRODUCED IN THE UNITED STATES.—Notwithstanding any other provision of any law or any rule, regulation, or policy of the Federal Transit Administration, steel and iron components of a system, as defined in section 661.3 of title 49, Code of Federal Regulations, and of manufactured end products referred to in Appendix A of such section, may not be considered to be produced in the United States unless such components meet the requirements of section 661.5(b) of title 49, Code of Federal Regulations.

''(t) REQUIREMENT FOR TRANSIT AGENCIES.—Notwithstanding the provisions of this section, if a transit agency accepts Federal funds, such agency shall adhere to the Buy America provisions set forth in this section when procuring rolling stock.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting before the item relating to section 5321 the following:

''5320. Buy America.''.

(3) CONFORMING AMENDMENTS.—

(A) TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.—Section 5314(a)(2)(G) of title 49, United States Code, is amended by striking ''sections 5323(j) and 5323(m)'' and inserting ''section 5320''.

(B) URBANIZED AREA FORMULA GRANTS.—Section 5307(c)(1)(E) of title 49, United States Code, is amended by inserting '', 5320,'' after ''5323''.

(C) INNOVATIVE PROCUREMENT.—Section 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C. 5325 note) is amended by striking ''5323(j)'' and inserting ''5320''.

(b) BUS ROLLING STOCK.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise Appendix B and Appendix D of section 661.11 of title 49, Code of Federal Regulations, with respect to bus rolling stock to maximize job creation and align such section with modern manufacturing techniques.

(c) RAIL ROLLING STOCK.—Not later than 30 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to revise subsections (t), (u), and (v) of section 661.11 of title 49, Code of Federal Regulations, with respect to rail rolling stock to maximize job creation and align such section with modern manufacturing techniques.

(d) RULE OF APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to any contract entered into on or after the date of enactment of this Act.

(2) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—Contracts described in paragraph (1) shall be subject to the following delayed applicability requirements:

(A) Section 5320(m)(2) shall apply to contracts entered into on or after the date that is 30 days after the date of enactment of this Act.

(B) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of bus rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (b); or

(ii) the date that is 1 year after the date of enactment of this Act.

(C) Notwithstanding subparagraph (A), section 5320(m) shall apply to contracts for the procurement of rail rolling stock beginning on the earlier of—

(i) 180 days after the date on which final regulations are issued pursuant to subsection (c); or

(ii) the date that is 2 years after the date of enactment of this Act.

(D) Section 5320(p)(1) shall apply on the date that is 1 year after the latest of the application dates described in subparagraphs (A) through (C).

(3) SPECIAL RULE FOR CERTAIN CONTRACTS.—For any contract described in paragraph (1) for which the delivery for the first production vehicle occurs before October 1, 2024, paragraphs (1) and (4) of section 5320(d) shall not apply.

(4) SPECIAL RULE FOR BATTERY CELL INCENTIVES.—For any contract described in paragraph (1) for which the delivery for the first production vehicle occurs before October 1, 2022, section 5320(d)(5) shall not apply.

(e) SPECIAL RULE FOR DOMESTIC CONTENT.—For the calculation of the percent of domestic content calculated under section 5320(d)(2) for a contract for rolling stock entered into on or after October 1, 2020—

(1) if the delivery of the first production vehicle occurs in fiscal year 2022 or fiscal year 2023, for components that exceed 70 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content; and

(2) if the delivery of the first production vehicle occurs in fiscal year 2024 or fiscal year 2025—

(A) for components that exceed 70 percent but do not exceed 75 percent domestic content, the Secretary shall add 15 additional percent to the component's domestic content; or

(B) for components that exceed 75 percent domestic content, the Secretary shall add 20 additional percent to the component's domestic content.

SEC. 2302. BUS PROCUREMENT STREAMLINING.

Section 5323 of title 49, United States Code, as is amended by adding at the end the following:

''(x) BUS PROCUREMENT STREAMLINING.—

''(1) IN GENERAL.—The Secretary may only obligate amounts for acquisition of buses under this chapter to a recipient that issues a request for proposals for an open market procurement that meets the following criteria:

''(A) Such request for proposals is limited to performance specifications, except for components or subcomponents identified in the negotiated rulemaking carried out pursuant to this subsection.

''(B) Such request for proposals does not seek any alternative design or manufacture specification of a bus offered by a manufacturer, except to require a component or subcomponent identified in the negotiated rulemaking carried out pursuant to this subsection.

''(2) SPECIFIC BUS COMPONENT NEGOTIATED RULEMAKING.—

''(A) INITIATION.—Not later than 120 days after the date of enactment of the INVEST in America Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and issue such regulations as are necessary to establish as limited a list as is practicable of bus components and subcomponents described in subparagraph (B).

''(B) LIST OF COMPONENTS.—The regulations required under subparagraph (A) shall establish a list of bus components and subcomponents that may be specified in a request for proposals described in paragraph (1) by a recipient. The Secretary shall ensure the list is limited in scope and limited to only components and subcomponents that cannot be selected with performance specifications to ensure interoperability.

''(C) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 18 months after such date of enactment.

''(D) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this paragraph shall have a maximum of 11 members limited to representatives of the Department of Transportation, urban and rural recipients (including State government recipients), and transit vehicle manufacturers.

''(E) EXTENSION OF DEADLINES.—A deadline set forth in subparagraph (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in subparagraph (D) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(3) SAVINGS CLAUSE.—Nothing in this section shall be construed to provide additional authority for the Secretary to restrict what a bus manufacturer offers to sell to a public transportation agency.''.

SEC. 2303. BUS TESTING FACILITY.

Section 5318 of title 49, United States Code, is amended by adding at the end the following:

''(f) TESTING SCHEDULE.—The Secretary shall—

''(1) determine eligibility of a bus manufacturer's request for testing within 10 business days;

''(2) make publicly available the current backlog (in months) to begin testing a new bus at the bus testing facility; and

''(3) designate The Ohio State University as the autonomous and advanced driver-assistance systems test development facility for all bus testing with autonomous or advanced driver-assistance systems technology and The Ohio State University will also serve as the over-flow new model bus testing facility to Altoona.''.

SEC. 2304. REPAYMENT REQUIREMENT.

(a) IN GENERAL.—A transit agency shall repay into the general fund of the Treasury all funds received from the Federal Transit Administration under the heading ''Federal Transit Administration, Transit Infrastructure Grants'' under the CARES Act (Public Law 116–136) if any portion of the funding was used to award a contract or subcontract to an entity for the

procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

(1) is incorporated in or has manufacturing facilities in the United States; and

(2) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(b) CERTIFICATION.—Not later than 60 days after the date of enactment of this section, a transit agency that received funds pursuant to the CARES Act (Public Law 116–136) shall certify that the agency has not and shall not use such funds to purchase rolling stock described in subsection (a). Repayment shall also be required for any such agency that fails to certify in accordance with the preceding sentence.

SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING A MAJOR DISASTER.

(a) IN GENERAL.—Section 5323 of title 49, United States Code, is amended by adding at the end the following:

''(y) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

''(1) DEFINED TERM.—In this subsection, the term 'decennial census date' has the meaning given the term in section 141(a) of title 13.

''(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, for purposes of this chapter, the Secretary shall treat an area as an urbanized area for the period described in paragraph (3) if—

''(A) a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) for the area during the 3-year period preceding the decennial census date for the 2010 decennial census or for any subsequent decennial census;

''(B) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding the major disaster described in subparagraph (A); and

''(C) the population of the area fell below 50,000 as a result of the major disaster described in subparagraph (A).

''(3) COVERED PERIOD.—The Secretary shall treat an area as an urbanized area under paragraph (2) during the period—

''(A) beginning on—

''(i) in the case of a major disaster described in paragraph (2)(A) that occurred during the 3-year period preceding the decennial census date for the 2010 decennial census, October 1 of the first fiscal year that begins after the date of enactment of this subsection; or

''(ii) in the case of any other major disaster described in paragraph (2)(A), October 1 of the first fiscal year—

''(I) that begins after the decennial census date for the first decennial census conducted after the major disaster; and

''(II) for which the Secretary has sufficient data from that census to determine that the area qualifies for treatment as an urbanized area under paragraph (2); and

''(B) ending on the day before the first fiscal year—

''(i) that begins after the decennial census date for the second decennial census conducted after the major disaster described in paragraph (2)(A); and

''(ii) for which the Secretary has sufficient data from that census to determine which areas are urbanized areas for purposes of this chapter.

''(4) POPULATION CALCULATION.—An area treated as an urbanized area under this subsection shall be assigned the population and square miles of the urbanized area designated by the Secretary of Commerce in the most recent decennial census conducted before the major disaster described in paragraph (2)(A).

''(5) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of enactment of this subsection.''.

(b) AMENDMENT TAKES EFFECT ON ENACTMENT.—Notwithstanding section 1001, the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK PROCUREMENTS.

Section 5323(u)(5)(A) of title 49, United States Code, (as redesignated by this Act) is amended by striking ''made by a public transportation agency with a rail rolling stock manufacturer described in paragraph (1)'' and inserting ''as of December 20, 2019, including options and other requirements tied to these contracts or subcontracts, made by a public transportation agency with a restricted rail rolling stock manufacturer''.

SEC. 2307. CERTIFICATION REQUIREMENTS.

(a) LIMITATION OF TREATMENT OF DOMESTIC OR U.S. ORIGIN.—Notwithstanding any other provision of any law or any rule, regulation, or policy of the Administration, including part 661 of title 49, Code of Federal Regulations, no article, material, or supply, shall be treated as a component of ''U.S. origin'' for purposes of section 661.5 of title 49, Code of Federal Regulations, or a component or subcomponent of domestic origin for purposes of section 661.11 of title 49, Code of Federal Regulations, if—

(1) it contains any material inputs manufactured or supplied by entities that—

(A) are subject to relief authorized under the fair trade laws of the United States, including subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.) and subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.);

(B) are owned or controlled by entities subject to United States sanctions; or

(C) are entities owned by a foreign government, closely linked to or in partnership with a foreign government or whose directors or organizational and board leadership include any person serving in any capacity in the defense apparatus of another nation;

(2) it contains or uses covered telecommunications equipment or services as that term is defined by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232); or

(3) it is of a class or category of products and was produced by a manufacturer or an affiliate of such a manufacturer found to have violated United States intellectual property laws, including trade secret theft under section 1832(a)(5) of title 18, United States Code, found to have committed economic espionage under section 183J(a)(5) of such title, or deemed to have infringed the intellectual property rights of any person in the United States.

(b) CERTIFICATION.—If buses or other rolling stock are being procured, the Administrator of the Federal Transit Administration shall require as a condition of responsiveness that each bidder certify that no component, subcomponent, article, material, or supply described in subparagraphs (A) through (C) of subsection (a)(1) of this section is incorporated in or used by the rolling stock that is offered by the bidder.

Subtitle D—Bus Grant Reforms

SEC. 2401. FORMULA GRANTS FOR BUSES.

Section 5339(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and subsection (d)'' after ''In this subsection'';

(B) in subparagraph (A) by striking ''term 'low or no emission vehicle' has'' and inserting ''term 'zero emission vehicle' has'';

(C) in subparagraph (B) by inserting ''and the District of Columbia'' after ''United States''; and

(D) in subparagraph (C) by striking ''the District of Columbia,'';

(2) in paragraph (2)(A) by striking ''low or no emission vehicles'' and inserting ''zero emission vehicles'';

(3) in paragraph (4)—

(A) in subparagraph (A) by inserting ''and subsection (d)'' after ''this subsection''; and

(B) in subparagraph (B) by inserting ''and subsection (d)'' after ''this subsection'';

(4) in paragraph (5)(A)—

(A) by striking ''$90,500,000'' and inserting ''$156,750,000'';

(B) by striking ''2016 through 2020'' and inserting ''2022 through 2025'';

(C) by striking ''$1,750,000'' and inserting ''$3,000,000''; and

(D) by striking ''$500,000'' and inserting ''$750,000'';

(5) in paragraph (7) by adding at the end the following:

''(C) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding subparagraph (A), a grant for a capital project for buses and related equipment for zero emission vehicles under this subsection shall be for 90 percent of the net capital costs of the project. A recipient of a grant under this subsection may provide additional local matching amounts.'';

(6) in paragraph (8) by striking ''3 fiscal years'' and inserting ''4 fiscal years'' and by striking ''3-fiscal-year period'' and inserting ''4-fiscal-year period''; and

(7) by striking paragraph (9).

SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS.

Section 5339(b) of title 49, United States Code, is amended—

(1) in the heading by striking ''BUSES AND BUS FACILITIES COMPETITIVE GRANTS'' and inserting ''BUS FACILITIES AND FLEET EXPANSION COMPETITIVE GRANTS'';

(2) in paragraph (1)—

(A) by striking ''buses and'';

(B) by inserting ''and certain buses'' after ''capital projects'';

(C) in subparagraph (A) by striking ''buses or related equipment'' and inserting ''bus-related facilities''; and

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

''(B) purchasing or leasing buses that will not replace buses in the applicant's fleet at the time of application and will be used to—

''(i) increase the frequency of bus service; or

''(ii) increase the service area of the applicant.'';

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

''(2) GRANT CONSIDERATIONS.—In making grants—

''(A) under subparagraph (1)(A), the Secretary shall only consider—

''(i) the age and condition of bus-related facilities of the applicant compared to all applicants and proposed improvements to the resilience (as such term is defined in section 5302) of such facilities;

''(ii) for a facility within or partially within the 100-year floodplain, whether such facility will be at least 2 feet above the base flood elevation; and

''(iii) for a bus station, the degree of multimodal connections at such station; and

''(B) under paragraph (1)(B), the Secretary shall consider the improvements to headway and projected new ridership.''; and

(4) in paragraph (6) by striking subparagraph (B) and inserting the following:

''(B) GOVERNMENT SHARE OF COSTS.—

''(i) IN GENERAL.—The Government share of the cost of an eligible project carried out under this subsection shall not exceed 80 percent.

''(ii) SPECIAL RULE FOR BUSES AND RELATED EQUIPMENT FOR ZERO EMISSION VEHICLES.—Notwithstanding clause (i), the Government share

of the cost of an eligible project for the financing of buses and related equipment for zero emission vehicles shall not exceed 90 percent.''.

SEC. 2403. ZERO EMISSION BUS GRANTS.

(a) IN GENERAL.—Section 5339(c) of title 49, United States Code, is amended—

(1) in the heading by striking ''LOW OR NO EMISSION GRANTS'' and inserting ''ZERO EMISSION GRANTS'';

(2) in paragraph (1)—

(A) in subparagraph (B)—

(i) in clause (i) by striking ''low or no emission'' and inserting ''zero emission'';

(ii) in clause (ii) by striking ''low or no emission'' and inserting ''zero emission'';

(iii) in clause (iii) by striking ''low or no emission'' and inserting ''zero emission'';

(iv) in clause (iv) by striking ''facilities and related equipment for low or no emission'' and inserting ''related equipment for zero emission'';

(v) in clause (v) by striking ''facilities and related equipment for low or no emission vehicles;'' and inserting ''related equipment for zero emission vehicles; or'';

(vi) in clause (vii) by striking ''low or no emission'' and inserting ''zero emission'';

(vii) by striking clause (vi); and

(viii) by redesignating clause (vii) as clause (vi);

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

''(D) the term 'zero emission bus' means a bus that is a zero emission vehicle;'';

(C) by striking subparagraph (E) and inserting the following:

''(E) the term 'zero emission vehicle' means a vehicle used to provide public transportation that produces no carbon dioxide or particulate matter;'';

(D) in subparagraph (F) by striking ''and'' at the end;

(E) by striking subparagraph (G) and inserting the following:

''(G) the term 'eligible area' means an area that is—

''(i) designated as a nonattainment area for ozone or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d));

''(ii) a maintenance area, as such term is defined in section 5303, for ozone or particulate matter; or

''(iii) in a State that has enacted a statewide zero emission bus transition requirement, as determined by the Secretary; and''; and

(F) by adding at the end the following:

''(H) the term 'low-income community' means any population census tract if—

''(i) the poverty rate for such tract is at least 20 percent; or

''(ii) in the case of a tract—

''(I) not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income; or

''(II) located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater statewide median family income or the metropolitan area median family income.''; and

(3) by striking paragraph (5) and inserting the following:

''(5) GRANT ELIGIBILITY.—In awarding grants under this subsection, the Secretary shall make grants to eligible projects relating to the acquisition or leasing of zero emission buses or bus facility improvements—

''(A) that procure—

''(i) at least 10 zero emission buses;

''(ii) if the recipient operates less than 50 buses in peak service, at least 5 zero emission buses; or

''(iii) hydrogen buses;

''(B) for which the recipient's board of directors has approved a long-term integrated fleet management plan that—

''(i) establishes a goal by a set date to convert the entire bus fleet to zero emission buses; or

''(ii) establishes a goal that within 10 years from the date of approval of such plan the recipient will convert a set percentage of the total bus fleet of such recipient to zero emission buses; and

''(C) for which the recipient has performed a fleet transition study that includes optimal route planning and an analysis of how utility rates may impact the recipient's operations and maintenance budget.

''(7) LOW AND MODERATE COMMUNITY GRANTS.—Not less than 10 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects serving predominantly low-income communities.''.

(b) METROPOLITAN TRANSPORTATION PLANNING.—Section 5303(b) of title 49, United States Code, is amended by adding at the end the following:

''(9) MAINTENANCE AREA.—The term 'maintenance area' has the meaning given the term in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a).''.

SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.

Section 5339 of title 49, United States Code, is amended by adding at the end the following:

''(d) RESTORATION TO STATE OF GOOD REPAIR FORMULA SUBGRANT.—

''(1) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to assist eligible recipients and subrecipients described in paragraph (2) in financing capital projects to replace, rehabilitate, and purchase buses and related equipment.

''(2) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—Not later than September 1 annually, the Secretary shall make public a list of eligible recipients and subrecipients based on the most recent data available in the National Transit Database to calculate the 20 percent of eligible recipients and subrecipients with the highest percentage of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration.

''(3) URBAN APPORTIONMENTS.—Funds allocated under section 5338(a)(2)(L)(ii) shall be—

''(A) distributed to—

''(i) designated recipients in an urbanized area with a population of more than 200,000 made eligible by paragraph (1); and

''(ii) States based on subrecipients made eligible by paragraph (1) in an urbanized area under 200,000; and

''(B) allocated pursuant to the formula set forth in section 5336 other than subsection (b), using the data from the 20 percent of eligible recipients and subrecipients.

''(4) RURAL ALLOCATION.—The Secretary shall—

''(A) calculate the percentage of funds under section 5338(a)(2)(L)(ii) to allocate to rural subrecipients by dividing—

''(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) of the rural subrecipients described in paragraph (2); by

''(ii) the total asset vehicle miles for buses beyond such benchmark of all eligible recipients and subrecipients described in paragraph (2); and

''(B) prior to the allocation described in paragraph (3)(B), apportion to each State the amount of the total rural allocation calculated under subparagraph (A) attributable to such State based the proportion that—

''(i) the asset vehicle miles for buses beyond the useful life benchmark (established by the Federal Transit Administration) for rural subrecipients described in paragraph (2) in such State; bears to

''(ii) the total asset vehicle miles described in subparagraph (A)(i).

''(5) APPLICATION OF OTHER PROVISIONS.—Paragraphs (3), (7), and (8) of subsection (a) shall apply to eligible recipients and subrecipients described in paragraph (2) of a grant under this subsection.

''(6) PROHIBITION.—No eligible recipient or subrecipient outside the top 5 percent of asset vehicle miles for buses beyond the useful life benchmark established by the Federal Transit Administration may receive a grant in both fiscal year 2022 and fiscal year 2023.

''(7) REQUIREMENT.—The Secretary shall require—

''(A) States to expend, to the benefit of the subrecipients eligible under paragraph (2), the apportioned funds attributed to such subrecipients; and

''(B) designated recipients to provide the allocated funds to the recipients eligible under paragraph (2) the apportioned funds attributed to such recipients.''.

Subtitle E—Supporting All Riders

SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.

Section 5336(j) of title 49, United States Code, is amended

(1) in paragraph (1) by striking ''75 percent'' and inserting ''50 percent'';

(2) in paragraph (2) by striking ''25 percent'' and inserting ''12.5 percent''; and

(3) by adding at the end the following:

''(3) 30 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

''(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

''(B) the number of individuals in all such urbanized areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; and

''(4) 7.5 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population less than 200,000 in the ratio that—

''(A) the number of individuals in each such urbanized area residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending; bears to

''(B) the number of individuals in all such areas residing in an urban census tract with a poverty rate of at least 20 percent during the 5 years most recently ending.''.

SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.

Section 5311 of title 49, United States Code, as amended in section 2204, is further amended—

(1) in subsection (a) by adding at the end the following:

''(3) PERSISTENT POVERTY COUNTY.—The term 'persistent poverty county' means any county with a poverty rate of at least 20 percent—

''(A) as determined in each of the 1990 and 2000 decennial censuses;

''(B) in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the estimates are available; and

''(C) has at least 25 percent of its population in rural areas.'';

(2) in subsection (b)(2)(C)(i) by inserting ''and persistent poverty counties'' before the semicolon; and

(3) in subsection (c) by striking paragraph (2) and inserting the following:

''(2) PERSISTENT POVERTY PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

''(A) IN GENERAL.—The Secretary shall carry out a public transportation assistance program for areas of persistent poverty.

''(B) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(E)(ii) to carry out this paragraph, the Secretary shall apportion funds to recipients for service in, or directly benefitting, persistent poverty counties for any eligible purpose under this section in the ratio that—

''(i) the number of individuals in each such rural area residing in a persistent poverty county; bears to

''(ii) the number of individuals in all such rural areas residing in a persistent poverty county.''.

SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

''(j) DEMONSTRATION GRANTS TO SUPPORT REDUCED FARE TRANSIT.—

''(1) IN GENERAL.—Not later than 300 days after the date of enactment of the INVEST in America Act, the Secretary shall award grants (which shall be known as 'Access to Jobs Grants') to eligible entities, on a competitive basis, to implement reduced fare transit service.

''(2) NOTICE.—Not later than 180 days after the date of enactment of the INVEST in America Act, the Secretary shall provide notice to eligible entities of the availability of grants under paragraph (1).

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an eligible recipient shall submit to the Secretary an application containing such information as the Secretary may require, including, at a minimum, the following:

''(A) A description of how the eligible entity plans to implement reduced fare transit access with respect to low-income individuals, including any eligibility requirements for such transit access.

''(B) A description of how the eligible entity will consult with local community stakeholders, labor unions, local education agencies and institutions of higher education, public housing agencies, and workforce development boards in the implementation of reduced fares.

''(C) A description of the eligible entity's current fare evasion enforcement policies, including how the eligible entity plans to use the reduced fare program to reduce fare evasion.

''(D) An estimate of additional costs to such eligible entity as a result of reduced transit fares.

''(4) GRANT DURATION.—Grants awarded under this subsection shall be for a 2-year period.

''(5) SELECTION OF ELIGIBLE RECIPIENTS.—In carrying out the program under this subsection, the Secretary shall award not more than 20 percent of grants to eligible entities located in rural areas.

''(6) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use such grant to implement a reduced fare transit program and offset lost fare revenue.

''(7) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, local, or Tribal governmental entity that operates a public transportation service and is a recipient or subrecipient of funds under this chapter.

''(B) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual—

''(i) that has qualified for—

''(I) any program of medical assistance under a State plan or under a waiver of the plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(II) supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

''(III) the program of block grants for States for temporary assistance for needy families (TANF) established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(IV) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

''(V) a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

''(VI) benefits under the Low-Income Home Energy Assistance Act of 1981; or

''(VII) special supplemental food program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

''(ii) whose family income is at or below a set percent (as determined by the eligible recipient) of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

''(8) REPORT.—The Secretary shall designate a university transportation center under section 5505 to collaborate with the eligible entities receiving a grant under this subsection to collect necessary data to evaluate the effectiveness of meeting the targets described in the application of such recipient, including increased ridership and progress towards significantly closing transit equity gaps.''.

Subtitle F—Supporting Frontline Workers and Passenger Safety

SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.

Section 5314(b) of title 49, United States Code, is amended—

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

''(2) NATIONAL TRANSIT FRONTLINE WORKFORCE TRAINING CENTER.—

''(A) ESTABLISHMENT.—The Secretary shall establish a national transit frontline workforce training center (hereinafter referred to as the 'Center') and award grants to a nonprofit organization with a demonstrated capacity to develop and provide transit career pathway programs through labor-management partnerships and registered apprenticeships on a nationwide basis, in order to carry out the duties under subparagraph (B). The Center shall be dedicated to the needs of the frontline transit workforce in both rural and urban transit systems by providing standards-based training in the maintenance and operations occupations.

''(B) DUTIES.—

''(i) IN GENERAL.—In cooperation with the Administrator of the Federal Transit Administration, public transportation authorities, and national entities, the Center shall develop and conduct training and educational programs for frontline local transportation employees of recipients eligible for funds under this chapter.

''(ii) TRAINING AND EDUCATIONAL PROGRAMS.—The training and educational programs developed under clause (i) may include courses in recent developments, techniques, and procedures related to—

''(I) developing consensus national training standards, skills, competencies, and recognized postsecondary credentials in partnership with industry stakeholders for key frontline transit occupations with demonstrated skill gaps;

''(II) developing recommendations and best practices for curriculum and recognized postsecondary credentials, including related instruction and on-the-job learning for registered apprenticeship programs for transit maintenance and operations occupations;

''(III) building local, regional, and statewide transit training partnerships to identify and address workforce skill gaps and develop skills, competencies, and recognized postsecondary credentials needed for delivering quality transit service and supporting employee career advancement;

''(IV) developing programs for training of transit frontline workers, instructors, mentors, and labor-management partnership representatives, in the form of classroom, hands-on, on-the-job, and web-based training, delivered at a national center, regionally, or at individual transit agencies;

''(V) developing training programs for skills and competencies related to existing and emerging transit technologies, including zero emission buses;

''(VI) developing improved capacity for safety, security, and emergency preparedness in local transit systems and in the industry as a whole through—

''(aa) developing the role of the transit frontline workforce in building and sustaining safety culture and safety systems in the industry and in individual public transportation systems; and

''(bb) training to address transit frontline worker roles in promoting health and safety for transit workers and the riding public;

''(VII) developing local transit capacity for career pathways programs with schools and other community organizations for recruiting and training under-represented populations as successful transit employees who can develop careers in the transit industry; and

''(VIII) in collaboration with the Administrator of the Federal Transit Administration, the Bureau of Labor Statistics, the Employment and Training Administration, and organizations representing public transit agencies, conducting and disseminating research to—

''(aa) provide transit workforce job projections and identify training needs and gaps;

''(bb) determine the most cost-effective methods for transit workforce training and development, including return on investment analysis;

''(cc) identify the most effective methods for implementing successful safety systems and a positive safety culture; and

''(dd) promote transit workforce best practices for achieving cost-effective, quality, safe, and reliable public transportation services.

''(C) COORDINATION.—The Secretary shall coordinate activities under this section, to the maximum extent practicable, with the Employment and Training Administration, including the National Office of Apprenticeship of the Department of Labor and the Office of Career, Technical, and Adult Education of the Department of Education.

''(D) AVAILABILITY OF AMOUNTS.—

''(i) IN GENERAL.—Not more than 1 percent of amounts made available to a recipient under sections 5307, 5311, 5337, and 5339 is available for expenditures by the recipient, with the approval of the Secretary, to pay not more than 80 percent of the cost of eligible activities under this subsection.

''(ii) EXISTING PROGRAMS.—A recipient may use amounts made available under clause (i) to carry out existing local education and training programs for public transportation employees supported by the Secretary, the Department of Labor, or the Department of Education.

''(iii) LIMITATION.—Any funds made available under this section that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, a registered apprenticeship program, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

''(E) DEFINITIONS.—In this paragraph:

''(i) CAREER PATHWAY.—The term 'career pathway' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(ii) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.'';

(2) in paragraph (3) by striking ''or (2)''; and

(3) by striking paragraph (4).

SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.

Section 5329 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C)(ii)—

(A) in subclause (I) by striking ''and'' at the end;

(B) in subclause (II) by striking the semicolon and inserting ''; and''; and

(C) by adding at the end the following:

''(III) innovations in driver assistance technologies and driver protection infrastructure where appropriate, and a reduction in visibility impairments that contribute to pedestrian fatalities;'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting ''the safety committee established under paragraph (4), and subsequently,'' before ''the board of directors'';

(ii) in subparagraph (C) by striking ''public, personnel, and property'' and inserting ''public and personnel to injuries, assaults, and fatalities, and strategies to minimize the exposure of property'';

(iii) by striking subparagraph (G) and inserting the following:

''(G) a comprehensive staff training program for the operations and maintenance personnel and personnel directly responsible for safety of the recipient that includes—

''(i) the completion of a safety training program;

''(ii) continuing safety education and training; and

''(iii) de-escalation training;

''(H) a requirement that the safety committee only approve a safety plan under subparagraph (A) if such plan stays within such recipient's fiscal budget; and

''(I) a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers using data submitted to the National Transit Database, including—

''(i) a reduction of vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments; and

''(ii) transit worker assault mitigation, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations when a recipient's risk analysis performed by the safety committee established in paragraph (4) determines that such barriers or other measures would reduce assaults on and injuries to transit workers; and''; and

(B) by adding at the end the following:

''(4) SAFETY COMMITTEE.—For purposes of the approval process of an agency safety plan under paragraph (1), the safety committee shall be convened by a joint labor-management process and consist of an equal number of—

''(A) frontline employee representatives, selected by the labor organization representing the plurality of the frontline workforce employed by the recipient or if applicable a contractor to the recipient; and

''(B) employer or State representatives.''; and

(3) in subsection (e)(4)(A)(v) by inserting '', inspection,'' after ''has investigative''.

SEC. 2603. INNOVATION WORKFORCE STANDARDS.

(a) PROHIBITION ON USE OF FUNDS.—No financial assistance under chapter 53 of title 49, United States Code, may be used for—

(1) an automated vehicle providing public transportation unless—

(A) the recipient of such assistance that proposes to deploy an automated vehicle providing public transportation certifies to the Secretary of Transportation that the deployment does not eliminate or reduce the frequency of existing public transportation service; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1); and

(2) a mobility on demand service unless—

(A) the recipient of such assistance that proposes to deploy a mobility on demand service certifies to the Secretary that the service meets the criteria under section 5307, 5310, 5311, 5312, or 5316 of title 49, United States Code; and

(B) the Secretary receives, approves, and publishes the workforce development plan under subsection (b) submitted by the eligible entity when required by subsection (b)(1).

(b) WORKFORCE DEVELOPMENT PLAN.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, proposing to deploy an automated vehicle providing public transportation or mobility on demand service shall submit to the Secretary, prior to implementation of such service, a workforce development plan if such service, combined with any other automated vehicle providing public transportation or mobility on demand service offered by such recipient, would exceed by more than 0.5 percent of the recipient's total transit passenger miles traveled.

(2) CONTENTS.—The workforce development plan under subsection (a) shall include the following:

(A) A description of services offered by existing conventional modes of public transportation in the area served by the recipient that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service, including jobs and functions of such jobs.

(B) A forecast of the number of jobs provided by existing conventional modes of public transportation that would be eliminated or that would be substantially changed and the number of jobs expected to be created by the proposed automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(C) Identified gaps in skills needed to operate and maintain the proposed automated vehicle providing public transportation or mobility on demand service.

(D) A comprehensive plan to transition, train, or retrain employees that could be affected by the proposed automated vehicle providing public transportation or mobility on demand service.

(E) An estimated budget to transition, train, or retrain employees impacted by the proposed automated vehicle providing public transportation or mobility on demand service over a 5-year period from the date of the publication of the workforce development plan.

(c) NOTICE REQUIRED.—

(1) IN GENERAL.—A recipient of financial assistance under chapter 53 of title 49, United States Code, shall issue a notice to employees who, due to the use of an automated vehicle providing public transportation or mobility on demand service, may be subjected to a loss of employment or a change in responsibilities not later than 60 days before signing a contract for such service or procurement. A recipient shall provide employees copies of a request for a proposal related to an automated vehicle providing public transportation or mobility on demand services at the time such request is issued.

(2) CONTENT.—The notice required in paragraph (1) shall include the following:

(A) A description of the automated vehicle providing public transportation or mobility on demand service.

(B) The impact of the automated vehicle providing public transportation or mobility on demand service on employment positions, including a description of which employment positions will be affected and whether any new positions will be created.

(d) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle that—

(A) is capable of performing the entire task of driving (including steering, accelerating and decelerating, and reacting to external stimulus) without human intervention; and

(B) is designed to be operated exclusively by a Level 4 or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

(2) MOBILITY ON DEMAND.—The term ''mobility on demand'' has the meaning given such term in section 5316 of title 49, United States Code.

(3) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning given such term in section 5302 of title 49, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prohibit the use of funds for an eligible activity or pilot project of a covered recipient authorized under current law prior to the date of enactment of this Act.

SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET ASIDES.

Section 5329(d)(2) of title 49, United States Code, is amended to read as follows:

''(2) SAFETY COMMITTEE PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The safety committee described in paragraph (4) shall establish performance measures for the risk reduction program in paragraph (1)(I) using a 3-year rolling average of the data submitted by the recipient to the National Transit Database.

''(B) SAFETY SET ASIDE.—With respect to a recipient serving an urbanized area that receives funds under section 5307, such recipient shall allocate not less than 0.75 percent of such funds to projects eligible under 5307.

''(C) FAILURE TO MEET PERFORMANCE MEASURES.—Any recipient that receives funds under section 5307 that does not meet the performance measures established in subparagraph (A) shall allocate the amount made available in subparagraph (B) in the following fiscal year to projects described in subparagraph (D).

''(D) ELIGIBLE PROJECTS.—Funds set aside under this paragraph shall be used for projects that are reasonably likely to meet the performance measures established in subparagraph (A), including modifications to rolling stock and de-escalation training.''.

SEC. 2605. U.S. EMPLOYMENT PLAN.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''§ 5341. U.S. Employment Plan

''(a) DEFINITIONS.—In this section:

''(1) COMMITMENT TO HIGH-QUALITY CAREER AND BUSINESS OPPORTUNITIES.—The term 'commitment to high-quality career and business opportunities' means participation in a registered apprenticeship program.

''(2) COVERED INFRASTRUCTURE PROGRAM.—The term 'covered infrastructure program' means any activity under program or project under this chapter for the purchase or acquisition of rolling stock.

''(3) U.S. EMPLOYMENT PLAN.—The term 'U.S. Employment Plan' means a plan under which an entity receiving Federal assistance for a project under a covered infrastructure program shall—

''(A) include in a request for proposal an encouragement for bidders to include, with respect to the project—

''(i) high-quality wage, benefit, and training commitments by the bidder and the supply chain of the bidder for the project; and

''(ii) a commitment to recruit and hire individuals described in subsection (e) if the project results in the hiring of employees not currently or previously employed by the bidder and the supply chain of the bidder for the project;

''(B) give preference for the award of the contract to a bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A); and

''(C) ensure that each bidder that includes the commitments described in clauses (i) and (ii) of subparagraph (A) that is awarded a contract complies with those commitments.

''(4) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' means an apprenticeship program registered with the Department of Labor or a Federally-recognized State Apprenticeship Agency and that complies with the requirements under parts 29 and 30 of title 29, Code of Federal Regulations, as in effect on January 1, 2019.

''(b) BEST-VALUE FRAMEWORK.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program is encouraged—

''(1) to ensure that each dollar invested in infrastructure uses a best-value contracting framework to maximize the local value of federally funded contracts by evaluating bids on price and other technical criteria prioritized in the bid, such as—

''(A) equity;

''(B) environmental and climate justice;

''(C) impact on greenhouse gas emissions;

''(D) resilience;

''(E) the results of a 40-year life-cycle analysis;

''(F) safety;

''(G) commitment to creating or sustaining high-quality job opportunities affiliated with registered apprenticeship programs (as defined in subsection (a)(3)) for disadvantaged or underrepresented individuals in infrastructure industries in the United States; and

''(H) access to jobs and essential services by all modes of travel for all users, including disabled individuals; and

''(2) to ensure community engagement, transparency, and accountability in carrying out each stage of the project.

''(c) PREFERENCE FOR REGISTERED APPRENTICESHIP PROGRAMS.—To the maximum extent practicable, a recipient of assistance under a covered infrastructure program, with respect to the project for which the assistance is received, shall give preference to a bidder that demonstrates a commitment to high-quality job opportunities affiliated with registered apprenticeship programs.

''(d) USE OF U.S. EMPLOYMENT PLAN.—Notwithstanding any other provision of law, in carrying out a project under a covered infrastructure program, each entity that receives Federal assistance shall use a U.S. Employment Plan for each contract of $10,000,000 or more for the purchase of manufactured goods or of services, based on an independent cost estimate.

''(e) PRIORITY.—The head of the relevant Federal agency shall ensure that the entity carrying out a project under the covered infrastructure program gives priority to—

''(1) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including ex-offenders and disabled individuals;

''(2) veterans; and

''(3) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

''(f) REPORT.—Not less frequently than once each fiscal year, the heads of the relevant Federal agencies shall jointly submit to Congress a report describing the implementation of this section.

''(g) INTENT OF CONGRESS.—

''(1) IN GENERAL.—It is the intent of Congress—

''(A) to encourage recipients of Federal assistance under covered infrastructure programs to use a best-value contracting framework described in subsection (b) for the purchase of goods and services;

''(B) to encourage recipients of Federal assistance under covered infrastructure programs to use preferences for registered apprenticeship programs as described in subsection (c) when evaluating bids for projects using that assistance;

''(C) to require that recipients of Federal assistance under covered infrastructure programs use the U.S. Employment Plan in carrying out the project for which the assistance was provided; and

''(D) that full and open competition under covered infrastructure programs means a procedural competition that prevents corruption, favoritism, and unfair treatment by recipient agencies.

''(2) INCLUSION.—A best-value contracting framework described in subsection (b) is a framework that authorizes a recipient of Federal assistance under a covered infrastructure program, in awarding contracts, to evaluate a range of factors, including price, the quality of products, the quality of services, and commitments to the creation of good jobs for all people in the United States.

''(h) AWARD BASIS.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(1) ensure that not less than 50 percent of the workers hired to participate in the job training program are hired through local hiring in accordance with subsection (e), including by prioritizing individuals with a barrier to employment (including ex-offenders), disabled individuals (meaning an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102))), veterans, and individuals that represent populations that are traditionally underrepresented in the infrastructure workforce; or

''(2) ensure the commitments described in clauses (i) and (ii) of subsection (a)(2)(A) with respect to carrying out the job training program.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by adding at the end the following:

''5341. U.S. Employment Plan.''.

SEC. 2606. TECHNICAL ASSISTANCE AND WORKFORCE DEVELOPMENT.

(a) IN GENERAL.—Section 5314(a) of title 49, Unites States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (H) by striking ''and'' at the end;

(B) by redesignating subparagraph (I) as subparagraph (J); and

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

''(I) provide innovation and capacity-building to rural and tribal public transportation recipients but that not to duplicate the activities of sections 5311(b) or 5312; and''; and

(2) by adding at the end the following:

''(4) AVAILABILITY OF AMOUNTS.—Of the amounts made available to carry out this section under section 5338(c), $1,500,000 shall be available to carry out activities described in paragraph (2)(I).''.

(b) AVAILABILITY OF AMOUNTS.— Section 5314(c)(4)(A) of title 49, United States Code, is amended by inserting ''5311,'' after ''5307,''.

Subtitle G—Transit-Supportive Communities

SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5327 the following:

''§ 5328. Transit-supportive communities

''(a) ESTABLISHMENT.—The Secretary shall establish within the Federal Transit Administration, an Office of Transit-Supportive Communities to make grants, provide technical assistance, and assist in the coordination of transit and housing policies within the Federal Transit Administration, the Department of Transportation, and across the Federal Government.

''(b) TRANSIT ORIENTED DEVELOPMENT PLANNING GRANT PROGRAM.—

''(1) DEFINITION.—In this subsection the term 'eligible project' means—

''(A) a new fixed guideway capital project or a core capacity improvement project as defined in section 5309;

''(B) an existing fixed guideway system, or an existing station that is served by a fixed guideway system; or

''(C) the immediate corridor along the highest 25 percent of routes by ridership as demonstrated in section 5336(b)(2)(B).

''(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State , local governmental authority, or metropolitan planning organization to assist in financing comprehensive planning associated with an eligible project that seeks to—

''(A) enhance economic development, ridership, and other goals established during the project development and engineering processes or the grant application;

''(B) facilitate multimodal connectivity and accessibility;

''(C) increase access to transit hubs for pedestrian and bicycle traffic;

''(D) enable mixed-use development;

''(E) identify infrastructure needs associated with the eligible project; and

''(F) include private sector participation.

''(3) ELIGIBILITY.—A State , local governmental authority, or metropolitan planning organization that desires to participate in the program under this subsection shall submit to the Secretary an application that contains at a minimum—

''(A) an identification of an eligible project;

''(B) a schedule and process for the development of a comprehensive plan;

''(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

''(D) proposed performance criteria for the development and implementation of the comprehensive plan;

''(E) a description of how the project will reduce and mitigate social and economic impacts on existing residents and businesses vulnerable to displacement; and

''(F) identification of—

''(i) partners;

''(ii) availability of and authority for funding; and

''(iii) potential State, local or other impediments to the implementation of the comprehensive plan.

''(4) COST SHARE.—A grant under this subsection shall not exceed an amount in excess of 80 percent of total project costs, except that a grant that includes an affordable housing component shall not exceed an amount in excess of 90 percent of total project costs.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States, local governmental authorities, and metropolitan planning organizations in the planning and development of transit-oriented development projects and transit supportive corridor policies, including—

''(1) the siting, planning, financing, and integration of transit-oriented development projects;

''(2) the integration of transit-oriented development and transit-supportive corridor policies in the preparation for and development of an application for funding under section 602 of title 23;

''(3) the siting, planning, financing, and integration of transit-oriented development and transit supportive corridor policies associated with projects under section 5309;

''(4) the development of housing feasibility assessments as allowed under section 5309(g)(3)(B);

''(5) the development of transit-supportive corridor policies that promote transit ridership and transit-oriented development;

''(6) the development, implementation, and management of land value capture programs; and

''(7) the development of model contracts, model codes, and best practices for the implementation of transit-oriented development projects and transit-supportive corridor policies.

''(d) VALUE CAPTURE POLICY REQUIREMENTS.—

''(1) VALUE CAPTURE POLICY.—Not later than October 1 of the fiscal year that begins 2 years

after the date of enactment of this section, the Secretary, in collaboration with State departments of transportation, metropolitan planning organizations, and regional council of governments, shall establish voluntary and consensus-based value capture standards, policies, and best practices for State and local value capture mechanisms that promote greater investments in public transportation and affordable transit-oriented development.

''(2) REPORT.—Not later than 15 months after the date of enactment of this section, the Secretary shall make available to the public a report cataloging examples of State and local laws and policies that provide for value capture and value sharing that promote greater investment in public transportation and affordable transit-oriented development.

''(d) EQUITY.—In providing technical assistance under subsection (c), the Secretary shall incorporate strategies to promote equity for underrepresented and underserved communities, including—

''(1) preventing displacement of existing residents and businesses;

''(2) mitigating rent and housing price increases;

''(3) incorporating affordable rental and ownership housing in transit-oriented development;

''(4) engaging under-served, limited English proficiency, low income, and minority communities in the planning process;

''(5) fostering economic development opportunities for existing residents and businesses; and

''(6) targeting affordable housing that help lessen homelessness.

''(d) AUTHORITY TO REQUEST STAFFING ASSISTANCE.—In fulfilling the duties of this section, the Secretary shall, as needed, request staffing and technical assistance from other Federal agencies, programs, administrations, boards, or commissions.

''(e) REVIEW EXISTING POLICIES AND PROGRAMS.—Not later than 24 months after the date of enactment of this section, the Secretary shall review and evaluate all existing policies and programs within the Federal Transit Administration that support or promote transit-oriented development to ensure their coordination and effectiveness relative to the goals of this section.

''(f) REPORTING.—Not later than February 1 of each year beginning the year after the date of enactment of this section, the Secretary shall prepare a report detailing the grants and technical assistance provided under this section, the number of affordable housing units constructed or planned as a result of projects funded in this section, and the number of affordable housing units constructed or planned as a result of a property transfer under section 5334(h)(1). The report shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

''(g) SAVINGS CLAUSE.—Nothing in this section authorizes the Secretary to provide any financial assistance for the construction of housing.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5327 the following:

''5328. Transit-supportive communities.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 20005 of the MAP–21 (Public Law 112–141) is amended—

(1) by striking ''(a) AMENDMENT.—''; and

(2) by striking subsection (b).

SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE HOUSING.

Section 5334(h)(1) of title 49, United States Code, is amended to read as follows:

''(1) IN GENERAL.—If a recipient of assistance under this chapter decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which such asset was acquired, the Secretary may authorize the recipient to transfer such asset to—

''(A) a local governmental authority to be used for a public purpose with no further obligation to the Government if the Secretary decides—

''(i) the asset will remain in public use for at least 5 years after the date the asset is transferred;

''(ii) there is no purpose eligible for assistance under this chapter for which the asset should be used;

''(iii) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

''(iv) through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land; or

''(B) a local governmental authority, nonprofit organization, or other third party entity to be used for the purpose of transit-oriented development with no further obligation to the Government if the Secretary decides—

''(i) the asset is a necessary component of a proposed transit-oriented development project;

''(ii) the transit-oriented development project will increase transit ridership;

''(iii) at least 40 percent of the housing units offered in the transit-oriented development , including housing units owned by nongovernmental entities, are legally binding affordability restricted to tenants with incomes at or below 60 percent of the area median income and/or owners with incomes at or below 60 percent the area median income;

''(iv) the asset will remain in use as described in this section for at least 30 years after the date the asset is transferred; and

''(v) with respect to a transfer to a third party entity—

''(I) a local government authority or nonprofit organization is unable to receive the property; and

''(II) the overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors.

''(III) the third party has demonstrated a satisfactory history of construction or operating an affordable housing development.''.

SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, is amended—

(1) in subsection (g)—

(A) in paragraph (2)(B)—

(i) in clause (i) by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) in the case of a new fixed guideway capital project or a core capacity improvement project, allow a weighting five points greater to the economic development subfactor and five points lesser to the lowest scoring subfactor if the applicant demonstrates substantial efforts to preserve or encourage affordable housing near the project by providing documentation of policies that allow by-right multi-family housing, single room occupancy units, or accessory dwelling units, providing local capital sources for transit-oriented development, or demonstrate other methods as determined by the Secretary.''; and

(B) in paragraph (3), as amended by this Act, by adding at the end the following:

''(B) establish a warrant that applies to the economic development project justification criteria, provided that the applicant that requests a warrant under this process has completed and submitted a housing feasibility assessment.''; and

(2) in subsection (l)(4)—

(A) in subparagraph (B) by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (C) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(D) from grant proceeds distributed under section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) or section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) provided that—

''(i) such funds are used in conjunction with the planning or development of affordable housing; and

''(ii) such affordable housing is located within one-half of a mile of a new station.''.

Subtitle H—Innovation

SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.

Section 5312(d) of title 49, United States Code, is amended by adding at the end the following:

''(3) MOBILITY INNOVATION SANDBOX PROGRAM.—The Secretary may make funding available under this subsection to carry out research on mobility on demand and mobility as a service activities eligible under section 5316.''.

SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.

Section 5312(d) of title 49, United States Code, is further amended by adding at the end the following:

''(4) TRANSIT BUS OPERATOR COMPARTMENT REDESIGN PROGRAM.—

''(A) IN GENERAL.—The Secretary may make funding available under this subsection to carry out research on redesigning transit bus operator compartments to improve safety, operational efficiency, and passenger accessibility.

''(B) OBJECTIVES.—Research objectives under this paragraph shall include—

''(i) increasing bus operator safety from assaults;

''(ii) optimizing operator visibility and reducing operator distractions to improve safety of bus passengers, pedestrians, bicyclists, and other roadway users;

''(iii) expanding passenger accessibility for positive interactions between operators and passengers, including assisting passengers in need of special assistance;

''(iv) accommodating compliance for passenger boarding, alighting, and securement with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

''(v) improving ergonomics to reduce bus operator work-related health issues and injuries, as well as locate key instrument and control interfaces to improve operational efficiency and convenience.

''(C) ACTIVITIES.—Eligible activities under this paragraph shall include—

''(i) measures to reduce visibility impairments and distractions for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments and distractions;

''(ii) the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into bus operators' workstations;

''(iii) technologies to improve passenger accessibility, including boarding, alighting, and securement in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

''(iv) installation of seating and modification to design specifications of bus operator workstations that reduce or prevent injuries from ergonomic risks; or

''(v) other measures that align with the objectives under subparagraph (B).

''(D) ELIGIBLE ENTITIES.—Entities eligible to receive funding under this paragraph shall include consortia consisting of, at a minimum:

''(i) recipients of funds under this chapter that provide public transportation services;

''(ii) transit vehicle manufacturers;

''(iii) representatives from organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States; and

''(iv) any nonprofit institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY COUNTS INITIATIVE.

Section 5312 of title 49, United States Code, as amended by section 2503, is further amended by adding at the end the following:

''(k) EVERY DAY COUNTS INITIATIVE.—

''(1) IN GENERAL.—It is in the national interest for the Department of Transportation and recipients of Federal public transportation funds—

''(A) to identify, accelerate, and deploy innovation aimed at expediting project delivery, enhancing the safety of transit systems of the United States, and protecting the environment;

''(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

''(C) to promote the rapid deployment of proven solutions that provide greater accountability for public investments; and

''(D) to create a culture of innovation within the transit community.

''(2) FTA EVERY DAY COUNTS INITIATIVE.—To advance the policies described in paragraph (1), the Administrator of the Federal Transit Administration shall adopt the Every Day Counts initiative to work with recipients to identify and deploy the proven innovation practices and products that—

''(A) accelerate innovation deployment;

''(B) expedite the project delivery process;

''(C) improve environmental sustainability;

''(D) enhance transit safety;

''(E) expand mobility; and

''(F) reduce greenhouse gas emissions.

''(3) CONSIDERATION.—In accordance with the Every Day Counts goals described in paragraphs (1) and (2), the Administrator shall consider research conducted through the university transportation centers program in section 5505.

''(4) INNOVATION DEPLOYMENT.—

''(A) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with recipients to identify a new collection of innovations, best practices, and data to be deployed to recipients through case studies, webinars, and demonstration projects.

''(B) REQUIREMENTS.—In identifying a collection described in subparagraph (A), the Secretary shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

''(5) PUBLICATION.—Each collection identified under paragraph (4) shall be published by the Administrator on a publicly available website.''.

SEC. 2804. TECHNICAL CORRECTIONS.

Section 5312 of title 49, United States Code, as amended in section 2503 and 2803, is further amended—

(1) in subsection (e)—

(A) in paragraph (3)(C) by striking ''low or no emission vehicles, zero emission vehicles,'' and inserting ''zero emission vehicles''; and

(B) by striking paragraph (6) and inserting the following:

''(6) ZERO EMISSION VEHICLE DEFINED.—In this subsection, the term 'zero emission vehicle' means a passenger vehicle used to provide public transportation that produces no carbon or particulate matter.'';

(2) by redesignating the first subsection (g) as subsection (f); and

(3) in subsection (h)—

(A) in the header by striking ''LOW OR NO EMISSION'' and inserting ''ZERO EMISSION'';

(B) in paragraph (1)—

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

''(B) the term 'zero emission vehicle' has the meaning given such term in subsection (e)(6);''; and

(ii) in subparagraph (D) by striking ''low or no emission vehicle'' and inserting ''zero emission vehicle'' each place such term appears;

(C) in paragraph (2)—

(i) in the heading by striking ''LOW OR NO EMISSION'' and inserting ''ZERO EMISSION''; and

(ii) by striking ''low or no emission'' and inserting ''zero emission'' each place such term appears;

(D) in paragraph (3) by striking ''low or no emission'' and inserting ''zero emission'' each place such term appears; and

(E) in paragraph (5)(A) by striking ''low or no emission'' and inserting ''zero emission''.

SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT BUS DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system and related infrastructure.

(b) AUTHORIZATION.—There shall be available $20,000,000 for each of fiscal years 2021 through 2025.

(c) GRANTS.—The Secretary may enter into grants, contracts, and cooperative agreements with no more than 3 geographically diverse nonprofit organizations and recipients under chapter 53 of title 49, United States Code, to facilitate the development and testing of commercially viable advance technology transit buses and related infrastructure.

(d) CONSIDERATIONS.—The Secretary shall consider the applicant's—

(1) ability to contribute significantly to furthering advanced technologies as it relates to transit bus operations, including advanced driver assistance systems, automatic emergency braking, accessibility, and energy efficiency;

(2) financing plan and cost share potential;

(3) technical experience developing or testing advanced technologies in transit buses;

(4) commitment to frontline worker involvement; and

(5) other criteria that the Secretary determines are necessary to carry out the program.

The Secretary shall not consider applicants working on autonomous vehicles.

(e) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under the program. Grant recipients shall be selected on a competitive basis. The Secretary shall give priority consideration to applicants that have successfully managed advanced transportation technology projects, including projects related to public transportation operations for a period of not less than 5 years.

(f) CONSORTIA.—As a condition of receiving an award in (c), the Secretary shall ensure—

(1) that the selected non-profit recipients subsequently establish a consortia for each proposal submitted, including representatives from a labor union, transit agency, an FTA-designated university bus and component testing center, a Buy America compliant transit bus manufacturer, and others as determined by the Secretary;

(2) that no proposal selected would decrease workplace or passenger safety; and

(3) that no proposal selected would undermine the creation of high-quality jobs or workforce support and development programs.

(g) FEDERAL SHARE.—The Federal share of costs of the program shall be provided from funds made available to carry out this section. The Federal share of the cost of a project carried out under the program shall not exceed 80 percent of such cost.

Subtitle I—Other Program Reauthorizations

SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

Section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) is amended—

(1) in subsection (b) by striking ''The Federal'' and inserting ''Except as provided in subsection (f)(2), the Federal'';

(2) by striking subsections (d) through (f) and inserting the following:

''(d) REQUIRED BOARD APPROVAL.—No amounts may be provided to the Transit Authority under this section until the Transit Authority certifies to the Secretary of Transportation that—

''(1) a board resolution has passed on or before July 1, 2021, and is in effect for the period of July 1, 2022 through June 30, 2031, that—

''(A) establishes an independent budget authority for the Office of Inspector General of the Transit Authority;

''(B) establishes an independent procurement authority for the Office of Inspector General of the Transit Authority;

''(C) establishes an independent hiring authority for the Office of Inspector General of the Transit Authority;

''(D) ensures the Inspector General of the Transit Authority can obtain legal advice from a counsel reporting directly to the Inspector General;

''(E) requires the Inspector General of the Transit Authority to submit recommendations for corrective action to the General Manager and the Board of Directors of the Transit Authority;

''(F) requires the Inspector General of the Transit Authority to publish any recommendation described in subparagraph (E) on the website of the Office of Inspector General of the Transit Authority, except that the Inspector General may redact personally identifiable information and information that, in the determination of the Inspector General, would pose a security risk to the systems of the Transit Authority;

''(G) requires the Board of Directors of the Transit Authority to provide written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not less than 30 days before the Board of Directors removes the Inspector General of the Transit Authority, which shall include the reasons for removal and supporting documentation; and

''(H) prohibits the Board of Directors from removing the Inspector General of the Transit Authority unless the Board of Directors has provided a 30 day written notification as described in subparagraph (G) that documents—

''(i) a permanent incapacity;

''(ii) a neglect of duty;

''(iii) malfeasance;

''(iv) a conviction of a felony or conduct involving moral turpitude;

''(v) a knowing violation of a law or regulation;

''(vi) gross mismanagement;

''(vii) a gross waste of funds;

''(viii) an abuse of authority; or

''(ix) inefficiency; and

''(2) the Code of Ethics for Members of the WMATA Board of Directors passed on September 26, 2019, remains in effect, or the Inspector General of the Transit Authority has consulted with any modifications to the Code of Ethics by the Board.

''(e) AUTHORIZATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section—

''(A) for fiscal year 2021, $150,000,000;

''(B) for fiscal year 2022, $155,000,000;

''(C) for fiscal year 2023, $160,000,000;
''(D) for fiscal year 2024, $165,000,000;
''(E) for fiscal year 2025, $170,000,000;
''(F) for fiscal year 2026, $175,000,000;
''(G) for fiscal year 2027, $180,000,000;
''(H) for fiscal year 2028, $185,000,000;
''(I) for fiscal year 2029, $190,000,000; and
''(J) for fiscal year 2030, $200,000,000.
''(2) SET ASIDE FOR OFFICE OF INSPECTOR GENERAL OF TRANSIT AUTHORITY.—From the amounts in paragraph (1), the Transit Authority shall provide at least 7 percent for each fiscal year to the Office of Inspector General of the Transit Authority to carry out independent and objective audits, investigations, and reviews of Transit Authority programs and operations to promote economy, efficiency, and effectiveness, and to prevent and detect fraud, waste, and abuse in such programs and operations.''; and
(3) by redesignating subsection (g) as subsection (f).

SEC. 2902. OTHER APPORTIONMENTS.

Section 5336 of title 49, United States Code, is amended—
(1) in subsection (h)—
(A) in the matter preceding paragraph (1) by striking ''section 5336(a)(2)(C)'' and inserting ''section 5336(a)(2)(B)'';
(B) by amending paragraph (1) to read as follows:
''(1) to carry out section 5307(h)—
''(A) $60,906,000 shall be set aside in fiscal year 2022;
''(B) $61,856,134 shall be set aside in fiscal year 2023;
''(C) $62,845,832 shall be set aside in fiscal year 2024; and
''(D) $63,832,511 shall be set aside in fiscal year 2025;'';
(C) in paragraph (2) by striking ''3.07 percent'' and inserting ''6 percent''; and
(D) by amending paragraph (3) to read as follows:
''(3) of amounts not apportioned under paragraphs (1) and (2), 3 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);''; and
(2) in subsection (i) by adding at the end the following:
''(3) CENSUS PHASE-OUT.—Before apportioning funds under subsection (h)(3), for any urbanized area that is no longer an eligible area due to a change in population in the most recent decennial census, the Secretary shall apportion to such urbanized area, for 3 fiscal years, an amount equal to half of the funds apportioned to such urbanized area pursuant to this subsection for the previous fiscal year.''.

Subtitle J—Streamlining

SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

Section 5309 of title 49, United States Code, as amended by section 2703 of this Act, is further amended—
(1) in subsection (a)—
(A) by striking paragraph (6);
(B) by redesignating paragraph (7) as paragraph (6); and
(C) in paragraph (6), as so redesignated;
(i) in subparagraph (A) by striking ''$100,000,000'' and inserting ''$320,000,000''; and
(ii) in subparagraph (B) by striking ''$300,000,000'' and inserting ''$400,000,000'';
(2) in subsection (b)(2) by inserting ''expanding station capacity,'' after ''construction of infill stations,'';
(3) in subsection (d)(1)—
(A) in subparagraph (C)(i) by striking ''2 years'' and inserting ''3 years''; and
(B) by adding at the end the following:
''(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.
''(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.'';
(4) in subsection (e)(1)—
(A) in subparagraph (C)(i) by striking ''2 years'' and inserting ''3 years''; and
(B) by adding at the end the following:
''(D) OPTIONAL PROJECT DEVELOPMENT ACTIVITIES.—An applicant may perform cost and schedule risk assessments with technical assistance provided by the Secretary.
''(E) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require cost and schedule risk assessments in the project development phase.'';
(5) in subsection (e)(2)(A)(iii)(II) by striking ''5 years'' and inserting ''10 years'';
(6) in subsection (f)—
(A) in paragraph (1) by striking ''subsection (d)(2)(A)(v)'' and inserting ''subsection (d)(2)(A)(iv)'';
(B) in paragraph (2)—
(i) by striking ''subsection (d)(2)(A)(v)'' and inserting ''subsection (d)(2)(A)(iv)'';
(ii) in subparagraph (D) by adding ''and'' at the end;
(iii) by striking subparagraph (E); and
(iv) by redesignating subparagraph (F) as subparagraph (E); and
(C) by adding at the end the following:
''(3) COST-SHARE INCENTIVES.—For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall apply the following requirements and considerations in lieu of paragraphs (1) and (2):
''(A) REQUIREMENTS.—In determining whether a project is supported by local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall require that—
''(i) the proposed project plan provides for the availability of contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls;
''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and
''(iii) an applicant certifies that local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.
''(B) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the Secretary shall consider—
''(i) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;
''(ii) existing grant commitments;
''(iii) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose; and
''(iv) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.
(7) in subsection (g)—
(A) in paragraph (2)(A) by striking ''degree of local financial commitment'' and inserting ''criteria in subsection (f)'' each place it appears;
(B) in paragraph (3) by striking ''The Secretary shall'' and all that follows through the end and inserting the following: ''The Secretary shall—
''(A) to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section if—
''(i) the share of the cost of the project to be provided under this section—
''(I) does not exceed $500,000,000 and the total project cost does not exceed $1,000,000,000; or
''(II) complies with subsection (l)(1)(C);
''(ii) the applicant requests the use of the warrants;
''(iii) the applicant certifies that its existing public transportation system is in a state of good repair; and
''(iv) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection; and'';
(C) by striking paragraph (5) and inserting the following:
''(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance on the review and evaluation process and criteria not later than 180 days after the date of enactment of the INVEST in America Act.'';
(D) by striking paragraph (6) and inserting the following:
''(6) TRANSPARENCY.—Not later than 30 days after the Secretary receives a written request from an applicant for all remaining information necessary to obtain 1 or more of the following, the Secretary shall provide such information to the applicant:
''(A) Project advancement.
''(B) Medium or higher rating.
''(C) Warrant.
''(D) Letter of intent.
''(E) Early systems work agreement.''; and
(E) in paragraph (7) by striking ''the Federal Public Transportation Act of 2012'' and inserting ''the INVEST in America Act'';
(8) in subsection (h)—
(A) in paragraph (5) by inserting '', except that for a project for which a lower local cost share is elected under subsection (l)(1)(C), the Secretary shall enter into a grant agreement under this subsection for any such project that establishes contingency amounts that the applicant determines to be reasonable to cover unanticipated cost increases or funding shortfalls'' before the period at the end; and
(B) in paragraph (7)(C) by striking ''10 days'' and inserting ''3 days'';
(9) by striking subsection (i) and inserting the following:
''(i) INTERRELATED PROJECTS.—
''(1) RATINGS IMPROVEMENT.—The Secretary shall grant a rating increase of 1 level in mobility improvements to any project being rated under subsection (d), (e), or (h), if the Secretary certifies that the project has a qualifying interrelated project that meets the requirements of paragraph (2).
''(2) INTERRELATED PROJECT.—A qualifying interrelated project is a transit project that—
''(A) is adopted into the metropolitan transportation plan required under section 5303;
''(B) has received a class of action designation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
''(C) will likely increase ridership on the project being rated in subsection (d), (e), or (h), respectively, as determined by the Secretary; and
''(D) meets 1 of the following criteria:
''(i) Extends the corridor of the project being rated in subsection (d), (e), or (h), respectively.
''(ii) Provides a direct passenger transfer to the project being rated in subsection (d), (e), or (h), respectively.'';
(10) in subsection (k)—
(A) in paragraph (2)(D) by adding at the end the following:
''(v) LOCAL FUNDING COMMITMENT.— For a project for which a lower CIG cost share is elected by the applicant under subsection (l)(1)(C), the Secretary shall enter into a full funding grant agreement that has at least 75 percent of local financial commitment committed and the remaining percentage budgeted for the proposed purposes.''; and
(B) in paragraph (5) by striking ''30 days'' and inserting ''3 days'';

(11) in subsection (l)—

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

''(B) CAP.—Except as provided in subparagraph (C), a grant for a project under this section shall not exceed 80 percent of the net capital project cost, except that a grant for a core capacity improvement project shall not exceed 80 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.

''(C) APPLICANT ELECTION OF LOWER LOCAL CIG COST SHARE.—An applicant may elect a lower local CIG cost share for a project under this section for purposes of application of the cost-share incentives under subsection (f)(3). Such cost share shall not exceed 60 percent of the net capital project cost, except that for a grant for a core capacity improvement project such cost share shall not exceed 60 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.'';

(B) by striking paragraph (5) and inserting the following:

''(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as authorizing the Secretary to require, incentivize (in any manner not specified in this section), or place additional conditions upon a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost or, for a core capacity improvement project, 20 percent of the net capital project cost of the incremental cost to increase the capacity in the corridor.''; and

(C) by striking paragraph (8) and inserting the following:

''(8) CONTINGENCY SHARE.—The Secretary shall provide funding for the contingency amount equal to the proportion of the CIG cost share. If the Secretary increases the contingency amount after a project has received a letter of no prejudice or been allocated appropriated funds, the federal share of the additional contingency amount shall be 25 percent higher than the original proportion the CIG cost share and in addition to the grant amount set in subsection (k)(2)(C)(ii).'';

(12) in subsection (o) by adding at the end the following:

''(4) CIG PROGRAM DASHBOARD.—Not later than the fifth day of each month, the Secretary shall make publicly available on a website data on, including the status of, each project under this section that is in the project development phase, in the engineering phase, or has received a grant agreement and remains under construction. Such data shall include, for each project—

''(A) the amount and fiscal year of any funding appropriated, allocated, or obligated for the project;

''(B) the date on which the project—

''(i) entered the project development phase;

''(ii) entered the engineering phase, if applicable; and

''(iii) received a grant agreement, if applicable; and

''(C) the status of review by the Federal Transit Administration and the Secretary, including dates of request, dates of acceptance of request, and dates of a decision for each of the following, if applicable:

''(i) A letter of no prejudice.

''(ii) An environmental impact statement notice of intent.

''(iii) A finding of no significant environmental impact.

''(iv) A draft environmental impact statement.

''(v) A final environmental impact statement.

''(vi) A record of decision on the final environmental impact statement; and

''(vii) The status of the applicant in securing the non-Federal match, based on information provided by the applicant, including the amount committed, budgeted, planned, and undetermined.

(13) by striking ''an acceptable degree of'' and inserting ''a'' each place it appears; and

(14) by adding at the end the following:

''(r) PUBLICATION .—

''(1) PUBLICATION.—The Secretary shall publish a record of decision on all projects in the New Starts tranche of the program within 2 years of receiving a project's draft environmental impact statement or update or change to such statement.

''(2) FAILURE TO ISSUE RECORD OF DECISION.—For each calendar month beginning on or after the date that is 12 months after the date of enactment of the INVEST in America Act in which the Secretary has not published a record of decision for the final environmental impact statement on projects in the New Starts tranche for at least 1 year, the Secretary shall reduce the full-time equivalent employees within the immediate office of the Secretary by 1.''.

SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT DEADLINE.

Section 5336(d) of title 49, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following:

''(2) notwithstanding paragraph (1), apportion amounts to the States appropriated under section 5338(a)(2) to carry out sections 5307, 5310, and 5311 not later than December 15 for which any amounts are appropriated; and''.

SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.

Section 5334 of title 49, United States Code, is further amended by adding at the end the following:

''(l) DISPOSITION OF ASSETS BEYOND USEFUL LIFE.—

''(1) IN GENERAL.—If a recipient, or subrecipient, for assistance under this chapter disposes of an asset with a current market value, or proceed from the sale of such asset, acquired under this chapter at least in part with such assistance, after such asset has reached the useful life of such asset, the Secretary shall allow the recipient, or subrecipient, to use the proceeds attributable to the Federal share of such asset calculated under paragraph (3) for capital projects under section 5307, 5310, or 5311.

''(2) MINIMUM VALUE.—This subsection shall only apply to assets with a current market value, or proceeds from sale, of at least $5,000.

''(3) CALCULATION OF FEDERAL SHARE ATTRIBUTABLE.—The proceeds attributable to the Federal share of an asset described in paragraph (1) shall be calculated by multiplying—

''(A) the current market value of, or the proceeds from the disposition of, such asset; by

''(B) the Federal share percentage for the acquisition of such asset at the time of acquisition of such asset.''.

SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBILITY.

Section 5310 of title 49, United States Code, as amended by section 2205, is further amended by adding at the end the following:

''(k) INNOVATIVE COORDINATED ACCESS AND MOBILITY.—

''(1) START UP GRANTS.—

''(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation services.

''(B) APPLICATION.—An eligible recipient shall submit to the Secretary an application that, at a minimum, contains—

''(i) a detailed description of the eligible project;

''(ii) an identification of all eligible project partners and the specific role of each eligible project partner in the eligible project, including—

''(I) private entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged;

''(II) nonprofit entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; or

''(III) Federal and State entities engaged in the coordination of nonemergency medical transportation services for the transportation disadvantaged; and

''(iii) a description of how the eligible project shall—

''(I) improve local coordination or access to coordinated transportation services;

''(II) reduce duplication of service, if applicable; and

''(III) provide innovative solutions in the State or community.

''(C) PERFORMANCE MEASURES.—An eligible recipient shall specify, in an application for a grant under this paragraph, the performance measures the eligible project, in coordination with project partners, will use to quantify actual outcomes against expected outcomes, including—

''(i) changes to transportation expenditures as a result of improved coordination;

''(ii) changes to healthcare expenditures provided by projects partners as a result of improved coordination; and

''(iii) changes to health care metrics, including aggregate health outcomes provided by projects partners.

''(D) ELIGIBLE USES.—Eligible recipients receiving a grant under this section may use such funds for—

''(i) the deployment of coordination technology;

''(ii) projects that create or increase access to community One-Call/One-Click Centers;

''(iii) projects that coordinate transportation for 3 or more of—

''(I) public transportation provided under this section;

''(II) a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

''(III) title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(IV) Veterans Health Administration; or

''(V) private health care facilities; and

''(iv) such other projects as determined appropriate by the Secretary.

''(E) CONSULTATION.—In evaluating the performance metrics described in subparagraph (C), the Secretary shall consult with the Secretary of Health and Human Services.

''(2) INCENTIVE GRANTS.—

''(A) IN GENERAL.—The Secretary may make grants under this paragraph to eligible recipients to incentivize innovative projects for the transportation disadvantaged that improve the coordination of transportation services and nonemergency medical transportation services.

''(B) SELECTION OF GRANT RECIPIENTS.—The Secretary shall distribute grant funds made available to carry out this paragraph as described in subparagraph (E) to eligible recipients that apply and propose to demonstrate improvement in the metrics described in subparagraph (F).

''(C) ELIGIBILITY.—An eligible recipient shall not be required to have received a grant under paragraph (1) to be eligible to receive a grant under this paragraph.

''(D) APPLICATIONS.—Eligible recipients shall submit to the Secretary an application that includes—

''(i) which metrics under subparagraph (F) the eligible recipient intends to improve;

''(ii) the performance data eligible recipients and the Federal, State, nonprofit, and private partners, as described in paragraph (1)(B)(ii), of the eligible recipient will make available; and

''(iii) a proposed incentive formula that makes payments to the eligible recipient based on the proposed data and metrics.

''(E) DISTRIBUTION.—The Secretary shall distribute funds made available to carry out this paragraph based upon the number of grant applications approved by the Secretary, number of

individuals served by each grant, and the incentive formulas approved by the Secretary using the following metrics:

''(i) The reduced transportation expenditures as a result of improved coordination.

''(ii) The reduced Federal and State healthcare expenditures using the metrics described in subparagraph (F).

''(iii) The reduced private healthcare expenditures using the metrics described in subparagraph (F).

''(F) HEALTHCARE METRICS.—Healthcare metrics described in this subparagraph shall be—

''(i) reducing missed medical appointments;

''(ii) the timely discharge of patients from hospitals;

''(iii) preventing hospital admissions and reducing readmissions of patients into hospitals; and

''(iv) other measureable healthcare metrics, as determined appropriate by the Secretary, in consultation with the Secretary of Health and Human Services.

''(G) ELIGIBLE EXPENDITURES.—The Secretary shall allow the funds distributed by this grant program to be expended on eligible activities described in paragraph (1)(D) and any eligible activity under this section that is likely to improve the metrics described in subparagraph (F).

''(H) RECIPIENT CAP.—The Secretary—

''(i) may not provide more than 20 grants under this paragraph; and

''(ii) shall reduce the maximum number of grants under this paragraph to ensure projects are fully funded, if necessary.

''(I) CONSULTATION.—In evaluating the health care metrics described in subparagraph (F), the Secretary shall consult with the Secretary of Health and Human Services.

''(J) ANNUAL GRANTEE REPORT.—Each grantee shall submit a report, in coordination with the project partners of such grantee, that includes an evaluation of the outcomes of the grant awarded to such grantee, including the performance measures.

''(3) REPORT.—The Secretary shall make publicly available an annual report on the program carried out under this subsection for each fiscal year, not later than December 31 of the calendar year in which that fiscal year ends. The report shall include a detailed description of the activities carried out under the program, and an evaluation of the program, including an evaluation of the performance measures used by eligible recipients in consultation with the Secretary of Health and Human Services.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the costs of a project carried out under this subsection shall not exceed 80 percent.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of a project carried out under this subsection may be derived from in-kind contributions.

''(5) RULE OF CONSTRUCTION.—For purposes of this subsection, nonemergency medical transportation services shall be limited to services eligible under Federal programs other than programs authorized under this chapter.''.

SEC. 2915. PASSENGER FERRY GRANTS.

Section 5307(h) of title 49, United States Code, is amended by adding at the end the following paragraph:

''(4) ZERO-EMISSION OR REDUCED-EMISSION GRANTS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'eligible project' means a project or program of projects in an area eligible for a grant under subsection (a) for—

''(I) acquiring zero- or reduced-emission passenger ferries;

''(II) leasing zero- or reduced-emission passenger ferries;

''(III) constructing facilities and related equipment for zero- or reduced-emission passenger ferries;

''(IV) leasing facilities and related equipment for zero- or reduced-emission passenger ferries;

''(V) constructing new public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

''(VI) constructing shoreside ferry charging infrastructure for zero- or reduced-emission passenger ferries; or

''(VII) rehabilitating or improving existing public transportation facilities to accommodate zero- or reduced-emission passenger ferries;

''(ii) the term 'zero- or reduced-emission passenger ferry' means a passenger ferry used to provide public transportation that reduces emissions by utilizing onboard energy storage systems for hybrid-electric or 100 percent electric propulsion, related charging infrastructure, and other technologies deployed to reduce emissions or produce zero onboard emissions under normal operation; and

''(iii) the term 'recipient' means a designated recipient, a local government authority, or a State that receives a grant under subsection (a).

''(B) GENERAL AUTHORITY.—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

''(C) GRANT REQUIREMENTS.—A grant under this paragraph shall be subject to the same terms and conditions as a grant under subsection (a).

''(D) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects under this paragraph on a competitive basis.

''(E) GOVERNMENT SHARE OF COSTS.—

''(i) IN GENERAL.—The Federal share of the cost of an eligible project carried out under this paragraph shall not exceed 80 percent.

''(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an eligible project carried out under this subsection may be derived from in-kind contributions.''.

SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.

Section 5309(h)(4) of title 49, United States Code, is amended by inserting '', the extent to which the project improves transportation options to economically distressed areas,'' after ''public transportation''.

TITLE III—HIGHWAY TRAFFIC SAFETY

SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) $378,400,000 for fiscal year 2022;

(B) $382,400,000 for fiscal year 2023;

(C) $386,500,000 for fiscal year 2024; and

(D) $390,400,000 for fiscal year 2025.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) $182,495,000 for fiscal year 2022;

(B) $184,795,000 for fiscal year 2023;

(C) $187,795,000 for fiscal year 2024; and

(D) $190,695,000 for fiscal year 2025.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) $384,119,000 for fiscal year 2022;

(B) $393,205,000 for fiscal year 2023;

(C) $402,205,000 for fiscal year 2024; and

(D) $411,388,000 for fiscal year 2025.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) $5,700,000 for fiscal year 2022;

(B) $5,800,000 for fiscal year 2023;

(C) $5,900,000 for fiscal year 2024; and

(D) $6,000,000 for fiscal year 2025.

(5) HIGH-VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 404 of title 23, United States Code—

(A) $60,200,000 for fiscal year 2022;

(B) $60,600,000 for fiscal year 2023;

(C) $60,800,000 for fiscal year 2024; and

(D) $61,200,000 for fiscal year 2025.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code—

(A) $30,586,000 for fiscal year 2022;

(B) $31,000,000 for fiscal year 2023;

(C) $31,500,000 for fiscal year 2024; and

(D) $31,917,000 for fiscal year 2025.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapters—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and chapter 303 of title 49, United States Code, amounts made available under subsection (a) for fiscal years 2022 through 2025 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under chapter 4 of title 23, United States Code, including any amendments made by this title, shall be carried out in accordance with regulations issued by the Secretary of Transportation.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary of Transportation shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 3002. HIGHWAY SAFETY PROGRAMS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A)—

(i) in clause (ii) by striking ''occupant protection devices (including the use of safety belts and child restraint systems)'' and inserting ''seatbelts'';

(ii) in clause (vii) by striking ''; and'' and inserting a semicolon; and

(iii) by inserting after clause (viii) the following:

''(ix) to encourage more widespread and proper use of child safety seats (including booster seats) with an emphasis on underserved populations;

''(x) to reduce injuries and deaths resulting from drivers of motor vehicles not moving to another traffic lane or reducing the speed of such driver's vehicle when law enforcement, fire service, emergency medical services, and other emergency vehicles are stopped or parked on or next to a roadway with emergency lights activated; and

''(xi) to increase driver awareness of the dangers of pediatric vehicular hyperthermia;''; and

(B) by adding at the end the following:

''(3) ADDITIONAL CONSIDERATIONS.—States which have legalized medicinal or recreational marijuana shall consider programs in addition to the programs described in paragraph (2)(A) to educate drivers on the risks associated with marijuana-impaired driving and to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.'';

(2) in subsection (c)(4)—

(A) by striking subparagraph (C);

(B) by redesignating subparagraph (B) as subparagraph (D); and

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

''(B) SPECIAL RULE FOR SCHOOL AND WORK ZONES.—Notwithstanding subparagraph (A), a State may expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic system in a work zone or school zone.

''(C) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM GUIDELINES.—Any automated traffic enforcement system installed pursuant to subparagraph (B) shall comply with speed enforcement camera systems and red light camera systems guidelines established by the Secretary.''; and

(3) in subsection (n)—

(A) by striking ''PUBLIC TRANSPARENCY'' and all that follows through ''The Secretary'' and inserting the following: ''PUBLIC TRANSPARENCY.—

''(1) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(2) STATE HIGHWAY SAFETY PLAN WEBSITE.—

''(A) IN GENERAL.—In carrying out the requirements of paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and searchable for the information required under paragraph (1), in order to foster greater transparency in approved State highway safety programs.

''(B) CONTENTS.—The website established under subparagraph (A) shall—

''(i) include each State highway safety plan and annual report submitted and approved by the Secretary under subsection (k);

''(ii) provide a means for the public to search such website for State highway safety program content required in subsection (k), including—

''(I) performance measures required by the Secretary under paragraph (3)(A);

''(II) progress made toward meeting the State's performance targets for the previous year;

''(III) program areas and expenditures; and

''(IV) a description of any sources of funds other than funds provided under this section that the State proposes to use to carry out the State highway safety plan of such State.''.

SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.

Section 402 of title 23, United States Code, as amended by section 3002 of this Act, is further amended by inserting after subsection (k) the following:

''(l) TRAFFIC SAFETY ENFORCEMENT GRANTS.—

''(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to States for the purpose of carrying out top-rated traffic safety enforcement countermeasures to reduce traffic-related injuries and fatalities.

''(2) EFFECTIVE COUNTERMEASURE DEFINED.—In this subsection, the term 'effective countermeasure' means a countermeasure rated 3, 4, or 5 stars in the most recent edition of the National Highway Traffic Safety Administration's Countermeasures That Work highway safety guide.

''(3) FUNDING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), the Secretary shall set aside $35,000,000 of the funds made available under this section for each fiscal year to be allocated among up to 10 States.

''(4) SELECTION CRITERIA.—The Secretary shall select up to 10 applicants based on the following criteria:

''(A) A preference for applicants who are geographically diverse.

''(B) A preference for applicants with a higher average number of traffic fatalities per vehicle mile traveled.

''(C) A preference for applicants whose activities under subparagraphs (A) and (B) of paragraph (6) are expected to have the greatest impact on reducing traffic-related fatalities and injuries, as determined by the Secretary.

''(5) ELIGIBILITY.—A State may receive a grant under this subsection in a fiscal year if the State demonstrates, to the satisfaction of the Secretary, that the State is able to meet the requirements in paragraph (6).

''(6) REQUIREMENTS.—In order to receive funds, a State must establish an agreement with the Secretary to—

''(A) identify areas with the highest risk of traffic fatalities and injuries;

''(B) determine the most effective countermeasures to implement in those areas, with priority given to countermeasures rated above 3 stars; and

''(C) report annual data under uniform reporting requirements established by the Secretary, including—

''(i) traffic citations, arrests, and other interventions made by law enforcement, including such interventions that did not result in arrest or citation;

''(ii) the increase in traffic safety enforcement activity supported by these funds; and

''(iii) any other metrics the Secretary determines appropriate to determine the success of the grant.

''(7) USE OF FUNDS.—

''(A) IN GENERAL.—Grant funds received by a State under this subsection may be used for—

''(i) implementing effective countermeasures determined under paragraph (6); and

''(ii) law enforcement-related expenses, such as officer training, overtime, technology, and equipment, if the Secretary determines effective countermeasures have been implemented successfully and the Secretary provides approval.

''(B) BROADCAST AND PRINT MEDIA.—Up to 5 percent of grant funds received by a State under this subsection may be used for the development, production, and use of broadcast and print media advertising in carrying out traffic safety law enforcement efforts under this subsection.

''(8) ALLOCATION.—Grant funds allocated to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under subsection (c)(2) for the fiscal year.

''(9) MAINTENANCE OF EFFORT.—No grant may be made to a State in any fiscal year under this subsection unless the State enters into such an agreement with the Secretary, as the Secretary may require, to ensure that the State will maintain its aggregate expenditures from all State and local sources for activities carried out in accordance with this subsection at or above the average level of expenditures in the 2 fiscal years preceding the date of enactment of this subsection.

''(10) ANNUAL EVALUATION AND REPORT TO CONGRESS.—The Secretary shall conduct an annual evaluation of the effectiveness of grants awarded under this subsection and shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the effectiveness of the grants.''.

SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting '', training,'' after ''demonstration projects'';

(2) in subsection (f)(1)—

(A) by striking ''$2,500,000'' and inserting ''$3,500,000''; and

(B) by striking ''subsection 402(c) in each fiscal year ending before October 1, 2015, and $443,989 of the total amount available for apportionment to the States for highway safety programs under section 402(c) in the period beginning on October 1, 2015, and ending on December 4, 2015,'' and inserting ''section 402(c)(2) in each fiscal year''; and

(3) by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.

Section 403 of title 23, United States Code, as amended by section 3004 of this Act, is further amended by adding at the end the following:

''(j) GRANT PROGRAM TO PROHIBIT RACIAL PROFILING.—

''(1) GENERAL AUTHORITY.—Subject to the requirements of this subsection, the Secretary shall make grants to a State that—

''(A) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver; or

''(B) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of subparagraph (A).

''(2) USE OF GRANT FUNDS.—A grant received by a State under paragraph (1) shall be used by the State for the costs of—

''(A) collecting and maintaining data on traffic stops; and

''(B) evaluating the results of such data.

''(3) LIMITATIONS.—

''(A) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants made to a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

''(B) ELIGIBILITY.—On or after October 1, 2022, a State may not receive a grant under paragraph (1)(B) in more than 2 fiscal years.

''(4) FUNDING.—

''(A) IN GENERAL.—From funds made available under this section, the Secretary shall set aside $7,500,000 for each fiscal year to carry out this subsection.

''(B) OTHER USES.—The Secretary may reallocate, before the last day of any fiscal year, amounts remaining available under subparagraph (A) to increase the amounts made available to carry out any other activities authorized under this section in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.''.

SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.

Section 404 of title 23, United States Code, is amended—

(1) in subsection (a) by striking ''3 campaigns will be carried out in each of fiscal years 2016 through 2020'' and inserting ''6 campaigns will be carried out in each of fiscal years 2022 through 2025'';

(2) in subsection (b)—

(A) in paragraph (1) by striking ''or drug-impaired'';

(B) in paragraph (2) by striking ''Increase use of seatbelts'' and inserting ''Increase proper use of seatbelts and child restraints'';

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

(D) by inserting after paragraph (1) the following:

''(2) Reduce drug-impaired operation of motor vehicles.''; and

(E) by adding at the end the following:

''(4) Reduce texting through a personal wireless communications device by drivers while operating a motor vehicle.

''(5) Reduce violations of move over laws of a State that require motorists to change lanes or slow down when law enforcement, fire service, emergency medical services and other emergency vehicles are stopped or parked on or next to a roadway with emergency lights activated.'';

(3) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(4) by inserting after subsection (d) the following:

''(e) FREQUENCY.—Each campaign administered under this section shall occur not less than once in each of fiscal years 2022 through 2025 with the exception of campaigns to reduce alcohol-impaired operation of motor vehicles which shall occur not less than twice in each of fiscal years 2022 through 2025.

''(f) COORDINATION OF DYNAMIC HIGHWAY MESSAGE SIGNS.—During the time a State is carrying out a campaign, the Secretary shall coordinate with States carrying out the campaigns under this section on the use of dynamic highway message signs to support national high-visibility advertising and education efforts associated with the campaigns.''; and

(5) in subsection (g), as so redesignated—

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

(B) by inserting after paragraph (1) the following:

''(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The term 'dynamic highway message sign' means a traffic control device that is capable of displaying one or more alternative messages which convey information to occupants of motor vehicles.''; and

(C) by adding at the end the following:

''(4) TEXTING.—The term 'texting' has the meaning given such term in section 405(e).''.

SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''13 percent'' and inserting ''12.85 percent'';

(B) in paragraph (2) by striking ''14.5 percent'' and inserting ''14.3 percent'';

(C) in paragraph (3) by striking ''52.5 percent'' and inserting ''51.75 percent'';

(D) in paragraph (4) by striking ''8.5 percent'' and inserting ''8.3 percent'';

(E) in paragraph (6) by striking ''5 percent'' and inserting ''4.9 percent'';

(F) in paragraph (7) by striking ''5 percent'' and inserting ''4.9 percent'';

(G) in paragraph (8)—

(i) by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (8)'';

(ii) by striking ''subsection (b) through (h)'' and inserting ''subsections (b) through (i)''; and

(iii) by inserting ''to carry out any of the other activities described in such subsections, or the amount made available'' before ''under section 402(c)(2)'';

(H) in paragraph (9)(A) by striking ''date of enactment of the FAST Act'' and inserting ''date of enactment of the INVEST in America Act'';

(I) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(J) by inserting after paragraph (7) the following:

''(8) DRIVER AND OFFICER SAFETY EDUCATION.—In each fiscal year, 1.5 percent of the funds provided under this section shall be allocated among States that meet the requirements with respect to driver and officer safety education (as described in subsection (i)).'';

(2) in subsection (c)(3)(E) by striking ''5'' and inserting ''10'';

(3) in subsection (b)(4)—

(A) in subparagraph (A) by striking clause (v) and inserting the following:

''(v) implement programs in low-income and underserved populations to—

''(I) recruit and train occupant protection safety professionals, nationally certified child passenger safety technicians, police officers, fire and emergency medical personnel, and educators serving low-income and underserved populations;

''(II) educate parents and caregivers in low-income and underserved populations about the proper use and installation of child safety seats; and

''(III) purchase and distribute child safety seats to low-income and underserved populations; and''; and

(B) in subparagraph (B)—

(i) by striking ''100 percent'' and inserting ''90 percent''; and

(ii) by adding at the end the following: ''The remaining 10 percent of such funds shall be used to carry out subsection (A)(v).'';

(4) by striking subsection (c)(4) and inserting the following:

''(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for—

''(A) making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D);

''(B) developing or acquiring programs to identify, collect, and report data to State and local government agencies, and enter data, including crash, citation and adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle, into the core highway safety databases of a State;

''(C) purchasing equipment to improve processes by which data is identified, collected, and reported to State and local government agencies;

''(D) linking core highway safety databases of a State with such databases of other States or with other data systems within the State, including systems that contain medical, roadway, and economic data;

''(E) improving the compatibility and interoperability of the core highway safety databases of the State with national data systems and data systems of other States;

''(F) enhancing the ability of a State and the Secretary to observe and analyze local, State, and national trends in crash occurrences, rates, outcomes, and circumstances;

''(G) supporting traffic records-related training and related expenditures for law enforcement, emergency medical, judicial, prosecutorial, and traffic records professionals;

''(H) hiring traffic records professionals, including a Fatality Analysis Reporting System liaison for a State; and

''(I) conducting research on State traffic safety information systems, including developing and evaluating programs to improve core highway safety databases of such State and processes by which data is identified, collected, reported to State and local government agencies, and entered into such core safety databases.'';

(5) by striking subsection (d)(6)(A) and inserting the following:

''(A) GRANTS TO STATES WITH ALCOHOL-IGNITION INTERLOCK LAWS.—The Secretary shall make a separate grant under this subsection to each State that—

''(i) adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals arrested or convicted of driving under the influence of alcohol or of driving while intoxicated;

''(ii) does not allow any individual arrested or convicted of driving under the influence of alcohol or driving while intoxicated to drive a motor vehicle unless such individual installs an ignition interlock for a minimum 6-month interlock period; or

''(iii) has—

''(I) enacted and is enforcing a state law requiring all individuals convicted of, or whose driving privilege is revoked or denied for, refusing to submit to a chemical or other test for the purpose of determining the presence or concentration of any intoxicating substance to install an ignition interlock for a minimum 6-month interlock period; and

''(II) a compliance-based removal program in which an individual arrested or convicted of driving under the influence of alcohol or driving while intoxicated shall install an ignition interlock for a minimum 6-month interlock period and have completed a minimum consecutive period of not less than 40 percent of the required interlock period immediately preceding the date of release, without a confirmed violation of driving under the influence of alcohol or driving while intoxicated.'';

(6) in subsection (e)—

(A) in paragraph (1) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)'';

(B) in paragraph (4)—

(i) by striking ''paragraph (2) or (3)'' and inserting ''paragraph (3) or (4)'';

(ii) in subparagraph (A) by striking ''communications device to contact emergency services'' and inserting ''communications device during an emergency to contact emergency services or to prevent injury to persons or property'';

(iii) in subparagraph (C) by striking ''; and'' and inserting a semicolon;

(iv) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) a driver who uses a personal wireless communication device for navigation; and'';

(C) in paragraph (5)(A)(i) by striking ''texting or using a cell phone while'' and inserting ''distracted'';

(D) in paragraph (7) by striking ''Of the amounts'' and inserting ''In addition to the amounts authorized under section 404 and of the amounts'';

(E) in paragraph (9)—

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

''(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term 'personal wireless communications device' means—

''(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), a device through which personal services (as such term is defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)) are transmitted, but not including the use of such a device as a global navigation system receiver used for positioning, emergency notification, or navigation purposes; and

''(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.''; and

(ii) by striking subparagraph (E) and inserting the following:

''(E) TEXTING.—The term 'texting' means—

''(i) until the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, emailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication; and

''(ii) on and after the date on which the Secretary issues a regulation pursuant to paragraph (8)(A), the definition described in such regulation.'';

(F) by striking paragraphs (2), (3), (6), and (8);

(G) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(H) by inserting after paragraph (1) the following:

''(2) ALLOCATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

''(B) PRIMARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a primary offense shall be allocated 100 percent of the amount calculated under subparagraph (A).

''(C) SECONDARY OFFENSE LAWS.—A State that has enacted and is enforcing a law that meets the requirements set forth in paragraphs (3) and (4) as a secondary offense shall be allocated 50 percent of the amount calculated under subparagraph (A).

''(3) PROHIBITION ON HANDHELD PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING.—A State law meets the requirements set forth in this paragraph if the law—

''(A) prohibits a driver from holding or using, including texting, a personal wireless communications device while driving, except for the use of a personal wireless communications device—

''(i) in a hands-free manner or with a hands-free accessory, or

''(ii) to activate or deactivate a feature or function of the personal wireless communications device;

''(B) establishes a fine for a violation of the law; and

''(C) does not provide for an exemption that specifically allows a driver to hold or use a personal wireless communication device while stopped in traffic.

''(4) PROHIBITION ON PERSONAL WIRELESS COMMUNICATION DEVICE USE WHILE DRIVING OR STOPPED IN TRAFFIC.—A State law meets the requirements set forth in this paragraph if the law—

''(A) prohibits a driver from holding or using a personal wireless communications device while driving if the driver is—

''(i) younger than 18 years of age; or

''(ii) in the learner's permit or intermediate license stage described in subparagraph (A) or (B) of subsection (g)(2);

''(B) establishes a fine for a violation of the law; and

''(C) does not provide for an exemption that specifically allows a driver to use a personal wireless communication device while stopped in traffic.''; and

(I) by inserting after paragraph (7) the following:

''(8) RULEMAKING.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall issue such regulations as are necessary to account for diverse State approaches to combating distracted driving that—

''(A) defines the terms personal wireless communications device and texting for the purposes of this subsection; and

''(B) determines additional permitted exceptions that are appropriate for a State law that meets the requirements under paragraph (3) or (4).'';

(7) in subsection (g)—

(A) in paragraph (1) by inserting ''subparagraphs (A) and (B) of'' before ''paragraph (2)'';

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

''(2) MINIMUM REQUIREMENTS.—

''(A) TIER 1 STATE.—A State shall be eligible for a grant under this subsection as a Tier 1 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

''(i) a learner's permit stage that—

''(I) is at least 180 days in duration;

''(II) requires that the driver be accompanied and supervised at all times; and

''(III) has a requirement that the driver obtain at least 40 hours of behind-the-wheel training with a supervisor; and

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage;

''(II) is at least 180 days in duration; and

''(III) for the first 180 days of the intermediate stage, restricts the driver from—

''(aa) driving at night between the hours of 11:00 p.m. and at least 4:00 a.m. except—

''(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

''(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

''(bb) operating a motor vehicle with more than 1 nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.

''(B) TIER 2 STATE.—A State shall be eligible for a grant under this subsection as a Tier 2 State if such State requires novice drivers younger than 18 years of age to comply with a 2-stage graduated driver licensing process before receiving an unrestricted driver's license that includes—

''(i) a learner's permit stage that—

''(I) is at least 180 days in duration;

''(II) requires that the driver be accompanied and supervised at all times; and

''(III) has a requirement that the driver obtain at least 50 hours of behind-the-wheel training, with at least 10 hours at night, with a supervisor; and

''(ii) an intermediate stage that—

''(I) commences immediately after the expiration of the learner's permit stage;

''(II) is at least 180 days in duration; and

''(III) for the first 180 days of the intermediate stage, restricts the driver from—

''(aa) driving at night between the hours of 10:00 p.m. and at least 4:00 a.m. except—

''(AA) when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle; and

''(BB) when driving to and from work, school and school-related activities, religious activities, for emergencies, or as a member of voluntary emergency service; and

''(bb) operating a motor vehicle with any nonfamilial passenger younger than 18 years of age, except when a parent, guardian, driving instructor, or licensed driver who is at least 21 years of age is in the motor vehicle.'';

(C) in paragraph (3)—

(i) in subparagraph (A) by inserting ''subparagraphs (A) and (B) of'' before ''paragraph (2)''; and

(ii) in subparagraph (B) by inserting ''subparagraphs (A) and (B) of'' before ''paragraph (2)'' each place such term appears;

(D) in paragraph (4) by striking ''such fiscal year'' and inserting ''fiscal year 2009''; and

(E) by striking paragraph (5) and inserting the following:

''(5) USE OF FUNDS.—

''(A) TIER 1 STATES.—A Tier 1 State shall use grant funds provided under this subsection for—

''(i) enforcing a 2-stage licensing process that complies with paragraph (2);

''(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

''(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

''(iv) carrying out other administrative activities that the Secretary considers relevant to the State's 2-stage licensing process; or

''(v) carrying out a teen traffic safety program described in section 402(m).

''(B) TIER 2 STATES .—Of the grant funds made available to a Tier 2 State under this subsection—

''(i) 25 percent shall be used for any activity described in subparagraph (A); and

''(ii) 75 percent may be used for any project or activity eligible under section 402.''; and

(8) by adding at the end the following:

''(i) DRIVER AND OFFICER SAFETY EDUCATION.—

''(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary shall award grants to—

''(A) States that enact a commuter safety education program; and

''(B) States qualifying under paragraph (5)(A).

''(2) FEDERAL SHARE.—The Federal share of the costs of activities carried out using amounts from a grant awarded under this subsection may not exceed 80 percent.

''(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State shall enact a law or adopt a program that requires the following:

''(A) DRIVER EDUCATION AND DRIVING SAFETY COURSES.—Inclusion, in driver education and driver safety courses provided to individuals by educational and motor vehicle agencies of the State, of instruction and testing concerning law enforcement practices during traffic stops, including information on—

''(i) the role of law enforcement and the duties and responsibilities of peace officers;

''(ii) an individual's legal rights concerning interactions with peace officers;

''(iii) best practices for civilians and peace officers during such interactions;

''(iv) the consequences for an individual's or officer's failure to comply with those laws and programs; and

''(v) how and where to file a complaint against or a compliment on behalf of a peace officer.

''(B) PEACE OFFICER TRAINING PROGRAMS.—Development and implementation of a training program, including instruction and testing materials, for peace officers and reserve law enforcement officers (other than officers who have received training in a civilian course described in subparagraph (A)) with respect to proper interaction with civilians during traffic stops.

''(4) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

''(5) SPECIAL RULE FOR CERTAIN STATES.—

''(A) QUALIFYING STATE.—A State qualifies pursuant to this subparagraph if—

''(i) the Secretary determines such State has taken meaningful steps toward the full implementation of a law or program described in paragraph (3);

''(ii) the Secretary determines such State has established a timetable for the implementation of such a law or program; and

''(iii) such State has received a grant pursuant to this subsection for a period of not more than 5 years.

''(B) WITHHOLDING.—With respect to a State that qualifies pursuant to subparagraph (A), the Secretary shall—

''(i) withhold 50 percent of the amount that such State would otherwise receive if such State were a State described in paragraph (1)(A); and

''(ii) direct any such amounts for distribution among the States that are enforcing and carrying out a law or program described in paragraph (3).

''(6) USE OF GRANT AMOUNTS.—A State receiving a grant under this subsection may use such grant—

''(A) for the production of educational materials and training of staff for driver education and driving safety courses and peace officer training described in paragraph (3); and

''(B) for the implementation of the law described in paragraph (3).''.

(b) CONFORMING AMENDMENT.—Sections 402, 403, and 405 of title 23, United States Code, are amended—

(1) by striking ''accidents'' and inserting ''crashes'' each place it appears; and

(2) by striking ''accident'' and inserting ''crash'' each place it appears.

SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

Section 164(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A) by striking ''alcohol-impaired'' and inserting ''alcohol or polysubstance-impaired''; and

(2) in subparagraph (B)—

(A) by striking ''alcohol-impaired'' and inserting ''alcohol or polysubstance-impaired'';

(B) by striking ''or'' and inserting a comma; and

(C) by inserting '', or driving while polysubstance-impaired'' after ''driving under the influence''.

SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY.

Section 4010(2) of the FAST Act (23 U.S.C. 405 note) is amended by striking ''deficiencies'' and inserting ''all deficiencies''.

SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING GRANTS.

(a) IN GENERAL.—The Secretary of Transportation shall make grants to institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) for research and training in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops.

(b) QUALIFICATIONS.—To be eligible for a grant under this section, an institution of higher education shall—

(1) have an active research program or demonstrate, to the satisfaction of the Secretary, that the applicant is beginning a research program to study implicit bias as it relates to racial profiling before and during traffic stops; and

(2) partner with State and local police departments to conduct the research described in paragraph (1) and carry out the implementation of implicit bias training with State and local police departments.

(c) REPORT.—No later than 1 year after a grant has been awarded under this section, the institution of higher education awarded the grant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the research on implicit bias as it relates to racial profiling before and during traffic stops, and recommendations on effective interventions and trainings.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each fiscal year to carry out this section.

(e) DEFINITIONS.—In this section, the term ''implicit bias training program'' means a program that looks at the attitudes, stereotypes, and lenses human beings develop through various experiences in life that can unconsciously affect how they interact with one another.

SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.

Section 4007 of the FAST Act (23 U.S.C. 153 note) is amended—

(1) in paragraph (1) by striking ''or'' at the end;

(2) in paragraph (2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) otherwise profile and stop motorcycle operators or motorcycle passengers using as a factor the clothing or mode of transportation of such operators or passengers.''.

SEC. 3012. ELECTRONIC DRIVER'S LICENSE.

(a) REAL ID ACT.—Section 202(a)(1) of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by striking ''a driver's license or identification card'' and inserting ''a physical or digital driver's license or identification card''.

(b) TITLE 18.—Section 1028(d)(7)(A) of title 18, United States Code, is amended by striking ''government issued driver's license'' and inserting ''government issued physical or digital driver's license''.

SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.

(a) SHORT TITLE.—This section may be cited as the ''Motorcyclist Advisory Council Reauthorization Act''.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall establish a Motorcyclist Advisory Council (in this section referred to as the ''Council'').

(c) DUTIES.—

(1) ADVISING.—The Council shall advise the Secretary, the Administrator of the National Highway Traffic Safety Administration, and the Administrator of the Federal Highway Administration on transportation issues of concern to motorcyclists, including—

(A) barrier design;

(B) road design, construction, and maintenance practices; and

(C) the architecture and implementation of intelligent transportation system technologies.

(2) BIENNIAL COUNCIL REPORT.—

(A) IN GENERAL.—The Council shall submit a report to the Secretary containing the Council's recommendations regarding the issues described in paragraph (1) on which the Council provides advice pursuant to such paragraph.

(B) TIMING.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and by every 2nd October 31 thereafter, the Council shall submit the report required under this paragraph.

(d) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be comprised of 12 members appointed by the Secretary as follows:

(A) Five experts from State or local government on highway engineering issues, including—

(i) barrier design;

(ii) road design, construction, and maintenance; or

(iii) intelligent transportation systems.

(B) One State or local traffic and safety engineer, design engineer, or other transportation department official who is a motorcyclist.

(C) One representative from a national association of State transportation officials.

(D) One representative from a national motorcyclist association.

(E) One representative from a national motorcyclist foundation.

(F) One representative from a national motorcycle manufacturing association.

(G) One roadway safety data expert on crash testing and analysis.

(H) One member of a national safety organization that represents the traffic safety systems industry.

(2) DURATION.—

(A) TERM.—Subject to subparagraphs (B) and (C), each member shall serve one term of 2 years.

(B) ADDITIONAL TERMS.—If a successor is not designated for a member before the expiration of the term the member is serving, the member may serve another term.

(C) APPOINTMENT OF REPLACEMENTS.—If a member resigns before serving a full 2-year term, the Secretary may appoint a replacement for such member to serve the remaining portion such term. A member may continue to serve after resignation until a successor has been appointed. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) COMPENSATION.—Members shall serve without compensation.

(e) TERMINATION.—The Council shall terminate 6 years after the date of its establishment.

(f) DUTIES OF THE SECRETARY.—

(1) ACCEPT OR REJECT RECOMMENDATION.—

(A) SECRETARY DETERMINES.—The Secretary shall determine whether to accept or reject a recommendation contained in a Council report.

(B) TIMING.—

(i) MUST ACCEPT OR REJECT.—The Secretary must indicate in each report submitted under this section the Secretary's acceptance or rejection of each recommendation listed in such report.

(ii) EXCEPTION.—The Secretary may indicate in a report submitted under this section that a recommendation is under consideration. If the Secretary does so, the Secretary must accept or reject the recommendation in the next report submitted under this section.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the Secretary receives a Council report, the Secretary shall submit a report to the following committees and subcommittees:

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

(ii) The Committee on Environment and Public Works of the Senate.

(iii) The Committee on Commerce, Science, and Transportation of the Senate.

(iv) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(v) The Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate.

(B) CONTENTS.—A report submitted under this subsection shall include—

(i) a list containing—

(I) each recommendation contained in the Council report described in paragraph (1); and

(II) each recommendation indicated as under consideration in the previous report submitted under this subsection; and

(ii) for each such recommendation, whether it is accepted, rejected, or under consideration by the Secretary.

(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide such administrative support, staff, and technical assistance to the Council as the Secretary determines to be necessary for the Council to carry out its duties.

(g) DEFINITIONS.—In this section:

(1) COUNCIL REPORT.—The term ''Council report'' means the report described in subsection (f)(2).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 3014. REPORT ON MARIJUANA RESEARCH.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Attorney General and the Secretary of Health and Human Services, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the Department of Transportation website, a report and recommendations on—

(1) increasing and improving access, for scientific researchers studying impairment while driving under the influence of marijuana, to samples and strains of marijuana and products containing marijuana lawfully being offered to patients or consumers in a State on a retail basis;

(2) establishing a national clearinghouse to collect and distribute samples and strains of marijuana for scientific research that includes marijuana and products containing marijuana lawfully available to patients or consumers in a State on a retail basis;

(3) facilitating access, for scientific researchers located in States that have not legalized marijuana for medical or recreational use, to samples and strains of marijuana and products containing marijuana from such clearinghouse for purposes of research on marijuana-impaired driving; and

(4) identifying Federal statutory and regulatory barriers to the conduct of scientific research and the establishment of a national clearinghouse for purposes of facilitating research on marijuana-impaired driving.

(b) DEFINITION OF MARIJUANA.—In this section, the term ''marijuana'' has the meaning given such term in section 4008 of the FAST Act (Public Law 114–94).

TITLE IV—MOTOR CARRIER SAFETY

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

SEC. 4101. MOTOR CARRIER SAFETY GRANTS.

(a) IN GENERAL.—Section 31104 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

''(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

''(A) $388,950,000 for fiscal year 2022;

''(B) $398,700,000 for fiscal year 2023;

''(C) $408,900,000 for fiscal year 2024; and

''(D) $418,425,000 for fiscal year 2025.

''(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

''(A) $72,604,000 for fiscal year 2022;

''(B) $74,424,000 for fiscal year 2023;

''(C) $76,328,000 for fiscal year 2024; and

''(D) $78,106,000 for fiscal year 2025.

''(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

''(A) $1,037,200 for fiscal year 2022;

''(B) $1,063,200 for fiscal year 2023;

''(C) $1,090,400 for fiscal year 2024; and

''(D) $1,115,800 for fiscal year 2025.

''(4) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

''(A) $56,008,800 for fiscal year 2022;

''(B) $57,412,800 for fiscal year 2023;

''(C) $58,881,600 for fiscal year 2024; and

''(D) $60,253,200 for fiscal year 2025.'';

(2) by striking subsection (c) and inserting the following:

''(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

''(1) IN GENERAL.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year.

''(2) USE OF FUNDS.—The Secretary shall use at least 75 percent of the amounts deducted under paragraph (1) on training and related training materials for non-Federal Government employees.

''(3) PARTNERSHIP.—The Secretary shall carry out the training and development of materials pursuant to paragraph (2) in partnership with one or more nonprofit organizations, selected on a competitive basis, that have—

''(A) expertise in conducting a training program for non-Federal Government employees; and

''(B) a demonstrated ability to involve in a training program the target population of commercial motor vehicle safety enforcement employees.'';

(3) in subsection (f)—

(A) in paragraph (1) by striking ''the next fiscal year'' and inserting ''the following 2 fiscal years'';

(B) in paragraph (2)—

(i) by striking ''section 31102(l)(2)'' and inserting ''paragraphs (2) and (4) of section 31102(l)'';

(ii) by striking ''the next 2 fiscal years'' and inserting ''the following 3 fiscal years''; and

(C) in paragraph (3) by striking ''the next 4 fiscal years'' and inserting ''the following 5 fiscal years''; and

(4) by adding at the end the following:

''(j) TREATMENT OF REALLOCATIONS.—Amounts that are obligated and subsequently, after the date of enactment of this subsection, released back to the Secretary under subsection (i) shall not be subject to limitations on obligations provided under any other provision of law.''.

(b) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Section 31313(b) of title 49, United States Code, is amended—

(1) by striking the period at the end and inserting ''; and''

(2) by striking ''A recipient'' and inserting the following: ''In participating in financial assistance program under this section

''(1) a recipient''; and

(3) by adding at the end the following:

''(2) a State may not receive more than $250,000 in grants under subsection (a)(2) in any fiscal year—

''(A) in which the State prohibits private commercial driving schools or independent commercial driver's license testing facilities from offering a commercial driver's license skills test as a third-party tester; or

''(B) in which a State fails to report to the Administrator of the Federal Motor Carrier Safety Administration, during the previous fiscal year, the average number of days of delays for an initial commercial driver's license skills test or retest within the State.''.

SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS.

(a) IN GENERAL.—Section 31110 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

''(1) $380,500,000 for fiscal year 2022;

''(2) $381,500,000 for fiscal year 2023;

''(3) $382,500,000 for fiscal year 2024; and

''(4) $384,500,000 for fiscal year 2025.''.

(b) ADMINISTRATIVE EXPENSES.—

(1) USE OF FUNDS.—The Administrator of the Federal Motor Carrier Safety Administration shall use funds made available in subsection (a) for—

(A) acceleration of planned investments to modernize the Administration's information technology and information management systems;

(B) completing outstanding mandates;

(C) carrying out a Large Truck Crash Causal Factors Study of the Administration;

(D) construction and maintenance of border facilities; and

(E) other activities authorized under section 31110(b) of title 49, United States Code.

(2) DEFINITION OF OUTSTANDING MANDATE.—In this subsection, the term ''outstanding mandate'' means a requirement for the Federal Motor Carrier Safety Administration to issue regulations, undertake a comprehensive review or study, conduct a safety assessment, or collect data—

(A) under this Act;

(B) under MAP–21 (Public Law 112–141), that has not been published in the Federal Register, if required, or otherwise completed as of the date of enactment of this Act;

(C) under the FAST Act (Public Law 114–94), that has not been published in the Federal Register, if required, or otherwise completed as of the date of enactment of this Act; and

(D) under any other Act enacted before the date of enactment of this Act that has not been published in the Federal Register by the date required in such Act.

SEC. 4103. IMMOBILIZATION GRANT PROGRAM.

Section 31102(l) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''and (3)'' and inserting '', (3), and (4)''; and

(2) by adding at the end the following:

''(4) IMMOBILIZATION GRANT PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish an immobilization grant program to make discretionary grants to States for the immobilization or impoundment of passenger-carrying commercial motor vehicles if such vehicles are found to be unsafe or fail inspection.

''(B) CRITERIA FOR IMMOBILIZATION.—The Secretary, in consultation with State commercial motor vehicle entities, shall develop a list of commercial motor vehicle safety violations and defects that the Secretary determines warrant the immediate immobilization of a passenger-carrying commercial motor vehicle.

''(C) ELIGIBILITY.—A State is only eligible to receive a grant under this paragraph if such State has the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle if such vehicle is found to have a violation or defect included in the list developed under subparagraph (B).

''(D) USE OF FUNDS.— Grant funds provided under this paragraph may be used for—

''(i) the immobilization or impoundment of passenger-carrying commercial motor vehicles found to have a violation or defect included in the list developed under subparagraph (B);

''(ii) safety inspections of such vehicles; and

''(iii) other activities related to the activities described in clauses (i) and (ii), as determined by the Secretary.

''(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the costs associated with carrying out an immobilization program with funds made available under section 31104(a)(2).

''(F) DEFINITION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE.—In this paragraph, the term 'passenger-carrying commercial motor vehicle' has the meaning given the term commercial motor vehicle in section 31301.''.

Subtitle B—Motor Carrier Safety Oversight

SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144 of SAFETEA–LU (49 U.S.C. 31100 note) is amended—

(1) in subsection (b)(1) by inserting '', including small business motor carriers'' after ''industry''; and

(2) in subsection (d) by striking ''September 30, 2013'' and inserting ''September 30, 2025''.

SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall implement a revised methodology to be used in the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration to identify and prioritize motor carriers for intervention, using the recommendations of the study required by section 5221(a) of the FAST Act (49 U.S.C. 31100 note).

(b) DATA AVAILABILITY.—The Secretary shall, in working toward implementation of the revised methodology described in subsection (a) prioritize revisions necessary to—

(1) restore the public availability of all relevant safety data under a revised methodology; and

(2) make such safety data publicly available that was made publicly available on the day before the date of enactment of the FAST Act, and make publicly available any safety data that was required to be made available by section 5223 of the FAST Act (49 U.S.C. 31100 note).

(c) IMPLEMENTATION.—

(1) PROGRESS REPORTS.—Not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until the date on which the Secretary implements the revised methodology described in subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on a website of the Department of Transportation, a progress report on—

(A) the status of the revision of the methodology and related data modifications under subsection (a), a timeline for completion of such revision, and an estimated date for implementation of such revised methodology;

(B) an explanation for any delays in development or implementation of the revised methodology over the reporting period; and

(C) if the Secretary has not resumed making publicly available the data described in subsection (b), an updated timeline for the restoration of the public availability of data and a detailed explanation for why such restoration has not occurred.

(2) PUBLICATION AND NOTIFICATION.—Prior to commencing the use of the revised methodology described in subsection (a) to identify and

prioritize motor carriers for intervention (other than in a testing capacity), the Secretary shall—

(A) publish a detailed summary of the methodology in the Federal Register and provide a period for public comment; and

(B) notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing.

(d) SAFETY FITNESS RULE.—

(1) RULEMAKING.—Not later than 1 year after the date on which the Secretary notifies Congress under subsection (c)(2), the Secretary shall issue final regulations pursuant to section 31144(b) of title 49, United States Code, to revise the methodology for issuance of motor carrier safety fitness determinations.

(2) CONSIDERATIONS.—In issuing the regulations under paragraph (1), the Secretary shall consider the use of all available data to determine the fitness of a motor carrier.

(e) REPEAL.—Section 5223 of the FAST Act (49 U.S.C. 31100 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.

Section 31315 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4)(A) by inserting '', including data submission requirements,'' after ''terms and conditions''; and

(B) by striking paragraph (8) and inserting the following:

''(8) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—The Secretary shall establish terms and conditions for each exemption to ensure that the exemption will not likely degrade the level of safety achieved by the person or class of persons granted the exemption, and allow the Secretary to evaluate whether an equivalent level of safety is maintained while the person or class of persons is operating under such exemption, including—

''(i) requiring the regular submission of accident and incident data to the Secretary;

''(ii) requiring immediate notification to the Secretary in the event of a crash that results in a fatality or serious bodily injury;

''(iii) for exemptions granted by the Secretary related to hours of service rules under part 395 of title 49, Code of Federal Regulations, requiring that the exempt person or class of persons submit to the Secretary evidence of participation in a recognized fatigue management plan; and

''(iv) providing documentation of the authority to operate under the exemption to each exempt person, to be used to demonstrate compliance if requested by a motor carrier safety enforcement officer during a roadside inspection.

''(B) IMPLEMENTATION.—The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.''; and

(2) in subsection (e) by inserting '', based on an analysis of data collected by the Secretary and submitted to the Secretary under subsection (b)(8)'' after ''safety''.

SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PASSENGERS.

Section 31144(i) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''who the Secretary registers under section 13902 or 31134''; and

(B) in subparagraph (B) by inserting ''to motor carriers of passengers and'' after ''apply''; and

(2) by adding at the end the following:

''(5) MOTOR CARRIER OF PASSENGERS DEFINED.—In this subsection, the term 'motor carrier of passengers' includes an offeror of motorcoach services that sells scheduled transportation of passengers for compensation at fares and on schedules and routes determined by such offeror, regardless of ownership or control of the vehicles or drivers used to provide the transportation by motorcoach.''.

SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.

Section 13506(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''or'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) transportation by a motor vehicle designed or used to transport between 9 and 15 passengers (including the driver), whether operated alone or with a trailer attached for the transport of recreational equipment, that is operated by a person that provides recreational activities if—

''(A) the transportation is provided within a 150 air-mile radius of the location where passengers are boarded; and

''(B) the person operating the motor vehicle, if transporting passengers over a route between a place in a State and a place in another State, is otherwise lawfully providing transportation of passengers over the entire route in accordance with applicable State law.''.

SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Motor Carrier Safety Administration.

(2) COVERED CARRIER.—The term ''covered carrier'' means a motor carrier that is—

(A) engaged in the interstate transportation of household goods; and

(B) subject to the requirements of part 375 of title 49, Code of Federal Regulations (as in effect on the effective date of the amendments required by subsection (b)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(b) AMENDMENTS TO REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to amend regulations related to the interstate transportation of household goods.

(c) CONSIDERATIONS.—In issuing the notice of proposed rulemaking under subsection (b), the Secretary shall consider the following recommended amendments to provisions of title 49, Code of Federal Regulations:

(1) Section 375.207(b) to require each covered carrier to include on the website of the covered carrier a link—

(A) to the publication of the Administration titled ''Ready to Move–Tips for a Successful Interstate Move'' (ESA 03005) on the website of the Administration; or

(B) to a copy of the publication referred to in subparagraph (A) on the website of the covered carrier.

(2) Subsections (a) and (b)(1) of section 375.213 to require each covered carrier to provide to each individual shipper, with any written estimate provided to the shipper, a copy of the publication described in appendix A of part 375 of such title, entitled ''Your Rights and Responsibilities When You Move'' (ESA–03–006 (or a successor publication)), in the form of a written copy or a hyperlink on the website of the covered carrier to the location on the website of the Administration containing such publication.

(3) Subsection (e) of section 375.213, to repeal such subsection.

(4) Section 375.401(a), to require each covered carrier—

(A) to conduct a visual survey of the household goods to be transported by the covered carrier—

(i) in person; or

(ii) virtually, using—

(I) a remote camera; or

(II) another appropriate technology;

(B) to offer a visual survey described in subparagraph (A) for all household goods shipments, regardless of the distance between—

(i) the location of the household goods; and

(ii) the location of the agent of the covered carrier preparing the estimate; and

(C) to provide to each shipper a copy of publication of the Administration titled ''Ready to Move–Tips for a Successful Interstate Move'' (ESA 03005) on receipt from the shipper of a request to schedule, or a waiver of, a visual survey offered under subparagraph (B).

(5) Sections 375.401(b)(1), 375.403(a)(6)(ii), and 375.405(b)(7)(ii), and subpart D of appendix A of part 375, to require that, in any case in which a shipper tenders any additional item or requests any additional service prior to loading a shipment, the affected covered carrier shall—

(A) prepare a new estimate; and

(B) maintain a record of the date, time, and manner in which the new estimate was accepted by the shipper.

(6) Section 375.501(a), to establish that a covered carrier is not required to provide to a shipper an order for service if the covered carrier elects to provide the information described in paragraphs (1) through (15) of such section in a bill of lading that is presented to the shipper before the covered carrier receives the shipment.

(7) Subpart H of part 375, to replace the replace the terms ''freight bill'' and ''expense bill'' with the term ''invoice''.

Subtitle C—Commercial Motor Vehicle Driver Safety

SEC. 4301. COMMERCIAL DRIVER'S LICENSE FOR PASSENGER CARRIERS.

Section 31301(4)(B) of title 49, United States Code, is amended to read as follows:

''(B) is designed or used to transport—

''(i) more than 8 passengers (including the driver) for compensation; or

''(ii) more than 15 passengers (including the driver), whether or not the transportation is provided for compensation; or''.

SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 31306(c)(2) of title 49, United States Code, is amended by striking '', for urine testing,''.

SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.

Not later than January 1, 2021, and every 90 days thereafter until the compliance date for the final rule published on December 8, 2016, titled ''Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators'' (81 Fed. Reg. 88732), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) a schedule, including benchmarks, to complete implementation of the requirements under such final rule;

(2) any anticipated delays, if applicable, in meeting the benchmarks described in paragraph (1);

(3) the progress that the Secretary has made in updating the Department of Transportation's information technology infrastructure to support the training provider registry;

(4) a list of States that have adopted laws or regulations to implement such final rule; and

(5) a list of States, if applicable, that are implementing the rule and confirming that an applicant for a commercial driver's license has complied with the requirements.

SEC. 4304. DRIVER DETENTION TIME.

(a) DATA COLLECTION.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) begin to collect data on delays experienced by operators of commercial motor vehicles, as required under section 5501 of the FAST Act (49 U.S.C. 14103 note) and as referenced in the request for information published on June 10,

2019, titled ''Request for Information Concerning Commercial Motor Vehicle Driver Detention Times During Loading and Unloading'' (84 Fed. Reg. 26932); and

(2) make such data available on a publicly accessible website of the Department of Transportation.

(b) DETENTION TIME LIMITS.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking to establish limits on the amount of time that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver before the loading or unloading of the vehicle, if the operator is not compensated for such time detained.

(2) CONTENTS.—As part of the rulemaking conducted pursuant to subsection (a), the Secretary shall—

(A) consider the diverse nature of operations in the movement of goods by commercial motor vehicle;

(B) examine any correlation between time detained and violations of the hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(C) determine whether the effect of detention time on safety differs based on—

(i) how an operator is compensated; and

(ii) the contractual relationship between the operator and the motor carrier, including whether an operator is an employee, a leased owner-operator, or an owner-operator with independent authority; and

(D) establish a process for a motor carrier, shipper, receiver, broker, or commercial motor vehicle operator to report instances of time detained beyond the Secretary's established limits.

(3) INCORPORATION OF INFORMATION.—The Secretary shall incorporate information received under paragraph (2)(D) into the process established pursuant to subsection (a) once a final rule takes effect.

(c) DATA PROTECTION.—Data made available pursuant to this section shall be made available in a manner that—

(1) precludes the connection of the data to any individual motor carrier or commercial motor vehicle operator; and

(2) protects privacy and confidentiality of individuals, operators, and motor carriers submitting the data.

(d) COMMERCIAL MOTOR VEHICLE DEFINED.—In this section, the term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4305. TRUCK LEASING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall establish a Truck Leasing Task Force (hereinafter referred to as the ''Task Force'').

(b) MEMBERSHIP.—The Secretary of Transportation shall select not more than 15 individuals to serve as members of the Task Force, including equal representation from each of the following:

(1) Labor organizations.

(2) The motor carrier industry, including independent owner-operators.

(3) Consumer protection groups.

(4) Safety groups.

(5) Members of the legal profession who specialize in consumer finance issues.

(c) DUTIES.—The Task Force shall examine, at a minimum—

(1) common truck leasing arrangements available to commercial motor vehicle drivers, including lease-purchase agreements;

(2) the terms of such leasing agreements;

(3) the prevalence of predatory leasing agreements in the motor carrier industry;

(4) specific agreements available to drayage drivers at ports related to the Clean Truck Program or similar programs to decrease emissions from port operations;

(5) the impact of truck leasing agreements on the net compensation of commercial motor vehicle drivers, including port drayage drivers;

(6) resources to assist commercial motor vehicle drivers in assessing the impacts of leasing agreements; and

(7) the classification of commercial motor vehicle drivers under lease-purchase agreements.

(d) COMPENSATION.—A member of the Task Force shall serve without compensation.

(e) REPORT.—Upon completion of the examination described in subsection (c), the Task Force shall submit to the Secretary of Transportation, Secretary of Labor, and appropriate congressional committees a report containing—

(1) the findings of the Task Force on the matters described in subsection (c);

(2) best practices related to—

(A) assisting a commercial motor vehicle driver in assessing the impacts of leasing agreements prior to entering into such agreements; and

(B) assisting a commercial motor vehicle driver who has entered into a predatory lease agreement; and

(3) recommendations on changes to laws or regulations, as applicable, at the Federal, State, or local level to promote fair leasing agreements under which a commercial motor vehicle driver is able to earn a living wage.

(f) TERMINATION.—Not later than 1 month after the date of submission of the report pursuant to subsection (e), the Task Force shall terminate.

SEC. 4306. HOURS OF SERVICE.

(a) AUTHORITY TO ISSUE REGULATIONS.—Notwithstanding the authority of the Secretary of Transportation to issue regulations under section 31502 of title 49, United States Code, the Secretary shall delay the effective date of the final rule published on June 1, 2020, titled ''Hours of Service of Drivers'' (85 Fed. Reg. 33396) until 60 days after the date on which the Secretary submits the report required under subsection (d).

(b) COMPREHENSIVE REVIEW.—

(1) COMPREHENSIVE REVIEW OF HOURS OF SERVICE RULES.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a comprehensive review of hours of service rules and the impacts of waivers, exemptions, and other allowances that limit the applicability of such rules.

(2) LIST OF EXEMPTIONS.—In carrying out the comprehensive review required under paragraph (1), the Secretary shall—

(A) compile a list of waivers, exemptions, and other allowances—

(i) under which a driver may operate in excess of the otherwise applicable limits on on-duty or driving time in absence of such exemption, waiver, or other allowance;

(ii) under which a driver may operate without recording compliance with hours of service rules through the use of an electronic logging device; and

(iii) applicable—

(I) to specific segments of the motor carrier industry or sectors of the economy;

(II) on a periodic or seasonal basis; and

(III) to specific types of operations, including the short haul exemption under part 395 of title 49, Code of Federal Regulations;

(B) specify whether each such waiver, exemption, or other allowance was granted by the Department of Transportation or enacted by Congress, and how long such waiver, exemption, or other allowance has been in effect; and

(C) estimate the number of motor carriers, motor private carriers, and drivers that may qualify to use each waiver, exemption, or other allowance.

(3) SAFETY IMPACT ANALYSIS.—

(A) IN GENERAL.—In carrying out the comprehensive review under paragraph (1), the Secretary, in consultation with State motor carrier enforcement entities, shall undertake a statistically valid analysis to determine the safety impact, including on enforcement, of the exemptions, waivers, or other allowances compiled under paragraph (2) by—

(i) using available data, or collecting from motor carriers or motor private carriers and drivers operating under an exemption, waiver, or other allowance if the Secretary does not have sufficient data, to determine the incidence of accidents, fatigue-related incidents, and other relevant safety information related to hours of service among motor carriers, private motor carriers, and drivers permitted to operate under each exemption, waiver, or other allowance;

(ii) comparing the data described in subparagraph (A) to safety data from motor carriers, motor private carriers, and drivers that are subject to the hours of service rules and not operating under an exemption, waiver, or other allowance; and

(iii) based on the comparison under subparagraph (B), determining whether waivers, exemptions, and other allowances in effect provide an equivalent level of safety as would exist in the absence of exemptions, waivers, or other allowances.

(B) CONSULTATION.—The Secretary shall consult with State motor carrier enforcement entities in carrying out this paragraph.

(C) EXCLUSIONS.—The Secretary shall exclude data related to exemptions, waivers, or other allowances made pursuant to an emergency declaration under section 390.23 of title 49, Code of Federal Regulations, or extended under section 390.25 of title 49, Code of Federal Regulations, from the analysis required under this paragraph.

(4) DRIVER IMPACT ANALYSIS.—In carrying out the comprehensive review under paragraph (1), the Secretary shall further consider—

(A) data on driver detention collected by the Secretary pursuant to section 4304 of this Act and other conditions affecting the movement of goods by commercial motor vehicle, and how such conditions interact with the Secretary's regulations on hours of service;

(B) whether exemptions, waivers, or other allowances that permit additional on-duty time or driving time have a deleterious effect on the physical condition of drivers; and

(C) whether differences in the manner in which drivers are compensated result in different levels of burden for drivers in complying with hours of service rules.

(c) PEER REVIEW.—Prior to the publication of the review required under subsection (d), the analyses performed by the Secretary shall undergo an independent peer review.

(d) PUBLICATION.—Not later than 18 months after the date that the Secretary initiates the comprehensive review under subsection (b)(1), the Secretary shall publish the findings of such review in the Federal Register and provide for a period for public comment.

(e) REPORT TO CONGRESS.—Not later than 30 days after the conclusion of the public comment period under subsection (d), the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on a website of the Department of Transportation a report containing the information and analyses required under subsection (b).

(f) REPLACEMENT OF GUIDANCE.—Notwithstanding subsection (a), the Secretary shall replace the Department of Transportation guidance published on June 7, 2018, titled ''Hours of Service of Drivers of Commercial Motor Vehicles: Regulatory Guidance Concerning the Use of a Commercial Motor Vehicle for Personal Conveyance'' (83 Fed. Reg. 26377) with specific mileage or time limits, or both, for the use of personal conveyance established through a rulemaking.

(g) DEFINITIONS.—In this section:

(1) MOTOR CARRIER; MOTOR PRIVATE CARRIER.—The terms ''motor carrier'' and ''motor private carrier'' have the meanings given such terms in section 31501 of title 49, United States Code.

(2) ON-DUTY TIME; DRIVING TIME; ELECTRONIC LOGGING DEVICE.—The terms ''on-duty time'', ''driving time'', and ''electronic logging device'' have the meanings given such terms in section 395.2 of title 49, Code of Federal Regulations (as in effect on June 1, 2020).

SEC. 4307. DRIVER RECRUITMENT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the inspector general of the Department of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report examining the operation of commercial motor vehicles in the United States by drivers admitted to the United States under temporary business visas.

(b) CONTENTS.—The report under paragraph (1) shall include—

(1) an assessment of—

(A) the prevalence of the operation of commercial motor vehicles in the United States by drivers admitted to the United States under temporary business visas;

(B) the characteristics of motor carriers that recruit and use such drivers, including the country of domicile of the motor carrier or subsidiary;

(C) the demographics of drivers operating in the United States under such visas, including the country of domicile of such drivers; and

(D) the contractual relationship between such motor carriers and such drivers;

(2) an analysis of whether such drivers are required to comply with—

(A) motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including—

(i) the English proficiency requirement under section 391.11(2) of title 49, Code of Federal Regulations;

(ii) the requirement for drivers of a motor carrier to report any violations of a regulation to such motor carrier under section 391.27 of title 49, Code of Federal Regulations; and

(iii) driver's licensing requirements under part 383 of title 49, Code of Federal Regulations, including entry-level driver training and drug and alcohol testing under part 382 of such title; and

(B) regulations prohibiting point-to-point transportation in the United States, or cabotage, under part 365 of title 49, Code of Federal Regulations;

(3) an evaluation of the safety record of the operations and drivers described in paragraph (1), including—

(A) violations of the motor carrier safety regulations under subchapter B of chapter III of title 49, Code of Federal Regulations, including applicable requirements described in paragraph (2)(A); and

(B) the number of crashes involving such operations and drivers; and

(4) the impact of such operations and drivers on—

(A) commercial motor vehicle drivers domiciled in the United States, including employment levels and driver compensation of such drivers; and

(B) the competitiveness of motor carriers domiciled in the United States.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—In this section, the term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

(2) TEMPORARY BUSINESS VISA.—The term ''temporary business visa'' means any driver who is present in the United States with status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) assess the risk posed by untreated obstructive sleep apnea in drivers of commercial motor vehicles and the feasibility, benefits, and costs associated with establishing screening criteria for obstructive sleep apnea in drivers of commercial motor vehicles;

(2) issue a notice in the Federal Register containing the independently peer-reviewed findings of the assessment required under paragraph (1) not later than 30 days after completion of the assessment and provide an opportunity for public comment; and

(3) if the Secretary contracts with an independent third party to conduct the assessment required under paragraph (1), ensure that the independent third party shall not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or driver advocacy organizations.

(b) SCREENING CRITERIA.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall publish in the Federal Register a proposed rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers and provide an opportunity for public comment.

(2) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule to establish screening criteria for obstructive sleep apnea in commercial motor vehicle drivers.

(c) DEFINITIONS.—In this section:

(1) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such term in section 31132 of title 49, United States Code.

(2) MOTOR CARRIER.—The term ''motor carrier'' has the meaning given such term in section 13102 of title 49, United States Code.

SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.

(a) SHORT TITLE.—This section may be cited as the ''Promoting Women in Trucking Workforce Act''.

(b) FINDINGS.—Congress finds that—

(1) women make up 47 percent of the workforce of the United States;

(2) women are significantly underrepresented in the trucking industry, holding only 24 percent of all transportation and warehousing jobs and representing only—

(A) 6.6 percent of truck drivers;

(B) 12.5 percent of all workers in truck transportation; and

(C) 8 percent of freight firm owners;

(3) given the total number of women truck drivers, women are underrepresented in the truck-driving workforce; and

(4) women truck drivers have been shown to be 20 percent less likely than male counterparts to be involved in a crash.

(c) SENSE OF CONGRESS REGARDING WOMEN IN TRUCKING.—It is the sense of Congress that the trucking industry should explore every opportunity, including driver training and mentorship programs, to encourage and support the pursuit of careers in trucking by women.

(d) ESTABLISHMENT.—To encourage women to enter the field of trucking, the Administrator shall establish and facilitate an advisory board, to be known as the ''Women of Trucking Advisory Board'', to promote organizations and programs that—

(1) provide education, training, mentorship, or outreach to women in the trucking industry; and

(2) recruit women into the trucking industry.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall be composed of not fewer than 7 members whose backgrounds allow those members to contribute balanced points of view and diverse ideas regarding the strategies and objectives described in subsection (f)(2).

(2) APPOINTMENT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall appoint the members of the Board, of whom—

(A) not fewer than 1 shall be a representative of large trucking companies;

(B) not fewer than 1 shall be a representative of mid-sized trucking companies;

(C) not fewer than 1 shall be a representative of small trucking companies;

(D) not fewer than 1 shall be a representative of nonprofit organizations in the trucking industry;

(E) not fewer than 1 shall be a representative of trucking business associations;

(F) not fewer than 1 shall be a representative of independent owner-operators; and

(G) not fewer than 1 shall be a woman who is a professional truck driver.

(3) TERMS.—Each member shall be appointed for the life of the Board.

(4) COMPENSATION.—A member of the Board shall serve without compensation.

(f) DUTIES.—

(1) IN GENERAL.—The Board shall identify—

(A) industry trends that directly or indirectly discourage women from pursuing careers in trucking, including—

(i) any differences between women minority groups;

(ii) any differences between women who live in rural, suburban, and urban areas; and

(iii) any safety risks unique to the trucking industry;

(B) ways in which the functions of trucking companies, nonprofit organizations, and trucking associations may be coordinated to facilitate support for women pursuing careers in trucking;

(C) opportunities to expand existing opportunities for women in the trucking industry; and

(D) opportunities to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Board shall submit to the Administrator a report describing strategies that the Administrator may adopt—

(A) to address any industry trends identified under paragraph (1)(A);

(B) to coordinate the functions of trucking companies, nonprofit organizations, and trucking associations in a manner that facilitates support for women pursuing careers in trucking;

(C) to—

(i) take advantage of any opportunities identified under paragraph (1)(C); and

(ii) create new opportunities to expand existing scholarship opportunities for women in the trucking industry; and

(D) to enhance trucking training, mentorship, education, and outreach programs that are exclusive to women.

(g) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) any strategies recommended by the Board under subsection (f)(2); and

(B) any actions taken by the Administrator to adopt the strategies recommended by the Board (or an explanation of the reasons for not adopting the strategies).

(2) PUBLIC AVAILABILITY.—The Administrator shall make the report under paragraph (1) publicly available—

(A) on the website of the Federal Motor Carrier Safety Administration; and

(B) in appropriate offices of the Federal Motor Carrier Safety Administration.

(h) TERMINATION.—The Board shall terminate on submission of the report to Congress under subsection (g).

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Motor Carrier Safety Administration.

(2) BOARD.—The term ''Board'' means the Women of Trucking Advisory Board established under subsection (d).

(3) LARGE TRUCKING COMPANY.—The term ''large trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue greater than $1,000,000,000.

(4) MID-SIZED TRUCKING COMPANY.—The term ''mid-sized trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue of not less than $35,000,000 and not greater than $1,000,000,000.

(5) SMALL TRUCKING COMPANY.—The term ''small trucking company'' means a motor carrier (as defined in section 13102 of title 49, United States Code) with an annual revenue less than $35,000,000.

Subtitle D—Commercial Motor Vehicle and Schoolbus Safety

SEC. 4401. SCHOOLBUS SAFETY STANDARDS.

(a) SCHOOLBUS SEATBELTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to consider requiring large schoolbuses to be equipped with safety belts for all seating positions, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) CONSIDERATIONS.—In issuing a notice of proposed rulemaking under paragraph (1), the Secretary shall consider—

(A) the safety benefits of a lap/shoulder belt system (also known as a Type 2 seatbelt assembly);

(B) the recommendations of the National Transportation Safety Board on seatbelts in schoolbuses;

(C) existing experience, including analysis of student injuries and fatalities compared to States without seat belt laws, and seat belt usage rates, from States that require schoolbuses to be equipped with seatbelts, including Type 2 seatbelt assembly; and

(D) the impact of lap/shoulder belt systems on emergency evacuations, with a focus on emergency evacuations involving students below the age of 14, and emergency evacuations necessitated by fire or water submersion; and

(E) the impact of lap/shoulder belt systems on the overall availability of schoolbus transportation.

(3) REPORT.—If the Secretary determines that a standard described in paragraph (1) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the reasons for not prescribing such a standard.

(4) APPLICATION OF REGULATIONS.—Any regulation issued based on the notice of proposed rulemaking described in paragraph (1) shall apply to schoolbuses manufactured more than 3 years after the date on which the regulation takes effect.

(b) AUTOMATIC EMERGENCY BRAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(2) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems.

(c) ELECTRONIC STABILITY CONTROL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all schoolbuses manufactured after the effective date of such standard to be equipped with an electronic stability control system (as such term is defined in section 571.136 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act)); and

(2) as part of such standard, establish performance requirements for electronic stability control systems, including operation of such systems.

(d) FIRE PREVENTION AND MITIGATION.—

(1) RESEARCH AND TESTING.—The Secretary shall conduct research and testing to determine the most prevalent causes of schoolbus fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the schoolbus. Such research and testing shall consider—

(A) fire suppression systems standards, which at a minimum prevent engine fires;

(B) firewall standards to prevent gas or flames from entering into the passenger compartment in schoolbuses with engines that extend beyond the firewall; and

(C) interior flammability and smoke emissions characteristics standards.

(2) STANDARDS.—The Secretary may issue fire prevention and mitigation standards for schoolbuses, based on the results of the Secretary's research and testing under paragraph (1), if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(e) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING.—The term ''automatic emergency braking'' means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward warning function—

(i) to detect vehicles and objects ahead of the vehicle; and

(ii) to alert the operator of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) LARGE SCHOOLBUS.—The term ''large schoolbus'' means a schoolbus with a gross vehicle weight rating of more than 10,000 pounds.

(3) SCHOOLBUS.—The term ''schoolbus'' has the meaning given such term in section 30125(a) of title 49, United States Code.

SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.

(a) REVIEW OF ILLEGAL PASSING LAWS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall—

(A) prepare a compilation of illegal passing laws in all States, including levels of enforcement and penalties and enforcement issues with such laws and the impact of such laws on illegal passing of schoolbuses in each State;

(B) review existing State laws that may inhibit effective schoolbus loading zone countermeasures, which may include laws requiring camera visibility of a driver's face for enforcement action, laws that may reduce stop-arm camera effectiveness, the need for an officer to witness the event for enforcement, and the lack of primary enforcement for texting and driving;

(C) evaluate methods used by States to review, document, and report to law enforcement schoolbus stop-arm violations; and

(D) following the completion of the compilation, issue recommendations on best practices on the most effective approaches to address illegal passing of schoolbuses.

(2) PUBLICATION.—The compilation and recommendations prepared under paragraph (1) shall be made publicly available on the website of the Department of Transportation.

(b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Secretary makes the compilation and recommendations under subsection (a)(2) publicly available, the Secretary shall create and execute a public safety messaging campaign for distribution to States, divisions of motor vehicles, schools, and other public outlets to highlight the dangers of the illegal passing of schoolbuses, and should include educating students and the public on safe loading and unloading of schoolbuses.

(2) CONSULTATION.—The Secretary shall consult with public and private schoolbus industry representatives and States in developing the campaign materials.

(3) UPDATE.—The Secretary shall periodically update such materials.

(c) REVIEW OF TECHNOLOGIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall review and evaluate the effectiveness of various technologies to enhance schoolbus safety, including cameras, audible warning systems, enhanced lighting, and other technological solutions.

(2) CONTENT.—The review under paragraph (1)—

(A) shall include an evaluation of the costs of new equipment and the potential impact on overall schoolbus ridership;

(B) shall include an evaluation of advanced technologies surrounding loading zone safety;

(C) shall include an evaluation of motion-activated detection systems that are capable of—

(i) detecting pedestrians, bicyclists, and other road users located near the exterior of the schoolbus; and

(ii) alerting the operator of the schoolbus of the road users described in clause (i);

(D) shall include an evaluation of schoolbus lighting systems, to ensure clear communication to surrounding drivers on their appropriate action; and

(E) may include other technological solutions that enhance schoolbus safety.

(3) CONSULTATION.—The Secretary shall consult with manufacturers of schoolbus vehicles, manufacturers of various technologies, and school bus industry representatives in conducting the review under paragraph (1).

(4) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

(d) REVIEW OF DRIVER EDUCATION MATERIALS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) review driver education materials across all States to determine whether and how illegal passing of schoolbuses is addressed in driver education materials, manuals, non-commercial driver's license testing, and road tests; and

(B) make recommendations on how States can improve education about illegal passing of schoolbuses, particularly with new drivers.

(2) CONSULTATION.—The Secretary shall consult with schoolbus industry representatives, States, motor vehicle administrators, and other appropriate motor vehicle experts in the preparation of the review under paragraph (1).

(3) PUBLICATION.—The Secretary shall make the findings of the review under paragraph (1) publicly available on the website of the Department.

(e) REVIEW OF OTHER SAFETY ISSUES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(A) research the connections between illegal passing of schoolbuses and other safety issues, including distracted driving, morning darkness, poor visibility, illumination and reach of vehicle headlights, speed limits, and schoolbus stop locations in rural areas; and

(B) create a report containing the findings.

(2) PUBLICATION.—The Secretary shall make the report created under paragraph (1)(B) publicly available on the website of the Department.

SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule based on the advance notice of proposed rulemaking published on April 27, 2016, titled ''State Inspection Programs for Passenger-Carrier Vehicles'' (81 Fed. Reg. 24769).

(b) CONSIDERATIONS.—In issuing a final rule under subsection (a), the Secretary shall consider the impact of continuing to allow self-inspection as a means to satisfy periodic inspection requirements on the safety of passenger carrier operations.

SEC. 4404. AUTOMATIC EMERGENCY BRAKING.

(a) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall—

(A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires all commercial motor vehicles manufactured after the effective date of such standard to be equipped with an automatic emergency braking system; and

(B) as part of such standard, establish performance requirements for automatic emergency braking systems, including operation of such systems in a variety of driving conditions.

(2) CONSIDERATIONS.—Prior to prescribing the standard required under paragraph (1)(A), the Secretary shall—

(A) conduct a review of automatic emergency braking systems in use in commercial motor vehicles and address any identified deficiencies with such systems in the rulemaking proceeding to prescribe the standard, if practicable;

(B) assess the feasibility of updating the software of emergency braking systems in use in commercial motor vehicles to address any deficiencies and to enable such systems to meet the new standard; and

(C) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in commercial motor vehicles, including malfunctions or unwarranted activations of such systems.

(3) COMPLIANCE DATE.—The Secretary shall ensure that the compliance date of the standard prescribed pursuant to paragraph (1) shall be not later than 2 years after the date of publication of the final rule prescribing such standard.

(b) FEDERAL MOTOR CARRIER SAFETY REGULATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle that is in operation on or after the effective date of the standard prescribed under subsection (a) be used at any time during which such commercial motor vehicle is in operation.

(c) DEFINITIONS.—In this section:

(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term ''automatic emergency braking system'' means a crash avoidance system installed and operational in a vehicle that consists of—

(A) a forward collision warning function—

(i) to detect vehicles and objects ahead of the vehicle; and

(ii) to alert the operator of the vehicle of an impending collision; and

(B) a crash-imminent braking function to provide automatic braking when forward-looking sensors of the vehicle indicate that—

(i) a crash is imminent; and

(ii) the operator of the vehicle is not applying the brakes.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given such term in section 31101 of title 49, United States Code.

SEC. 4405. UNDERRIDE PROTECTION.

(a) REAR UNDERRIDE GUARDS.—

(1) REAR GUARDS ON TRAILERS AND SEMITRAILERS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to revise motor vehicle safety standards under sections 571.223 and 571.224 of title 49, Code of Federal Regulations, to require trailers and semi-trailers manufactured after the date on which such regulation is issued to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger vehicle traveling at 35 miles per hour makes—

(i) an impact in which the passenger vehicle impacts the center of the rear of the trailer or semitrailer;

(ii) an impact in which 50 percent the width of the passenger vehicle overlaps the rear of the trailer or semitrailer; and

(iii) an impact in which 30 percent of the width of the passenger vehicle overlaps the rear of the trailer or semitrailer.

(B) EFFECTIVE DATE.—The rule issued under subparagraph (A) shall require full compliance with the motor carrier safety standard prescribed in such rule not later than 2 years after the date on which a final rule is issued.

(2) ADDITIONAL RESEARCH.—The Secretary shall conduct additional research on the design and development of rear impact guards that can prevent underride crashes and protect motor vehicle passengers against severe injury at crash speeds of up to 65 miles per hour.

(3) REVIEW OF STANDARDS.—Not later than 5 years after any revisions to standards or requirements related to rear impact guards pursuant to paragraph (1), the Secretary shall review the standards or requirements to evaluate the need for changes in response to advancements in technology and upgrade such standards accordingly.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to amend the regulations on minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and driver vehicle inspection reports under section 396.11 of title 49, Code of Federal Regulations, to include rear impact guards and rear end protection (as required by section 393.86 of title 49, Code of Federal Regulations).

(B) CONSIDERATIONS.—In updating the regulations described in subparagraph (A), the Secretary shall consider it to be a defect or a deficiency if a rear impact guard is missing or has a corroded or compromised element that affects the structural integrity and protective feature of such guard.

(b) SIDE UNDERRIDE GUARDS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete additional research on side underride guards to better understand the overall effectiveness of such guards;

(B) assess the feasibility, benefits, and costs associated with installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more; and

(C) if warranted, develop performance standards for such guards.

(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that such third party does not have any financial or contractual ties or relationship with a motor carrier that transports passengers or property for compensation, the motor carrier industry, or an entity producing or supplying underride guards.

(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completing the assessment required under paragraph (1)(B), the Secretary shall issue a notice in the Federal Register containing the findings of the assessment and provide an opportunity for public comment.

(4) REPORT TO CONGRESS.—After the conclusion of the public comment period under paragraph (3), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that provides—

(A) the results of the assessment under this subsection;

(B) a summary of the public comments received by the Secretary under paragraph (3); and

(C) a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to such determination.

(c) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish an Advisory Committee on Underride Protection (in this subsection referred to as the ''Committee'') to provide advice and recommendations to the Secretary on safety regulations to reduce crashes and fatalities involving truck underrides.

(2) REPRESENTATION.—

(A) IN GENERAL.—The Committee shall be composed of not more than 20 members appointed by the Secretary who are not employees of the Department of Transportation and who are qualified to serve because of their expertise, training, or experience.

(B) MEMBERSHIP.—Members shall include 2 representatives of each of the following:

(i) Truck and trailer manufacturers.

(ii) Motor carriers, including independent owner-operators.

(iii) Law enforcement.

(iv) Motor vehicle engineers.

(v) Motor vehicle crash investigators.

(vi) Truck safety organizations.

(vii) The insurance industry.

(viii) Emergency medical service providers.

(ix) Families of underride crash victims.

(x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet at least annually.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties described in paragraph (1).

(6) REPORT.—The Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a biennial report that shall—

(A) describe the advice and recommendations made to the Secretary; and

(B) include an assessment of progress made by the Secretary in advancing safety regulations.

(d) DATA COLLECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement recommendations 1 and 2 described in the report by the Government Accountability Office published on March 14, 2019, titled ''Truck Underride Guards: Improved Data Collection, Inspections, and Research Needed'' (GAO–19–264).

SEC. 4406. TRANSPORTATION OF HORSES.

Section 80502 of title 49, United States Code, is amended—

(1) in subsection (c) by striking ''This section does not'' and inserting ''Subsections (a) and (b) shall not'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) TRANSPORTATION OF HORSES.—

''(1) PROHIBITION.—No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing 2 or more levels stacked on top of each other.

''(2) MOTOR VEHICLE DEFINED.—In this subsection, the term 'motor vehicle'—

''(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

''(B) does not include a vehicle operated exclusively on a rail or rails.''; and

(4) in subsection (e), as redesignated—

(A) by striking ''A rail carrier'' and inserting the following:

''(1) IN GENERAL.—A rail carrier'';

(B) by striking ''this section'' and inserting ''subsection (a) or (b)''; and

(C) by striking ''On learning'' and inserting the following:

''(2) TRANSPORTATION OF HORSES IN MULTI-LEVEL TRAILER.—

''(A) CIVIL PENALTY.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100, but not more than $500, for each violation. A separate violation of subsection (d) occurs for each horse that is transported, or caused to be transported, in violation of subsection (d).

''(B) RELATIONSHIP TO OTHER LAWS.—The penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.

''(3) CIVIL ACTION.—On learning''.

SEC. 4407. ADDITIONAL STATE AUTHORITY.

(a) ADDITIONAL AUTHORITY.—Notwithstanding the limitation in section 127(d) of title 23, United States Code, if a State had in effect on or before June 1, 1991 a statute or regulation which placed a limitation on the overall length of a longer combination vehicle consisting of 3 trailers, such State may allow the operation of a longer combination vehicle to accommodate a longer energy efficient truck tractor in such longer combination vehicle under such limitation, if the additional tractor length is the only added length to such longer combination vehicle and does not result in increased cargo capacity in weight or volume.

(b) SAVINGS CLAUSE.—Nothing in this section authorizes a State to allow an increase in the length of a trailer, semitrailer, or other cargo-carrying unit of a longer combination vehicle.

(c) LONGER COMBINATION VEHICLE DEFINED.—The term ''longer combination vehicle'' has the meaning given such term in section 127 of title 23, United States Code.

SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSURANCE FOR COMMERCIAL MOTOR VEHICLES.

Section 31139(b) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking ''$750,000'' and inserting ''$2,000,000''; and

(2) by adding at the end the following:

''(3) ADJUSTMENT.—The Secretary, in consultation with the Bureau of Labor Statistics, shall adjust the minimum level of financial responsibility under paragraph (2) quinquennially for inflation.''.

TITLE V—INNOVATION

SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.

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

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, $144,000,000 for each of fiscal years 2022 through 2025.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, $152,000,000 for each of fiscal years 2022 through 2025.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, $26,000,000 for each of fiscal years 2022 through 2025.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, $100,000,000 for each of fiscal years 2022 through 2025.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, $96,000,000 for each of fiscal years 2022 through 2025.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, $27,000,000 for each of fiscal years 2022 through 2025.

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

(1) SAFE, EFFICIENT MOBILITY THROUGH ADVANCED TECHNOLOGIES.—To carry out section 503(c)(4) of title 23, United States Code, $70,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out section 503(c) of such title.

(2) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—To carry out section 503(d) of title 23, United States Code, $10,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out section 503(c) of such title.

(3) NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.—To carry out section 5507 of title 49, United States Code, $2,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out sections 512 through 518 of title 23, United States Code.

(4) NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.—To carry out section 70205 of title 49, United States Code, $4,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out section 503(b) of title 23, United States Code.

(5) STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOTS.—To carry out section 6020 of the FAST Act (23 U.S.C. 503 note), $35,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out section 503(b) of title 23, United States Code.

(6) NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.—To carry out section 5402 of this title, $10,000,000 for each of fiscal years 2022 through 2025 from funds made available to carry out section 503(b) of title 23, United States Code.

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

(1) administer the programs described in paragraphs (1), (2), and (3) of subsection (a) and paragraph (1) of subsection (b); and

(2) in consultation with relevant modal administrations, administer the programs described in subsections (a)(4) and (b)(2).

(d) TREATMENT OF FUNDS.—Funds authorized to be appropriated by subsections (a) and (b) shall—

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

(2) remain available until expended and not be transferable, except as otherwise provided in this title.

Subtitle A—Research and Development

SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.

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

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

(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking ''; and'' and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(iv) to reduce greenhouse gas emissions and limit the effects of climate change.''; and

(ii) by striking subparagraphs (D) and (E);

(B) in paragraph (4)(A)—

(i) in clause (ii) by striking ''; and'' and inserting a semicolon;

(ii) in clause (iii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) to reduce greenhouse gas emissions and limit the effects of climate change.'';

(C) in paragraph (5)(A)—

(i) in clause (iv) by striking ''; and'' and inserting a semicolon;

(ii) in clause (v) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(vi) reducing greenhouse gas emissions and limiting the effects of climate change.''; and

(D) by adding at the end the following:

''(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—

''(A) track the condition of highway assets, including interchanges, and the reconstruction history of such assets;

''(B) can be used to assess transportation options;

''(C) allow for the monitoring and modeling of network-level traffic flows on highways; and

''(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.

''(10) PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM.—

''(A) PERFORMANCE MANAGEMENT DATA SUPPORT.—The Administrator of the Federal Highway Administration shall develop, use, and maintain data sets and data analysis tools to assist metropolitan planning organizations, States, and the Federal Highway Administration in carrying out performance management analyses (including the performance management requirements under section 150).

''(B) INCLUSIONS.—The data analysis activities authorized under subparagraph (A) may include—

''(i) collecting and distributing vehicle probe data describing traffic on Federal-aid highways;

''(ii) collecting household travel behavior data to assess local and cross-jurisdictional travel, including to accommodate external and through travel;

''(iii) enhancing existing data collection and analysis tools to accommodate performance measures, targets, and related data, so as to better understand trip origin and destination, trip time, and mode;

''(iv) enhancing existing data analysis tools to improve performance predictions and travel models in reports described in section 150(e);

''(v) developing tools—

''(I) to improve performance analysis; and

''(II) to evaluate the effects of project investments on performance;

''(vi) assisting in the development or procurement of the transportation system access data under section 1403(g) of the INVEST in America Act; and

''(vii) developing tools and acquiring data described under paragraph (9).

''(C) FUNDING.—The Administrator of the Federal Highway Administration may use up to $15,000,000 for each of fiscal years 2022 through 2025 to carry out this paragraph.''.

(b) REPEAL.—Section 6028 of the FAST Act (23 U.S.C. 150 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.

Section 503 of title 23, United States Code, as amended by section 5101, is further amended by adding at the end the following:

''(d) MATERIALS TO REDUCE GREENHOUSE GAS EMISSIONS PROGRAM.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall establish and implement a program under which the Secretary shall award grants to eligible entities to research and support the development of materials that will reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction and use of highways.

''(2) ACTIVITIES.—The Secretary shall ensure that the program, at a minimum—

''(A) carries out research to determine the materials proven to most effectively reduce or sequester greenhouse gas emissions;

''(B) evaluates and improves the ability of materials to most effectively reduce or sequester greenhouse gas emissions; and

''(C) supports the development and deployment of materials that will reduce or sequester greenhouse gas emissions.

''(3) COMPETITIVE SELECTION PROCESS.—

''(A) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(B) CONSIDERATION.—In making grants under this subsection, the Secretary shall consider the degree to which applicants presently carry out research on materials that reduce or sequester greenhouse gas emissions.

''(C) SELECTION CRITERIA.—The Secretary may make grants under this subsection to any eligible entity based on the demonstrated ability of the applicant to fulfill the activities described in paragraph (2).

''(D) TRANSPARENCY.—

''(i) IN GENERAL.—The Secretary shall provide to each eligible entity submitting an application under this subsection, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the application of such entity.

''(ii) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process for a grant under this subsection, including—

''(I) specific criteria of evaluation used in the review;

''(II) descriptions of the review process; and

''(III) explanations of the grants awarded.

''(4) GRANTS.—

''(A) RESTRICTIONS.—

''(i) IN GENERAL.—For each fiscal year, a grant made available under this subsection shall be not greater than $4,000,000 and not less than $2,000,000 per recipient.

''(ii) LIMITATION.—An eligible entity may only receive 1 grant in a fiscal year under this subsection.

''(B) MATCHING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition of receiving a grant under this subsection, a grant recipient shall match 50 percent of the amounts made available under the grant.

''(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under—

''(I) section 504(b); or

''(II) section 505.

''(5) PROGRAM COORDINATION.—

''(A) IN GENERAL.—The Secretary shall—

''(i) coordinate the research, education, and technology transfer activities carried out by grant recipients under this subsection;

''(ii) disseminate the results of that research through the establishment and operation of a publicly accessible online information clearinghouse; and

''(iii) to the extent practicable, support the deployment and commercial adoption of effective materials researched or developed under this subsection to relevant stakeholders.

''(B) ANNUAL REVIEW AND EVALUATION.—Not later than 2 years after the date of enactment of this subsection, and not less frequently than annually thereafter, the Secretary shall, consistent with the activities in paragraph (3)—

''(i) review and evaluate the programs carried out under this subsection by grant recipients, describing the effectiveness of the program in identifying materials that reduce or sequester greenhouse gas emissions;

''(ii) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing such review and evaluation; and

''(iii) make the report in clause (ii) available to the public on a website.

''(6) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to carry out this subsection shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

''(7) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this subsection, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.

''(8) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOPMENT 5-YEAR STRATEGIC PLAN.

Section 6503 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting ''For the period of fiscal years 2017 through 2021, and for each 5-year period thereafter, the Secretary'';

(2) in subsection (c)(1)—

(A) in subparagraph (D) by inserting ''and the existing transportation system'' after ''infrastructure'';

(B) in subparagraph (E) by striking ''; and'' and inserting a semicolon;

(C) by amending subparagraph (F) to read as follows:

''(F) reducing greenhouse gas emissions; and''; and

(D) by adding at the end the following:

''(G) developing and maintaining a diverse workforce in transportation sectors;''; and

(3) in subsection (d) by striking ''not later than December 31, 2016,'' and inserting ''not later than December 31, 2021,''.

SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (A) by striking ''research priorities identified in chapter 65.'' and inserting the following: ''following research priorities:

''(i) Improving the mobility of people and goods.

''(ii) Reducing congestion.

''(iii) Promoting safety.

''(iv) Improving the durability and extending the life of transportation infrastructure and the existing transportation system.

''(v) Preserving the environment.

''(vi) Reducing greenhouse gas emissions.''; and

(B) in subparagraph (B)—

(i) by striking ''Technology and'' and inserting ''Technology,''; and

(ii) by inserting '', the Associate Administrator for Research, Demonstration, and Innovation and Administrator of the Federal Transit Administration,'' after ''Federal Highway Administration'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Not later than 1 year after the date of enactment of this section,'' and inserting the following:

''(A) SELECTION OF GRANTS.—Not later than 1 year after the date of enactment of the INVEST in America Act,''; and

(ii) by adding at the end the following:

''(B) LIMITATIONS.—A grant under this subsection may not include a cooperative agreement described in section 6305 of title 31.'';

(B) in paragraph (2)—

(i) in subparagraph (A) by striking ''5 consortia'' and inserting ''6 consortia'';

(ii) in subparagraph (B)—

(I) in clause (i) by striking ''not greater than $4,000,000 and not less than $2,000,000'' and inserting ''not greater than $4,250,000 and not less than $2,250,000''; and

(II) in clause (ii) by striking ''section 6503(c)'' and inserting ''subsection (b)(4)(A)'';

(iii) in subparagraph (C) by striking ''100 percent'' and inserting ''50 percent''; and

(iv) by adding at the end the following:

''(D) REQUIREMENT.—In awarding grants under this section, the Secretary shall award 1 grant to a national consortia for each focus area described in subsection (b)(4)(A).'';

(C) in paragraph (3)—

(i) in subparagraph (C) by striking ''not greater than $3,000,000 and not less than $1,500,000'' and inserting ''not greater than $3,250,000 and not less than $1,750,000'';

(ii) in subparagraph (D)(i) by striking ''100 percent'' and inserting ''50 percent''; and

(iii) by striking subparagraph (E); and

(D) in paragraph (4)—

(i) in subparagraph (A) by striking ''greater than $2,000,000 and not less than $1,000,000'' and inserting ''greater than $2,250,000 and not less than $1,250,000''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) REQUIREMENTS.—In awarding grants under this paragraph, the Secretary shall—

''(i) consider consortia that include institutions that have demonstrated an ability in transportation-related research; and

''(ii) award not less than 2 grants under this section to minority institutions, as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k).

''(D) FOCUSED RESEARCH.—

''(i) IN GENERAL.—In awarding grants under this section, the Secretary shall select not less than 1 grant recipient with each of the following focus areas:

''(I) Transit.

''(II) Connected and automated vehicle technology.

''(III) Non-motorized transportation, including bicycle and pedestrian safety.

''(IV) Transportation planning, including developing metropolitan planning practices to meet the considerations described in section 134(c)(4) of title 23 and section 5303(c)(4).

''(V) The surface transportation workforce, including—

''(aa) current and future workforce needs and challenges; and

''(bb) the impact of technology on the transportation sector.

''(VI) Climate change mitigation, including—

''(aa) researching the types of transportation projects that are expected to provide the most significant greenhouse gas emissions reductions from the surface transportation sector; and

''(bb) researching the types of transportation projects that are not expected to provide significant greenhouse gas emissions reductions from the surface transportation sector.

''(VII) Rail.

''(ii) ADDITIONAL GRANTS.—In awarding grants under this section and after awarding grants pursuant to clause (i), the Secretary may award any remaining grants to any grant recipient based on the criteria described in subsection (b)(4)(A).

''(E) CONSIDERATIONS FOR SELECTED INSTITUTIONS.—

''(i) IN GENERAL.—Tier 1 transportation centers awarded a grant under this paragraph with a focus area described in subparagraph (D)(i)(IV) shall consider the following areas for research:

''(I) strategies to address climate change mitigation and impacts described in section 134(i)(2)(I)(ii) of title 23 and the incorporation of such strategies into long range transportation plan; and

''(II) preparation of a vulnerability assessment described in section 134(i)(2)(I)(iii) of title 23.

''(ii) ACTIVITIES.—A tier 1 transportation center receiving a grant under this section with a focus area described in subparagraph (D)(i)(IV) may—

''(I) establish best practices;

''(II) develop modeling tools; and

''(III) carry out other activities and develop technology that addresses the planning considerations described in clause (i).

''(iii) LIMITATION.—Research under this subparagraph shall focus on metropolitan planning organizations that represent urbanized areas with populations of 200,000 or fewer.'';

(3) in subsection (d)(3) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2025'';

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

''(f) SURPLUS AMOUNTS.—

''(1) IN GENERAL.—Amounts made available to the Secretary to carry out this section that remain unobligated after awarding grants under subsection (c) shall be made available under the unsolicited research initiative under section 5506.

''(2) LIMITATION ON AMOUNTS.—Amounts under paragraph (1) shall not exceed $2,000,000 for any given fiscal year.''.

SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

''§ 5506. Unsolicited research initiative

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a program under which an eligible entity may at any time submit unsolicited research proposals for funding under this section.

''(b) CRITERIA.—A research proposal submitted under subsection (a) shall meet the purposes of the Secretary's 5-year transportation research and development strategic plan described in section 6503(c)(1).

''(c) PROJECT REVIEW.—Not later than 90 days after an eligible entity submits a proposal under subsection (a), the Secretary shall—

''(1) review the research proposal submitted under subsection (a);

''(2) evaluate such research proposal relative to the criteria described in subsection (b);

''(3) provide to such eligible entity a written notice that—

''(A) if the research proposal is not selected for funding under this section—

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

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

''(iii) if applicable, recommends that the research proposal be submitted to another research program; and

''(B) if the research proposal is selected for funding under this section, notifies the eligible entity that the research proposal has been selected for funding; and

''(4) fund the proposals described in paragraph (3)(B).

''(d) REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available to the public on a public website a report on the progress and findings of the program established under subsection (a).

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section may not exceed 50 percent.

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

''(f) FUNDING.—

''(1) IN GENERAL.—Of the funds made available to carry out the university transportation centers program under section 5505, $2,000,000 shall be available for each of fiscal years 2022 through 2025 to carry out this section.

''(2) FUNDING FLEXIBILITY.—

''(A) IN GENERAL.—For fiscal years 2022 through 2025, funds made available under paragraph (1) shall remain available until expended.

''(B) UNCOMMITTED FUNDS.—If the Secretary determines, at the end of a fiscal year, funds under paragraph (1) remain unexpended as a result of a lack of meritorious projects under this section, the Secretary may, for the following fiscal year, make remaining funds available under either this section or under section 5505.

''(g) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means

''(1) a State;

''(2) a unit of local government;

''(3) a transit agency;

''(4) any nonprofit institution of higher education, including a university transportation center under section 5505; and

''(5) a nonprofit organization.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following new item:

''5506. Unsolicited research initiative.''.

SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL FREIGHT TRANSPORTATION RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended by adding at the end the following:

''§ 70205. National cooperative multimodal freight transportation research program

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish and support a national cooperative multimodal freight transportation research program.

''(b) AGREEMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall seek to enter into an agreement with the National Academy of Sciences to support and carry out administrative and management activities relating to the governance of the national cooperative multimodal freight transportation research program.

''(c) ADVISORY COMMITTEE.—In carrying out the agreement described in subsection (b), the National Academy of Sciences shall select a multimodal freight transportation research advisory committee consisting of multimodal freight stakeholders, including, at a minimum—

''(1) a representative of the Department of Transportation;

''(2) representatives of any other Federal agencies relevant in supporting the nation's multimodal freight transportation research needs;

''(3) a representative of a State department of transportation;

''(4) a representative of a local government (other than a metropolitan planning organization);

''(5) a representative of a metropolitan planning organization;

''(6) a representative of the trucking industry;

''(7) a representative of the railroad industry;

''(8) a representative of the port industry;

''(9) a representative of logistics industry;

''(10) a representative of shipping industry;

''(11) a representative of a safety advocacy group with expertise in freight transportation;

''(12) an academic expert on multimodal freight transportation;

''(13) an academic expert on the contributions of freight movement to greenhouse gas emissions; and

''(14) representatives of labor organizations representing workers in freight transportation.

''(d) ELEMENTS.—The national cooperative multimodal freight transportation research program established under this section shall include the following elements:

''(1) NATIONAL RESEARCH AGENDA.—The advisory committee under subsection (c), in consultation with interested parties, shall recommend a national research agenda for the program established in this section.

''(2) INVOLVEMENT.—Interested parties may—

''(A) submit research proposals to the advisory committee;

''(B) participate in merit reviews of research proposals and peer reviews of research products; and

''(C) receive research results.

''(3) OPEN COMPETITION AND PEER REVIEW OF RESEARCH PROPOSALS.—The National Academy of Sciences may award research contracts and grants under the program through open competition and merit review conducted on a regular basis.

''(4) EVALUATION OF RESEARCH.—

''(A) PEER REVIEW.—Research contracts and grants under the program may allow peer review of the research results.

''(B) PROGRAMMATIC EVALUATIONS.—The National Academy of Sciences shall conduct periodic programmatic evaluations on a regular basis of research contracts and grants.

''(5) DISSEMINATION OF RESEARCH FINDINGS.—

''(A) IN GENERAL.—The National Academy of Sciences shall disseminate research findings to researchers, practitioners, and decisionmakers, through conferences and seminars, field demonstrations, workshops, training programs, presentations, testimony to government officials, a public website for the National Academy of Sciences, publications for the general public, and other appropriate means.

''(B) REPORT.—Not more than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall make available on a public website a report that describes the ongoing research and findings of the program.

''(e) CONTENTS.—The national research agenda under subsection (d)(1) shall include—

''(1) techniques and tools for estimating and identifying both quantitative and qualitative public benefits derived from multimodal freight transportation projects, including—

''(A) greenhouse gas emissions reduction;

''(B) congestion reduction; and

''(C) safety benefits;

''(2) the impact of freight delivery vehicles, including trucks, railcars, and non-motorized vehicles, on congestion in urban and rural areas;

''(3) the impact of both centralized and disparate origins and destinations on freight movement;

''(4) the impacts of increasing freight volumes on transportation planning, including—

''(A) first-mile and last-mile challenges to multimodal freight movement;

''(B) multimodal freight travel in both urban and rural areas; and

''(C) commercial motor vehicle parking and rest areas;

''(5) the effects of Internet commerce and accelerated delivery speeds on freight movement and increased commercial motor vehicle volume, including impacts on—

''(A) safety on public roads;

''(B) congestion in both urban and rural areas;

''(C) first-mile and last-mile challenges and opportunities;

''(D) the environmental impact of freight transportation, including on air quality and on greenhouse gas emissions; and

''(E) vehicle miles-traveled by freight-delivering vehicles;

''(6) the impacts of technological advancements in freight movement, including impacts on—

''(A) congestion in both urban and rural areas;

''(B) first-mile and last-mile challenges and opportunities; and

''(C) vehicle miles-traveled;

''(7) methods and best practices for aligning multimodal infrastructure improvements with multimodal freight transportation demand, including improvements to the National Multimodal Freight Network under section 70103; and

''(8) other research areas to identify and address current, emerging, and future needs related to multimodal freight transportation.

''(f) FUNDING.—

''(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be 100 percent.

''(2) PERIOD OF AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

''(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term 'greenhouse gas' has the meaning given such term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 702 of title 49, United States Code, is amended by adding at the end the following new item:

''70205. National cooperative multimodal freight transportation research program.''.

SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND HABITAT CONNECTIVITY IMPROVEMENT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study examining methods to reduce collisions between motorists and wildlife (referred to in this section as ''wildlife-vehicle collisions'').

(2) CONTENTS.—

(A) AREAS OF STUDY.—The study required under paragraph (1) shall—

(i) update and expand on, as appropriate—

(I) the report titled ''Wildlife Vehicle Collision Reduction Study: 2008 Report to Congress'': and

(II) the document titled ''Wildlife Vehicle Collision Reduction Study: Best Practices Manual'' and dated October 2008; and

(ii) include—

(I) an assessment, as of the date of the study, of—

(aa) the causes of wildlife-vehicle collisions;

(bb) the impact of wildlife-vehicle collisions on motorists and wildlife; and

(cc) the impacts of roads and traffic on habitat connectivity for terrestrial and aquatic species; and

(II) solutions and best practices for—

(aa) reducing wildlife-vehicle collisions; and

(bb) improving habitat connectivity for terrestrial and aquatic species.

(B) METHODS.—In carrying out the study required under paragraph (1), the Secretary shall—

(i) conduct a thorough review of research and data relating to—

(I) wildlife-vehicle collisions; and

(II) habitat fragmentation that results from transportation infrastructure;

(ii) survey current practices of the Department of Transportation and State departments of transportation to reduce wildlife-vehicle collisions; and

(iii) consult with—

(I) appropriate experts in the field of wildlife-vehicle collisions; and

(II) appropriate experts on the effects of roads and traffic on habitat connectivity for terrestrial and aquatic species.

(3) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study required under paragraph (1).

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) a description of—

(I) the causes of wildlife-vehicle collisions;

(II) the impacts of wildlife-vehicle collisions; and

(III) the impacts of roads and traffic on—

(aa) species listed as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(bb) species identified by States as species of greatest conservation need;

(cc) species identified in State wildlife plans; and

(dd) medium and small terrestrial and aquatic species;

(ii) an economic evaluation of the costs and benefits of installing highway infrastructure and other measures to mitigate damage to terrestrial and aquatic species, including the effect on jobs, property values, and economic growth to society, adjacent communities, and landowners;

(iii) recommendations for preventing wildlife-vehicle collisions, including recommended best practices, funding resources, or other recommendations for addressing wildlife-vehicle collisions; and

(iv) guidance to develop, for each State that agrees to participate, a voluntary joint statewide transportation and wildlife action plan.

(C) PURPOSES.—The purpose of the guidance described in subparagraph (B)(iv) shall be—

(i) to address wildlife-vehicle collisions; and

(ii) to improve habitat connectivity for terrestrial and aquatic species.

(D) CONSULTATION.—The Secretary shall develop the guidance described under subparagraph (B)(iv) in consultation with—

(i) Federal land management agencies;

(ii) State departments of transportation;

(iii) State fish and wildlife agencies; and

(iv) Tribal governments.

(b) STANDARDIZATION OF WILDLIFE COLLISION AND CARCASS DATA.—

(1) STANDARDIZATION METHODOLOGY.—

(A) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall develop a quality standardized methodology for collecting and reporting spatially accurate wildlife collision and carcass data for the National Highway System, taking into consideration the practicability of the methodology with respect to technology and cost.

(B) METHODOLOGY.—In developing the standardized methodology under subparagraph (A), the Secretary shall—

(i) survey existing methodologies and sources of data collection, including the Fatality Analysis Reporting System, the General Estimates System of the National Automotive Sampling System, and the Highway Safety Information System; and

(ii) to the extent practicable, identify and correct limitations of such existing methodologies and sources of data collection.

(C) CONSULTATION.—In developing the standardized methodology under subparagraph (A), the Secretary shall consult with—

(i) the Secretary of the Interior;

(ii) the Secretary of Agriculture, acting through the Chief of the Forest Service;

(iii) Tribal, State, and local transportation and wildlife authorities;

(iv) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(v) members of the American Association of State Highway and Transportation Officials;

(vi) members of the Association of Fish and Wildlife Agencies;

(vii) experts in the field of wildlife-vehicle collisions;

(viii) nongovernmental organizations; and

(ix) other interested stakeholders, as appropriate.

(2) STANDARDIZED NATIONAL DATA SYSTEM WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—The Secretary shall—

(A) develop a template for State implementation of a standardized national wildlife collision and carcass data system for the National Highway System that is based on the standardized methodology developed under paragraph (1); and

(B) encourage the voluntary implementation of the template developed under subparagraph (A) for States, metropolitan planning organizations, and additional relevant transportation stakeholders.

(3) REPORTS.—

(A) METHODOLOGY.—The Secretary shall submit to Congress a report describing the development of the standardized methodology required under paragraph (1) not later than—

(i) the date that is 18 months after the date of enactment of this Act; and

(ii) the date that is 180 days after the date on which the Secretary completes the development of such standardized methodology.

(B) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

(i) the status of the voluntary implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A);

(ii) whether the implementation of the standardized methodology developed under paragraph (1) and the template developed under paragraph (2)(A) has impacted efforts by States, units of local government, and other entities—

(I) to reduce the number of wildlife-vehicle collisions; and

(II) to improve habitat connectivity;

(iii) the degree of the impact described in clause (ii); and

(iv) the recommendations of the Secretary, including recommendations for further study aimed at reducing motorist collisions involving wildlife and improving habitat connectivity for terrestrial and aquatic species on the National Highway System, if any.

(c) NATIONAL THRESHOLD GUIDANCE.—The Secretary of Transportation shall—

(1) establish guidance, to be carried out by States on a voluntary basis, that contains a threshold for determining whether a highway shall be evaluated for potential mitigation measures to reduce wildlife-vehicle collisions and increase habitat connectivity for terrestrial and aquatic species, taking into consideration—

(A) the number of wildlife-vehicle collisions on the highway that pose a human safety risk;

(B) highway-related mortality and effects of traffic on the highway on—

(i) species listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) species identified by a State as species of greatest conservation need;

(iii) species identified in State wildlife plans; and

(iv) medium and small terrestrial and aquatic species; and

(C) habitat connectivity values for terrestrial and aquatic species and the barrier effect of the

highway on the movements and migrations of those species.

(d) WORKFORCE DEVELOPMENT AND TECHNICAL TRAINING.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall, based on the study conducted under subsection (a), develop a series of in-person and online workforce development and technical training courses—

(A) to reduce wildlife-vehicle collisions; and

(B) to improve habitat connectivity for terrestrial and aquatic species.

(2) AVAILABILITY.—The Secretary shall—

(A) make the series of courses developed under paragraph (1) available for transportation and fish and wildlife professionals; and

(B) update the series of courses not less frequently than once every 2 years.

(e) WILDLIFE HABITAT CONNECTIVITY AND NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.—Section 144 of title 23, United States Code, is amended in subsection (a)(2)—

(1) in subparagraph (B) by inserting '', resilience,'' after ''safety'';

(2) in subparagraph (D) by striking ''and'' at the end;

(3) in subparagraph (E) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) to ensure adequate passage of aquatic and terrestrial species, where appropriate.'';

SEC. 5108. RESEARCH ACTIVITIES.

Section 330(g) of title 49, United States Code, is amended by striking ''each of fiscal years 2016 through 2020'' and inserting ''each of fiscal years 2022 through 2025''.

SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Transportation shall carry out a program to enhance the development of innovative materials in the United States by making awards to consortia for establishing and operating Hubs (to be known as ''Innovative Material Innovation Hubs'') to conduct and support multidisciplinary, collaborative research, development, demonstration, standardized design development, and commercial application of innovative materials.

(2) COORDINATION.—The Secretary shall ensure the coordination of, and avoid duplication of, the activities of each Hub with the activities of—

(A) other research entities of the Department of Transportation, including the Federal Highway Administration; and

(B) research entities of other Federal agencies, as appropriate.

(b) COMPETITIVE SELECTION PROCESS.—

(1) ELIGIBILITY.—To be eligible to receive an award for the establishment and operation of a Hub under subsection (a)(1), a consortium shall—

(A) be composed of not fewer than 2 qualifying entities;

(B) operate subject to a binding agreement, entered into by each member of the consortium, that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures the consortium will undertake to enable cost-effective implementation of activities under the program described in subsection (a)(1); and

(iii) a proposed budget, including financial contributions from non-Federal sources; and

(C) operate as a nonprofit organization.

(2) APPLICATION.—

(A) IN GENERAL.—A consortium seeking to establish and operate a Hub under subsection (a)(1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a detailed description of—

(i) each element of the consortium agreement required under paragraph (1)(B); and

(ii) any existing facilities the consortium intends to use for Hub activities.

(B) REQUIREMENT.—If the consortium members will not be located at 1 centralized location, the application under subparagraph (A) shall include a communications plan that ensures close coordination and integration of Hub activities.

(3) SELECTION.—

(A) IN GENERAL.—The Secretary shall select consortia for awards for the establishment and operation of Hubs through a competitive selection process.

(B) CONSIDERATIONS.—In selecting consortia under subparagraph (A), the Secretary shall consider—

(i) any existing facilities a consortium has identified to be used for Hub activities;

(ii) maintaining geographic diversity in locations of selected Hubs;

(iii) the demonstrated ability of the recipient to conduct and support multidisciplinary, collaborative research, development, demonstration, standardized design development, and commercial application of innovative materials;

(iv) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

(v) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems related to innovative materials;

(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

(viii) the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, including through cost sharing and overall reduced overhead, facilities, and administrative costs.

(4) TRANSPARENCY.—

(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

(B) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (2), given the considerations under paragraph (3), that includes—

(i) specific criteria of evaluation used in the review;

(ii) descriptions of the review process; and

(iii) explanations of the selected awards.

(c) AUTHORIZATION.—There is authorized to be appropriated to carry out this section such sums as may be necessary and such sums shall remain available for a period of 3 years after the last day of the fiscal year in which such sums were made available.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Each Hub shall conduct, or provide for, multidisciplinary, collaborative research, development, demonstration, and commercial application of innovative materials.

(2) ACTIVITIES.—Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium, as described in subsection (b)(1), and awardees;

(B) develop and publish proposed plans and programs on a publicly accessible website;

(C) submit to the Department of Transportation an annual report summarizing the activities of the Hub, including information—

(i) detailing organizational expenditures; and

(ii) describing each project undertaken by the Hub, as it relates to conducting and supporting multidisciplinary, collaborative research, development, demonstration, standardized design development, and commercial application of innovative materials; and

(D) monitor project implementation and coordination.

(3) CONFLICTS OF INTEREST.—Each Hub shall maintain conflict of interest procedures, consistent with the conflict of interest procedures of the Department of Transportation.

(4) PROHIBITION ON CONSTRUCTION AND RENOVATION.—

(A) IN GENERAL.—No funds provided under this section may be used for construction or renovation of new buildings, test beds, or additional facilities for Hubs.

(B) NON-FEDERAL SHARE.—Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(e) APPLICABILITY.—The Secretary shall administer this section in accordance with section 330 of title 49, United States Code.

(f) DEFINITIONS.—In this section:

(1) HUB.—The term ''Hub'' means an Innovative Material Innovation Hub established under this section.

(2) QUALIFYING ENTITY.—The term ''qualifying entity'' means—

(A) an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

(B) an appropriate Federal or State entity, including a federally funded research and development center of the Department of Transportation;

(C) a university transportation center under section 5505 of title 49, United States Code; and

(D) a research and development entity in existence on the date of enactment of this Act focused on innovative materials that the Secretary determines to be similar in scope and intent to a Hub under this section.

(3) INNOVATIVE MATERIAL.—The term ''innovative material'', with respect to an infrastructure project, includes materials or combinations and processes for use of materials that enhance the overall service life, sustainability, and resiliency of the project or provide ancillary benefits relative to widely adopted state of practice technologies, as determined by the Secretary.

SEC. 5110. STRATEGIC TRANSPORTATION RESEARCH AGENDA.

(a) IN GENERAL.—Subchapter 1 of chapter 55 of title 49, United States Code, as amended, is further amended by adding at the end the following:

''SEC. 5509. STRATEGIC TRANSPORTATION RESEARCH AGENDA.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall enter into an agreement with the National Academies to undertake a study of the research needs of the surface transportation system to fully adapt and integrate advanced technologies and innovation. The focus areas of the study shall include—

''(1) connected and autonomous technologies;

''(2) incorporating safety-related technologies;

''(3) addressing infrastructure resiliency;

''(4) multimodal connectivity;

''(5) data gathering of travel behavior, including the public's short and long-term responses to transformational technologies;

''(6) impacts of private-sector transportation product development on society and the traditional research enterprise;

''(7) support for a public-sector culture of transportation innovation and acceleration of

federally funded research into practice, codes, and standards; and

''(8) fostering development of transportation educators and transportation professionals.

''(b) REPORT.—The agreement entered into under this section shall require the National Academies to submit to Congress a report containing the results of the study not later than 2 years after the date of enactment of this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2022.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

''5509. Strategic transportation research agenda.''.

SEC. 5111. ADVANCED TRANSPORTATION RESEARCH AND INNOVATION PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, as amended, is further amended by adding at the end the following:

''§ 5510. Advanced transportation research and innovation program.

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an advanced transportation research and innovation program, to be administered by the Assistant Secretary of Research and Technology, to—

''(1) support research that addresses the long-term barriers to development of advanced transportation technologies with the potential to meet the Nation's long-term safety, competitiveness, and transportation goals;

''(2) support high-risk research and development to accelerate transformational transportation innovations and emerging technology development;

''(3) advance research and development that improves the resilience of regions of the United States to natural disasters, extreme weather, and the effects of climate change on modal and multimodal transportation and infrastructure;

''(4) leverage Federal interagency research mechanisms and the academic research enterprise;

''(5) educate and train students in science, technology, engineering, and mathematics fields to conduct research and standards development relevant to transportation technologies, materials, systems, operations, processes, and policies; and

''(6) fostering collaboration among federal researchers and academic researchers.

''(b) COLLABORATION.—

''(1) INTERAGENCY COLLABORATION.—In carrying out this section, the Secretary shall collaborate on, identify, and disseminate within the Department, as appropriate, advanced transportation research, development, and other activities of other Federal agencies, including the Office of Science and Technology Policy, the National Science Foundation, the Department of Energy, the National Institute of Standards and Technology, the Department of Homeland Security, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the Department of Defense to ensure the Department's research investments are making the best possible contribution to the Nation's goals of public health and safety, economic prosperity, national security, environmental quality, and a diverse transportation workforce.

''(2) NON-GOVERNMENTAL COLLABORATION.—In carrying out this section, the Secretary shall collaborate with labor organizations, as appropriate.

''(c) RESEARCH GRANTS.—In carrying out this section, the Secretary may carry out the activities described under subsection (a) through—

''(1) competitive, merit-based basic research grants to individual investigators and teams of investigators; and

''(2) centers of excellence selected through a competitive, merit-based process.

''(d) APPLICATION.—

''(1) IN GENERAL.—An investigator, team of investigators, or an institution of higher education (or consortium thereof) seeking funding under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) RESEARCH CENTERS.—Each application under paragraph (1) from an institution of higher education (or consortium thereof) shall include a description of how the Center will promote multidisciplinary transportation research and development collaboration.

''(e) RESEARCH.—At a minimum, the Secretary shall award 75 percent of awards under this program to projects for basic research.

''(f) REVIEW.—Not later than September 30, 2025, the Secretary shall enter into an agreement with the National Academies to conduct a review of the research and activities carried out under this program and assess whether such activities are consistent with subsection (a). Members of the review panel shall represent, at a minimum, multimodal surface transportation researchers and practitioners.

''(g) REPORT.—Not later than 1 year after the date of enactment of the INVEST in America Act, and biennially thereafter, the Secretary shall provide to the Committee on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report on implementation of the program under this section and research areas that the program will support.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2022 through 2025.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

''5510. Advanced transportation research and innovation program.''.

Subtitle B—Technology Deployment

SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.

Section 503(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting '', while considering the impacts on jobs'' after ''transportation community'';

(B) in subparagraph (D) by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (E) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(F) reducing greenhouse gas emissions and limiting the effects of climate change.''; and

(2) in paragraph (2)(A) by striking the period and inserting ''and findings from the materials to reduce greenhouse gas emissions program under subsection (d).''.

SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.

Section 503(c)(3) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (v) by striking ''; and'' and inserting a semicolon;

(B) in clause (vi) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(vii) the deployment of innovative pavement designs, materials, and practices that reduce or sequester the amount of greenhouse gas emissions generated during the production of highway materials and the construction of highways, with consideration for findings from the materials to reduce greenhouse gas emissions program under subsection (d).'';

(2) in subparagraph (C) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2022 through 2025''; and

(3) in subparagraph (D)(ii)—

(A) in subclause (III) by striking ''; and'' and inserting a semicolon;

(B) in subclause (IV) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(V) pavement monitoring and data collection practices;

''(VI) pavement durability and resilience;

''(VII) stormwater management;

''(VIII) impacts on vehicle efficiency;

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

''(X) integration of renewable energy in pavement designs; and

''(XI) greenhouse gas emissions reduction, including findings from the materials to reduce greenhouse gas emissions program under subsection (d).''.

SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY DAY COUNTS INITIATIVE.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended by adding at the end the following:

''§ 520. Every Day Counts initiative

''(a) IN GENERAL.—It is in the national interest for the Department of Transportation, State departments of transportation, and all other recipients of Federal surface transportation funds—

''(1) to identify, accelerate, and deploy innovation aimed at expediting project delivery;

''(2) enhancing the safety of the roadways of the United States, and protecting the environment;

''(3) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner;

''(4) to promote the rapid deployment of proven solutions that provide greater accountability for public investments and encourage greater private sector involvement; and

''(5) to create a culture of innovation within the highway community.

''(b) EVERY DAY COUNTS INITIATIVE.—To advance the policy described in subsection (a), the Administrator of the Federal Highway Administration shall continue the Every Day Counts initiative to work with States, local transportation agencies, all other recipients of Federal surface transportation funds, and industry stakeholders, including labor representatives, to identify and deploy proven innovative practices and products that—

''(1) accelerate innovation deployment;

''(2) expedite the project delivery process;

''(3) improve environmental sustainability;

''(4) enhance roadway safety;

''(5) reduce congestion; and

''(6) reduce greenhouse gas emissions.

''(c) CONSIDERATIONS.—In carrying out the Every Day Counts initiative, the Administrator shall consider any innovative practices and products in accordance with subsections (a) and (b), including—

''(1) research results from the university transportation centers program under section 5505 of title 49; and

''(2) results from the materials to reduce greenhouse gas emissions program in section 503(d).

''(d) INNOVATION DEPLOYMENT.—

''(1) IN GENERAL.—At least every 2 years, the Administrator shall work collaboratively with stakeholders to identify a new collection of innovations, best practices, and data to be deployed to highway stakeholders through case studies, outreach, and demonstration projects.

''(2) REQUIREMENTS.—In identifying a collection described in paragraph (1), the Secretary

shall take into account market readiness, impacts, benefits, and ease of adoption of the innovation or practice.

''(e) PUBLICATION.—Each collection identified under subsection (d) shall be published by the Administrator on a publicly available website.

''(f) FUNDING.—The Secretary may use funds made available to carry out section 503(c) to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by adding at the end the following new item:

''520. Every Day Counts initiative.''.

(c) REPEAL.—Section 1444 of the FAST Act (23 U.S.C. 101 note), and the item related to such section in the table of contents in section 1(b) of such Act, are repealed.

Subtitle C—Emerging Technologies

SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH ADVANCED TECHNOLOGIES.

Section 503(c)(4) of title 23, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''Not later than 6 months after the date of enactment of this paragraph, the'' and inserting ''The'';

(B) by striking ''establish an advanced transportation and congestion management technologies deployment'' and inserting ''establish a safe, efficient mobility through advanced technologies'';

(C) by inserting ''mobility,'' before ''efficiency,''; and

(D) by inserting ''environmental impacts,'' after ''system performance,'';

(2) in subparagraph (B)—

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

''(i) reduce costs, improve return on investments, and improve person throughput and mobility, including through the optimization of existing transportation capacity;'';

(B) in clause (iv) by inserting ''bicyclist and'' before ''pedestrian'';

(C) in clause (vii) by striking ''; or'' and inserting a semicolon;

(D) in clause (viii)—

(i) by striking ''accelerate'' and inserting ''prepare for''; and

(ii) by striking the period and inserting ''; or''; and

(E) by adding at the end the following:

''(ix) reduce greenhouse gas emissions and limit the effects of climate change.'';

(3) in subparagraph (C)—

(A) in clause (ii)(II)(aa) by striking ''congestion'' and inserting ''congestion and delays, greenhouse gas emissions''; and

(B) by adding at the end the following:

''(iii) CONSIDERATIONS.—An application submitted under this paragraph may include a description of how the proposed project would support the national goals described in section 150(b), the achievement of metropolitan and statewide targets established under section 150(d), or the improvement of transportation system access consistent with section 150(f), including through—

''(I) the congestion and on-road mobile-source emissions performance measure established under section 150(c)(5); or

''(II) the greenhouse gas emissions performance measure established under section 150(c)(7).'';

(4) in subparagraph (D) by adding at the end the following:

''(iv) PRIORITIZATION.—In awarding a grant under this paragraph, the Secretary shall prioritize projects that, in accordance with the criteria described in subparagraph (B)—

''(I) improve person throughput and mobility, including through the optimization of existing transportation capacity;

''(II) deliver environmental benefits;

''(III) reduce the number and severity of traffic accidents and increase driver, passenger, and bicyclist and pedestrian safety; or

''(IV) reduce greenhouse gas emissions.

''(v) GRANT DISTRIBUTION.—The Secretary shall award not fewer than 3 grants under this paragraph based on the potential of the project to reduce the number and severity of traffic crashes and increase, driver, passenger, and bicyclist and pedestrian safety.'';

(5) in subparagraph (E)—

(A) in clause (vi)—

(i) by inserting '', vehicle-to-pedestrian,'' after ''vehicle-to-vehicle''; and

(ii) by inserting ''systems to improve vulnerable road user safety,'' before ''technologies associated with'' ; and

(B) in clause (ix) by inserting '', including activities under section 5316 of title 49'' after ''disabled individuals'';

(6) by striking subparagraph (G) and inserting the following:

''(G) REPORTING.—

''(i) APPLICABILITY OF LAW.—The program under this paragraph shall be subject to the accountability and oversight requirements in section 106(m).

''(ii) REPORT.—Not later than 1 year after the date that the first grant is awarded under this paragraph, and each year thereafter, the Secretary shall make available to the public on a website a report that describes the effectiveness of grant recipients in meeting their projected deployment plans, including data provided under subparagraph (F) on how the program has—

''(I) reduced traffic-related fatalities and injuries;

''(II) reduced traffic congestion and improved travel time reliability;

''(III) reduced transportation-related emissions;

''(IV) optimized multimodal system performance;

''(V) improved access to transportation alternatives;

''(VI) provided the public with access to real-time integrated traffic, transit, and multimodal transportation information to make informed travel decisions;

''(VII) provided cost savings to transportation agencies, businesses, and the traveling public;

''(VIII) created or maintained transportation jobs and supported transportation workers; or

''(IX) provided other benefits to transportation users and the general public.

''(iii) CONSIDERATIONS.—If applicable, the Secretary shall ensure that the activities described in subclauses (I) and (IV) of clause (ii) reflect—

''(I) any information described in subparagraph (C)(iii) that is included by an applicant; or

''(II) the project prioritization guidelines under subparagraph (D)(iv).'';

(7) in subparagraph (I) by striking ''(i) IN GENERAL'' and all that follows through ''the Secretary may set aside'' and inserting ''Of the amounts made available to carry out this paragraph, the Secretary may set aside'';

(8) in subparagraph (J) by striking the period at the end and inserting '', except that the Federal share of the cost of a project for which a grant is awarded under this paragraph shall not exceed 80 percent.'';

(9) in subparagraph (K) by striking ''amount described under subparagraph (I)'' and inserting ''funds made available to carry out this paragraph'';

(10) by striking subparagraph (M) and inserting the following:

''(M) GRANT FLEXIBILITY.—If, by August 1 of each fiscal year, the Secretary determines that there are not enough grant applications that meet the requirements described in subparagraph (C) to carry out this paragraph for a fiscal year, the Secretary shall transfer to the technology and innovation deployment program—

''(i) any of the funds made available to carry out this paragraph in a fiscal year that the Secretary has not yet awarded under this paragraph; and

''(ii) an amount of obligation limitation equal to the amount of funds that the Secretary transfers under clause (i).''; and

(11) in subparagraph (N)—

(A) in clause (i) by inserting ''an urbanized area with'' before ''a population of''; and

(B) in clause (iii) by striking ''a any'' and inserting ''any''.

SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.

(a) USE OF FUNDS FOR ITS ACTIVITIES.—Section 513(c)(1) of title 23, United States Code, is amended by inserting ''greenhouse gas emissions reduction,'' before ''and congestion management''.

(b) GOALS AND PURPOSES.—Section 514(a) of title 23, United States Code, is amended—

(1) in paragraph (6) by striking ''national freight policy goals'' and inserting ''national multimodal freight policy goals and activities described in subtitle IX of title 49'';

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) reduction of greenhouse gas emissions and mitigation of the effects of climate change;''.

(c) GENERAL AUTHORITIES AND REQUIREMENTS.—Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''20 members'' and inserting ''25 members'';

(B) in subparagraph (A) by striking ''State highway department'' and inserting ''State department of transportation'';

(C) in subparagraph (B) by striking ''local highway department'' and inserting ''local department of transportation'';

(D) by striking subparagraphs (E), (F), (G), (H), (I), and (J) and inserting the following:

''(E) a private sector representative of the intelligent transportation systems industry;

''(F) a representative from an advocacy group concerned with safety, including bicycle and pedestrian interests;

''(G) a representative from a labor organization; and'';

(E) by redesignating subparagraph (K) as subparagraph (H); and

(F) by striking subparagraph (L);

(2) in paragraph (3)—

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

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by inserting ''in both urban and rural areas'' after ''by users''; and

(II) by striking ''; and'' and inserting a semicolon;

(ii) in clause (iii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iv) assess how Federal transportation resources, including programs under this title, are being used to advance intelligent transportation systems.''; and

(C) by adding at the end the following:

''(C) Convene not less frequently than twice each year, either in person or remotely.'';

(3) in paragraph (4) by striking ''May 1'' and inserting ''April 1''; and

(4) in paragraph (5) by inserting '', except that section 14 of such Act shall not apply'' before the period at the end.

(d) RESEARCH AND DEVELOPMENT.—Section 516(b) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) demonstrate reductions in greenhouse gas emissions;''.

SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND MOBILITY INNOVATION CLEARINGHOUSE.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

''§ 5507. National highly automated vehicle and mobility innovation clearinghouse

''(a) IN GENERAL.—The Secretary shall make a grant to an institution of higher education engaged in research on the secondary impacts of highly automated vehicles and mobility innovation to—

''(1) operate a national highly automated vehicle and mobility innovation clearinghouse;

''(2) collect, conduct, and fund research on the secondary impacts of highly automated vehicles and mobility innovation;

''(3) make such research available on a public website; and

''(4) conduct outreach and dissemination of the information described in this subsection to assist communities.

''(b) DEFINITIONS.—In this section:

''(1) HIGHLY AUTOMATED VEHICLE.—The term 'highly automated vehicle' means a motor vehicle that—

''(A) is capable of performing the entire task of driving (including steering, accelerating and decelerating, and reacting to external stimulus) without human intervention; and

''(B) is designed to be operated exclusively by a Level 3, Level 4, or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

''(2) MOBILITY INNOVATION.—The term 'mobility innovation' means an activity described in section 5316, including mobility on demand and mobility as a service (as such terms are defined in such section).

''(3) INSTITUTION OF HIGHER EDUCATION .—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(4) SECONDARY IMPACTS.—The term 'secondary impacts' means the impacts on land use, urban design, transportation, real estate, accessibility, municipal budgets, social equity, availability and quality of jobs, and the environment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5506, as added by this Act, the following:

''5507. National highly automated vehicle and mobility innovation clearinghouse.''.

(c) DEADLINE FOR CLEARINGHOUSE.—The Secretary of Transportation shall ensure that the institution of higher education that receives the grant described in section 5507(a)(1) of title 49, United States Code, as added by subsection (a), shall establish the national highly automated vehicle clearinghouse described in such section not later than 180 days after the date of enactment of this Act.

SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTOMATED VEHICLES AND ROAD USERS.

(a) PURPOSE.—The purpose of this section shall be to ensure that the increasing deployment of automated vehicles does not jeopardize the safety of road users.

(b) STUDY.—

(1) ESTABLISHMENT.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall initiate a study on the ability of automated vehicles to safely interact with other road users.

(2) CONTENTS.—In carrying out the study under paragraph (1), the Secretary shall—

(A) examine the ability of automated vehicles to safely interact with general road users, including vulnerable road users;

(B) identify barriers to improving the safety of interactions between automated vehicles and general road users; and

(C) issue recommendations to improve the safety of interactions between automated vehicles and general road users, including, at a minimum—

(i) technology advancements with the potential to facilitate safer interactions between automated vehicles and general road users given the safety considerations in paragraph (3);

(ii) road user public awareness; and

(iii) improvements to transportation planning and road design.

(3) CONSIDERATIONS.—In carrying out the study under paragraph (1), the Secretary shall take into consideration whether automated vehicles can safely operate within the surface transportation system, including—

(A) the degree to which ordinary human behaviors make it difficult for an automated vehicle to safely, reliably predict human actions;

(B) unique challenges for automated vehicles in urban and rural areas;

(C) the degree to which an automated vehicle is capable of uniformly recognizing and responding to individuals with disabilities and individuals of different sizes, ages, races, and other varying characteristics;

(D) for bicyclist, motorcyclist, and pedestrian road users—

(i) the varying and non-standardized nature of bicyclist and pedestrian infrastructure in different locations;

(ii) the close proximity to motor vehicles within which bicyclists often operate, including riding in unprotected bike lanes and crossing lanes to make a left turn, and the risk of such close proximity; and

(iii) roadways that lack marked bicyclist infrastructure, particularly in midsized and rural areas, on which bicyclists often operate;

(E) for motorcyclist road users, the close proximity to other motor vehicles within which motorcyclists operate, including lane splitting; and

(F) depending on the level of automation of the vehicle, the degree to which human intervention remains necessary to safely operate an automated vehicle to ensure the safety of general road users in circumstances including—

(i) dangerous weather;

(ii) an electronic or system malfunction of the automated vehicle; and

(iii) a cybersecurity threat to the operation of the vehicle.

(4) PUBLIC COMMENT.—Before conducting the study under paragraph (1), the Secretary shall provide an opportunity for public comment on the study proposal.

(c) WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish a working group to assist in the development of the study and recommendations under subsection (b).

(2) MEMBERSHIP.—The working group established under paragraph (1) shall include representation from—

(A) the National Highway Traffic Safety Administration;

(B) State departments of transportation;

(C) local governments (other than metropolitan planning organizations, as such term is defined in section 134(b) of title 23, United States Code);

(D) transit agencies;

(E) metropolitan planning organizations (as such term is defined in section 134(b) of title 23, United States Code);

(F) bicycle and pedestrian safety groups;

(G) highway and automobile safety groups;

(H) truck safety groups;

(I) law enforcement officers and first responders;

(J) motor carriers and independent owner-operators;

(K) the road construction industry;

(L) labor organizations;

(M) academic experts on automated vehicle technologies;

(N) manufacturers and developers of both passenger and commercial automated vehicles;

(O) a motorcyclist rights group; and

(P) other industries and entities as the Secretary determines appropriate.

(3) DUTIES.—The working group established under paragraph (1) shall assist the Secretary by, at a minimum—

(A) assisting in the development of the scope of the study under subsection (b);

(B) reviewing the data and analysis from such study;

(C) provide ongoing recommendations and feedback to ensure that such study reflects the contents described in paragraphs (2) and (3) of subsection (b); and

(D) providing input to the Secretary on recommendations required under subsection (b)(2)(C).

(4) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The working group under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.), except that section 14 of such Act shall not apply.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available, the study initiated under subsection (b), including recommendations for ensuring that automated vehicles safely interact with general road users.

(e) DEFINITIONS.—In this section:

(1) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle equipped with Level 3, Level 4, or Level 5 automated driving systems for all trips according to the recommended practice standards published on June 15, 2018 by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

(2) GENERAL ROAD USERS.—The term ''general road users'' means—

(A) motor vehicles driven by individuals;

(B) bicyclists and pedestrians;

(C) motorcyclists;

(D) workers in roadside construction zones;

(E) emergency response vehicles, including first responders;

(F) vehicles providing local government services, including street sweepers and waste collection vehicles;

(G) law enforcement officers;

(H) personnel who manually direct traffic, including crossing guards;

(I) users of shared micromobility (including bikesharing and shared scooter systems); and

(J) other road users that may interact with automated vehicles, as determined by the Secretary of Transportation.

(3) VULNERABLE ROAD USER.—The term ''vulnerable road user'' has the meaning given such term in section 148(a) of title 23, United States Code.

SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPORTATION TECHNOLOGY COUNCIL.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 118. Nontraditional and Emerging Transportation Technology Council

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Nontraditional and Emerging Transportation Technology Council (hereinafter referred to as the 'Council') in accordance with this section.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall be composed of the following officers of the Department of Transportation:

''(A) The Secretary of Transportation.

''(B) The Deputy Secretary of Transportation.

''(C) The Under Secretary of Transportation for Policy.

''(D) The General Counsel of the Department of Transportation.

''(E) The Chief Information Officer of the Department of Transportation.

''(F) The Assistant Secretary for Research and Technology.

''(G) The Assistant Secretary for Budget and Programs.

''(H) The Administrator of the Federal Aviation Administration.

''(I) The Administrator of the Federal Highway Administration.

''(J) The Administrator of the Federal Motor Carrier Safety Administration.

''(K) The Administrator of the Federal Railroad Administration.

''(L) The Administrator of the Federal Transit Administration.

''(M) The Administrator of the Federal Maritime Administration.

''(N) The Administrator of the National Highway Traffic Safety Administration.

''(O) The Administrator of the Pipeline and Hazardous Materials Safety Administration.

''(2) ADDITIONAL MEMBERS.—The Secretary may designate additional members of the Department to serve as at-large members of the Council.

''(3) CHAIR AND VICE CHAIR.—The Secretary may designate officials to serve as the Chair and Vice Chair of the Council and of any working groups of the Council.

''(c) DUTIES.—The Council shall—

''(1) identify and resolve any jurisdictional or regulatory gaps or inconsistencies associated with nontraditional and emerging transportation technologies, modes, or projects pending or brought before the Department to eliminate, so far as practicable, impediments to the prompt and safe deployment of new and innovative transportation technology, including with respect to safety regulation and oversight, environmental review, and funding issues;

''(2) coordinate the Department's internal oversight of nontraditional and emerging transportation technologies, modes, or projects and engagement with external stakeholders;

''(3) within applicable statutory authority other than this paragraph, develop and establish department-wide processes, solutions, and best practices for identifying, managing and resolving issues regarding emerging transportation technologies, modes, or projects pending or brought before the Department; and

''(4) carry out such additional duties as the Secretary may prescribe, to the extent consistent with this title, including subsections (f)(2) and (g) of section 106.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''118. Nontraditional and Emerging Transportation Technology Council.''.

SEC. 5306. HYPERLOOP TRANSPORTATION.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, acting through the Nontraditional and Emerging Transportation Technology Council of the Department of Transportation, shall issue guidance to provide a clear regulatory framework for the safe deployment of hyperloop transportation.

(b) ELEMENTS.—In developing the guidance under subsection (a), the Council shall—

(1) consider safety, oversight, environmental, project delivery, and other regulatory requirements prescribed by various modal administrations in the Department;

(2) clearly delineate between relevant authorities with respect to hyperloop transportation in the Department and provide project sponsors with a single point of access to the Department to inquire about projects, plans, and proposals;

(3) establish clear, coordinated procedures for the regulation of hyperloop transportation projects; and

(4) develop and establish department-wide processes, solutions, and best practices for identifying, managing, and resolving matters regarding hyperloop transportation subject to the Department's jurisdiction.

SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RETRAINING GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants to eligible entities to develop a curriculum for and establish transportation workforce training programs in urban and rural areas to train, upskill, and prepare surface transportation workers, whose jobs may be changed or worsened by automation, who have been separated from their jobs, or who have received notice of impending job loss, as a result of being replaced by automated driving systems.

(b) ELIGIBLE ENTITIES.—The following entities shall be eligible to receive grants under this section:

(1) Institutions of higher education.

(2) Consortia of institutions of higher education.

(3) Trade associations.

(4) Nongovernmental stakeholders.

(5) Organizations with a demonstrated capacity to develop and provide career pathway programs through labor-management partnerships and apprenticeships on a nationwide basis.

(c) LIMITATION ON AWARDS.—An entity may only receive one grant per fiscal year under this section for an amount determined appropriate by the Secretary.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A recipient of a grant under this section may only use grant amounts for developing and carrying out direct surface transportation workforce retraining programs, including—

(A) testing of new roles for existing jobs, including mechanical work, diagnostic work, and fleet operations management;

(B) coursework or curricula through which participants may pursue a degree or certification;

(C) direct worker training or train-the-trainer type programs in support of surface transportation workers displaced by automated vehicles; or

(D) training and upskilling workers, including current drivers and maintenance technicians, for positions directly related to automated vehicle operations.

(2) LIMITATION.—Funds made available under this section may not be used in support of programs to evaluate the effectiveness of automated vehicle technologies.

(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section based on the following criteria:

(1) Demonstrated research resources available to the applicant for carrying out this section.

(2) Capability of the applicant to develop curricula in the training or retraining of individuals described in subsection (a) as a result of automated vehicles.

(3) Demonstrated commitment of the recipient to carry out a surface transportation workforce development program through degree-granting programs or programs that provide other industry-recognized credentials.

(4) The ability of the applicant to fulfill the purposes under subsection (a).

(f) ELIGIBILITY.—An applicant is only eligible for a grant under this section if such applicant—

(1) has an established surface transportation workforce development program;

(2) has expertise in solving surface transportation problems through research, training, education, and technology;

(3) actively shares information and results with other surface transportation workforce development programs with similar objectives;

(4) has experience in establishing, developing and administering a surface transportation-related apprenticeship or training program with at least 5 years of demonstrable results; and

(5) agrees to make all curricula, research findings, or other materials developed using grant funding under this section publicly available.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant under this section shall be a dollar for dollar match of the costs of establishing and administering the retraining program and related activities carried out by the grant recipient or consortium of grant recipients.

(2) AVAILABILITY OF FUNDS.—For a recipient of a grant under this section carrying out activities under such grant in partnership with a public transportation agency that is receiving funds under sections 5307, 5337, or 5339 of title 49, United States Code, not more than 0.5 percent of amounts made available under any such section may qualify as the non-Federal share under paragraph (1).

(h) REPORTING.—Not later than 60 days after grants are awarded in any fiscal year under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, and Environment and Public Works of the Senate, and make publicly available, a report describing the activities and effectiveness of the program under this section.

(1) TRANSPARENCY.—The report under this subsection shall include the following information on activities carried out under this section:

(A) A list of all grant recipients under this section.

(B) An explanation of why each recipient was chosen in accordance with the selection criteria under subsection (e) and the eligibility requirements under subsection (f).

(C) A summary of activities carried out by each recipient and an analysis of the progress of such activities toward achieving the purposes under subsection (a).

(D) An accounting for the use of Federal funds expended in carrying out this section.

(E) An analysis of outcomes of the program under this section.

(2) TRAINING INFORMATION.—The report shall include the following data on surface transportation workforce training:

(A) The sectors of the surface transportation system from which workers are being displaced.

(B) The skills and professions for which workers are being retrained.

(C) How many workers have benefitted from the grant award.

(D) Relevant demographic information of impacted workers.

(i) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) AUTOMATED VEHICLE.—The term ''automated vehicle'' means a motor vehicle that—

(A) is capable of performing the entire task of driving (including steering, accelerating, and decelerating, and reacting to external stimulus) without human intervention; and

(B) is designed to be operated exclusively by a Level 4 or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles.

(3) PUBLIC TRANSPORTATION.—The term ''public transportation'' has the meaning given such term in section 5302 of title 49, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2022 through 2025 to carry out this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years after the last day of the fiscal year for which the amounts are authorized.

SEC. 5308. THIRD-PARTY DATA INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the ''program'') to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third parties to implement integrated traffic management systems which leverage real-time data to provide dynamic and efficient traffic-flow management for purposes of—

(1) adjusting traffic light cycle times to optimize traffic management and decrease congestion;

(2) expanding or contracting lane capacity to meet traffic demand;

(3) enhancing traveler notification of service conditions;

(4) prioritizing high-priority vehicles such as emergency response and law enforcement within the transportation system; and

(5) any other purposes which the Secretary deems an appropriate use of anonymous user data.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b);

(3) policy recommendations to improve integration of systems between public and private entities; and

(4) a description of costs associated with equipping and maintaining systems.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5309. THIRD-PARTY DATA PLANNING INTEGRATION PILOT PROGRAM.

(a) IN GENERAL.—Not later than 180 days after enactment of this Act, the Secretary of Transportation shall establish and implement a pilot program (in this section referred to as the ''program'') to leverage anonymous crowdsourced data from third-party entities to improve transportation management capabilities and efficiency on Federal-aid highways.

(b) GOALS.—The goals of the program include the utilization of anonymous crowdsourced data from third parties to—

(1) utilize private-user data to inform infrastructure planning decisions for the purposes of—

(A) reducing congestion;

(B) decreasing miles traveled;

(C) increasing safety;

(D) improving freight efficiency;

(E) enhancing environmental conditions; and

(F) other purposes as the Secretary deems necessary.

(c) PARTNERSHIP.—In carrying out the program, the Secretary is authorized to enter into agreements with public and private sector entities to accomplish the goals listed in subsection (b).

(d) DATA PRIVACY AND SECURITY.—The Secretary shall ensure the protection of privacy for all sources of data utilized in the program, promoting cybersecurity to prevent hacking, spoofing, and disruption of connected and automated transportation systems.

(e) PROGRAM LOCATIONS.—In carrying out the program, the Secretary shall initiate programs in a variety of areas, including urban, suburban, rural, tribal, or any other appropriate settings.

(f) BEST PRACTICES.—Not later than 3 years after date of enactment of this Act, the Secretary shall publicly make available best practices to leverage private user data to support improved transportation management capabilities and efficiency, including—

(1) legal considerations when acquiring private user data for public purposes; and

(2) protecting privacy and security of individual user data.

(g) REPORT.—The Secretary shall annually submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) a description of the activities carried out under the pilot program;

(2) an evaluation of the effectiveness of the pilot program in meeting goals descried in subsection (b);

(3) policy recommendations to improve the implementation of anonymous crowdsourced data into planning decisions.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program.

(i) SUNSET.—On a date that is 5 years after the enactment of this Act, this program shall cease to be effective.

SEC. 5310. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subchapter 1 of chapter 55 of title 49, United States Code is amended by adding at the end the following:

''SEC. 5511. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Transportation may establish a pilot program for the demonstration of advanced transportation technologies for surface transportation modes in small- and mid-sized communities by providing grants to entities to achieve the purposes of the national transportation research and development program described in section 6503.

''(b) ELIGIBLE ACTIVITIES.—Activities eligible for funding under this section include data interoperability, mobility-on-demand, and micro-mobility projects to demonstrate first-mile transportation, last-mile transportation, and any other activity as determined appropriate by the Secretary.

''(c) JOINT INTERAGENCY FUNDING.—If determined appropriate by the Secretary, joint interagency funding for projects is authorized to support multimodal projects.

''(d) ELIGIBILITY.—Entities eligible to receive grants under this program include local transportation organizations and transit agencies serving a population of not more than 200,000 individuals, including communities of economic hardship and communities that experience transportation equity and accessibility issues.

''(e) APPLICATION.—

''(1) IN GENERAL.—An entity seeking funding under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) COLLABORATION.—Each application submitted under this section shall describe how the applying entity will collaborate, as appropriate, with institutions of higher education, State and local governments, regional transportation organizations, nonprofit organizations, labor organizations, and private sector entities.

''(f) AUTHORIZATION.—There is authorized to be appropriated to carry out activities under this section $30,000,000 for each of fiscal years 2022 through 2025.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

''5511. Multimodal transportation demonstration program.''.

SEC. 5311. AUTOMATED COMMERCIAL VEHICLE REPORTING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall establish a repository for motor carriers, shippers, technology companies, and other entities to submit information to the Secretary on testing, demonstrations, or commercial operations of an automated commercial motor vehicle on public roads.

(b) INFORMATION REQUIRED.—

(1) SUBMISSIONS.—Prior to the performance of any tests, demonstrations, or commercial operations of automated commercial motor vehicles on public roads, the Secretary shall require an entity performing such tests, demonstrations, or commercial operations to provide the following information:

(A) The name of the entity responsible for the operation of the automated commercial motor vehicles to be used in the test, demonstration, or commercial operation.

(B) The make and model of such vehicle or vehicles.

(C) The level of automation of such vehicle or vehicles, according to the standards described in subsection (e)(1).

(D) The expected weight of such vehicle during the test, demonstration, or operation.

(E) The Department of Transportation number or operating authority assigned to the entity described in subparagraph (A), if applicable.

(F) The location of the testing, demonstration, or commercial operation, including the anticipated route of such vehicle, planned stops, and total anticipated miles traveled.

(G) Any cargo or passengers to be transported in such vehicle or vehicles, including whether the entity is transporting such cargo or passengers under contract with another entity.

(H) Documentation of training or certifications provided to any drivers, monitors, or others involved in the operation or control of the vehicle.

(I) Any fatigue management plans or work hour limitations applicable to drivers or monitors.

(J) Notices provided to local law enforcement, State departments of transportation, and related entities, if applicable.

(K) Proof of insurance coverage.

(2) UPDATES.—If an entity responsible for the operation of an automated commercial motor vehicle submits incomplete or inaccurate information pursuant to subsection (d), the entity shall

be given an opportunity to amend or correct the submission within a reasonable timeframe.

(3) NOTIFICATION.—Upon submission of the information under paragraph (1), the Secretary shall provide written notification acknowledging receipt of the information and acknowledging that the submitting entity will perform tests, demonstrations, or commercial operations on public roads, as applicable.

(c) PUBLIC AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall make available information on the prevalence of, characteristics of, and geographic location of testing, demonstration, and commercial operations of automated commercial motor vehicles on a publicly accessible website of the Department of Transportation.

(2) PROTECTION OF INFORMATION.—Any data collected under subsection (b) and made publicly available pursuant to this subsection shall be made available in a manner that—

(A) precludes the connection of the data to any individual motor carrier, shipper, company, or other entity submitting data; and

(B) protects the privacy and confidentiality of individuals, operators, and entities submitting the data.

(d) CRASH DATA.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require entities to submit information regarding safety incidents which occur during the testing, demonstration, or commercial operation of an automated commercial motor vehicle on public roads, including—

(A) injuries and fatalities involving the automated commercial motor vehicle;

(B) collisions or damage to persons or property as a result of an automated commercial motor vehicle test, demonstration, or commercial operation;

(C) any malfunction or issue with a safety critical element of an automated commercial motor vehicle which compromises the safety of the automated commercial motor vehicle or other road users; and

(D) the mode of transportation used by any road users involved in a safety critical incident, including general road users as defined under section 5304 of this Act.

(2) DATA AVAILABILITY.—The Secretary shall ensure that any entity described under this section that has a Department of Transportation number or operating authority from the Federal Motor Carrier Safety Administration—

(A) shall be subject to safety monitoring and oversight under the Compliance, Safety, and Accountability program of the Federal Motor Carrier Safety Administration; and

(B) shall be included when the Secretary restores the public availability of relevant safety data under such program under section 4202(b) of this Act.

(e) DEFINITIONS.—In this section:

(1) AUTOMATED COMMERCIAL MOTOR VEHICLE.—The term ''automated commercial motor vehicle'' means a commercial motor vehicle as such term is defined in section 31101 of title 49, United States Code, that is designed to be operated exclusively by a Level 3, Level 4, or Level 5 automated driving system for all trips according to the recommended practice standards published on June 15, 2018, by the Society of Automotive Engineers International (J3016_201806) or equivalent standards adopted by the Secretary with respect to automated motor vehicles, while operating on public roads.

(2) SAFETY CRITICAL ELEMENT.—The term ''safety critical element'' means both the hardware and software designed to prevent, limit, control, mitigate, or respond to a change in the vehicle's environment thereby allowing the vehicle to prevent, avoid, or minimize a potential collision or other safety incident on an automated commercial motor vehicle.

Subtitle D—Surface Transportation Funding Pilot Programs

SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM FUNDING PILOTS.

Section 6020 of the FAST Act (23 U.S.C. 503 note) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) ELIGIBILITY.—

''(1) APPLICATION.—To be eligible for a grant under this section, a State or group of States shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) ELIGIBLE PROJECTS.—The Secretary may provide grants to States or a group of States under this section for the following projects:

''(A) STATE PILOT PROJECTS.—

''(i) IN GENERAL.—A pilot project to demonstrate a user-based alternative revenue mechanism in a State.

''(ii) LIMITATION.—If an applicant has previously been awarded a grant under this section, such applicant's proposed pilot project must be comprised of core activities or iterations not substantially similar in manner or scope to activities previously carried out by the applicant with a grant for a project under this section.

''(B) STATE IMPLEMENTATION PROJECTS.—A project—

''(i) to implement a user-based alternative revenue mechanism that collects revenue to be expended on projects for the surface transportation system of the State; or

''(ii) that demonstrates progress towards implementation of a user-based alternative revenue mechanism, with consideration for previous grants awarded to the applicant under this section.'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''2 or more future''; and

(B) by adding at the end the following:

''(6) To test solutions to ensure the privacy and security of data collected for the purpose of implementing a user-based alternative revenue mechanism.'';

(3) in subsection (d) by striking ''to test the design, acceptance, and implementation of a user-based alternative revenue mechanism'' and inserting ''to test the design and acceptance of, or implement, a user-based alternative revenue mechanism'';

(4) in subsection (g) by striking ''50 percent'' and inserting ''80 percent'';

(5) in subsection (i)—

(A) in the heading by striking ''BIENNIAL'' and inserting ''ANNUAL'';

(B) by striking ''2 years after the date of enactment of this Act'' and inserting ''1 year after the date of enactment of the INVEST in America Act'';

(C) by striking ''every 2 years thereafter'' and inserting ''every year thereafter''; and

(D) by inserting ''and containing a determination of the characteristics of the most successful mechanisms with the highest potential for future widespread deployment'' before the period at the end; and

(6) by striking subsections (j) and (k) and inserting the following:

''(j) FUNDING.—Of amounts made available to carry out this section—

''(1) for fiscal year 2022, $17,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $17,500,000 shall be used to carry out projects under subsection (b)(2)(B);

''(2) for fiscal year 2023, $15,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $20,000,000 shall be used to carry out projects under subsection (b)(2)(B);

''(3) for fiscal year 2024, $12,500,000 shall be used to carry out projects under subsection (b)(2)(A) and $22,500,000 shall be used to carry out projects under subsection (b)(2)(B); and

''(4) for fiscal year 2025, $10,000,000 shall be used to carry out projects under subsection (b)(2)(A) and $25,000,000 shall be used to carry out projects under subsection (b)(2)(B).

''(k) FUNDING FLEXIBILITY.—Funds made available in a fiscal year for making grants for projects under subsection (b)(2) that are not obligated in such fiscal year may be made available in the following fiscal year for projects under such subsection or for the national surface transportation system funding pilot under section 5402 of the INVEST in America Act.''.

SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM FUNDING PILOT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

(2) OBJECTIVES.—The objectives of the pilot program are to—

(A) test the design, acceptance, implementation, and financial sustainability of a national per-mile user fee;

(B) address the need for additional revenue for surface transportation infrastructure and a national per-mile user fee; and

(C) provide recommendations regarding adoption and implementation of a national per-mile user fee.

(b) PARAMETERS.—In carrying out the pilot program established under subsection (a), the Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) provide different methods that volunteer participants can choose from to track motor vehicle miles traveled;

(2) solicit volunteer participants from all 50 States and the District of Columbia;

(3) ensure an equitable geographic distribution by population among volunteer participants;

(4) include commercial vehicles and passenger motor vehicles in the pilot program; and

(5) use components of, and information from, the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(c) METHODS.—

(1) TOOLS.—In selecting the methods described in subsection (b)(1), the Secretary of Transportation shall coordinate with entities that voluntarily provide to the Secretary for use in the program any of the following vehicle-miles-traveled collection tools:

(A) Third-party on-board diagnostic (OBD–II) devices.

(B) Smart phone applications.

(C) Telemetric data collected by automakers.

(D) Motor vehicle data obtained by car insurance companies.

(E) Data from the States selected for the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(F) Motor vehicle data obtained from fueling stations.

(G) Any other method that the Secretary considers appropriate.

(2) COORDINATION.—

(A) SELECTION.—The Secretary shall determine which methods under paragraph (1) are selected for the pilot program.

(B) VOLUNTEER PARTICIPANTS.—In a manner that the Secretary considers appropriate, the Secretary shall provide each selected method to each volunteer participant.

(d) PER-MILE USER FEES.—For the purposes of the pilot program established in subsection (a), the Secretary of the Treasury shall establish on an annual basis—

(1) for passenger vehicles and light trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of the Internal Revenue

Code of 1986 with respect to gasoline or any other fuel used in a motor vehicle (other than aviation gasoline or diesel), divided by

(B) the total vehicle miles traveled by passenger vehicles and light trucks; and

(2) for medium- and heavy-duty trucks, a per-mile user fee that is equivalent to—

(A) the average annual taxes imposed by sections 4041 and 4081 of such Code with respect to diesel fuel, divided by

(B) the total vehicle miles traveled by medium- and heavy-duty trucks.

Taxes shall only be taken into account under the preceding sentence to the extent taken into account in determining appropriations to the Highway Trust Fund under section 9503(b) of such Code, and the amount so determined shall be reduced to account for transfers from such fund under paragraphs (3), (4), and (5) of section 9503(c) of such Code.

(e) VOLUNTEER PARTICIPANTS.—The Secretary of Transportation, in coordination with the Secretary of the Treasury, shall—

(1) ensure, to the extent practicable, that an appropriate number of volunteer participants participate in the pilot program; and

(2) issue policies to—

(A) protect the privacy of volunteer participants; and

(B) secure the data provided by volunteer participants.

(f) ADVISORY BOARD.—

(1) IN GENERAL.—The Secretary shall establish an advisory board to assist with—

(A) advancing and implementing the pilot program under this section;

(B) carrying out the public awareness campaign under subsection (g); and

(C) developing the report under subsection (m).

(2) MEMBERS.—The advisory board shall, at a minimum, include the following entities, to be appointed by the Secretary—

(A) State departments of transportation;

(B) any public or nonprofit entity that led a surface transportation system funding alternatives pilot project under section 6020 of the FAST Act (23 U.S.C. 503 note; Public Law 114-94) (as in effect on the day before the date of enactment of this Act);

(C) representatives of the trucking industry, including owner-operator independent drivers;

(D) data security experts; and

(E) academic experts on surface transportation.

(g) PUBLIC AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Transportation, with guidance from the advisory board under subsection (f), may carry out a public awareness campaign to increase public awareness regarding a national per-mile user fee, including distributing information related to the pilot program carried out under this section, information from the State surface transportation system funding pilot program under section 6020 of the FAST Act (23 U.S.C. 503 note).

(2) CONSIDERATIONS.—In carrying out the public awareness campaign under this subsection, the Secretary shall consider issues unique to each State.

(h) REVENUE COLLECTION.—The Secretary of the Treasury, in coordination with the Secretary of Transportation, shall establish a mechanism to collect per-mile user fees established under subsection (d) from volunteer participants. Such mechanism—

(1) may be adjusted as needed to address technical challenges; and

(2) may allow third-party vendors to collect the per-mile user fees and forward such fees to the Treasury.

(i) AGREEMENT.—The Secretary of Transportation may enter into an agreement with a volunteer participant containing such terms and conditions as the Secretary considers necessary for participation in the pilot program.

(j) LIMITATION.—Any revenue collected through the mechanism established in subsection (h) shall not be considered a toll under section 301 of title 23, United States Code.

(k) HIGHWAY TRUST FUND.—The Secretary of the Treasury shall ensure that any revenue collected under subsection (h) is deposited into the Highway Trust Fund.

(l) REFUND.—Not more than 45 days after the end of each calendar quarter in which a volunteer participant has participated in the pilot program, the Secretary of the Treasury shall calculate and issue an equivalent refund to volunteer participants for applicable Federal motor fuel taxes under section 4041 and section 4081 of the Internal Revenue Code of 1986, the applicable battery tax under section 4111 of such Code, or both, if applicable.

(m) REPORT TO CONGRESS.—Not later than 1 year after the date on which volunteer participants begin participating in the pilot program, and each year thereafter for the duration of the pilot program, the Secretary of Transportation and the Secretary of the Treasury shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes an analysis of—

(1) whether the objectives described in subsection (a)(2) were achieved;

(2) how volunteer protections in subsection (e)(2) were complied with; and

(3) whether per-mile user fees can maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

(n) SUNSET.—The pilot program established under this section shall expire on the date that is 4 years after the date on which volunteer participants begin participating in such program.

(o) DEFINITIONS.—In this section, the following definitions apply:

(1) COMMERCIAL VEHICLE.—The term ''commercial vehicle'' has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

(2) HIGHWAY TRUST FUND.—The term ''Highway Trust Fund'' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986.

(3) LIGHT TRUCK.—The term ''light truck'' has the meaning given the term in section 523.2 of title 49, Code of Federal Regulations.

(4) MEDIUM- AND HEAVY-DUTY TRUCK.—The term ''medium- and heavy-duty truck'' has the meaning given the term ''commercial medium- and heavy-duty on-highway vehicle'' in section 32901(a) of title 49, United States Code.

(5) PER-MILE USER FEE.—The term ''per-mile user fee'' means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(6) VOLUNTEER PARTICIPANT.—The term ''volunteer participant'' means—

(A) an owner or lessee of an individual private motor vehicle who volunteers to participate in the pilot program;

(B) a commercial vehicle operator who volunteers to participate in the pilot program; or

(C) an owner of a motor vehicle fleet who volunteers to participate in the pilot program.

Subtitle E—Miscellaneous

SEC. 5501. ERGONOMIC SEATING WORKING GROUP.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group to examine the seating standards for commercial drivers.

(2) MEMBERS.—At a minimum, the working group shall include—

(A) seat manufacturers;

(B) commercial vehicle manufacturers;

(C) transit vehicle manufacturers;

(D) labor representatives for the trucking industry;

(E) representatives from organizations engaged in collective bargaining on behalf of transit workers in not fewer than 3 States; and

(F) musculoskeletal health experts.

(b) OBJECTIVES.—The Secretary shall pursue the following objectives through the working group:

(1) To identify health issues, including musculoskeletal health issues, that afflict commercial drivers due to sitting for long periods of time while on duty.

(2) To identify research topics for further development and best practices to improve seating.

(3) To determine ways to incorporate improved seating into manufacturing standards for public transit vehicles and commercial vehicles.

(c) REPORT.—

(1) SUBMISSION.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the working group under this section and any recommendations for the adoption of better ergonomic seating for commercial drivers.

(2) PUBLICATION.—Upon receipt of the report in paragraph (1), the Secretary shall publish the report on a publicly accessible website of the Department.

(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 6314 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) TITLE ANALYSIS.—The analysis for chapter 63 of title 49, United States Code, is amended by striking the item relating to section 6314.

(2) SECTION 6307.—Section 6307(b) of title 49, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A) by striking ''or section 6314(b)'';

(ii) in subparagraph (B) by striking ''or section 6314(b)''; and

(iii) in subparagraph (C) by striking ''or section 6314(b)''; and

(B) in paragraph (2)(A) by striking ''or section 6314(b)''.

SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

''§ 5508. Transportation workforce outreach program

''(a) IN GENERAL.—The Secretary shall establish and administer a transportation workforce outreach program that carries out a series of public service announcement campaigns during fiscal years 2022 through 2026.

''(b) PURPOSE.—The purpose of each campaign carried out under the program shall be to achieve the following objectives:

''(1) Increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, maritime transportation workers, air traffic controllers, flight attendants, truck drivers, engineers, transit workers, railroad workers, and other transportation professionals.

''(2) Increase diversity, including race, gender, ethnicity, and socioeconomic status, of professionals in the transportation sector.

''(c) ADVERTISING.—The Secretary may use, or authorize the use of, funds available to carry out the program for the development, production, and use of broadcast, digital, and print

media advertising and outreach in carrying out campaigns under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for each fiscal years 2022 through 2026.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of subchapter I of title 49, United States Code, is further amended by inserting after the item relating to section 5507, as added by this Act, the following:

''5508. Transportation workforce outreach program.''.

SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.

Section 6305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking ''The Director'' and all that follows to the period and inserting ''Notwithstanding section 418 of the FAA Reauthorization Act of 2018 (Public Law 115–254), not later than 6 months after the date of enactment of the INVEST in America Act, the Director shall establish and consult with an advisory council on transportation statistics.''; and

(2) by striking subsection (d)(3).

TITLE VI—MULTIMODAL TRANSPORTATION

SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.

Section 70101(b) of title 49, United States Code, is amended—

(1) in paragraph (2) by inserting ''in rural and urban areas'' after ''freight transportation'';

(2) in paragraph (7)—

(A) in subparagraph (B) by striking ''; and'' and inserting a semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) travel within population centers; and'';

(3) in paragraph (9) by striking ''; and'' and inserting the following: ''including—

''(A) greenhouse gas emissions;

''(B) local air pollution;

''(C) minimizing, capturing, or treating stormwater runoff or other adverse impacts to water quality; and

''(D) wildlife habitat loss;'';

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

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

''(10) to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and''.

SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.

Section 70102(c) of title 49, United States Code, is amended by striking ''shall'' and all that follows through the end and inserting the following: ''shall—

''(1) update the plan and publish the updated plan on the public website of the Department of Transportation; and

''(2) include in the update described in paragraph (1)—

''(A) each item described in subsection (b); and

''(B) best practices to reduce the adverse environmental impacts of freight-related—

''(i) greenhouse gas emissions;

''(ii) local air pollution;

''(iii) stormwater runoff or other adverse impacts to water quality; and

''(iv) wildlife habitat loss.''.

SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.

Section 70103 of title 49, United States Code, is amended—

(1) in subsection (b)(2)(C) by striking ''of the United States that have'' and inserting the following: ''of the United States that—

''(i) have a total annual value of cargo of at least $1,000,000,000, as identified by United States Customs and Border Protection and reported by the Bureau of the Census; or

''(ii) have'';

(2) in subsection (c)—

(A) in paragraph (1) by striking ''Not later than 1 year after the date of enactment of this section,'' and inserting the following:

''(A) REPORT TO CONGRESS.—Not later than 30 days after the date of enactment of the INVEST in America Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing a plan to designate a final National Multimodal Freight Network, including a detailed summary of the resources within the Office of the Secretary that will be dedicated to carrying out such plan.

''(B) DESIGNATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.—Not later than 60 days after the submission of the report described in subparagraph (A),'';

(B) in paragraph (3)(C)—

(i) by inserting ''and metropolitan planning organizations'' after ''States''; and

(ii) by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (5)'';

(C) in paragraph (4)—

(i) in the header by inserting ''AND METROPOLITAN PLANNING ORGANIZATION'' after ''STATE'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by striking subparagraph (C) and inserting the following:

''(C) CRITICAL URBAN FREIGHT FACILITIES AND CORRIDORS.—

''(i) AREA WITH A POPULATION OF OVER 500,000.—In an urbanized area with a population of 500,000 or more individuals, the representative metropolitan planning organization, in consultation with the State, may designate a freight facility or corridor within the borders of the State as a critical urban freight facility or corridor.

''(ii) AREA WITH A POPULATION OF LESS THAN 500,000.—In an urbanized area with a population of less than 500,000 individuals, the State, in consultation with the representative metropolitan planning organization, may designate a freight facility or corridor within the borders of the State as a critical urban freight corridor.

''(iii) DESIGNATION.—A designation may be made under subparagraph (i) or (ii) if the facility or corridor is in an urbanized area, regardless of population, and such facility or corridor—

''(I) provides access to the primary highway freight system, the Interstate system, or an intermodal freight facility;

''(II) is located within a corridor of a route on the primary highway freight system and provides an alternative option important to goods movement;

''(III) serves a major freight generator, logistics center, or manufacturing and warehouse industrial land;

''(IV) connects to an international port of entry;

''(V) provides access to a significant air, rail, water, or other freight facility in the State; or

''(VI) is important to the movement of freight within the region, as determined by the metropolitan planning organization or the State.

''(D) LIMITATION.—A State may propose additional designations to the National Multimodal Freight Network in the State in an amount that is—

''(i) for a highway project, not more than 20 percent of the total mileage designated by the Under Secretary in the State; and

''(ii) for a non-highway project, using a limitation determined by the Under Secretary.''; and

(D) by adding at the end the following:

''(5) REQUIRED NETWORK COMPONENTS.—In designating or redesignating the National Multimodal Freight Network, the Under Secretary shall ensure that the National Multimodal Freight Network includes the components described in subsection (b)(2).''.

SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.

Section 70201(a) of title 49, United States Code, is amended by striking ''and local governments'' and inserting ''local governments, metropolitan planning organizations, and the departments with responsibility for environmental protection and air quality of the State''.

SEC. 6005. STATE FREIGHT PLANS.

Section 70202(b) of title 49, United States Code, is amended—

(1) in paragraph (3)(A) by inserting ''and urban'' after ''rural'';

(2) in paragraph (9) by striking ''; and'' and inserting a semicolon;

(3) by redesignating paragraph (10) as paragraph (12); and

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

''(10) strategies and goals to decrease freight-related—

''(A) greenhouse gas emissions;

''(B) local air pollution;

''(C) stormwater runoff or other adverse impacts to water quality; and

''(D) wildlife habitat loss;

''(11) strategies and goals to decrease any adverse impact of freight transportation on communities located near freight facilities or freight corridors; and''.

SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of the Treasury and the Commissioner of the Internal Revenue Service, shall establish a joint task force to study the establishment and administration of a fee on multimodal freight surface transportation services.

(b) CONTENTS.—The study required under subsection (a) shall include the following:

(1) An estimation of the revenue that a fee of up to 1 percent on freight transportation services would raise.

(2) An identification of the entities that would be subject to such a fee paid by the owners or suppliers of cargo.

(3) An analysis of the administrative capacity of Federal agencies and freight industry participants to collect such a fee and ensure compliance with fee requirements.

(4) Policy options to prevent avoidance of such a fee, including diversion of freight services to foreign countries.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives and the Committee on Environment and Public Works and the Committee on Finance of the Senate the study required under subsection (a).

SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU.

Section 116 of title 49, United States Code, is amended—

(1) in subsection (b) by striking paragraph (1) and inserting the following:

''(1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1), including by—

''(A) conducting proactive outreach to communities located outside of metropolitan or micropolitan statistical areas (as such areas are defined by the Office of Management and Budget) using data from the most recent decennial Census; and

''(B) coordinating with the Office of Rural Development of the Department of Agriculture, the Office of Community Revitalization of the Environmental Protection Agency, and any

other agencies that provide technical assistance for rural communities, as determined by the Executive Director;'';

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following:

''(j) ANNUAL PROGRESS REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

''(1) the use of funds authorized under section 605(f) of title 23; and

''(2) the progress of the Bureau in carrying out the purposes described in subsection (b).''.

SEC. 6008. LOCAL HIRE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall immediately reinstate the local labor hiring pilot program containing the contracting initiative established by the Secretary and published in the Federal Register on March 6, 2015 (80 Fed. Reg. 12257), under the same terms, conditions, and requirements as so published.

(b) DURATION.—The Secretary shall continue the local labor hiring pilot program reinstated under this section through September 30, 2025.

SEC. 6009. FTE CAP.

The Secretary of Transportation may not employ more than 15 full-time equivalent positions in any fiscal year in the Immediate Office of the Secretary.

SEC. 6010. IDENTIFICATION OF COVID–19 TESTING NEEDS OF CRITICAL INFRASTRUCTURE EMPLOYEES.

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) adopt, for use by the Department of Transportation in carrying out response efforts relating to, and operations during, the Coronavirus Disease 2019 (COVID–19) pandemic, the categorization of ''essential critical infrastructure workers'' identified in the Guidance on the Essential Critical Infrastructure Workforce published by the Department of Homeland Security on March 28, 2020 (or a subsequent version of such guidance); and

(2) coordinate with the Director of the Centers for Disease Control and Prevention and the Administrator of the Federal Emergency Management Agency to support efforts of State and local governments to provide for—

(A) priority testing of essential critical infrastructure workers (as such term is used in paragraph (1)) with respect to COVID–19; and

(B) priority access to personal protective equipment, sanitizers, nonmedical-grade facial coverings, and other health-related or protective supplies necessary to safely perform essential critical infrastructure work.

(b) APPLICATION.—Nothing in this section requires the provision of priority testing or priority access to personal protective equipment for essential critical infrastructure workers (as such term is used in subsection (a)(1)) to be prioritized over the provision of that testing or access to personal protective equipment for other individuals who are identified by the Centers for Disease Control and Prevention or any other relevant Federal, State, or local agency as having a higher priority for that testing or access to personal protective equipment, including—

(1) patients;

(2) healthcare workers; and

(3) first responders.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) CREDITWORTHINESS.—Section 602(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A)(iv)—

(A) by striking ''a rating'' and inserting ''an investment grade rating''; and

(B) by striking ''$75,000,000'' and inserting ''$150,000,000''; and

(2) in subparagraph (B)—

(A) by striking ''the senior debt'' and inserting ''senior debt''; and

(B) by striking ''credit instrument is for an amount less than $75,000,000'' and inserting ''total amount of other senior debt and the Federal credit instrument is less than $150,000,000''.

(b) NON-FEDERAL SHARE.—Section 603(b) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

''(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.''.

(c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL SHARE REQUIREMENT.—Section 603(b)(9) of title 23, United States Code, is amended by adding at the end the following:

''(C) TERRITORIES.—Funds provided for a territory under section 165(c) shall not be considered Federal assistance for purposes of subparagraph (A).''.

(d) STREAMLINED APPLICATION PROCESS.—Section 603(f) of title 23, United States Code, is amended by adding at the end the following:

''(3) ADDITIONAL TERMS FOR EXPEDITED DECISIONS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

''(i) the terms under paragraph (2); and

''(ii) the additional criteria described in subparagraph (B).

''(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph (A)(ii) are the following:

''(i) The secured loan is made on terms and conditions that substantially conform to the conventional terms and conditions established by the National Surface Transportation Innovative Finance Bureau.

''(ii) The secured loan is rated in the A category or higher.

''(iii) The TIFIA program share of eligible project costs is 33 percent or less.

''(iv) The applicant demonstrates a reasonable expectation that the contracting process for the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under the TIFIA program.

''(v) The project has received a categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(C) WRITTEN NOTICE.—The Secretary shall provide to an applicant seeking a secured loan under the expedited decision process under this paragraph a written notice informing the applicant whether the Secretary has approved or disapproved the application by not later than 180 days after the date on which the Secretary submits to the applicant a letter indicating that the National Surface Transportation Innovative Finance Bureau has commenced the creditworthiness review of the project.''.

(e) ASSISTANCE TO SMALL PROJECTS.—Section 605(f)(1) of title 23, United States Code, is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

(f) APPLICATION PROCESS REPORT.—Section 609(b)(2)(A) of title 23, United States Code, is amended—

(1) in clause (iv) by striking ''and'';

(2) in clause (v) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(vi) whether the project is located in a metropolitan statistical area, micropolitan statistical area, or neither (as such areas are defined by the Office of Management and Budget).''.

(g) STATUS REPORTS.—Section 609 of title 23, United States Code, is amended by adding at the end the following:

''(c) STATUS REPORTS.—

''(1) IN GENERAL.—The Secretary shall publish on the website for the TIFIA program—

''(A) on a monthly basis, a current status report on all submitted letters of interest and applications received for assistance under the TIFIA program; and

''(B) on a quarterly basis, a current status report on all approved applications for assistance under the TIFIA program.

''(2) INCLUSIONS.—Each monthly and quarterly status report under paragraph (1) shall include, at a minimum, with respect to each project included in the status report—

''(A) the name of the party submitting the letter of interest or application;

''(B) the name of the project;

''(C) the date on which the letter of interest or application was received;

''(D) the estimated project eligible costs;

''(E) the type of credit assistance sought; and

''(F) the anticipated fiscal year and quarter for closing of the credit assistance.''.

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

SEC. 8001. SHORT TITLE.

This division may be cited as the ''Improving Hazardous Materials Safety Act of 2020''.

TITLE I—AUTHORIZATIONS

SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 of title 49, United States Code, is amended—

(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:

''(1) $67,000,000 for fiscal year 2021;

''(2) $68,000,000 for fiscal year 2022;

''(3) $69,000,000 for fiscal year 2023;

''(4) $71,000,000 for fiscal year 2024; and

''(5) $72,000,000 for fiscal year 2025;'';

(2) in subsection (b)—

(A) by striking ''fiscal years 2016 through 2020'' and inserting ''fiscal years 2021 through 2025''; and

(B) by striking ''$21,988,000'' and inserting ''$24,025,000'';

(3) in subsection (c) by striking ''$4,000,000 for each of fiscal years 2016 through 2020'' and inserting ''$5,000,000 for each of fiscal years 2021 through 2025'';

(4) in subsection (d) by striking ''$1,000,000 for each of fiscal years 2016 through 2020'' and inserting ''$4,000,000 for each of fiscal years 2021 through 2025'';

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following:

''(e) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(h), the Secretary may expend $1,800,000 for each of fiscal years 2021 through 2025 to carry out the grant program under section 5107(j).''.

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED TO LITHIUM CELLS AND BATTERIES.

(a) REPEAL.—Section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), and the item relating to such section in the table of contents in section 1(b) of such Act, are repealed.

(b) CONFORMING AMENDMENTS.—Section 333 of the FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(A) IN GENERAL.—'' and all that follows through ''the Secretary'' and inserting ''The Secretary''; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2) by striking ''Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary'' and inserting ''The Secretary'';

(2) by striking paragraph (4) of subsection (b); and

(3) by striking paragraph (1) of subsection (h) and inserting the following:

''(1) ICAO TECHNICAL INSTRUCTIONS.—The term 'ICAO Technical Instructions' means the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air.''.

SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS BY RAIL TANK CAR.

(a) EVALUATION.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration, in coordination with the Administrator of the Pipeline and Hazardous Materials Safety Administration, shall initiate an evaluation of the safety, security, and environmental risks of transporting liquefied natural gas by rail.

(b) TESTING.—In conducting the evaluation under subsection (a), the Administrator of the Federal Railroad Administration shall—

(1) perform physical testing of rail tank cars, including, at a minimum, the DOT–113 specification, to evaluate the performance of such rail tank cars in the event of an accident or derailment, including evaluation of the extent to which design and construction features such as steel thickness and valve protections prevent or mitigate the release of liquefied natural gas;

(2) analyze multiple release scenarios, including derailments, front-end collisions, rear-end collisions, side-impact collisions, grade-crossing collisions, punctures, and impact of an incendiary device, at a minimum of 3 speeds of travel with a sufficient range of speeds to evaluate the safety, security, and environmental risks posed under real-world operating conditions; and

(3) examine the effects of exposure to climate conditions across rail networks, including temperature, humidity, and any other factors that the Administrator of the Federal Railroad Administration determines could influence performance of rail tank cars and components of such rail tank cars.

(c) OTHER FACTORS TO CONSIDER.—In conducting the evaluation under subsection (a), the Administrator of the Federal Railroad Administration shall evaluate the impact of a discharge of liquefied natural gas from a rail tank car on public safety and the environment, and consider—

(1) the benefits of route restrictions, speed restrictions, enhanced brake requirements, personnel requirements, rail tank car technological requirements, and other operating controls;

(2) the advisability of consist restrictions, including limitations on the arrangement and quantity of rail tank cars carrying liquefied natural gas in any given consist;

(3) the identification of potential impact areas, and the number of homes and structures potentially endangered by a discharge in rural, suburban, and urban environments;

(4) the impact of discharge on the environment, including air quality impacts;

(5) the benefits of advanced notification to the Department of Transportation, State Emergency Response Commissions, and Tribal Emergency Response Commissions of routes for moving liquefied natural gas by rail tank car;

(6) how first responders respond to an incident, including the extent to which specialized equipment or training would be required and the cost to communities for acquiring any necessary equipment or training;

(7) whether thermal radiation could occur from a discharge;

(8) an evaluation of the rail tank car authorized by the Secretary of Transportation for liquefied natural gas or similar cryogenic liquids, and a determination of whether specific safety enhancements or new standards are necessary to ensure the safety of rail transport of liquefied natural gas; and

(9) the risks posed by the transportation of liquefied natural gas by International Organization for Standardization containers authorized by the Federal Railroad Administration.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make available to the public—

(1) a report based on the evaluation and testing conducted under subsections (a) and (b), which shall include the results of the evaluation and testing and recommendations for mitigating or eliminating the safety, security, environmental, and other risks of an accident or incident involving the transportation of liquefied natural gas by rail; and

(2) a complete list of all research related to the transportation of liquefied natural gas by rail conducted by the Federal Railroad Administration, the Pipeline and Hazardous Materials Safety Administration, or any other entity of the Federal Government since 2010 that includes, for each research item—

(A) the title of any reports or studies produced with respect to the research;

(B) the agency, entity, or organization performing the research;

(C) the names of all authors and co-authors of any report or study produced with respect to the research; and

(D) the date any related report was published or is expected to publish.

(e) DATA COLLECTION.—The Administrator of the Federal Railroad Administration and the Administrator of the Pipeline and Hazardous Materials Safety Administration shall collect any relevant data or records necessary to complete the evaluation required by subsection (a).

(f) GAO REPORT.—After the evaluation required by subsection (a) has been completed, the Comptroller General of the United States shall conduct an independent evaluation to verify that the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration complied with the requirements of this Act, and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such independent evaluation.

(g) RULEMAKINGS.—

(1) IN GENERAL.—Any regulation authorizing the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act shall be stayed until the Secretary conducts the evaluation, testing, and analysis required in subsections (a), (b), and (c), issues the report required by subsection (d), and the Comptroller General completes the evaluation and report required under subsection (f).

(2) PERMIT OR APPROVAL.—The Secretary of Transportation shall rescind any special permit or approval for the transportation of liquefied natural gas by rail tank car issued before the date of enactment of this Act.

SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIREMENTS AND GRANTS.

Section 5107 of title 49, United States Code, is amended by adding at the end the following:

''(j) ASSISTANCE WITH LOCAL EMERGENCY RESPONDER TRAINING.—The Secretary shall make grants to nonprofit organizations to develop hazardous materials response training for emergency responders and make such training available electronically or in person.''.

DIVISION D—RAIL

SEC. 9001. SHORT TITLE.

This division may be cited as the ''Transforming Rail by Accelerating Investment Nationwide Act'' or the ''TRAIN Act''.

TITLE I—AUTHORIZATIONS

SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF GRANTS TO AMTRAK.—

(1) NORTHEAST CORRIDOR.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the Northeast Corridor the following amounts:

(A) For fiscal year 2021, $2,900,000,000.
(B) For fiscal year 2022, $2,700,000,000.
(C) For fiscal year 2023, $2,500,000,000.
(D) For fiscal year 2024, $2,500,000,000.
(E) For fiscal year 2025, $2,500,000,000.

(2) NATIONAL NETWORK.—There are authorized to be appropriated to the Secretary for the use of Amtrak for activities associated with the National Network the following amounts:

(A) For fiscal year 2021, $3,500,000,000.
(B) For fiscal year 2022, $3,300,000,000.
(C) For fiscal year 2023, $3,100,000,000.
(D) For fiscal year 2024, $2,900,000,000.
(E) For fiscal year 2025, $2,900,000,000.

(b) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to $15,000,000 for each of fiscal years 2021 through 2025 from the amounts made available under subsection (a) for Amtrak grant expenditure oversight.

(c) AMTRAK COMMON BENEFIT COSTS FOR STATE-SUPPORTED ROUTES.—For any fiscal year in which funds are made available under subsection (a)(2) in excess of the amounts authorized for fiscal year 2020 under section 11101(b) of the FAST Act (114–94), Amtrak shall use up to $300,000,000 of the excess funds to defray the share of operating costs of Amtrak's national assets (as such term is defined in section 24320(c)(5) of title 49, United States Code) and corporate services (as such term is defined pursuant to section 24317(b) of title 49, United States Code) that is allocated to the State-supported services.

(d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the funds made available under subsection (a)(2), the Secretary may make available up to $3,000,000 for each fiscal year for the State-Supported Route Committee established under section 24712 of title 49, United States Code.

(e) NORTHEAST CORRIDOR COMMISSION.—Of the funds made available under subsection (a)(1), the Secretary may make available up to $6,000,000 for each fiscal year for the Northeast Corridor Commission established under section 24905 of title 49, United States Code.

(f) AUTHORIZATION OF APPROPRIATIONS FOR AMTRAK OFFICE OF INSPECTOR GENERAL.—There are authorized to be appropriated to the Office of Inspector General of Amtrak the following amounts:

(1) For fiscal year 2021, $26,500,000.
(2) For fiscal year 2022, $27,000,000.
(3) For fiscal year 2023, $27,500,000.
(4) For fiscal year 2024, $28,000,000.
(5) For fiscal year 2025, $28,500,000.

(g) PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND ENHANCEMENT GRANTS.—There are authorized to be appropriated to the Secretary to carry out section 22906 of title 49, United States Code, the following amounts:

(1) For fiscal year 2021, $3,800,000,000.
(2) For fiscal year 2022, $3,800,000,000.
(3) For fiscal year 2023, $3,800,000,000.
(4) For fiscal year 2024, $3,800,000,000.
(5) For fiscal year 2025, $3,800,000,000.

(h) CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22907 of title 49, United States Code, the following amounts:

(A) For fiscal year 2021, $1,400,000,000.
(B) For fiscal year 2022, $1,400,000,000.
(C) For fiscal year 2023, $1,400,000,000.
(D) For fiscal year 2024, $1,400,000,000.
(E) For fiscal year 2025, $1,400,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under paragraph (1) for the costs of project management oversight of

grants carried out under section 22907 of title 49, United States Code.

(i) RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for payment of credit risk premiums in accordance with section 9104 of this division and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) $130,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(2) REFUND OF PREMIUM.—There are authorized to be appropriated to the Secretary $70,000,000 to repay the credit risk premium under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) in accordance with section 9104.

(j) RESTORATION AND ENHANCEMENT GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 22908 of title 49, United States Code, $20,000,000 for each of fiscal years 2021 through 2025.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under paragraph (1) for the costs of project management oversight of grants carried out under section 22908 of title 49, United States Code.

(k) GRADE CROSSING SEPARATION GRANTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 20171 of title 49, United States Code, (as added by section 9551 of this Act) the following amounts:

(1) For fiscal year 2021, $450,000,000.

(2) For fiscal year 2022, $475,000,000.

(3) For fiscal year 2023, $500,000,000.

(4) For fiscal year 2024, $525,000,000.

(5) For fiscal year 2025, $550,000,000.

(2) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to 1 percent from the amount appropriated under paragraph (1) for the costs of project management oversight of grants carried out under section 20171 of title 49, United States Code.

(l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of the amounts made available under subsection (k), the Secretary shall make available $5,000,000 for each of fiscal years 2021 through 2025 to carry out section 20172 of title 49, United States Code, (as added by section 9552 of this Act).

(m) AUTHORIZATION OF APPROPRIATIONS TO THE FEDERAL RAILROAD ADMINISTRATION.—Section 20117 of title 49, United States Code, is amended to read as follows:

''§ 20117. Authorization of appropriations

''(a) SAFETY AND OPERATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the operations of the Federal Railroad Administration and to carry out railroad safety activities authorized or delegated to the Administrator—

''(A) $229,000,000 for fiscal year 2021.

''(B) $231,000,000 for fiscal year 2022;

''(C) $233,000,000 for fiscal year 2023;

''(D) $235,000,000 for fiscal year 2024; and

''(E) $237,000,000 for fiscal year 2025.

''(2) AUTOMATED TRACK INSPECTION PROGRAM AND DATA ANALYSIS.—From the funds made available under paragraph (1) for each of fiscal years 2021 through 2025, not more than $17,000,000 may be expended for the Automated Track Inspection Program and data analysis related to track inspection. Such funds shall remain available until expended.

''(3) STATE PARTICIPATION GRANTS.—Amounts made available under paragraph (1) for grants under section 20105(e) shall remain available until expended.

''(b) RAILROAD RESEARCH AND DEVELOPMENT.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for necessary expenses for carrying out railroad research and development activities the following amounts which shall remain available until expended:

''(A) $42,000,000 for fiscal year 2021.

''(B) $44,000,000 for fiscal year 2022.

''(C) $46,000,000 for fiscal year 2023.

''(D) $48,000,000 for fiscal year 2024.

''(E) $50,000,000 for fiscal year 2025.

''(2) STUDY ON LNG BY RAIL.—From the amounts made available for fiscal years 2021 through 2025 under paragraph (1), the Secretary shall expend not less than $6,000,000 and not more than $8,000,000 to carry out the evaluation of transporting liquefied natural gas by rail under section 8202 of the TRAIN Act.

''(3) STUDY ON SAFETY CULTURE ASSESSMENTS.—From the amounts made available for fiscal year 2021 under paragraph (1), the Secretary shall expend such sums as are necessary to carry out the study on safety culture assessments under section 9517 of the TRAIN Act.

''(4) SHORT LINE SAFETY.—From funds made available under paragraph (1) for each of fiscal years 2021 through 2025, the Secretary may expend not more than $4,000,000—

''(A) for grants to improve safety practices and training for Class II and Class III freight railroads; and

''(B) to develop safety management systems for Class II and Class III freight railroads through safety culture assessments, training and education, outreach activities, and technical assistance.''.

(n) FATIGUE REDUCTION PILOT PROJECTS.—There are authorized to be appropriated to the Secretary for costs associated with carrying out section 21109(e) of title 49, United States Code, $200,000 to remain available until expended.

(o) LIMITATION ON FINANCIAL ASSISTANCE FOR STATE-OWNED ENTERPRISES.—

(1) IN GENERAL.—Funds provided under this section and the amendments made by this section may not be used in awarding a contract, subcontract, grant, or loan to an entity that is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term ''otherwise related legally or financially'' does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EXPANSION GRANTS.

(a) IN GENERAL.—Section 22906 of title 49, United States Code, is amended to read as follows:

''§ 22906. Passenger rail improvement, modernization, and expansion grants

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a program to make grants for capital projects that improve the state of good repair, operational performance, or growth of intercity rail passenger transportation.

''(b) PROJECT SELECTION CRITERIA.—

''(1) IN GENERAL.—Capital projects eligible for a grant under this section include—

''(A) a project to replace, rehabilitate, or repair a major infrastructure asset used for providing passenger rail service to bring such infrastructure asset into a state of good repair;

''(B) a project to improve passenger rail performance, including congestion mitigation, reliability improvements, achievement of on-time performance standards established under section 207 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 24101 note), reduced trip times, increased train frequencies, higher operating speeds, electrification, and other improvements, as determined by the Secretary; and

''(C) a project to repair, rehabilitate, replace, or build infrastructure to expand or establish intercity rail passenger transportation and facilities, including high-speed rail.

''(2) REQUIREMENTS.—To be eligible for a grant under this section, an applicant shall have, or provide documentation of a credible plan to achieve—

''(A) the legal, financial, and technical capacity to carry out the project;

''(B) satisfactory continuing control over the use of the equipment or facilities that are the subject of the project; and

''(C) an agreement in place for maintenance of such equipment or facilities.

''(3) PRIORITY.—In selecting an applicant for a grant under this section, the Secretary shall give preference to capital projects that—

''(A) are supported by multiple States or are included in a regional planning process; or

''(B) achieve environmental benefits such as a reduction in greenhouse gas emissions or an improvement in local air quality.

''(4) ADDITIONAL CONSIDERATIONS.—In selecting an applicant for a grant under this section, the Secretary shall consider—

''(A) the cost-benefit analysis of the proposed project, including anticipated public benefits relative to the costs of the proposed project, including—

''(i) effects on system and service performance;

''(ii) effects on safety, competitiveness, reliability, trip or transit time, and resilience;

''(iii) impacts on the overall transportation system, including efficiencies from improved integration with other modes of transportation or benefits associated with achieving modal shifts; and

''(iv) the ability to meet existing or anticipated passenger or service demand;

''(B) the applicant's past performance in developing and delivering similar projects;

''(C) if applicable, the consistency of the project with planning guidance and documents set forth by the Secretary or required by law; and

''(D) if applicable, agreements between all stakeholders necessary for the successful delivery of the project.

''(c) NORTHEAST CORRIDOR PROJECTS.—Of the funds made available to carry out this section, not less than 40 percent shall be made available for projects included in the Northeast Corridor investment plan required under section 24904.

''(d) NATIONAL PROJECTS.—Of the funds made available to carry out this section, not less than 40 percent shall be made available for—

''(1) projects on the National Network;

''(2) high-speed rail projects; and

''(3) the establishment of new passenger rail corridors not located on the Northeast Corridor.

''(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COST ESTIMATE.—The Secretary shall estimate the total cost of a project under this section based on the best available information, including engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share of total costs for a project under this section shall not exceed 90 percent.

''(3) TREATMENT OF REVENUE.—Applicants may use ticket and other revenues generated from operations and other sources to satisfy the non-Federal share requirements.

''(f) LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under this section that—

''(A) announces an intention to obligate, for a major capital project under this section, an amount that is not more than the amount stipulated as the financial participation of the Secretary in the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

''(i) the Committee on Transportation and Infrastructure of the House of Representatives;

''(ii) the Committee on Appropriations of the House of Representatives;

''(iii) the Committee on Appropriations of the Senate; and

''(iv) the Committee on Commerce, Science, and Transportation of the Senate.

''(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

''(i) a copy of the letter of intent;

''(ii) the criteria used under subsection (b) for selecting the project for a grant; and

''(iii) a description of how the project meets such criteria.

''(g) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under this section only when amounts are appropriated for such purpose.

''(h) GRANT ADMINISTRATION.—The Secretary may withhold up to 1 percent of the total amount made available to carry out this section for program oversight and management, including providing technical assistance and project planning guidance.

''(i) REGIONAL PLANNING GUIDANCE.—The Secretary may withhold up to half a percent of the total amount made available to carry out this section to facilitate and provide guidance for regional planning processes.

''(j) AVAILABILITY.—Amounts made available to carry out this section shall remain available until expended.

''(k) GRANT CONDITIONS.—Except as specifically provided in this section, the use of any amounts appropriated for grants under this section shall be subject to the grant conditions under section 22905, except that the domestic buying preferences of section 24305(f) shall apply to grants provided to Amtrak in lieu of the requirements of section 22905(a).

''(l) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means—

''(A) a State;

''(B) a group of States;

''(C) an Interstate Compact;

''(D) a public agency or publicly chartered authority established by 1 or more States;

''(E) a political subdivision of a State; or

''(F) Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States.

''(2) CAPITAL PROJECT.—The term 'capital project' means—

''(A) acquisition, construction, replacement, rehabilitation, or repair of major infrastructure assets or equipment that benefit intercity rail passenger transportation, including tunnels, bridges, stations, track, electrification, grade crossings, passenger rolling stock, and other assets, as determined by the Secretary;

''(B) projects that ensure service can be maintained while existing assets are rehabilitated or replaced; and

''(C) project planning, development, design, and environmental analysis related to projects under subsections (A) and (B).

''(3) INTERCITY RAIL PASSENGER TRANSPORTATION.—The term 'intercity rail passenger transportation' has the meaning given such term in section 24102.

''(4) HIGH-SPEED RAIL.—The term 'high-speed rail' has the meaning given such term in section 26106(b).

''(5) NORTHEAST CORRIDOR.—The term 'Northeast Corridor' has the meaning given such term in section 24102.

''(6) NATIONAL NETWORK.—The term 'National Network' has the meaning given such term in section 24102.

''(7) STATE.—The term 'State' means each of the 50 States and the District of Columbia.''.

(b) CLERICAL AMENDMENT.—The item relating to section 22906 in the analysis for chapter 229 of title 49, United States Code, is amended to read as follows:

''22906. Passenger rail improvement, modernization, and expansion grants.''.

SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENT GRANTS.

Section 22907 of title 49, United States Code, is amended—

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

''(12) A commuter authority (as such term is defined in section 24102).

''(13) The District of Columbia.'';

(2) in subsection (c)—

(A) in paragraph (1) by inserting '', maintenance, and upgrades'' after ''Deployment'';

(B) in paragraph (2) by striking ''as defined in section 22901(2), except that a project shall not be required to be in a State rail plan developed under chapter 227'';

(C) in paragraph (3) by inserting ''or safety'' after ''address congestion'';

(D) in paragraph (4) by striking ''identified by the Secretary'' and all that follows through ''rail transportation'' and inserting ''to reduce congestion, improve service, or facilitate ridership growth in intercity rail passenger transportation and commuter rail passenger transportation (as such term is defined in section 24102)'';

(E) in paragraph (5) by inserting ''or to establish new quiet zones'' before the period at the end; and

(F) in paragraph (9) by inserting ''or commuter rail passenger transportation (as such term is defined in section 24102)'' after ''between intercity rail passenger transportation'';

(3) in subsection (e)—

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

''(1) IN GENERAL.—In selecting a recipient of a grant for an eligible project, the Secretary shall give preference to—

''(A) projects that will maximize the net benefits of the funds made available for use under this section, considering the cost-benefit analysis of the proposed project, including anticipated private and public benefits relative to the costs of the proposed project and factoring in the other considerations described in paragraph (2); and

''(B) projects that benefit a station that—

''(i) serves Amtrak and commuter rail;

''(ii) is listed amongst the 25 stations with highest ridership in the most recent Amtrak Company Profile; and

''(iii) has support from both Amtrak and the provider of commuter rail passenger transportation servicing the station.''; and

(B) in paragraph (3) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)'';

(4) in subsection (l) by striking ''Secretary shall'' and inserting ''Secretary may'';

(5) by redesignating subsections (i), (j), (k), and (l) as subsections (l), (m), (n), and (o), respectively; and

(6) by inserting after subsection (h) the following:

''(i) LARGE PROJECTS.—Of the amounts made available under this section, at least 50 percent shall be for projects that have total project costs of greater than $100,000,000.

''(j) COMMUTER RAIL.—

''(1) ADMINISTRATION OF FUNDS.—The amounts awarded under this section for commuter rail passenger transportation projects shall be transferred by the Secretary, after selection, to the Federal Transit Administration for administration of funds in accordance with chapter 53.

''(2) GRANT CONDITION.—

''(A) IN GENERAL.—As a condition of receiving a grant under this section that is used to acquire, construct, or improve railroad right-of-way or facilities, any employee covered by the Railway Labor Act (45 U.S.C. 151 et seq.) and the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements established under section 22905(e).

''(B) APPLICATION OF PROTECTIVE ARRANGEMENT.—The grant recipient and the successors, assigns, and contractors of such recipient shall be bound by the protective arrangements required under subparagraph (A). Such recipient shall be responsible for the implementation of such arrangement and for the obligations under such arrangement, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

''(3) APPLICATION OF LAW.—Subsections (g) and (f)(1) of section 22905 shall not apply to grants awarded under this section for commuter rail passenger transportation projects.

''(k) DEFINITION OF CAPITAL PROJECT.—In this section, the term 'capital project' means a project or program for—

''(1) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(2) rehabilitating, remanufacturing, or overhauling rail rolling stock and facilities;

''(3) costs associated with developing State rail plans; and

''(4) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 22904.''.

SEC. 9104. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A) by inserting ''civil works such as cuts and fills, stations, tunnels,'' after ''components of track,''; and

(ii) in subparagraph (D) by inserting '', permitting,'' after ''reimburse planning''; and

(B) by striking paragraph (3);

(2) in subsection (f)—

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

''(D) A projection of freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project.''; and

(B) in paragraph (4)—

(i) by inserting ''In the case of an applicant seeking a loan that is less than 50 percent of the total cost of the project, half of the credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts and the remaining half shall be paid to

the Secretary in equal amounts semiannually and fully paid not later than 10 years after the first loan disbursement is executed.'' after ''modifications thereof.'';

(ii) by striking ''Credit risk premiums'' and inserting ''(A) TIMING OF PAYMENT.—Credit risk premiums''; and

(iii) by adding at the end the following:

''(B) PAYMENT OF CREDIT RISK PREMIUMS.—

''(i) IN GENERAL.—In granting assistance under this section, the Secretary may pay credit risk premiums required under paragraph (3) for entities described in paragraphs (1) through (3) of subsection (a), in whole or in part, with respect to a loan or loan guarantee.

''(ii) SET-ASIDE.—Of the amounts made available for payments for a fiscal year under clause (i), the Secretary shall reserve $125,000,000 for payments for passenger rail projects, to remain available until expended.

''(C) REFUND OF PREMIUM.—The Secretary shall repay the credit risk premium of each loan in cohort 3, as defined by the memorandum to the Office of Management and Budget of the Department of Transportation dated November 5, 2018, with interest accrued thereon, not later than 60 days after the date on which all obligations attached to each such loan have been satisfied. For each such loan for which obligations have been satisfied as of the date of enactment of the TRAIN Act, the Secretary shall repay the credit risk premium of each such loan, with interest accrued thereon, not later than 60 days after the date of the enactment of such Act.''; and

(3) by adding at the end the following:

''(n) NON-FEDERAL SHARE.—The proceeds of a loan provided under this section may be used as the non-Federal share of project costs under this title or chapter 53 of title 49 if such loan is repayable from non-Federal funds.''.

SEC. 9105. BUY AMERICA.

Section 22905(a) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (B) by adding ''or'' at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by striking paragraph (4) and inserting the following:

''(4)(A) If the Secretary receives a request for a waiver under paragraph (2), the Secretary shall provide notice of and an opportunity for public comment on the request at least 30 days before making a finding based on the request.

''(B) A notice provided under subparagraph (A) shall—

''(i) include the information available to the Secretary concerning the request, including whether the request is being made under subparagraph (A), (B), or (C) of paragraph (2); and

''(ii) be provided by electronic means, including on the official public website of the Department of Transportation.'';

(3) in paragraph (5)—

(A) by striking ''2012'' and inserting ''2020, and each year thereafter''; and

(B) by inserting ''during the preceding fiscal year'' before the period; and

(4) by adding at the end the following:

''(12) The requirements of this subsection apply to all contracts for a project carried out within the scope of the applicable finding, determination, or decisions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source for activities carried out pursuant to such contracts, if at least 1 contract for the project is funded with amounts made available to carry out a provision specified in paragraph (1).''.

SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNERABILITY ASSESSMENT.

(a) IN GENERAL.—The Secretary of Transportation shall sponsor a study by the National Academies to conduct an assessment of the potential impacts of climate change on the national rail network.

(b) ASSESSMENT.—At a minimum, the assessment conducted pursuant to subsection (a) shall—

(1) cover the entire freight and intercity passenger rail network of the United States;

(2) evaluate risk to the network over 5-, 30-, and 50-year outlooks;

(3) examine and describe potential effects of climate change and extreme weather events on passenger and freight rail infrastructure, trackage, and facilities, including facilities owned by rail shippers;

(4) identify and categorize the assets described in paragraph (3) by vulnerability level and geographic area; and

(5) recommend strategies or measures to mitigate any adverse impacts of climate change, including emergency preparedness measures and resiliency best practices for infrastructure planning.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the findings of the assessment conducted pursuant to subsection (a).

(d) FURTHER COORDINATION.—The Secretary shall make the report publicly available on the website of the Department of Transportation and communicate the results of the assessment with stakeholders.

(e) REGULATORY AUTHORITY.—If the Secretary finds in the report required under subsection (c) that regulatory measures are warranted and such measures are otherwise under the existing authority of the Secretary, the Secretary may issue such regulations as are necessary to implement such measures.

(f) FUNDING.—From the amounts made available for fiscal year 2021 under section 20117(a) of title 49, United States Code, the Secretary shall expend not less than $1,000,000 to carry out the study required under subparagraph (a).

TITLE II—AMTRAK REFORMS

SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.

Section 24101 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking '', to the extent its budget allows,''; and

(ii) by striking ''between crowded urban areas and in other areas of'' and inserting ''throughout'';

(B) in paragraph (2) by striking the period and inserting '', thereby providing additional capacity for the traveling public and widespread air quality benefits.'';

(C) in paragraph (4)—

(i) by striking ''greater'' and inserting ''high''; and

(ii) by striking ''to Amtrak to achieve a performance level sufficient to justify expending public money'' and inserting ''in order to meet the intercity passenger rail needs of the United States'';

(D) in paragraph (5)—

(i) by inserting ''intercity and'' after ''efficient''; and

(ii) by striking ''the energy conservation and self-sufficiency'' and inserting ''addressing climate change, energy conservation, and self-sufficiency'';

(E) in paragraph (6) by striking ''through its subsidiary, Amtrak Commuter,''; and

(F) by adding at the end the following:

''(9) Long-distance intercity passenger rail is an important part of the national transportation system.

''(10) Investments in intercity and commuter rail passenger transportation support jobs that provide a pathway to the middle class.'';

(2) in subsection (b) by striking ''The'' and all that follows through ''consistent'' and inserting ''The mission of Amtrak is to provide a safe, efficient, and high-quality national intercity passenger rail system that is trip-time competitive with other intercity travel options, consistent'';

(3) in subsection (c)—

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

''(1) use its best business judgment in acting to maximize the benefits of public funding;'';

(B) in paragraph (2)—

(i) by striking ''minimize Government subsidies by encouraging'' and inserting ''work with''; and

(ii) by striking the semicolon and inserting ''and improvements to service;'';

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

''(3) manage the passenger rail network in the interest of public transportation needs, including current and future Amtrak passengers;'';

(D) in paragraph (7) by striking ''encourage'' and inserting ''work with'';

(E) in paragraph (11) by striking ''and'' the last place it appears; and

(F) by striking paragraph (12) and inserting the following:

''(12) utilize and manage resources with a long-term perspective, including sound investments that take into account the overall lifecycle costs of an asset;

''(13) ensure that service is accessible and accommodating to passengers with disabilities; and

''(14) maximize the benefits Amtrak generates for the United States by creating quality jobs and supporting the domestic workforce.''; and

(4) by striking subsection (d).

SEC. 9202. AMTRAK STATUS.

Section 24301(a) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''20102(2)'' and inserting ''20102''; and

(2) in paragraph (2) by inserting ''serving the public interest in reliable passenger rail service'' after ''for-profit corporation''.

SEC. 9203. BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (C) and inserting the following:

''(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with a record of support for national passenger rail service, general business and financial experience, and transportation qualifications or expertise. Of the individuals appointed—

''(i) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service on the Northeast Corridor;

''(ii) 1 shall be a Mayor or Governor of a location served by a regularly scheduled Amtrak service that is not on the Northeast Corridor;

''(iii) 1 shall be a labor representative of Amtrak employees; and

''(iv) 2 shall be individuals with a history of regular Amtrak ridership and an understanding of the concerns of rail passengers.'';

(B) in paragraph (2) by inserting ''users of Amtrak, including the elderly and individuals with disabilities, and'' after ''and balanced representation of'';

(C) in paragraph (3) by adding at the end the following: ''A member of the Board appointed under clause (i) or (ii) of paragraph (1)(C) shall serve for a term of 5 years or until such member leaves the elected office such member occupied at the time such member was appointed, whichever is first.''; and

(D) by striking paragraph (5) and inserting the following:

''(5) The Secretary and any Governor of a State may be represented at a Board meeting by a designee.'';

(2) in subsection (b)—

(A) by striking ''PAY AND EXPENSES'' and inserting ''DUTIES, PAY, AND EXPENSES''; and

(B) by inserting ''Each director must consider the well-being of current and future Amtrak passengers, and the public interest in sustainable national passenger rail service.'' before ''Each director not employed by the United States Government or Amtrak''; and

(3) by adding at the end the following:

''(g) GOVERNOR DEFINED.—In this section, the term 'Governor' means the Governor of a State or the Mayor of the District of Columbia and includes the designee of the Governor.''.

(b) TIMING OF NEW BOARD REQUIREMENTS.—

(1) IN GENERAL.—The appointment and membership requirements under section 24302 of title 49, United States Code (as amended by this Act), shall apply to any member of the Board appointed pursuant to subsection (a)(1)(C) of such section who is appointed on or after the date of enactment of this Act.

(2) REAPPOINTMENT.—Any member described under paragraph (1) who is serving on such Board as of the date of enactment of this Act may be reappointed on or after such date of enactment, subject to the advice and consent of the Senate, if such member meets the requirements of such section.

(3) TERMINATION OF TERM.—The term of any member described under paragraph (1) who is serving on such Board as of the date of enactment of this Act who is not reappointed under paragraph (2) before the date that is 60 days after the date of enactment of this Act, shall cease on such date.

SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.

(a) IN GENERAL.—Section 24308(c) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding section 24103(a) and section 24308(f), Amtrak shall have the right to bring an action for equitable or other relief in the United States District Court for the District of Columbia to enforce the preference rights granted under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 24103 of title 49, United States Code, is amended by inserting ''and section 24308(c)'' before '', only the Attorney General''.

SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES TO AMTRAK.

Section 24308(e) of title 49, United States Code, is amended—

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

''(1)(A) When a rail carrier does not agree to allow Amtrak to operate additional trains over any rail line of the carrier on which Amtrak is operating or seeks to operate, Amtrak may submit an application to the Board for an order requiring the carrier to allow for the operation of the requested trains. Within 90 days of receipt of such application, the Board shall determine whether the additional trains would unreasonably impair freight transportation and—

''(i) for a determination that such trains do not unreasonably impair freight transportation, order the rail carrier to allow for the operation of such trains on a schedule established by the Board; or

''(ii) for a determination that such trains do unreasonably impair freight transportation, initiate a proceeding to determine any additional infrastructure investments required by, or on behalf of, Amtrak.

''(B) If Amtrak seeks to resume operation of a train that Amtrak operated during the 5-year period preceding an application described in subparagraph (A), the Board shall apply a presumption that the resumed operation of such train will not unreasonably impair freight transportation unless the Board finds that there are substantially changed circumstances.'';

(2) in paragraph (2)—

(A) by striking ''The Board shall consider'' and inserting ''The Board shall'';

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

''(A) in making the determination under paragraph (1), take into account any infrastructure investments proposed in Amtrak's application, with the rail carrier having the burden of demonstrating that the additional trains will unreasonably impair the freight transportation; and''; and

(C) in subparagraph (B) by inserting ''consider investments described in subparagraph (A) and'' after ''times,''; and

(3) by adding at the end the following:

''(4) In a proceeding initiated by the Board under paragraph (1)(B), the Board shall solicit the views of the parties and require the parties to provide any necessary data or information. Not later than 180 days after the date on which the Board makes a determination under paragraph (1)(B), the Board shall issue an order requiring the rail carrier to allow for the operation of the requested trains conditioned upon additional infrastructure or other investments needed to mitigate the unreasonable interference. In determining the necessary level of additional infrastructure or other investments, the Board shall use any criteria, assumptions, and processes it considers appropriate.

''(5) The provisions of this subsection shall be in addition to any other statutory or contractual remedies Amtrak may have to obtain the right to operate the additional trains.''.

SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.

(a) IN GENERAL.—Section 28103 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

''(1) IN GENERAL.—Amtrak may not impose a choice-of-forum clause that attempts to preclude a passenger, or a person who purchases a ticket for rail transportation on behalf of a passenger, from bringing a claim against Amtrak in any court of competent jurisdiction, including a court within the jurisdiction of the residence of such passenger in the United States (provided that Amtrak does business within that jurisdiction).

''(2) COURT OF COMPETENT JURISDICTION.—Under this subsection, a court of competent jurisdiction may not include an arbitration forum.''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to any claim that arises on or after the date of enactment of this Act.

SEC. 9207. AMTRAK ADA ASSESSMENT.

(a) ASSESSMENT.—Amtrak shall conduct an assessment and review of all Amtrak policies, procedures, protocols, and guidelines for compliance with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under subsection (a).

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) a summary of the policies, procedures, protocols, and guidelines reviewed;

(2) any necessary changes to such policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including full compliance under such Act for stations and facilities for which Amtrak has responsibility under such Act and consideration of the needs of individuals with disabilities when procuring rolling stock; and

(3) an implementation plan and timeline for making any such necessary changes.

(d) ENGAGEMENT.—Amtrak is encouraged to engage with a range of advocates for individuals with disabilities during the assessment conducted under subsection (a), and develop an ongoing and standardized process for engagement with advocates for individuals with disabilities.

(e) PERIODIC EVALUATION.—At least once every 2 years, Amtrak shall review and update, as necessary, Amtrak policies, procedures, protocols, and guidelines to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''§ 24323. Prohibition on smoking on Amtrak trains

''(a) PROHIBITION.—Beginning on the date of enactment of the TRAIN Act, Amtrak shall prohibit smoking on board Amtrak trains.

''(b) ELECTRONIC CIGARETTES.—

''(1) INCLUSION.—The use of an electronic cigarette shall be treated as smoking for purposes of this section.

''(2) ELECTRONIC CIGARETTE DEFINED.—In this section, the term 'electronic cigarette' means a device that delivers nicotine or other substances to a user of the device in the form of a vapor that is inhaled to simulate the experience of smoking.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

''24323. Prohibition on smoking on Amtrak trains.''.

SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AMTRAK.

(a) IN GENERAL.—Section 24712 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4) by striking the first sentence and inserting ''The Committee shall define and periodically update the rules and procedures governing the Committee's proceedings.''; and

(B) in paragraph (6)—

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

''(B) PROCEDURES.—The rules and procedures implemented under paragraph (4) shall include—

''(i) procedures for changing the cost allocation methodology, notwithstanding section 209(b) of the Passenger Rail Investment and Improvement Act (49 U.S.C. 24101 note); and

''(ii) procedures or broad guidelines for conducting financial planning, including operating and capital forecasting, reporting, and data sharing and governance.'';

(ii) in subparagraph (C)—

(I) in clause (i) by striking ''and'' at the end;

(II) in clause (ii) by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(iii) promote increased efficiency in Amtrak's operating and capital activities.''; and

(iii) by adding at the end the following:

''(D) ANNUAL REVIEW.—Not later than June 30 of each year, the Committee shall prepare an evaluation of the cost allocation methodology and procedures under subparagraph (B) and transmit such evaluation to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) in subsection (b)—

(A) by inserting ''and to the Committee'' before '', as well as the planning''; and

(B) by inserting before the period at the end the following: ''and the Committee. Not later than 180 days after the date of enactment of the TRAIN Act, the Committee shall develop a report that contains the general ledger data and operating statistics from Amtrak's accounting

systems used to calculate payments to States. Amtrak shall provide to the States and the Committee the report for the prior month not later than 30 days after the last day of each month'';

(3) in subsection (e) by inserting '', including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered'' before the period;

(4) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting ''and annually review and update, as necessary,'' after ''shall develop''; and

(ii) by inserting before ''The Committee may consult'' the following: ''The statement shall include a list of capital projects, including infrastructure, fleet, station, and facility initiatives, needed to support the growth of State-supported routes.'';

(B) in paragraph (2) by striking ''Not later than 2 years'' and all that follows through ''transmit the statement'' and inserting ''The Committee shall transmit, not later than March 31 of each year, the most recent annual update to the statement''; and

(C) by adding at the end the following:

''(3) SENSE OF CONGRESS.—It is the sense of Congress that the Committee shall be the forum where Amtrak and States collaborate on the planning, improvement, and development of corridor routes across the National Network. The Committee shall identify obstacles to intercity passenger rail growth and identify solutions to overcome such obstacles.'';

(5) by redesignating subsections (g) and (h) as subsections (j) and (k), respectively; and

(6) by inserting after subsection (f) the following:

''(g) NEW STATE-SUPPORTED ROUTES.—

''(1) CONSULTATION.—In developing a new State-supported route, Amtrak shall consult with the following:

''(A) The State or States and local municipalities where such new service would operate.

''(B) Commuter authorities and regional transportation authorities (as such terms are defined in section 24102) in the areas that would be served by the planned route.

''(C) Host railroads.

''(D) Administrator of the Federal Railroad Administration.

''(E) Other stakeholders, as appropriate.

''(2) STATE COMMITMENTS.—Notwithstanding any other provision of law, before beginning construction necessary for, or beginning operation of, a State-supported route that is initiated on or after the date of enactment of the TRAIN Act, Amtrak shall enter into a memorandum of understanding, or otherwise secure an agreement, with the State in which such route will operate for sharing—

''(A) ongoing operating costs and capital costs in accordance with the cost allocation methodology described under subsection (a); or

''(B) ongoing operating costs and capital costs in accordance with the alternative cost allocation schedule described in paragraph (3).

''(3) ALTERNATIVE COST ALLOCATION.—Under the alternative cost allocation schedule described in this paragraph, with respect to costs not covered by revenues for the operation of the new State-supported route, Amtrak shall pay—

''(A) the share Amtrak otherwise would have paid under the cost allocation methodology under subsection (a); and

''(B) a percentage of the share that the State otherwise would have paid under the cost allocation methodology under subsection (a) according to the following:

''(i) Amtrak shall pay up to 100 percent of the capital costs necessary to initiate a new State-supported route, including planning and development, design, and environmental analysis, prior to beginning operations on the new route.

''(ii) For the first 2 years of operation, Amtrak shall pay for 100 percent of operating costs and capital costs.

''(iii) For the third year of operation, Amtrak shall pay 90 percent of operating costs and capital costs and the State shall pay the remainder.

''(iv) For the fourth year of operation, Amtrak shall pay 80 percent of operating costs and capital costs and the State shall pay the remainder

''(v) For the fifth year of operation, Amtrak shall pay 50 percent of operating costs and capital costs and the State shall pay the remainder.

''(vi) For the sixth year of operation and thereafter, operating costs and capital costs shall be allocated in accordance with the cost allocation methodology described under subsection (a), as applicable.

''(4) APPLICATION OF TERMS.—In this subsection, the terms 'capital cost' and 'operating cost' shall apply in the same manner as such terms apply under the cost allocation methodology developed under subsection (a).

''(h) COST ALLOCATION METHODOLOGY AND IMPLEMENTATION REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the TRAIN Act, the Committee shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing potential improvements to the cost allocation methodology required and approved under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

''(2) REPORT CONTENTS.—The report required under paragraph (1) shall—

''(A) identify improvements to the cost allocation methodology that would promote—

''(i) transparency of route and train costs and revenues;

''(ii) facilitation of service and network growth;

''(iii) improved services for the traveling public;

''(iv) maintenance or achievement of labor collective bargaining agreements;

''(v) increased revenues; and

''(vi) reduced costs;

''(B) describe the various contracting approaches used in State-supported services between States and Amtrak, including the method, amount, and timeliness of payments for each State-supported service;

''(C) evaluate the potential benefits and feasibility, including identifying any necessary statutory changes, of implementing a service pricing model for State-supported routes in lieu of a cost allocation methodology and how such a service pricing model would advance the priorities described in subparagraph (A); and

''(D) summarize share of costs from the cost allocation methodology that are—

''(i) assigned;

''(ii) allocated regionally or locally; and

''(iii) allocated nationally.

''(3) UPDATE TO THE METHODOLOGY.—Not later than 2 years after the implementation of the TRAIN Act, the Committee shall update the methodology, if necessary, based on the findings of the report required under paragraph (1).

''(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE CHANGES.—Amtrak shall provide an update in the general and legislative annual report under section 24315(b) of planned or proposed changes to State-supported routes, including the introduction of new State-supported routes. In identifying routes to be included in such request, Amtrak shall—

''(1) identify the timeframe in which such changes could take effect and whether Amtrak has entered into a commitment with a State under subsection (g)(2); and

''(2) consult with the Committee and any additional States in which proposed routes may operate, not less than 120 days before the annual grant request is transmitted to the Secretary.''.

(b) CONFORMING AMENDMENT.—Section 24315(b)(1) of title 49, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) in subparagraph (A) by striking ''section 24902(b) of this title; and'' and inserting ''section 24902(a) of this title;''; and

(3) by inserting after subparagraph (A) the following:

''(B) shall identify the planned or proposed State-supported routes, as required under section 24712(i); and''.

SEC. 9210. AMTRAK POLICE DEPARTMENT.

(a) DEPARTMENT MISSION.—Not later than 180 days after the date of enactment of this Act, Amtrak shall identify the mission of the Amtrak Police Department (in this section referred to as the ''Department''), including the scope and priorities of the Department, in mitigating risks to and ensuring the safety and security of Amtrak passengers, employees, trains, stations, facilities, and other infrastructure. In identifying such mission, Amtrak shall consider—

(1) the unique needs of maintaining the safety and security of Amtrak's network; and

(2) comparable passenger rail systems and the mission of the police departments of such rail systems.

(b) WORKFORCE PLANNING PROCESS.—Not later than 120 days after identifying the mission of the Department under subsection (a), Amtrak shall develop a workforce planning process that—

(1) ensures adequate employment levels and allocation of sworn and civilian personnel, including patrol officers, necessary for fulfilling the Department's mission; and

(2) sets performance goals and metrics for the Department and monitors and evaluates the Department's progress toward such goals and metrics.

(c) CONSIDERATIONS.—In developing the workforce planning process under subsection (b), Amtrak shall—

(1) identify critical positions, skills, and competencies necessary for fulfilling the Department's mission;

(2) analyze employment levels and ensure that—

(A) an adequate number of civilian and sworn personnel are allocated across the Department's 6 geographic divisions, including patrol officers, detectives, canine units, special operations unit, strategic operations, intelligence, corporate security, the Office of Professional Responsibilities, and the Office of Chief of Polices; and

(B) patrol officers have an adequate presence on trains and route segments, and in stations, facilities, and other infrastructure;

(3) analyze workforce gaps and develop strategies to address any such gaps;

(4) consider the risks identified by Amtrak's triannual risk assessments;

(5) consider variables, including ridership levels, miles of right-of-way, crime data, call frequencies, interactions with vulnerable populations, and workload, that comparable passenger rail systems with similar police departments consider in the development of the workforce plans of such systems; and

(6) consider collaboration or coordination with local, State, Tribal, and Federal agencies, and public transportation agencies to support the safety and security of the Amtrak network.

(d) CONSULTATION.—In carrying out this section, Amtrak shall consult with the Amtrak Police Department Labor Committee, public safety experts, foreign or domestic entities providing passenger rail service comparable to Amtrak, and any other relevant entities, as determined by Amtrak.

(e) REPORTS.—

(1) REPORT ON MISSION OF DEPARTMENT.—Not later than 10 days after Amtrak identifies the mission of the Department under subsection (a), Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a description of the mission of the Department and the reasons for the content of such mission.

(2) Report on workforce planning process- Not later than 10 days after Amtrak completes the

workforce planning process under subsection (b), Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the workforce planning process, the underlying data used to develop such process, and how such process will achieve the Department's mission.

SEC. 9211. AMTRAK FOOD AND BEVERAGE.

(a) AMTRAK FOOD AND BEVERAGE.—Section 24321 of title 49, United States Code, is amended to read as follows:

''§ 24321. Amtrak food and beverage

''(a) ENSURING ACCESS TO FOOD AND BEVERAGE SERVICES.—On all long-distance routes, Amtrak shall ensure that all passengers who travel overnight on such route shall have access to purchasing the food and beverages that are provided to sleeping car passengers on such route.

''(b) FOOD AND BEVERAGE WORKFORCE.—

''(1) WORKFORCE REQUIREMENT.—Amtrak shall ensure that any individual onboard a train who prepares food and beverages is an Amtrak employee.

''(2) SAVINGS CLAUSE.—No Amtrak employee holding a position as of the date of enactment of the TRAIN Act may be involuntarily separated because of any action taken by Amtrak to implement this section, including any employees who are furloughed as a result of the COVID–19 pandemic.

''(c) SAVINGS CLAUSE.—Amtrak shall ensure that no Amtrak employee holding a position as of the date of enactment of the Passenger Rail Reform and Investment Act of 2015 is involuntarily separated because of the development and implementation of the plan required by the amendments made by section 11207 of such Act.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ANALYSIS.—The item relating to section 24321 in the analysis for chapter 243 of title 49, United States Code, is amended to read as follows:

''24321. Amtrak food and beverage.''.

(2) AMTRAK AUTHORITY.—Section 24305(c)(4) of title 49, United States Code, is amended by striking ''only if revenues from the services each year at least equal the cost of providing the services''.

(3) CONTRACTING OUT.—Section 121(c) of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by striking '', other than work related to food and beverage service,''.

(c) AMTRAK FOOD AND BEVERAGE WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, Amtrak shall establish a working group (in this subsection referred to as the ''Working Group'') to provide recommendations on Amtrak onboard food and beverage services.

(2) MEMBERSHIP.—The Working Group shall consist of individuals representing—

(A) Amtrak;

(B) the labor organizations representing Amtrak employees who prepare or provide onboard food and beverage services; and

(C) nonprofit organizations representing Amtrak passengers.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The Working Group shall develop recommendations to increase ridership and improve customer satisfaction by—

(i) promoting collaboration and engagement between Amtrak, Amtrak passengers, and Amtrak employees preparing or providing onboard food and beverage services, prior to Amtrak implementing changes to onboard food and beverage services;

(ii) improving onboard food and beverage services; and

(iii) improving solicitation, reception, and consideration of passenger feedback regarding onboard food and beverage services.

(B) CONSIDERATIONS.—In developing the recommendations under subparagraph (A), the Working Group shall consider—

(i) the healthfulness of onboard food and beverages offered, including the ability of passengers to address dietary restrictions;

(ii) the preparation and delivery of onboard food and beverages;

(iii) the differing needs of passengers traveling on long-distance routes, State-supported routes, and the Northeast Corridor;

(iv) the reinstatement of the dining car service on long-distance routes;

(v) Amtrak passenger survey data about the food and beverages offered on Amtrak trains; and

(vi) any other issue the Working Group determines appropriate.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than 1 year after the date on which the Working Group is established, the Working Group shall submit to the Board of Directors of Amtrak, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing the recommendations developed under paragraph (3).

(B) SUBSEQUENT REPORT.—Not later than 30 days after the date on which the Working Group submits the report required under subparagraph (A), Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on whether Amtrak agrees with the recommendations of the Working Group and describing any plans to implement such recommendations.

(5) PROHIBITION ON FOOD AND BEVERAGE SERVICE CHANGES.—During the period beginning on the date of enactment of this Act and ending 30 days after the date on which Amtrak submits the report required under paragraph (4)(B), Amtrak may not make large-scale, structural changes to existing onboard food and beverage services, except that Amtrak shall reverse any changes to onboard food and beverage service made in response to the COVID–19 pandemic as Amtrak service is restored.

(6) TERMINATION.—The Working Group shall terminate on the date on which Amtrak submits the report required under paragraph (4)(B), except that Amtrak may extend such date by up to 1 year if Amtrak determines that the Working Group is beneficial to Amtrak in making decisions related to onboard food and beverage services. If Amtrak extends such date, Amtrak shall include notification of the extension in the report required under paragraph (4)(B).

(7) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) does not apply to the Working Group established under this section.

(8) LONG-DISTANCE ROUTE; NORTHEAST CORRIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—In this subsection, the terms ''long-distance route'', ''Northeast Corridor'', and ''State-supported route'' have the meaning given those terms in section 24102 of title 49, United States Code.

SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING OUT.

Section 121 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24312 note; 111 Stat. 2574) is amended by striking subsection (d) and inserting the following:

''(d) FURLOUGHED WORK.—Amtrak may not contract out work within the scope of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period of time such employee has been laid off and has not been recalled to perform such work.

''(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

''(1) supersede a prohibition or limitation on contracting out work covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees; or

''(2) prohibit Amtrak and an organization representing Amtrak employees from entering into a collective bargaining agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).''.

SEC. 9213. AMTRAK STAFFING.

Section 24312 of title 49, United States Code, is amended by adding at the end the following:

''(c) CALL CENTER STAFFING.—

''(1) OUTSOURCING.—Amtrak may not renew or enter into a contract to outsource call center customer service work on behalf of Amtrak, including through a business process outsourcing group.

''(2) TRAINING.—Amtrak shall make available appropriate training programs to any Amtrak call center employee carrying out customer service activities using telephone or internet platforms.

''(d) STATION AGENT STAFFING.—

''(1) IN GENERAL.—Beginning on the date that is 1 year after the date of enactment of the TRAIN Act, Amtrak shall ensure that at least 1 Amtrak ticket agent is employed at each station building where at least 1 Amtrak ticket agent was employed on or after October 1, 2017.

''(2) LOCATIONS.—Notwithstanding section (1), beginning on the date that is 1 year after the date of enactment of the TRAIN Act, Amtrak shall ensure that at least 1 Amtrak ticket agent is employed at each station building—

''(A) that Amtrak owns, or operates service through, as part of a passenger service route; and

''(B) for which the number of passengers boarding or deboarding an Amtrak long-distance train in the previous fiscal year exceeds the average of at least 40 passengers per day over all days in which the station was serviced by Amtrak, regardless of the number of Amtrak vehicles servicing the station per day. For fiscal year 2021, ridership from fiscal year 2019 shall be used to determine qualifying stations.

''(3) EXCEPTION.—This subsection does not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.

''(4) AMTRAK TICKET AGENT.—For purposes of this section, the term 'Amtrak ticket agent' means an Amtrak employee with authority to sell Amtrak tickets onsite and assist in the checking of Amtrak passenger baggage.''.

SEC. 9214. SPECIAL TRANSPORTATION.

Section 24307(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''for the following:'' and inserting ''of at least a 10 percent discount on full-price coach class rail fares for, at a minimum—'';

(2) in paragraph (1) by striking the period at the end and inserting a semicolon; and

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

''(2) individuals of 12 years of age or younger;

''(3) individuals with a disability, as such term is defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

''(4) members of the Armed Forces on active duty (as those terms are defined in section 101 of title 10) and their spouses and dependents with valid identification;

''(5) veterans (as that term is defined in section 101 of title 38) with valid identification; and

''(6) individuals attending federally-accredited postsecondary education institutions with valid student identification cards.''.

SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''§ 24324. Disaster and emergency relief program

''(a) IN GENERAL.—The Secretary of Transportation may make grants to Amtrak for—

''(1) capital projects to repair, reconstruct, or replace equipment, infrastructure, stations, and other facilities that the Secretary determines are in danger of suffering serious damage, or have suffered serious damage, as a result of an emergency event;

''(2) offset revenue lost as a result of such an event; and

''(3) support continued operations following emergency events.

''(b) COORDINATION OF EMERGENCY FUNDS.—Funds made available to carry out this section shall be in addition to any other funds available and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law.

''(c) GRANT CONDITIONS.—Grants made under this subsection (a) shall be subject to section 22905(c)(2)(A) and other such terms and conditions as the Secretary determines necessary.

''(d) DEFINITION OF EMERGENCY EVENT.—In this section, the term 'emergency event' has the meaning given such term in section 20103.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''24324. Disaster and emergency relief program.''.

SEC. 9216. RECREATIONAL TRAIL ACCESS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following:

''(i) RECREATIONAL TRAIL ACCESS.—At least 30 days before implementing a new policy, structure, or operation that impedes recreational trail access, Amtrak shall work with potentially affected communities, making a good-faith effort to address local concerns about such recreational trail access. Not later than February 15 of each year, Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on any such engagement in the preceding calendar year, and any changes to policies, structures, or operations affecting recreational trail access that were considered or made as a result. Such report shall include Amtrak's plans to mitigate the impact to such recreational trail access.''.

SEC. 9217. INVESTIGATION OF SUBSTANDARD PERFORMANCE.

Section 24308(f) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''If the on-time'' and inserting ''If either the on-time'';

(B) by inserting '', measured at each station on its route based upon the arrival times plus 15 minutes shown in schedules Amtrak and the host railroad have agreed to or have been determined by the Surface Transportation Board pursuant to section 213 of the Passenger Rail Investment and Improvement Act of 2008 as of or subsequent to the date of enactment of the TRAIN Act,'' after ''intercity passenger train''the first place it appears; and

(C) by striking ''or the service quality of'' and inserting ''or the on-time performance of'';

(2) in paragraph (2) by striking ''minimum standards investigated under paragraph (1)'' and inserting ''either performance standard under paragraph (1)''; and

(3) in paragraph (4) by striking ''or failures to achieve minimum standards'' and inserting ''or failure to achieve either performance standard under paragraph (1)''.

SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT GRANT PROGRAM.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''§ 24325. Amtrak cybersecurity enhancement grant program

''(a) IN GENERAL.—The Secretary of Transportation shall make grants to Amtrak for improvements in information technology systems, including cyber resiliency improvements for Amtrak information technology assets.

''(b) APPLICATION OF BEST PRACTICES.—Any cyber resiliency improvements carried out with a grant under this section shall be consistent with the principles contained in the special publication numbered 800–160 issued by the National Institute of Standards and Technology Special and any other applicable security controls published by the Institute.

''(c) COORDINATION OF CYBERSECURITY FUNDS.—Funds made available to carry out this section shall be in addition to any other Federal funds and shall not affect the ability of Amtrak to use any other funds otherwise authorized by law for purposes of enhancing the cybersecurity architecture of Amtrak.

''(d) GRANT CONDITIONS.—Grants made under this section shall be subject to such terms and conditions as the Secretary determines necessary.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''24325. Amtrak cybersecurity enhancement grant program.

SEC. 9219. AMTRAK AND PRIVATE CARS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that private cars and charter trains can—

(1) improve Amtrak's financial performance, particularly on the long-distance routes;

(2) have promotional value for Amtrak that results in future travel on Amtrak trains by passengers made aware of Amtrak as a result;

(3) support private-sector jobs, including for mechanical work and on-board services; and

(4) provide good-will benefits to Amtrak.

(b) POLICY REVIEW.—Amtrak shall review the policy changes since January 1, 2018, that have caused significant changes to the relationship between Amtrak and private car owners and charter train services and evaluate opportunities to strengthen these services, including by reinstating some access points and restoring flexibility to charter-train policies. For charter trains, private cars, and package express carried on regular Amtrak trains, consistent with sound business practice, Amtrak should recover direct costs plus a reasonable profit margin.

SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is further amended by adding at the end the following new section:

''§ 24326. Amtrak Office of Community Outreach

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, Amtrak shall establish an Office of Community Outreach to engage with communities impacted by Amtrak operations.

''(b) RESPONSIBILITIES.—The Office of Community Outreach shall be responsible for—

''(1) outreach and engagement with—

''(A) local officials before capital improvement project plans are finalized; and

''(B) local stakeholders and relevant organizations on projects of community significance;

''(2) clear explanation and publication of how community members can communicate with Amtrak;

''(3) the use of virtual public involvement, social media, and other web-based tools to encourage public participation and solicit public feedback; and

''(4) making publicly available on the website of Amtrak, planning documents for proposed and implemented capital improvement projects.

''(c) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the Office of Community Outreach, and annually thereafter, Amtrak shall submit to the Committee on Transportation and Infrastructure in the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

''(1) describes the community outreach efforts undertaken by the Amtrak Office of Community Outreach for the previous year; and

''(2) identifies changes Amtrak made to capital improvement project plans after engagement with affected communities.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 243 of title 49, United States Code, is further amended by adding at the end the following:

''24326. Amtrak Office of Community Outreach.''.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 9301. NORTHEAST CORRIDOR COMMISSION.

Section 24905 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A) by striking ''members'' and inserting ''4 members'';

(B) in subparagraph (B) by striking ''members'' and inserting ''5 members''; and

(C) in subparagraph (D) by striking ''and commuter railroad carriers using the Northeast Corridor selected by the Secretary'' and inserting ''railroad carriers and commuter authorities using the Northeast Corridor, as determined by the Commission'';

(2) by striking paragraph (2) of subsection (a) and inserting the following:

''(2) At least 2 of the members described in paragraph (1)(B) shall be career appointees, as such term is defined in section 3132(a) of title 5.'';

(3) in subsection (b)(3)(B)—

(A) in clause (i) by inserting '', including ridership trends,'' before ''along the Northeast Corridor'';

(B) in clause (ii) by striking ''capital investment plan described in section 24904.'' and inserting ''first year of the capital investment plan described in section 24904; and''; and

(C) by adding at the end the following:

''(iii) progress in assessing and eliminating the state-of-good-repair backlog.'';

(4) in subsection (c)—

(A) by striking ''(1) DEVELOPMENT'' and all that follows through ''standardized policy'' and inserting the following:

''(1) POLICY.—The Commission shall—

''(A) maintain and update, as appropriate, the 'Northeast Corridor Commuter and Intercity Rail Cost Allocation Policy' approved on September 17, 2015,'';

(B) in paragraph (1)—

(i) in subparagraph (B) by striking ''a proposed timetable for implementing'' and inserting ''timetables for implementing and maintaining'';

(ii) in subparagraph (C) by striking ''the policy and the timetable'' and inserting ''updates to the policy and the timetables''; and

(iii) by striking subparagraph (D) and inserting the following:

''(D) support the efforts of the members of the Commission to implement the policy in accordance with such timetables; and'';

(C) in paragraph (2)—

(i) by striking the first sentence and inserting ''In accordance with the timetable developed in paragraph (1), Amtrak and commuter authorities on the Northeast Corridor shall implement the policy developed under paragraph (1) in agreements for usage of facilities or services.'';

(ii) by striking ''fail to implement such new agreements'' and inserting ''fail to implement the policy''; and

(iii) by striking ''paragraph (1)(A), as applicable'' and inserting ''paragraph (1)''; and

(D) in paragraph (4) by striking ''public authorities providing commuter rail passenger transportation'' and inserting ''commuter authorities'';

(5) by striking subsection (d);

(6) by redesignating subsection (e) as subsection (d); and

(7) in paragraph (1)(D) of subsection (d) (as redesignated by paragraph (6)) by striking

''commuter rail agencies'' and inserting ''commuter authorities''.

SEC. 9302. NORTHEAST CORRIDOR PLANNING.

(a) IN GENERAL.—Section 24904 of title 49, United States Code, is amended—

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

(2) by striking subsection (c);

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(4) by inserting before subsection (b), as so redesignated, the following:

''(a) STRATEGIC DEVELOPMENT PLAN.—

''(1) REQUIREMENT.—Not later than December 31, 2021, the Northeast Corridor Commission established under section 24905 (referred to in this section as the 'Commission') shall submit to Congress a strategic development plan that identifies key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor, to upgrade aging infrastructure and improve the reliability, capacity, connectivity, performance, and resiliency of passenger rail service on the Northeast Corridor.

''(2) CONTENTS.—The strategic development plan required under paragraph (1) shall—

''(A) provide a coordinated and consensus-based plan covering a period of 15 years;

''(B) identify service objectives and capital investments needs;

''(C) provide a delivery-constrained strategy that identifies capital investment phasing, an evaluation of workforce needs, and strategies for managing resources and mitigating construction impacts on operations;

''(D) include a financial strategy that identifies funding needs and potential sources and includes an economic impact analysis; and

''(E) be updated at least every 5 years.'';

(5) in subsection (b) (as redesignated by paragraph (3))—

(A) by striking ''Not later than'' and all that follows through ''shall'' and inserting ''Not later than November 1 of each year, the Commission shall'';

(B) in paragraph (1)(A) by striking ''a capital investment plan'' and inserting ''an annual capital investment plan'';

(C) in paragraph (2)—

(i) in subparagraph (A) by striking ''and network optimization'';

(ii) in subparagraph (B) by striking ''and service'';

(iii) in subparagraph (C) by striking ''first fiscal year after the date on which'' and inserting ''fiscal year during which'';

(iv) in subparagraph (D) by striking ''identify, prioritize,'' and all that follows through ''and consider'' and inserting ''document the projects and programs being undertaken to achieve the service outcomes identified in the Northeast Corridor strategic development plan, once available, and the asset condition needs identified in the Northeast Corridor asset management plans and consider''; and

(v) in subparagraph (E)(i) by striking ''normalized capital replacement and''; and

(D) in paragraph (3)(B) by striking ''expected allocated shares of costs'' and inserting ''status of cost sharing agreements'';

(6) in subsection (c) (as redesignated by paragraph (3)) by striking ''may be spent only on'' and all that follows through the end and inserting ''may be spent only on capital projects and programs contained in the Commission's capital investment plan from the previous year.''; and

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

''(d) REVIEW AND COORDINATION.—The Commission shall gather information from Amtrak, the States in which the Northeast Corridor is located, and commuter rail authorities to support development of the capital investment plan. The Commission may specify a format and other criteria for the information submitted. Submissions to the plan from Amtrak, States in which the Northeast Corridor are located, and commuter rail authorities shall be provided to the Commission in a manner that allows for a reasonable period of review by, and coordination with, affected agencies.

''(e) NORTHEAST CORRIDOR ASSET MANAGEMENT.—With regard to existing infrastructure, Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system, and use and update such system as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b). Such system shall—

''(1) be consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

''(2) include, at a minimum—

''(A) an inventory of all capital assets owned by the developer of the plan;

''(B) an assessment of asset condition;

''(C) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair; and

''(D) a description of changes in asset condition since the previous version of the plan.''.

(b) CONFORMING AMENDMENTS.—

(1) ACCOUNTS.—Section 24317(d)(1) of title 49, United States Code, is amended—

(A) in subparagraph (B) by striking ''24904(a)(2)(E)'' and inserting ''24904(b)(2)(E)''; and

(B) in subparagraph (F) by striking ''24904(b)'' and inserting ''24904(c)''.

(2) FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR.—Section 24911(e)(2) of title 49, United States Code, is amended by striking ''24904(a)'' and inserting ''24904(b)''.

SEC. 9303. PROTECTIVE ARRANGEMENTS.

Section 22905 of title 49, United States Code, is amended—

(1) in subsection (c)(2)(B) by striking ''that are equivalent to the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)'' and inserting ''established by the Secretary under subsection (e)(1)'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following:

''(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the Administrator of the Federal Railroad Administration shall establish protective arrangements equivalent to those established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836), and require such protective arrangements to apply to employees described under subsection (c)(2)(B) and as required under subsection (j) of section 22907.

''(2) PUBLICATION.—The Administrator shall make available on a publicly available website the protective arrangements established under paragraph (1).''.

SEC. 9304. HIGH-SPEED RAIL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law and not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall reinstate any cooperative agreement terminated after January 1, 2019 that was originally entered into under the heading ''Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' in the Department of Transportation Appropriations Act, 2010 (Public Law 111–117).

(b) INCLUSION.—The reinstatement under subsection (a) shall include the obligation to such agreement of all of the funds obligated to such agreement as of the date of termination of such agreement.

(c) GRANT CONDITIONS.—The reinstatement under subsection (a) shall include all grant conditions required under such agreement, including section 22905(c)(2)(A) of title 49, United States Code, as of the date of termination of such agreement.

TITLE IV—COMMUTER RAIL POLICY

SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION OF TRACKAGE USE REQUESTS.

Section 28502 of title 49, United States Code, is amended to read as follows:

''§ 28502. Surface Transportation Board mediation of trackage use requests

''A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to trackage and provision of related services. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the trackage owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act.''.

SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION OF RIGHTS-OF-WAY USE REQUESTS.

Section 28503 of title 49, United States Code, is amended to read as follows:

''§ 28503. Surface Transportation Board mediation of rights-of-way use requests

''A rail carrier shall provide good faith consideration to a reasonable request from a provider of commuter rail passenger transportation for access to rail right-of-way for the construction and operation of a segregated fixed guideway facility. If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. In any case in which dispatching for the relevant trackage is controlled by a rail carrier other than the right-of-way owner, both shall be subject to the requirements of this section and included in the Board's mediation process. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the TRAIN Act.''.

SEC. 9403. CHICAGO UNION STATION IMPROVEMENT PLANS.

(a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the conclusion of the Surface Transportation Board proceeding in the petition by Amtrak for a proceeding pursuant to section 24903(c)(2) of title 49, United States Code (Docket No. FD 36332), Amtrak and Metra shall enter into an agreement for a one-year capital improvement plan for Chicago Union Station.

(2) EXTENSION.—The deadline under paragraph (1) may be extended with the consent of both Amtrak and Metra.

(3) SUBMISSION OF PLAN.—Amtrak and Metra shall transmit the one-year capital improvement plan to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate.

(b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date on which Amtrak and Metra enter into

the agreement under subsection (a), Amtrak shall enter into an agreement with Metra for a five-year capital improvement plan for Chicago Union Station.

(2) EXTENSION.—The deadline required under paragraph (1) may be extended with the consent of both Amtrak and Metra.

(3) SUBMISSION OF PLAN.—Amtrak and Metra shall transmit the five-year capital improvement plan to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate.

(c) CONTENTS.—The capital improvement plans required under subsections (a) and (b) shall identify the projects that Amtrak and Metra agree to implement at Chicago Union Station within the timeframe of each such plan, including projects that improve—

(1) areas considered outside the glass such as tracks, platforms switches, and other rail infrastructure;

(2) facilities for Amtrak and Metra crew; and

(3) the operations of Chicago Union Station, such as the dispatching of commuter and intercity passenger trains out of Chicago Union Station.

(d) ANNUAL PROGRESS REPORT.—Not later than 1 year after the date on which Amtrak and Metra enter into an agreement required under subsection (b), and annually thereafter for 5 years, Amtrak and Metra shall jointly submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the progress Amtrak and Metra have made in implementing the plan required under subsection (b).

(e) DEFINITIONS.—In this section:

(1) CHICAGO UNION STATION.—The term ''Chicago Union Station'' means the passenger train station located at 225 South Canal Street, Chicago, Illinois 60606, and its associated facilities.

(2) METRA.—The term ''Metra'' means the Northeast Illinois Regional Commuter Railroad Corporation.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IMPACT OF TRAINS LONGER THAN 7,500 FEET.

(a) STUDY.—The Secretary of Transportation shall seek to enter into an agreement with the National Academies to conduct a study and issue to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the safety impacts of freight trains longer than 7,500 feet.

(b) CONTENTS.—The study conducted pursuant to subsection (a) shall include—

(1) an examination of any potential risks of the operation of such trains and recommendations on mitigation of such risks;

(2) among other safety factors with respect to such trains, an evaluation of—

(A) any increased risk of loss of communications between the end of train device and the locomotive cab, including communications over differing terrains and conditions;

(B) any increased risk of loss of communications between crewmembers, including communications over differing terrains and conditions;

(C) any increased risk of derailments, including risks associated with in-train compressive forces and slack action or other safety risks in the operations of such trains in differing terrains and conditions;

(D) safety risks associated with the deployment of multiple distributed power units in the consists of such trains; and

(E) impacts of the length of trains on braking and locomotive performance and track wear and tear; and

(3) an evaluation of whether additional engineer and conductor training is required for safely operating such trains.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(d) FUNDING.—From the amounts made available for fiscal year 2021 to carry out section 20117(a) of title 49, United States Code, the Secretary shall expend not less than $1,000,000 and not more than $2,000,000 to carry out the study required under subsection (a).

SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD OPERATING AND SCHEDULING PRACTICES.

(a) STUDY.—The Comptroller General of the United States shall study the impact on freight rail shippers, Amtrak, commuter railroads, railroad employees, and other affected parties of changes in freight railroad operating and scheduling practices as a result of the implementation of the precision scheduled railroading model.

(b) CONTENTS.—At minimum, the study shall examine—

(1) the impacts of the operation of longer trains;

(2) safety impacts of reduction in workforce, including occupational injury rates, impacts to inspection frequencies and repair quality, and changes in workforce demands;

(3) the elimination or downsizing of yards, repair facilities, and other operational facilities;

(4) increases in demurrage or accessorial charges or other costs to shippers;

(5) capital expenditures for rail infrastructure; and

(6) the effect of changes to dispatching practices and locations of dispatching centers on—

(A) the on-time performance of passenger trains, and

(B) the quality and reliability of service to freight shippers.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the study and the results of such study, including recommendations for addressing any negative impacts of precision scheduled railroading on freight shippers or passenger railroads.

SEC. 9503. FRA SAFETY REPORTING.

(a) IN GENERAL.—Section 20901 of title 49, United States Code, is amended by inserting ''(including the train length, the number of crew members on board the train, and the duties of such crew members)'' after ''reported accident or incident''.

(b) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

SEC. 9504. WAIVER NOTICE REQUIREMENTS.

Section 20103(d) of title 49, United States Code, is amended to read as follows:

''(d) NONEMERGENCY WAIVERS.—

''(1) IN GENERAL.—The Secretary may waive compliance with any part of a regulation prescribed or order issued under this chapter if the waiver is in the public interest and consistent with railroad safety.

''(2) NOTICE REQUIRED.—The Secretary shall—

''(A) provide timely public notice of any request for a waiver under this subsection;

''(B) make the application for such waiver and any related underlying data available to interested parties;

''(C) provide the public with notice and a reasonable opportunity to comment on a proposed waiver under this subsection before making a final decision; and

''(D) make public the reasons for granting a waiver under this subsection.

''(3) INFORMATION PROTECTION.—Nothing in this subsection shall be construed to require the release of information protected by law from public disclosure.''.

SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY ASSESSMENTS.

(a) INITIAL NOTICE.—Not later than 10 business days after the Federal Railroad Administration initiates a comprehensive safety assessment of an entity providing regularly scheduled intercity or commuter rail passenger transportation, the Federal Railroad Administration shall notify in electronic format the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and each member of Congress representing a State in which the service that is the subject of the assessment being conducted is located, of the initiation of such assessment.

(b) FINDINGS.—Not later than 90 days after completion of a comprehensive safety assessment described in subsection (a), the Federal Railroad Administration shall transmit in electronic format to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and to each member of Congress representing a State in which the service that is the subject of the assessment being conducted is located, the findings of such assessment, including identified defects and any recommendations.

(c) DEFINITION OF COMPREHENSIVE SAFETY ASSESSMENT.—In this section, the term ''comprehensive safety assessment'' means a focused review of the safety-related processes and procedures, compliance with safety regulations and requirements, and overall safety culture of an entity providing regularly scheduled intercity or commuter rail passenger transportation.

SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.

Section 20902 of title 49, United States Code, is amended—

(1) in subsection (b) by striking ''subpena'' and inserting ''subpoena''; and

(2) by adding at the end the following:

''(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

''(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section for determining when it is appropriate to, and how to—

''(A) gather information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary; and

''(B) consult with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

''(2) CONFIDENTIALITY.—In developing the process under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

''(A) such entity requests confidentiality;

''(B) such entity was not involved in the accident or incident; and

''(C) maintaining such entity's confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

''(3) APPLICATION OF LAW.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.''.

SEC. 9507. RAIL SAFETY IMPROVEMENTS.

(a) FEDERAL RAILROAD ADMINISTRATION REQUIREMENTS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall carry out the following:

(1) Complete a study on how signage can be used to improve safety in the rail industry that includes—

(A) a review of how signs used for other modes of transportation may be effectively used in the rail industry;

(B) a review of how signs used in the railroad industry differ; and

(C) an analysis of whether a uniform system for speed signs across the United States rail system would benefit the railroad industry and improve safety.

(2) Reevaluate seat securement mechanisms and the susceptibility of such mechanisms to inadvertent rotation, and identify a means to prevent the failure of such mechanisms to maintain seat securement.

(3) Conduct research to evaluate the causes of passenger injuries in passenger railcar derailments and overturns and evaluate potential methods for mitigating such injuries.

(4) Based on the research conducted under paragraph (3), develop occupant protection standards for passenger railcars that will mitigate passenger injuries likely to occur during derailments and overturns.

(5) Develop policies for the safe use of child seats to prevent uncontrolled or unexpected movements in intercity passenger trains from disrupting the secure position of such seats.

(b) REQUIREMENTS FOR AMTRAK.—Not later than 18 months after the date of enactment of this Act, Amtrak shall—

(1) ensure operating crewmembers demonstrate proficiency, under daylight and nighttime conditions, on the physical characteristics of a territory by using all resources available, including in-cab instruments, observation rides, throttle time, signage, signals, and landmarks;

(2) ensure the proficiency required under paragraph (1) is demonstrated on written examinations;

(3) revise classroom and road training programs to ensure that operating crews fully understand all locomotive operating characteristics, alarms, and the appropriate response to abnormal conditions;

(4) when possible, require that all engineers undergo simulator training—

(A) before operating new or unfamiliar equipment (at a minimum, experience and respond properly to all alarms); and

(B) to experience normal and abnormal conditions on new territory before operating in revenue service on such new territory;

(5) ensure that simulator training specified in paragraph (4) supplements the hours engineers spend training on new equipment before becoming certified on such equipment and performing runs on new territory before becoming qualified on such territory;

(6) implement a formal, systematic approach to developing training and qualification programs to identify the most effective strategies for preparing crewmembers to safely operate new equipment on new territories;

(7) work in consultation with host railroad carriers and States that own infrastructure over which Amtrak operates to complete a comprehensive assessment of the territories to ensure that necessary wayside signs and plaques are identified, highly noticeable, and strategically located to provide operating crews the information needed to safely operate trains;

(8) update the safety review process to ensure that all operating documents are up to date and accurate before initiating new or revised revenue operations;

(9) incorporate all prerevenue service planning, construction, and route verification work into the scope of a corporate-wide system safety plan, including through rules and policies, risk assessment analyses, safety assurances, and safety promotions; and

(10) conduct risk assessments on all new or upgraded services that occur on Amtrak-owned territory, host railroads, or in States that own infrastructure over which Amtrak operates.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary and Amtrak shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on their progress on meeting the requirements under subsections (a) and (b), respectively, including a description of all completed elements of the requirements.

SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION PLANS.

Section 11406 of the FAST Act (Public Law 114–94) is amended—

(1) in subsection (c) by inserting ''or subsection (d)(2)'' after ''subsection (b)'';

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(3) by inserting after subsection (c) the following:

''(d) PERIODIC REVIEWS AND UPDATES.—Each railroad carrier that files an action plan under subsection (b) shall—

''(1) not later than 1 year after the date of enactment of the TRAIN Act, and annually thereafter, review such plan to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under subsection (b)(1); and

''(2) not later than 90 days prior to implementing any operational or territorial operating change, including initiating a new service or route, submit to the Secretary a revised action plan that addresses such operational or territorial operating change.''; and

(4) by adding at the end the following:

''(h) PROHIBITION.—No new intercity rail passenger transportation or commuter rail passenger service may begin operation unless the railroad carrier providing such service is in compliance with this section.''.

SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''§ 20169. Freight train crew size safety standards

''(a) MINIMUM CREW SIZE.—No freight train may be operated unless such train has a crew of at least 1 appropriately qualified and certified conductor and 1 appropriately qualified and certified engineer.

''(b) EXCEPTIONS.—Except as provided in subsection (d), the prohibition in subsection (a) shall not apply in any of the following circumstances:

''(1) Train operations within a rail yard or terminal area or on auxiliary or industry tracks.

''(2) A train operated—

''(A) by a railroad carrier that has fewer than 400,000 total employee work hours annually and less than $40,000,000 annual revenue (adjusted for inflation as measured by the Surface Transportation Board Railroad Inflation-Adjusted Index);

''(B) at a speed of not more than 25 miles per hour; and

''(C) on a track with an average track grade of less than 2 percent for any segment of track that is at least 2 continuous miles.

''(3) Locomotives performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including traveling to or from the location where assistance is provided.

''(4) Locomotives that—

''(A) are not attached to any equipment or attached only to a caboose; and

''(B) do not travel farther than 30 miles from a rail yard.

''(5) Train operations staffed with fewer than a 2-person crew at least 1 year prior to the date of enactment of this section, if the Secretary determines that the operation achieves an equivalent level of safety.

''(c) TRAINS INELIGIBLE FOR EXCEPTION.—The exceptions under subsection (b) may not be applied to—

''(1) a train transporting 1 or more loaded cars carrying material toxic by inhalation, as defined in section 171.8 of title 49, Code of Federal Regulations;

''(2) a train carrying 20 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 2 material or a Class 3 flammable liquid throughout the train consist; and

''(3) a train with a total length of 7,500 feet or greater.

''(d) WAIVER.—A railroad carrier may seek a waiver of the requirements of this section pursuant to section 20103(d).''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''20169. Freight train crew size safety standards.''.

SEC. 9510. SAFE CROSS BORDER OPERATIONS.

(a) IN GENERAL.—Section 416 title IV of division A of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20107 note) is amended—

(1) by striking ''Mechanical and brake'' and inserting ''(a) IN GENERAL.—Mechanical and brake''; and

(2) by adding at the end the following:

''(b) WAIVER.—The Secretary may not grant any waiver or waiver modification that provides for the ability to perform mechanical or brake inspections of rail cars in Mexico in lieu of complying with the certification requirements of this section.''.

(b) SAFETY STANDARDS FOR CERTAIN RAIL CREWS.—

(1) IN GENERAL.—Title IV of division A of the Rail Safety Improvement Act of 2008 (Public Law 110–432) is amended by adding at the end the following:

''SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.

''(a) IN GENERAL.—The Secretary of Transportation may not permit covered rail employees to enter the United States to perform train or dispatching service unless the Secretary certifies that—

''(1) Mexico has adopted and is enforcing safety standards for covered rail employees that are equivalent to, or greater than, those applicable to railroad employees whose primary reporting point is in the United States, including qualification and certification requirements under parts 240 and 242 of title 49, Code of Federal Regulations;

''(2) covered rail employees are subject to the alcohol and drug testing requirements in part 219 of title 49, Code of Federal Regulations, including the requirements of subparts F, G, and H of such part, to the same extent as such requirements apply to railroad employees whose primary reporting point is in the United States and who are subject to such part;

''(3) covered rail employees are subject to hours of service requirements under section 21103 of title 49, United States Code, at all times any such employee is on duty, regardless of location;

''(4) covered rail employees are subject to the motor vehicle driving record evaluation requirements in section 240.115 of title 49, Code of Federal Regulations, to the same extent as such requirements apply to railroad employees whose primary reporting point is in the United States and are subject to such section, and that such evaluation includes driving records from the same country as the employee's primary reporting point; and

''(5) the Federal Railroad Administration is permitted to perform onsite inspections of rail facilities in Mexico to ensure compliance with paragraphs (1) and (2).

''(b) NOTICE REQUIRED.—

''(1) IN GENERAL.—Not later than 5 days after the date on which the Secretary certifies each of the requirements under paragraphs (1) through

(5) of subsection (a), the Secretary shall publish in the Federal Register—

''(A) notice of each such certification; and

''(B) documentation supporting each such certification.

''(2) PUBLIC COMMENT.—To ensure compliance with the requirements of this section and any other applicable safety requirements, the Secretary shall—

''(A) allow for public comment on the notice required under paragraph (1); and

''(B) hold a public hearing on such notice.

''(3) CONGRESSIONAL NOTICE.—On the date on which each publication required under paragraph (1) is published in the Federal Register, the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such publication.

''(c) DRUG AND ALCOHOL TESTING.—

''(1) NONAPPLICATION OF EXEMPTION.—For purposes of compliance with subsection (a)(2), the exemption contained in part 219.3(d)(2) of title 49, Code of Federal Regulations, shall not apply.

''(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL COMPLIANCE.—To ensure compliance with the drug and alcohol testing programs described in subsection (a)(2), the Office of Drug and Alcohol Compliance in the Department of Transportation shall conduct an annual audit of such programs and recommend enforcement actions as needed.

''(d) DEFINITION OF COVERED RAIL EMPLOYEE.—In this section, the term 'covered rail employee' means a railroad employee whose primary reporting point is in Mexico.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Rail Safety Improvement Act of 2008 (Public Law 110–432), is amended by inserting after the item relating to section 420 the following:

''Sec. 421. Safety standards for certain rail crews.''.

SEC. 9511. YARDMASTERS HOURS OF SERVICE.

(a) LIMITATIONS ON DUTY HOURS OF YARDMASTER EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—

(1) in the section heading by inserting ''***AND YARDMASTER EMPLOYEES***'' after ''***TRAIN EMPLOYEES***'';

(2) by inserting ''or yardmaster employee'' after ''train employee'' each place it appears; and

(3) in subsection (e) by inserting ''or yardmaster employee's'' after ''During a train employee's''.

(b) DEFINITIONS.—Section 21101 of title 49, United States Code, is amended—

(1) in paragraph (3) by inserting ''a yardmaster employee,'' after ''dispatching service employee,''; and

(2) by adding at the end the following:

''(6) 'yardmaster employee' means an individual responsible for supervising and coordinating the control of trains and engines operating within a rail yard.''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 211 of title 49, United States Code, is amended by striking the item relating to section 21103 and inserting the following:

''21103. Limitations on duty hours of train employees and yardmaster employees.''.

SEC. 9512. LEAKING BRAKES.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall take such actions as are necessary to ensure that no air brake control valve (defined in this section as an air brake control valve that was subject to the circular letter issued by the Association of American Railroads issued on October 25, 2013 (C–12027)) manufactured before January 1, 2006, is equipped on a rail car operating on—

(1) a unit train north of the 37th parallel on or after August 1, 2022; or

(2) a non-unit train north of the 37th parallel on or after August 1, 2024.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until brake valves described in subsection (a) are no longer operating on rail cars as required under subsection (a), the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that identifies—

(1) the estimated number of such brake valves on rail cars operating on—

(A) unit trains north of the 37th parallel; and

(B) non-unit trains north of the 37th parallel;

(2) any issues affecting the industry's progress toward ensuring that such brake valves are phased out in accordance with the requirements of subsection (a); and

(3) efforts the Administrator has taken since the previous report to ensure such brake valves are phased out in accordance with the requirements of subsection (a).

(c) ADDITIONAL VALVES.—If the Administrator determines that air brake control valves not covered under subsection (a) demonstrate leakage in low temperatures similar to the leakage exhibited by the air brake control valve identified in subsection (a), the Administrator shall ensure that the air brake control valves determined to be demonstrating leakage under this subsection are phased out in accordance with the requirements of subsection (a).

SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.

Section 20157 of title 49, United States Code, is amended by adding at the end the following:

''(m) ANNUAL REPORT OF SYSTEM FAILURES.—Not later than April 16 of each calendar year following the date of an implementation deadline under subsection (a)(1), each railroad shall submit to the Secretary a report containing the number of positive train control system failures, separated by each major hardware category, that occurred during the previous calendar year.''.

SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) maintaining the highest level of safety across the nation's railroad network is of critical importance;

(2) ensuring the safety of rail transportation requires the full attention of all workers engaged in safety-critical functions;

(3) fatigue degrades an individual's ability to stay awake, alert, and attentive to the demands of safe job performance;

(4) the cognitive impairments to railroad workers that result from fatigue can cause dangerous situations that put workers and communities at risk;

(5) the Rail Safety Improvement Act of 2008 mandated that the Federal Railroad Administration conduct two pilot projects to analyze specific practices that may be used to reduce fatigue in employees and as of the date of enactment of this Act, neither pilot project has commenced; and

(6) the Federal Railroad Administration should coordinate with the industry and the workforce to commence and complete the fatigue pilot projects mandated in 2008.

(b) PILOT PROJECTS.—Section 21109(e) of title 49, United States Code, is amended—

(1) by striking ''Not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008'' and inserting ''Not later than 1 year after the date of enactment of the TRAIN Act''; and

(2) by adding at the end the following:

''(3) COORDINATION.—The pilot projects required under paragraph (1) shall be developed and evaluated in coordination with the labor organization representing the class or craft of employees impacted by the pilot projects.''.

(c) REIMBURSEMENT.—The Secretary of Transportation may reimburse railroads participating in the pilot projects under 21109(e) of title 49, United States Code, a share of the costs associated with the pilot projects, as determined by the Secretary.

(d) REPORT.—

(1) IN GENERAL.—If the pilot projects required under section 21109(e) of title 49, United States Code, have not commenced on the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year and 30 days after the date of enactment of this Act, transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(A) the status of the pilot projects;

(B) actions the Federal Railroad Administration has taken to commence the pilot projects, including efforts to recruit participant railroads;

(C) any challenges impacting the commencement of the pilot projects; and

(D) any other details associated with the development of the pilot projects that affect the progress toward meeting the mandate of such section.

SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''§ 20170. Assault prevention and response plans

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the TRAIN Act, any entity that provides regularly scheduled intercity or commuter rail passenger transportation shall submit to the Secretary of Transportation for review and approval an assault prevention and response plan (in this section referred to as the 'Plan') to address transportation assaults.

''(b) CONTENTS OF PLAN.—The Plan required under subsection (a) shall include—

''(1) procedures that—

''(A) facilitate the reporting of a transportation assault, including the notification of onsite personnel, rail law enforcement, and local law enforcement;

''(B) personnel should follow up on the reporting of a transportation assault, including actions to protect affected individuals from continued assault;

''(C) may be taken to remove the passenger or personnel who has committed a transportation assault from the train or related area or facility as soon as practicable when appropriate;

''(D) include protections and safe reporting practices for passengers who may have been assaulted by personnel; and

''(E) may limit or prohibit, to the extent practicable, future travel with the entity described in subsection (a) by any passenger or personnel who commits a transportation assault against personnel or passengers;

''(2) a policy that ensures an employee who is a victim or witness of a transportation assault may participate in the prosecution of a criminal offense of such assault without any adverse effect on the victim's or witnesses' employment status; and

''(3) a process and timeline for conducting an annual review and update of the Plan.

''(c) NOTICE TO PASSENGERS.—An entity described under subsection (a) shall display onboard trains and in boarding areas, as appropriate, a notice stating the entity's abilities to restrict future travel under subsection (b)(1)(E).

''(d) PERSONNEL TRAINING.—An entity described under subsection (a) shall provide initial and annual training for all personnel on the contents of the Plan, including training regarding—

''(1) the procedures described in subsection (b);

''(2) methods for responding to hostile situations, including de-escalation training; and

''(3) rights and responsibilities of personnel with respect to a transportation assault on themselves, other personnel, or passengers.

''(e) PERSONNEL PARTICIPATION.—The Plan required under subsection (a) shall be developed and implemented with the direct participation of personnel, and, as applicable, labor organizations representing personnel.

''(f) REPORTING.—

''(1) INCIDENT NOTIFICATION.—

''(A) IN GENERAL.—Not later than 10 days after a transportation assault incident, the applicable entity described in subsection (a) shall notify personnel employed at the location in which the incident occurred. In the case of an incident on a vehicle, such entity shall notify personnel regularly scheduled to carry out employment activities on the service route on which the incident occurred.

''(B) CONTENT OF INCIDENT REPORT.—The notification required under paragraph (1) shall—

''(i) include a summary of the incident; and

''(ii) be written in a manner that protects the confidentiality of individuals involved in the incident.

''(2) ANNUAL REPORT.—For each calendar year, each entity with respect to which a transportation assault incident has been reported during such year shall submit to the Secretary report that describes—

''(A) the number of assault incidents reported to the entity, including—

''(i) the number of incidents committed against passengers; and

''(ii) the number of incidents committed against personnel; and

''(B) the number of assault incidents reported to rail or local law enforcement by personnel of the entity.

''(3) PUBLICATION.—The Secretary shall make available to the public on the primary website of the Federal Railroad Administration the data collected under paragraph (2).

''(4) DATA PROTECTION.—Data made available under this subsection shall be made available in a manner that protects the confidentiality of individuals involved in transportation assault incidents.

''(g) DEFINITION OF TRANSPORTATION ASSAULT.—In this section, the term 'transportation assault' means the occurrence, or reasonably suspected occurrence, of an act that—

''(1) constitutes assault;

''(2) is committed by a passenger or member of personnel of an entity that provides regularly scheduled intercity or commuter rail passenger transportation against another passenger or member of personnel of such entity; and

''(3) takes place—

''(A) within a vehicle of such entity; or

''(B) in an area in which passengers are entering or exiting a vehicle described in subparagraph (A); or

''(C) a station or facility where such entity operates, regardless of ownership of the station or facility.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''20170. Assault prevention and response plans.''.

SEC. 9516. CRITICAL INCIDENT STRESS PLANS.

The Secretary of Transportation shall issue such regulations as are necessary to amend part 272 of title 49, Code of Federal Regulations, to ensure that—

(1) the coverage of a critical incident stress plan under section 272.7 of such part includes employees of commuter railroads and intercity passenger railroads, as such terms are defined in section 272.9 of such part, who directly interact with passengers; and

(2) assault and the witnessing of an assault against an employee or train passenger is included in the definition of critical incident under section 272.9 of such part.

SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration shall conduct a study on the feasibility of expanding railroad safety culture assessments and training to include assessments and training for workers employed by tourist railroads, passenger railroads, and commuter railroads.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis on the need for the expansion;

(2) the resources required to carry out the additional assessments and training; and

(3) other potential safety challenges the initiative could address.

(c) REPORT.—The Federal Railroad Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

Subtitle B—Grade Crossing Safety

SEC. 9551. GRADE CROSSING SEPARATION GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''§ 20171. Grade crossing separation grants

''(a) GENERAL AUTHORITY.—The Secretary of Transportation shall make grants under this section to eligible entities to assist in financing the cost of highway-rail grade separation projects.

''(b) APPLICATION REQUIREMENTS.—To be eligible for a grant under this section, an eligible entity shall submit to the Secretary an application in such form, in such manner, and containing such information as the Secretary may require, including—

''(1) an agreement between the entity that owns or controls the right-of-way and the applicant addressing access to right-of-way throughout the project; and

''(2) a cost-sharing agreement with the funding amounts that the entity that owns or controls the right-of-way shall contribute to the project, which shall be not less than 10 percent of the total project cost.

''(c) ELIGIBLE PROJECTS.—The following projects are eligible to receive a grant under this section:

''(1) Installation, repair, or improvement of grade crossing separations.

''(2) Grade crossing elimination incidental to eligible grade crossing separation projects.

''(3) Project planning, development, and environmental work related to a project described in paragraph (1) or (2).

''(d) PROJECT SELECTION CRITERIA.—

''(1) LARGE PROJECTS.—Of amounts made available to carry out this section, not more than 50 percent shall be available for projects with total costs of $100,000,000 or greater.

''(2) CONSIDERATIONS.—In awarding grants under this section, the Secretary—

''(A) shall give priority to projects that maximize the safety benefits of Federal funding; and

''(B) may evaluate applications on the safety profile of the existing crossing, 10-year history of accidents at such crossing, inclusion of the proposed project on a grade crossing safety action plan, average automobile traffic, freight and passenger train traffic, average daily number of crossing closures, and proximity of community resources, including schools, hospitals, fire stations, police stations, and emergency medical service facilities.

''(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(1) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this section based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analysis, and information on the expected use of equipment or facilities.

''(2) FEDERAL SHARE.—The Federal share for a project carried out under this section shall not exceed 85 percent.

''(f) GRANT CONDITIONS.—An eligible entity may not receive a grant for a project under this section unless such project is in compliance with section 22905, except that 22905(b) shall only apply to a person that conducts rail operations.

''(g) TWO YEAR LETTERS OF INTENT.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, issue a letter of intent to a recipient of a grant under subsection (d)(1) that—

''(A) announces an intention to obligate for no more than 2 years, for a major capital project under subsection (d)(1), an amount that is not more than the amount stipulated as the financial participation of the Secretary for the project; and

''(B) states that the contingent commitment—

''(i) is not an obligation of the Federal Government; and

''(ii) is subject to the availability of appropriations for grants under this section and subject to Federal laws in force or enacted after the date of the contingent commitment.

''(2) CONGRESSIONAL NOTIFICATION.—

''(A) IN GENERAL.—Not later than 3 days before issuing a letter of intent under paragraph (1), the Secretary shall submit written notification to—

''(i) the Committee on Transportation and Infrastructure of the House of Representatives;

''(ii) the Committee on Appropriations of the House of Representatives;

''(iii) the Committee on Appropriations of the Senate; and

''(iv) the Committee on Commerce, Science, and Transportation of the Senate.

''(B) CONTENTS.—The notification submitted under subparagraph (A) shall include—

''(i) a copy of the letter of intent;

''(ii) the criteria used under subsection (b) for selecting the project for a grant; and

''(iii) a description of how the project meets such criteria.

''(h) APPROPRIATIONS REQUIRED.—An obligation or administrative commitment may be made under subsection (g) only after amounts are appropriated for such purpose.

''(i) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State;

''(B) a public agency or publicly chartered authority;

''(C) a metropolitan planning organization;

''(D) a political subdivision of a State; and

''(E) a Tribal government.

''(2) METROPOLITAN PLANNING ORGANIZATION.—The term 'metropolitan planning organization' has the meaning given such term in section 134(b) of title 23.

''(3) STATE.—The term 'State' means a State of the United States or the District of Columbia.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''20171. Grade crossing separation grants.''.

SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANTS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''§ 20172. Rail safety public awareness grants

''(a) GRANT.—The Administrator of the Federal Railroad Administration shall make grants to eligible entities to carry out public information and education programs to help prevent and reduce rail-related pedestrian, motor vehicle, and other accidents, incidents, injuries, and

fatalities, and to improve awareness along railroad rights-of-way and at railway-highway grade crossings.

''(b) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator an application in such form, in such manner, and containing such information as the Secretary may require.

''(c) CONTENTS.—Programs eligible for a grant under this section—

''(1) shall include, as appropriate—

''(A) development, placement, and dissemination of public service announcements in appropriate media;

''(B) school presentations, driver safety education, materials, and public awareness campaigns; and

''(C) disseminating information to the public on how to identify and report to the appropriate authorities unsafe or malfunctioning highway-rail grade crossings; and

''(2) may include targeted and sustained outreach in communities at greatest risk to develop measures to reduce such risk.

''(d) COORDINATION.—Eligible entities shall coordinate program activities with local communities, law enforcement and emergency responders, and rail carriers, as appropriate, and ensure consistency with State highway-rail grade crossing action plans required under section 11401(b) of the FAST Act (49 U.S.C. 22501 note) and the report titled 'National Strategy to Prevent Trespassing on Railroad Property' issued by the Federal Railroad Administration in October 2018.

''(e) PRIORITIZATION.—In awarding grants under this section, the Administrator shall give priority to applications for programs that—

''(1) are nationally recognized;

''(2) are targeted at schools in close proximity to railroad rights-of-way;

''(3) partner with nearby railroad carriers; or

''(4) focus on communities with a recorded history of repeated pedestrian and motor vehicle accidents, incidents, injuries, and fatalities at highway-rail grade crossings and along railroad rights-of-way.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—the term 'eligible entity' means—

''(A) a nonprofit organization;

''(B) a State;

''(C) a political subdivision of a State; and

''(D) a public law enforcement agency or emergency response organization.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and Puerto Rico.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''20172. Rail safety public awareness grants.''.

SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR BLOCKING PUBLIC GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this division, is further amended by adding at the end the following:

''§ 20173. Time limit for blocking a rail crossing

''(a) TIME LIMIT.—A train, locomotive, railroad car, or other rail equipment is prohibited from blocking a crossing for more than 10 minutes, unless the train, locomotive, or other equipment is directly delayed by—

''(1) a casualty or serious injury;

''(2) an accident;

''(3) a track obstruction;

''(4) an act of God; or

''(5) a derailment or a major equipment failure that prevents the train from advancing.

''(b) CIVIL PENALTY.—The Secretary of Transportation may issue civil penalties for violations of subsection (a) in accordance with section 21301.

''(c) DELEGATION.—The Secretary may delegate enforcement actions under subsection (b) to States either through a State inspector certified by the Federal Railroad Administration, or other law enforcement officials as designated by the States and approved by the Administration. The Secretary shall issue guidance or regulations not later than 1 year after the date of enactment on the criteria and process for States to gain approval under this section.

''(d) APPLICATION TO AMTRAK AND COMMUTER RAILROADS.—This section shall not apply to Amtrak or commuter authorities, including Amtrak and commuter authorities' operations run or dispatched by a Class I railroad.

''(e) DEFINITIONS.—In this section:

''(1) CROSSING.—The term 'crossing' means a location within a State in which a public highway, road, or street, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated.

''(2) BLOCKED CROSSING.—The term 'blocked crossing' means a circumstance in which a train, locomotive, railroad car, or other rail equipment is stopped in a manner that obstructs public travel at a crossing.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is further amended by adding at the end the following new item:

''20173. Time limit for blocking a rail crossing.''.

SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED CROSSINGS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, and make publicly available on the website of the Department of Transportation, a report containing a national strategy to address blocked crossings.

(b) PUBLIC LAW 116–94.—The strategy required under subsection (a) shall incorporate the recommendations and briefing described in the report accompanying the Department of Transportation Appropriations Act, 2020 (Public Law 116–94) with respect to the amounts provided under the heading ''Federal Railroad Administration—Safety and Operations''.

(c) REPORT CONTENTS.—The strategy required under subsection (a) shall include an analysis of the following topics, including any specific legislative or regulatory recommendations:

(1) How best to engage the public, representatives of labor organizations representing railroad employees, law enforcement officers, highway traffic officials, or other employees of a public agency acting in an official capacity to identify and address blocked crossings.

(2) How technology and positive train control system data can be used to identify and address instances of blocked crossings.

(3) How to identify and address instances of blocked crossings at crossings with passive or no warning devices.

(4) How best to use the data collected under a webpage established by the Secretary for the public and law enforcement to report instances of blocked crossings, including whether such data should be verified by each rail carrier or incorporated into the national crossing inventory established under section 20160 of title 49, United States Code.

(d) UPDATING STRATEGY.—The Secretary shall evaluate the strategy developed under this section not less than every 5 years, and update it as needed.

(e) DEFINITIONS.—In this section:

(1) BLOCKED CROSSING.—The term ''blocked crossing'' means a circumstance in which a train, locomotive, railroad car, or other rail equipment is stopped in a manner that obstructs public travel at a crossing.

(2) POSITIVE TRAIN CONTROL SYSTEM.—The term ''positive train control system'' has the meaning given the term in section 20157(i) of title 49, United States Code.

SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED CROSSING MATTERS.

Section 20152 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (C) by striking ''or'' at the end;

(ii) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) blocked crossings; or'';

(B) in paragraph (4)—

(i) by striking ''paragraph (1)(C) or (D)'' and inserting ''subparagraph (C), (D), or (E) of paragraph (1)''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (5) by striking the period at the end and inserting ''; and'' ; and

(D) by adding at the end the following:

''(6) promptly inform the Secretary if the number required to be established under subsection (a) has changed and report the new number to the Secretary.''; and

(2) by adding at the end the following:

''(c) PUBLICATION OF TELEPHONE NUMBERS.—The Secretary shall make any telephone number established under subsection (a) publicly available on the website of the Department of Transportation.''.

SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY REVIEW.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall expend such sums as are necessary to conduct a comprehensive review of the national highway-rail crossing inventory of the Department of Transportation established under section 20160 of title 49, United States Code.

(b) CONTENTS.—In conducting the review required under subsection (a), the Secretary shall—

(1) verify the accuracy of the data contained in the inventory described in subsection (a) using mapping technologies and other methods; and

(2) correct erroneous data in such inventory.

(c) REPORT.—Not later than 30 days after the completion of the review required under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing corrections made to the inventory described in subsection (a) and the Secretary's plans to ensure continued accuracy of such inventory.

SEC. 9557. COUNTING RAILROAD SUICIDES.

(a) IN GENERAL.—Not less than 180 days after the enactment of this Act, the Secretary of Transportation shall revise any regulations, guidance, or other relevant agency documents to count suicides on a railroad crossing or railroad right-of-way as trespassing deaths.

(b) AUTHORITY OF THE SECRETARY.—In carrying out subsection (a), the Secretary may require Federal, State, and local agencies, railroads, or other entities to submit such data as necessary.

(c) APPLICABILITY OF RULEMAKING REQUIREMENTS.—The requirements of section 553 of title 5, United States Code, shall not apply to the modification required by subsection (a).

DIVISION E—AVIATION

TITLE I—AIRPORT AND AIRWAY INFRASTRUCTURE

SEC. 10101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103(a) of title 49, United States Code, is amended by striking paragraphs (4), (5), and (6) and inserting the following:

''(4) $4,000,000,000 for fiscal year 2021;
''(5) $4,000,000,000 for fiscal year 2022;
''(6) $4,000,000,000 for fiscal year 2023;
''(7) $4,000,000,000 for fiscal year 2024; and
''(8) $4,000,000,000 for fiscal year 2025.''.

(b) OBLIGATION AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking ''2023,'' and inserting ''2025,''.

(c) MAINTAINING PRECRISIS AIRPORT IMPROVEMENT PROGRAM LEVELS.—Section 47114(c)(1) of title 49, United States Code, is amended by adding at the end the following:

''(J) SPECIAL RULE FOR FISCAL YEARS 2021 THROUGH 2025.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under such subparagraph for each of fiscal years 2021 through 2025 an amount based on the number of passenger boardings at the airport during calendar year 2019, if the number of passenger boardings at the airport during calendar year 2019 is greater than the number of passenger boardings that would be otherwise calculated under subparagraph (A).''.

SEC. 10102. SUPPLEMENTAL FUNDING FOR AIRPORTS.

(a) IN GENERAL.—In addition to the amounts made available under section 48103(a) of title 49, United States Code, there are authorized to be appropriated from the general fund of the Treasury for the Secretary of Transportation to make grants for eligible uses under subsection (e)—

(1) $3,000,000,000 for fiscal year 2021;
(2) $3,250,000,000 for fiscal year 2022;
(3) $3,500,000,000 for fiscal year 2023;
(4) $3,750,000,000 for fiscal year 2024; and
(5) $4,000,000,000 for fiscal year 2025.

(b) DISTRIBUTION OF FUNDS.—Amounts made available under subsection (a) shall be distributed as follows:

(1) After setting aside amounts under subsection (c), remaining funds shall be distributed to all sponsors of commercial service airports, as such term is defined in section 47102 of title 49, United States Code, based on each such airport's passenger enplanements compared to total passenger enplanements for all commercial service airports, for calendar year 2019 or the most recent calendar year, whichever year has the greater total enplanements. If calendar year 2019 enplanements are used, a proportional adjustment (using enplanements for the most recent calendar year) shall be made for any airport that becomes a commercial service airport after calendar year 2019.

(2) An airport sponsor that was allocated more than 4 times such sponsor's annual operating expenses under the CARES Act (Public Law 116–136) may not receive supplemental funding under subsection (a) for fiscal years 2021 or 2022.

(c) SET ASIDES.—For each fiscal year, of the total funds appropriated pursuant to subsection (a), the Secretary shall set aside—

(1) 3.5 percent of such funds to make grants to the sponsors of cargo airports, as described in section 47114(c)(2)(A) of title 49, United States Code;

(2) 4 percent of such funds to make grants to general aviation, reliever, and nonprimary commercial service airports, as such terms are defined in section 47102 of title 49, United States Code, based on capacity needs or the needs of the aviation system; and

(3) 4.5 percent of such funds to make grants to any airport sponsor for—

(A) airport emission reduction projects described in subparagraph (K), (L), or (O) of section 47102(3) of title 49, United States Code, or section 47136(a) of title 49, United States Code;

(B) airport resiliency projects described in section 47102(3)(S) of title 49, United States Code, as added by this Act;

(C) airport noise compatibility and mitigation planning, programs, and projects, including planning, programs, and projects described in sections 47504 or 47505 of title 49, United States Code; and

(D) other airport projects that reduce the adverse effects of airport operations on the environment and surrounding communities, as determined appropriate by the Administrator.

(d) APPORTIONMENT FOR ENVIRONMENTAL PROJECTS.—Of the funds set aside under subsection (c)(3), not less than 50 percent of such funds shall be applied to projects described in subparagraph (A) of such subsection.

(e) ELIGIBLE USES.—The following rules shall apply to grants provided under subsection (a):

(1) Grants provided in fiscal year 2021 may be used for eligible projects under chapter 471 of title 49, United States Code, terminal development projects, operations, ensuring public health, cleaning, sanitization, janitorial services, refurbishing or replacing systems and technologies to combat the spread of pathogens, staffing, workforce retention, paid leave, procurement of protective health equipment and training for employees and contractors on use of such equipment, debt service payments, and rent and fee waivers to airport concessionaires and other lessees.

(2) Grants provided in fiscal years 2022 through 2025 may be used for—

(A) eligible projects under chapter 471 of title 49, United States Code;

(B) any eligible airport-related projects defined under section 40117(a)(3) of title 49, United States Code;

(C) any development project of an airport, local airport system, or other local facilities—

(i) owned or operated by the airport owner or operator; and

(ii) directly and substantially related to the air transportation of passengers or property; and

(D) debt service or other financing costs related to such projects.

(3) Funds provided under this section may not be used for any purposes not directly related to the airport for which such grant is provided.

(f) FEDERAL SHARE.—Notwithstanding section 47109 of title 49, United States Code, the Federal share of the costs of a project for carried out using a grant provided under this section shall be 100 percent.

(g) REQUIREMENTS AND ASSURANCES.—Except for project eligibility under this section, the requirements and grant assurances applicable to sponsors receiving grants under chapter 471 of title 49, United States Code, shall apply to any sponsor awarded a grant for an eligible project under subsection (e)(2)(A), eligible airport-related project under subsection (e)(2)(B), a development project under subsection (e)(2)(C), or eligible project or terminal development project listed under subsection (e)(1).

(h) AVAILABILITY.—Funds made available under subsection (a) shall remain available for 3 fiscal years.

(i) ADMINISTRATION.—Of the amounts made available to carry out this section, the Secretary may reserve up to $8,000,000 for each of fiscal years 2021 through 2025 for the administrative costs of carrying out this section.

SEC. 10103. AIRPORT RESILIENCY PROJECTS.

Section 47102 of title 49, United States Code, is amended—

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

''(S) improvement of any critical airport infrastructure at a nonhub, small hub, medium hub, or large hub airport to increase resilience for the purpose of resuming flight operations under visual flight rules following a natural disaster.'';

(2) by redesignating paragraphs (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), and (28) as paragraphs (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), and (30), respectively;

(3) by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (9), (10), (11), (12), (13), and (14), respectively;

(4) by inserting after paragraph (14), as so redesignated, the following:

''(15) 'natural disaster' means earthquake, flooding, high water, hurricane, storm surge, tidal wave, tornado, tsunami or wind driven water.''; and

(5) by inserting after paragraph (7) the following:

''(8) 'critical airport infrastructure' means runways, taxiways, and aprons necessary to sustain commercial service flight operations.''.

SEC. 10104. FAA AIR TRAFFIC CONTROL FACILITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the general fund of the Treasury to the Administrator of the Federal Aviation Administration $1,000,000,000 to be used exclusively to bring air traffic control facilities of the Administration into acceptable condition, including sustaining, rehabilitating, replacing, or modernizing such facilities and associated costs.

(b) CONSULTATION.—Before taking any action under this section, the Administrator shall consult with the exclusive bargaining representatives of air traffic controllers and airway transportation system specialists certified under section 7111 of title 5, United States Code.

SEC. 10105. AIRPORT INNOVATIVE FINANCING TECHNIQUES.

(a) IN GENERAL.—Section 47135 of title 49, United States Code, is amended to read as follows:

''§ 47135. Innovative financing techniques

''(a) IN GENERAL.—The Secretary of Transportation may approve an application by an airport sponsor to use grants received under this subchapter for innovative financing techniques related to an airport development project. Such projects shall be located at airports that are not large hub airports. The Secretary may not approve more than 30 applications under this section in a fiscal year.

''(b) PURPOSES.—The purpose of grants made under this section shall be—

''(1) to provide information on using innovative financing techniques for airport development projects;

''(2) to lower the total cost of an airport development project; or

''(3) to safely expedite the delivery or completion of an airport development project.

''(c) LIMITATIONS.—

''(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

''(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

''(A) payment of interest;

''(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

''(C) flexible non-Federal matching requirements;

''(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of the enactment of this section; and

''(E) such other techniques that the Secretary approves as consistent with the purposes of this section.''.

(b) IMMEDIATE APPLICABILITY.—Section 1001 of this division shall not apply to this section and the amendments made by this section.

SEC. 10106. SMALL AIRPORT LETTERS OF INTENT.

(a) IN GENERAL.—Section 47110(e) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking ''at a primary or reliever airport'';

(2) in paragraph (2) by—

(A) redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively; and

(B) inserting after the matter preceding subparagraph (B) (as redesignated by this section) the following:

''(A) at an airport that is—

''(i) a medium or large hub airport;

''(ii) a small or nonhub airport; or

''(iii) an airport that is not a primary airport and is not listed as having an unclassified status under the most recent plan described under section 47103;'';

(3) in paragraph (2)(D) (as redesignated by this section) by striking ''47115(d)'' and all that follows through the end of the subparagraph and inserting ''47115(d).'';

(4) by striking paragraph (5) and inserting the following:

''(5) REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may not require an eligible agency to impose a passenger facility charge under section 40117 in order to obtain a letter of intent under this section.

''(B) REQUIREMENTS.—For sponsors of airports described in clauses (ii) and (iii) of paragraph (2)(A), prior to issuing a letter of intent under this paragraph, the Secretary—

''(i) may not schedule reimbursements to more than 20 sponsors for any fiscal year;

''(ii) may permit allowable project costs under paragraph (1) to include costs associated with making payments for debt service on indebtedness incurred to carry out the project;

''(iii) may not obligate more than the total amount reasonably expected to be apportioned to the airport under section 47114 over the following 10 fiscal years;

''(iv) shall consider the sponsor's grant performance history;

''(v) shall require the sponsor to provide a certificate affirming the sponsor has the legal ability and capacity to incur debt; and

''(vi) may consider other factors, as considered appropriate by the Secretary.''; and

(5) in the heading of paragraph (7) by striking ''PARTNERSHIP PROGRAM AIRPORTS'' and inserting ''PARTNERSHIP PROGRAM AIRPORTS''.

(b) IMMEDIATE APPLICABILITY.—Section 1001 of this division shall not apply to this section and the amendments made by this section.

SEC. 10107. MINORITY AND DISADVANTAGED BUSINESS SIZE STANDARDS.

Section 47113(a)(1) of title 49, United States Code, is amended to read as follows:

''(1) 'small business concern' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632);''.

TITLE II—ENVIRONMENT

SEC. 10201. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a competitive grant and cost-sharing agreement program for eligible entities to carry out projects located in the United States that—

(1) develop, demonstrate, or apply low-emission aviation technologies; and

(2) produce, transport, blend, or store sustainable aviation fuels that would reduce greenhouse gas emissions attributable to the operation of aircraft that have fuel uplift in the United States.

(b) SELECTION.—In carrying out subsection (a), the Secretary shall consider—

(1) the anticipated public benefits of the project;

(2) the potential to increase the domestic production and deployment of sustainable aviation fuels or the use of low emission aviation technologies among the United States commercial aviation and aerospace industry;

(3) the potential greenhouse gas emissions from the project, including emissions resulting from the development of the project;

(4) the potential for creating new jobs in the United States;

(5) the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(6) the proposed utilization of non-Federal contributions; and

(7) for projects related to the production of sustainable aviation fuel, the potential net greenhouse gas emissions impact of such fuel on a lifecycle basis, which shall include potential direct and indirect greenhouse gas emissions (including resulting from changes in land use).

(c) ADDITIONAL CONSIDERATIONS.—In evaluating projects under subsection (a), the Secretary shall consider—

(1) the benefits of ensuring a variety of feedstocks for sustainable aviation fuels;

(2) the use of direct air capture;

(3) aeronautical construction and design improvements that result in more efficient aircraft, including high-performance lightweight materials;

(4) more efficient aircraft engines, including hybrid engines and electric engines suitable for fully or partially powering aircraft operations; and

(5) air traffic management and navigation technologies that permit more efficient flight patterns.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000,000 for each of fiscal years 2021 through 2025 to carry out this section.

(e) FUNDING DISTRIBUTION.—Of the amount made available under subsection (d), 50 percent of such amount shall be awarded for projects described in subsection (a)(1) and 50 percent shall be awarded for projects described in subsection (a)(2).

(f) REPORT.—Not later than October 1, 2026, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the grant program under this section. The report shall include the following:

(1) A description of the entities and projects that received grants or other cost-sharing agreements under this section.

(2) A detailed explanation for why each entity received the type of funding disbursement such entity did.

(3) A description of whether the program is leading to an increase in the production and deployment of sustainable aviation fuels and use of low-emission aviation technologies by United States aviation and aerospace industry stakeholders.

(4) A description of the economic impacts resulting from the funding to and operation of the project.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State or local government other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a person or entity engaged in the production, transportation, blending or storage of sustainable aviation fuels or feedstocks that could be used to produce sustainable aviation fuels;

(F) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(G) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuels, low-emission technology, or other clean transportation research programs.

(2) LOW-EMISSION AVIATION TECHNOLOGY.—The term ''low-emission aviation technology'' means technologies that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(3) SUSTAINABLE AVIATION FUEL.—The term ''sustainable aviation fuel'' means liquid fuel consisting of synthesized hydrocarbons that—

(A) meets the requirements of ASTM International Standard D7566;

(B) is derived from biomass (as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources or gaseous carbon oxides;

(C) conforms to the standards, recommended practices, requirements and criteria, supporting documents, implementation elements, and any other technical guidance for sustainable aviation fuels that are adopted by the International Civil Aviation Organization with the agreement of the United States;

(D) achieves at least a 50 percent reduction in lifecycle greenhouse gas emissions under the standards and related materials specified in subparagraph (C) compared to conventional jet fuel;

(E) is not derived from feedstocks that are developed through practices that threaten mass deforestation, harm biodiversity, or otherwise promote environmentally unsustainable processes; and

(F) is produced in the United States.

SEC. 10202. EXPANSION OF VOLUNTARY AIRPORT LOW EMISSION PROGRAM.

(a) PASSENGER FACILITY CHARGE ELIGIBILITY.—Section 40117(a)(3)(G) of title 49, United States Code, is amended by striking ''if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a)''.

(b) AIRPORT IMPROVEMENT PROGRAM ELIGIBILITY.—

(1) EXPANSION.—

(A) AIRPORT FACILITIES.—Section 47102(3)(K) of title 49, United States Code, is amended by striking ''if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a))''.

(B) ACQUISITION OF VEHICLES.—Section 47102(3)(L) of title 49, United States Code, is amended by striking ''if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2); 7505a)),''.

(2) PRIORITY OF VALE PROJECTS.—Chapter 471 of title 49, United States Code, is amended by adding at the end the following:

''§ 47145. Priority of vale projects

''In considering applications for projects described in section subparagraphs (K) and (L) of section 47102(3), the Secretary shall prioritize Federal funding for airports in areas located in an air quality nonattainment area (as such term is defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or maintenance area (as such term is defined in sections 175A of the Clean Air Act (42 U.S.C. 7505a)).''.

(3) CONFORMING AMENDMENT.—The analysis for chapter 471 of title 49, United States Code, is amended by adding at the end the following:

''47145. Priority of vale projects.''.

SEC. 10203. STUDY AND DEVELOPMENT OF SUSTAINABLE AVIATION FUELS.

There is authorized to be appropriated from the general fund of the Treasury to the Administrator of the Federal Aviation Administration $30,000,000 for each of fiscal years 2021 through 2025 for the study and development of sustainable aviation fuels.

SEC. 10204. CENTER OF EXCELLENCE FOR ALTERNATIVE JET FUELS AND ENVIRONMENT.

There is authorized to be appropriated from the general fund of the Treasury to the Administrator of the Federal Aviation Administration $5,000,000 for each of fiscal years 2021 through 2025 to be used exclusively for work performed by the Center of Excellence for Alternative Jet Fuels and Environment, including programs to

assess and reduce the environmental impacts of aviation and to improve the health and quality of life of individuals living in and around airport communities.

SEC. 10205. NATIONAL EVALUATION OF AVIATION AND AEROSPACE SOLUTIONS TO CLIMATE CHANGE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to conduct a study on climate change mitigation efforts with respect to the civil aviation and aerospace industries.

(b) STUDY CONTENTS.—In conducting the study under subsection (a), the National Academies shall—

(1) identify climate change mitigation efforts, including efforts relating to emerging technologies, in the civil aviation and aerospace industries;

(2) develop and apply an appropriate indicator for assessing the effectiveness of such efforts;

(3) identify gaps in such efforts;

(4) identify barriers preventing expansion of such efforts; and

(5) develop recommendations with respect to such efforts.

(c) REPORTS.—

(1) FINDINGS OF STUDY.—Not later than 1 year after the date on which the Secretary enters into an agreement for a study pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees the findings of the study.

(2) ASSESSMENT.—Not later than 180 days after the date on which the Secretary submits the findings pursuant to paragraph (1), the Secretary, acting through the Administrator of the Federal Aviation Administration, shall submit to the appropriate congressional committees a report that contains an assessment of the findings.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the general fund of the Treasury to the Secretary to carry out this section $1,500,000.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other congressional committees determined appropriate by the Secretary.

(2) CLIMATE CHANGE MITIGATION EFFORTS.—The term ''climate change mitigation efforts'' means efforts, including the use of technologies, materials, processes, or practices, that contribute to the reduction of greenhouse gas emissions.

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

SEC. 20001. SHORT TITLE.

This division may be cited as the ''Water Infrastructure Investment, Job Creation, and Economic Stability Act''.

TITLE I—CRITICAL WATER RESOURCES INVESTMENTS

SEC. 21001. USE OF HARBOR MAINTENANCE TRUST FUND TO SUPPORT NAVIGATION.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

*(1) in the section heading, by striking ''**AUTHORIZATION OF APPROPRIATIONS**'' and inserting ''**FUNDING FOR NAVIGATION**''; and*

(2) by adding at the end the following:

''(g) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—Amounts made available from the Harbor Maintenance Trust Fund under this section or section 9505 of the Internal Revenue Code of 1986 shall be made available in accordance with section 14003 of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).''.

SEC. 21002. ANNUAL REPORT TO CONGRESS.

Section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amended—

(1) in subsection (a)—

(A) by striking ''and annually thereafter,'' and inserting ''and annually thereafter concurrent with the submission of the President's annual budget request to Congress,''; and

(B) by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''; and

(2) in subsection (b)(1) by adding at the end the following:

''(D) A description of the expected expenditures from the trust fund to meet the needs of navigation for the fiscal year of the budget request.''.

SEC. 21003. HARBOR MAINTENANCE TRUST FUND DISCRETIONARY SPENDING LIMIT ADJUSTMENT.

(a) IN GENERAL.—Section 14003 of division B of the CARES Act (Public Law 116-136) is amended to read as follows:

''SEC. 14003. Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:

''(H) HARBOR MAINTENANCE ACTIVITIES.—If, for any fiscal year, appropriations for the Construction, Mississippi River and Tributaries, and Operation and Maintenance accounts of the Corps of Engineers are enacted that are derived from the Harbor Maintenance Trust Fund established under section 9505(a) of the Internal Revenue Code of 1986 and that the Congress designates in statute as being for harbor operations and maintenance activities, then the adjustment for that fiscal year shall be the total of such appropriations that are derived from such Fund and designated as being for harbor operations and maintenance activities.'.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the CARES Act (Public Law 116–136).

SEC. 21004. APPROPRIATIONS FOR CONSTRUCTION, INLAND WATERWAYS, OPERATION AND MAINTENANCE.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

(1) For an additional amount for ''Corps of Engineers—Civil—Department of the Army—Construction'', $10,000,000,000, to remain available until expended: Provided, That not more than $3,000,000,000 shall be available for costs of construction, replacement, rehabilitation, and expansion of inland waterways projects, with one-half of such costs paid from the Inland Waterways Trust Fund and one-half from the general fund of the Treasury; Provided further, That not less than $500,000,000 shall be available for water-related environmental infrastructure assistance.

(2) For an additional amount for ''Corps of Engineers—Civil—Department of the Army—Operation and Maintenance'', $5,000,000,000, to remain available until expended.

TITLE II—CRITICAL CLEAN WATER INVESTMENTS

Subtitle A—Water Quality Protection and Job Creation Act

SEC. 22101. SHORT TITLE.

This subtitle may be cited as the ''Water Quality Protection and Job Creation Act of 2020''.

SEC. 22102. WASTEWATER INFRASTRUCTURE WORKFORCE INVESTMENT.

Section 104(g) of the Federal Water Pollution Control Act (33 U.S.C. 1254(g)) is amended—

(1) in paragraph (1), by striking ''manpower'' each place it appears and inserting ''workforce''; and

(2) by amending paragraph (4) to read as follows:

''(4) REPORT TO CONGRESS ON PUBLICLY OWNED TREATMENT WORKS WORKFORCE DEVELOPMENT.—Not later than 2 years after the date of enactment of the Water Quality Protection and Job Creation Act of 2020, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

''(A) an assessment of the current and future workforce needs for publicly owned treatment works, including an estimate of the number of future positions needed for such treatment works and the technical skills and education needed for such positions;

''(B) a summary of actions taken by the Administrator, including Federal investments under this chapter, that promote workforce development to address such needs; and

''(C) any recommendations of the Administrator to address such needs.''.

SEC. 22103. STATE MANAGEMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 106(a) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)) is amended—

(1) by striking ''and'' at the end of paragraph (1); and

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

''(3) such sums as may be necessary for each of fiscal years 1991 through 2020;

''(4) $300,000,000 for fiscal year 2021;

''(5) $300,000,000 for fiscal year 2022;

''(6) $300,000,000 for fiscal year 2023;

''(7) $300,000,000 for fiscal year 2024; and

''(8) $300,000,000 for fiscal year 2025;''.

(b) TECHNICAL AMENDMENT.—Section 106(e) of the Federal Water Pollution Control Act (33 U.S.C. 1256(e)) is amended by striking ''Beginning in fiscal year 1974 the'' and inserting ''The''.

SEC. 22104. WATERSHED, WET WEATHER, AND RESILIENCY PROJECTS.

(a) INCREASED RESILIENCE OF TREATMENT WORKS.—Section 122(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1274(a)(6)) is amended to read as follows:

''(6) INCREASED RESILIENCE OF TREATMENT WORKS.—Efforts—

''(A) to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea level rise; and

''(B) to carry out the planning, designing, or constructing of projects, on a systemwide or areawide basis, to increase the resilience of publicly owned treatment works through—

''(i) the conservation of water or the enhancement of water use efficiency;

''(ii) the enhancement of wastewater (including stormwater) management by increasing watershed preservation and protection, including through—

''(I) the use of green infrastructure; or

''(II) the reclamation and reuse of wastewater (including stormwater), such as through aquifer recharge zones;

''(iii) the modification or relocation of an existing publicly owned treatment works at risk of being significantly impaired or damaged by a manmade or natural disaster; or

''(iv) the enhancement of energy efficiency, or the use or generation of recovered or renewable energy, in the management, treatment, or conveyance of wastewater (including stormwater).''.

(b) REQUIREMENTS; AUTHORIZATION OF APPROPRIATIONS.—Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended by striking subsection (c) and inserting the following:

''(c) REQUIREMENTS.—The requirements of section 608 shall apply to any construction, alteration, maintenance, or repair of treatment works receiving a grant under this section.

''(d) ASSISTANCE.—The Administrator shall use not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year to provide assistance to municipalities with a population of less than 10,000, to the extent there are sufficient eligible applications.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000, to remain available until expended.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) WATERSHED PILOT PROJECTS.—Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended—

(A) in the section heading, by striking ''**WATERSHED PILOT PROJECTS**'' and inserting ''***WATERSHED, WET WEATHER, AND RESILIENCY PROJECTS***''; and

(B) by striking ''pilot'' each place it appears.

(2) WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.—Section 603(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)(7)) is amended by striking ''watershed''.

SEC. 22105. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) SELECTION OF PROJECTS.—Section 220(d) of the Federal Water Pollution Control Act (33 U.S.C. 1300(d)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) LIMITATION ON ELIGIBILITY.—A project that has received construction funds under the Reclamation Projects Authorization and Adjustment Act of 1992 shall not be eligible for grant assistance under this section.''; and

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) COMMITTEE RESOLUTION PROCEDURE; ASSISTANCE.—Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended by striking subsection (e) and inserting the following:

''(e) ASSISTANCE.—The Administrator shall use not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year to provide assistance to eligible entities for projects designed to serve fewer than 10,000 individuals, to the extent there are sufficient eligible applications.''.

(c) COST SHARING.—Section 220(g) of the Federal Water Pollution Control Act (33 U.S.C. 1300(g)) is amended—

(1) by striking ''The Federal share'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share''; and

(2) by adding at the end the following:

''(2) RECLAMATION AND REUSE PROJECTS.—For an alternative water source project that has received funds under the Reclamation Projects Authorization and Adjustment Act of 1992 (other than funds referred to in subsection (d)(1)), the total Federal share of the costs of the project shall not exceed 25 percent or $20,000,000, whichever is less.''.

(d) REQUIREMENTS.—Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and inserting after subsection (h) the following:

''(i) REQUIREMENTS.—The requirements of section 608 shall apply to any construction of an alternative water source project carried out using assistance made available under this section.''.

(e) DEFINITIONS.—Section 220(j)(1) of the Federal Water Pollution Control Act (as redesignated by subsection (d) of this section) is amended by striking ''or wastewater or by treating wastewater'' and inserting '', wastewater, or stormwater or by treating wastewater or stormwater''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 220(k) of the Federal Water Pollution Control Act (as redesignated by subsection (d) of this section) is amended by striking ''$75,000,000 for fiscal years 2002 through 2004'' and inserting ''$600,000,000''.

SEC. 22106. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (c), by striking ''subsection (b),'' each place it appears and inserting ''this section,'';

(2) in subsection (d)—

(A) by striking ''The Federal share'' and inserting the following:

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share''; and

(B) by striking ''The non-Federal share'' and inserting the following:

''(B) FINANCIALLY DISTRESSED COMMUNITIES.—The Federal share of the cost of activities carried out using amounts from a grant made to a financially distressed community under subsection (a) shall be not less than 75 percent of the cost.

''(2) NON-FEDERAL SHARE.—The non-Federal share'';

(3) in subsection (e), by striking ''section 513'' and inserting ''section 513, or the requirements of section 608,''; and

(4) in subsection (f)—

(A) in paragraph (1), by inserting '', and $400,000,000 for each of fiscal years 2021 through 2025'' before the period at the end; and

(B) by adding at the end the following:

''(3) ASSISTANCE.—In carrying out subsection (a), the Administrator shall ensure that, of the amounts granted to municipalities in a State, not less than 20 percent is granted to municipalities with a population of less than 20,000, to the extent there are sufficient eligible applications.''.

SEC. 22107. REPORTS TO CONGRESS.

Section 516(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1)) is amended—

(1) by striking '', of the cost of construction'' and inserting '', of (i) the cost of construction''; and

(2) by striking ''each of the States;'' and inserting ''each of the States, and (ii) the costs to implement measures necessary to address the resilience and sustainability of publicly owned treatment works to manmade or natural disasters;''.

SEC. 22108. INDIAN TRIBES.

Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—For each fiscal year, the Administrator shall reserve, of the funds made available to carry out title VI (before allotments to the States under section 604(a)), the greater of—

''(A) 2 percent of such funds; or

''(B) $30,000,000.

''(2) USE OF FUNDS.—

''(A) GRANTS.—Funds reserved under this subsection shall be available only for grants to entities described in paragraph (3) for—

''(i) projects and activities eligible for assistance under section 603(c); and

''(ii) training, technical assistance, and educational programs relating to the operation and management of treatment works eligible for assistance pursuant to section 603(c).

''(B) LIMITATION.—Not more than $2,000,000 of the reserved funds may be used for grants under subparagraph (A)(ii).''; and

(2) in paragraph (3)—

(A) in the header, by striking ''USE OF FUNDS'' and inserting ''ELIGIBLE ENTITIES''; and

(B) by striking ''for projects and activities eligible for assistance under section 603(c) to serve'' and inserting ''to''.

SEC. 22109. CAPITALIZATION GRANTS.

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (13)(B)—

(A) in the matter preceding clause (i), by striking ''and energy conservation'' and inserting ''and efficient energy use (including through the implementation of technologies to recapture and reuse energy produced in the treatment of wastewater)''; and

(B) in clause (iii), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting ''; and'' ; and

(3) by adding at the end the following:

''(15) to the extent there are sufficient projects or activities eligible for assistance from the fund, with respect to funds for capitalization grants received by the State under this title and section 205(m), the State will use not less than 15 percent of such funds for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities.''.

SEC. 22110. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(i) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking '', including forgiveness of principal and negative interest loans'' and inserting ''(including in the form of forgiveness of principal, negative interest loans, or grants)''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''in assistance''; and

(ii) in clause (ii)(III), by striking ''to such ratepayers'' and inserting ''to help such ratepayers maintain access to wastewater and stormwater treatment services''; and

(2) by amending paragraph (3) to read as follows:

''(3) SUBSIDIZATION AMOUNTS.—

''(A) IN GENERAL.—A State may use for providing additional subsidization in a fiscal year under this subsection an amount that does not exceed the greater of—

''(i) 30 percent of the total amount received by the State in capitalization grants under this title for the fiscal year; or

''(ii) the annual average over the previous 10 fiscal years of the amounts deposited by the State in the State water pollution control revolving fund from State moneys that exceed the amounts required to be so deposited under section 602(b)(2).

''(B) MINIMUM.—For each of fiscal years 2021 through 2025, to the extent there are sufficient applications for additional subsidization under this subsection that meet the criteria under paragraph (1)(A), a State shall use for providing additional subsidization in a fiscal year under this subsection an amount that is not less than 10 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.''.

SEC. 22111. ALLOTMENT OF FUNDS.

(a) FORMULA.—Section 604(a) of the Federal Water Pollution Control Act (33 U.S.C. 1384(a)) is amended by striking ''each of fiscal years 1989 and 1990'' and inserting ''each fiscal year''.

(b) WASTEWATER INFRASTRUCTURE WORKFORCE DEVELOPMENT.—Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended by adding at the end the following:

''(d) WASTEWATER INFRASTRUCTURE WORKFORCE DEVELOPMENT.—A State may reserve each fiscal year up to 1 percent of the sums allotted to the State under this section for the fiscal year to carry out workforce development, training, and retraining activities described in section 104(g).''.

SEC. 22112. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by striking section 607 and inserting the following:

''SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

''(a) IN GENERAL.—

''(1) RESERVATION.—For each fiscal year, the Administrator shall reserve 1.5 percent of available funds, as calculated in accordance with paragraph (2).

''(2) CALCULATION OF AVAILABLE FUNDS.—The amount of available funds shall be calculated by subtracting the amount of any funds reserved under section 518(c) from the amount of funds made available to carry out this title (before allotments to the States under section 604(a)).

''(b) USE OF FUNDS.—Funds reserved under this section shall be available only for grants to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands for projects and activities eligible for assistance under section 603(c).

''(c) LIMITATION.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands may not receive funds allotted under section 604(a).''.

SEC. 22113. AUTHORIZATION OF APPROPRIATIONS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title the following sums:

''(1) $8,000,000,000 for fiscal year 2021.

''(2) $8,000,000,000 for fiscal year 2022.

''(3) $8,000,000,000 for fiscal year 2023.

''(4) $8,000,000,000 for fiscal year 2024.

''(5) $8,000,000,000 for fiscal year 2025.''.

SEC. 22114. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDSMAN.

Section 4(b)(1) of the Water Infrastructure Improvement Act (42 U.S.C. 4370j(b)(1)) is amended to read as follows:

''(1) technical and planning assistance to support municipalities, including municipalities that are rural, small, and tribal communities, in achieving and maintaining compliance with enforceable deadlines, goals, and requirements of the Federal Water Pollution Control Act; and''.

SEC. 22115. REPORT ON FINANCIAL CAPABILITY OF MUNICIPALITIES.

(a) REVIEW.—The Administrator of the Environmental Protection Agency shall conduct a review of existing implementation guidance of the Agency for evaluating the financial resources a municipality has available to implement the requirements of the Federal Water Pollution Control Act to determine whether, and if so, how, such guidance needs to be revised.

(b) CONSIDERATIONS.—In conducting the review under subsection (a), the Administrator shall consider—

(1) the report by the National Academy of Public Administration prepared for the Environmental Protection Agency entitled ''Developing a New Framework for Community Affordability of Clean Water Services'', dated October 2017;

(2) the report developed by the National Environmental Justice Advisory Council entitled ''EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities'', dated August 2018, and made available on the website of the Administrator in March 2019;

(3) the report prepared for the American Water Works Association, the National Association of Clean Water Agencies, and the Water Environment Federation entitled ''Developing a New Framework for Household Affordability and Financial Capability Assessment in the Water Sector'', dated April 17, 2019;

(4) the recommendations of the Environmental Financial Advisory Board related to municipal financial capability assessments, prepared at the request of the Administrator; and

(5) any other information the Administrator considers appropriate.

(c) ENGAGEMENT AND TRANSPARENCY.—In conducting the review under subsection (a), the Administrator shall—

(1) after providing public notice, consult with, and solicit advice and recommendations from, State and local governmental officials and other stakeholders, including nongovernmental organizations; and

(2) ensure transparency in the consultation process.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the results of the review conducted under subsection (a), including any recommendations for revisions to the guidance.

SEC. 22116. EMERGING CONTAMINANTS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall award grants to owners and operators of publicly owned treatment works to be used for the implementation of a pretreatment standard or effluent limitation developed by the Administrator for the introduction or discharge of a perfluoroalkyl or polyfluoroalkyl substance or other pollutant identified by the Administrator as a potential contaminant of emerging concern.

(b) DEFINITIONS.—In this section:

(1) DISCHARGE.—The term ''discharge'' has the meaning given that term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(2) EFFLUENT LIMITATION.—The term ''effluent limitation'' means an effluent limitation under section 301(b) of the Federal Water Pollution Control Act (33 U.S.C. 1311).

(3) INTRODUCTION.—The term ''introduction'' means the introduction of pollutants into treatment works, as described in section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(4) PRETREATMENT STANDARD.—The term ''pretreatment standard'' means a pretreatment standard under section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317).

(5) TREATMENT WORKS.—The term ''treatment works'' has the meaning given that term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section the following sums:

(1) $200,000,000 for fiscal year 2021.

(2) $200,000,000 for fiscal year 2022.

(3) $200,000,000 for fiscal year 2023.

(4) $200,000,000 for fiscal year 2024.

(5) $200,000,000 for fiscal year 2025.

Subtitle B—Local Water Protection

SEC. 22201. NONPOINT SOURCE MANAGEMENT PROGRAMS.

Section 319(j) of the Federal Water Pollution Control Act (33 U.S.C. 1329(j)) is amended by striking ''subsections (h) and (i) not to exceed'' and all that follows through ''fiscal year 1991'' and inserting ''subsections (h) and (i) $200,000,000 for each of fiscal years 2021 through 2025''.

Subtitle C—Critical Regional Infrastructure Investments

SEC. 22301. REAUTHORIZATION OF CHESAPEAKE BAY PROGRAM.

Section 117(j) of the Federal Water Pollution Control Act (33 U.S.C. 1267(j)) is amended by striking ''$40,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$90,000,000 for fiscal year 2021, $90,500,000 for fiscal year 2022, $91,000,000 for fiscal year 2023, $91,500,000 for fiscal year 2024, and $92,000,000 for fiscal year 2025''.

SEC. 22302. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the San Francisco Estuary Partnership, designated as the management conference for the San Francisco Bay under section 320.

''(2) SAN FRANCISCO BAY PLAN.—The term 'San Francisco Bay Plan' means—

''(A) until the date of the completion of the plan developed by the Director under subsection (d), the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

''(B) on and after the date of the completion of the plan developed by the Director under subsection (d), the plan developed by the Director under subsection (d).

''(b) PROGRAM OFFICE.—

''(1) ESTABLISHMENT.—The Administrator shall establish in the Environmental Protection Agency a San Francisco Bay Program Office. The Office shall be located at the headquarters of Region 9 of the Environmental Protection Agency.

''(2) APPOINTMENT OF DIRECTOR.—The Administrator shall appoint a Director of the Office, who shall have management experience and technical expertise relating to the San Francisco Bay and be highly qualified to direct the development and implementation of projects, activities, and studies necessary to implement the San Francisco Bay Plan.

''(3) DELEGATION OF AUTHORITY; STAFFING.—The Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

''(c) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing public notice, the Director shall annually compile a priority list, consistent with the San Francisco Bay Plan, identifying and prioritizing the projects, activities, and studies to be carried out with amounts made available under subsection (e).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include the following:

''(A) Projects, activities, and studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the San Francisco Bay Plan, for—

''(i) water quality improvement, including the reduction of marine litter;

''(ii) wetland, riverine, and estuary restoration and protection;

''(iii) nearshore and endangered species recovery; and

''(iv) adaptation to climate change.

''(B) Information on the projects, activities, and studies specified under subparagraph (A), including—

''(i) the identity of each entity receiving assistance pursuant to subsection (e); and

''(ii) a description of the communities to be served.

''(C) The criteria and methods established by the Director for identification of projects, activities, and studies to be included on the annual priority list.

''(3) CONSULTATION.—In compiling the annual priority list under paragraph (1), the Director shall consult with, and consider the recommendations of—

''(A) the Estuary Partnership;

''(B) the State of California and affected local governments in the San Francisco Bay estuary watershed;

''(C) the San Francisco Bay Restoration Authority; and

''(D) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Director determines to be appropriate.

''(d) SAN FRANCISCO BAY PLAN.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Director, in conjunction with the Estuary Partnership, shall review and revise the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary to develop a plan to guide the projects, activities, and studies of the Office to address the restoration and protection of the San Francisco Bay.

''(2) REVISION OF SAN FRANCISCO BAY PLAN.—Not less often than once every 5 years after the date of the completion of the plan described in paragraph (1), the Director shall review, and revise as appropriate, the San Francisco Bay Plan.

''(3) OUTREACH.—In carrying out this subsection, the Director shall consult with the Estuary Partnership and Indian tribes and solicit input from other non-Federal stakeholders.

''(e) GRANT PROGRAM.—

''(1) IN GENERAL.—The Director may provide funding through cooperative agreements, grants, or other means to State and local agencies, special districts, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for projects, activities, and studies identified on the annual priority list compiled under subsection (c).

''(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

''(A) MAXIMUM AMOUNT OF GRANTS.—Amounts provided to any entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of any projects, activities, and studies that are to be carried out using those amounts.

''(B) NON-FEDERAL SHARE.—Not less than 25 percent of the cost of any project, activity, or study carried out using amounts provided under this section shall be provided from non-Federal sources.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2021 through 2025.

''(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Director may not use more than 5 percent to pay administrative expenses incurred in carrying out this section.

''(3) PROHIBITION.—No amounts made available under this section may be used for the administration of a management conference under section 320.

''(g) ANNUAL BUDGET PLAN.—In each of fiscal years 2021 through 2025, the President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, shall submit information regarding each Federal department and agency involved in San Francisco Bay protection and restoration, including—

''(1) a report that displays for each Federal agency—

''(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, activities, and studies relating to the San Francisco Bay; and

''(B) the proposed budget for protection and restoration projects, activities, and studies relating to the San Francisco Bay; and

''(2) a description and assessment of the Federal role in the implementation of the San Francisco Bay Plan and the specific role of each Federal department and agency involved in San Francisco Bay protection and restoration, including specific projects, activities, and studies conducted or planned to achieve the identified goals and objectives of the San Francisco Bay Plan.''.

SEC. 22303. PUGET SOUND COORDINATED RECOVERY.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is further amended by adding at the end the following:

''SEC. 125. PUGET SOUND.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) COASTAL NONPOINT POLLUTION CONTROL PROGRAM.—The term 'Coastal Nonpoint Pollution Control Program' means the State of Washington's Coastal Nonpoint Pollution Control Program approved by the Secretary of Commerce as required under section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990.

''(2) DIRECTOR.—The term 'Director' means the Director of the Program Office.

''(3) FEDERAL ACTION PLAN.—The term 'Federal Action Plan' means the plan developed under subsection (d)(2)(B).

''(4) INTERNATIONAL JOINT COMMISSION.—The term 'International Joint Commission' means the International Joint Commission established by the United States and Canada under the International Boundary Waters Treaty of 1909 (36 Stat. 2448).

''(5) PACIFIC SALMON COMMISSION.—The term 'Pacific Salmon Commission' means the Pacific Salmon Commission established by the United States and Canada under the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985 (commonly known as the 'Pacific Salmon Treaty').

''(6) PROGRAM OFFICE.—The term 'Program Office' means the Puget Sound Recovery National Program Office established by subsection (c).

''(7) PUGET SOUND ACTION AGENDA; ACTION AGENDA.—The term 'Puget Sound Action Agenda' or 'Action Agenda' means the most recent plan developed by the Puget Sound National Estuary Program Management Conference, in consultation with the Puget Sound Tribal Management Conference, and approved by the Administrator as the comprehensive conservation and management plan for Puget Sound under section 320.

''(8) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE.—The term 'Puget Sound Federal Leadership Task Force' means the Puget Sound Federal Leadership Task Force established under subsection (d).

''(9) PUGET SOUND FEDERAL TASK FORCE.—The term 'Puget Sound Federal Task Force' means the Puget Sound Federal Task Force established in 2016 under a memorandum of understanding among 9 Federal agencies.

''(10) PUGET SOUND NATIONAL ESTUARY PROGRAM MANAGEMENT CONFERENCE; MANAGEMENT CONFERENCE.—The term 'Puget Sound National Estuary Program Management Conference' or 'Management Conference' means the management conference for Puget Sound convened pursuant to section 320.

''(11) PUGET SOUND PARTNERSHIP.—The term 'Puget Sound Partnership' means the State agency that is established under the laws of the State of Washington (section 90.71.210 of the Revised Code of Washington), or its successor agency, that has been designated by the Administrator as the lead entity to support the Puget Sound National Estuary Program Management Conference.

''(12) PUGET SOUND REGION.—

''(A) IN GENERAL.—The term 'Puget Sound region' means the land and waters in the northwest corner of the State of Washington from the Canadian border to the north to the Pacific Ocean on the west, including Hood Canal and the Strait of Juan de Fuca.

''(B) INCLUSION.—The term 'Puget Sound region' includes all of the water that falls on the Olympic and Cascade Mountains and flows to meet Puget Sound's marine waters.

''(13) PUGET SOUND TRIBAL MANAGEMENT CONFERENCE.—The term 'Puget Sound Tribal Management Conference' means the 20 treaty Indian tribes of western Washington and the Northwest Indian Fisheries Commission.

''(14) SALISH SEA.—The term 'Salish Sea' means the network of coastal waterways on the west coast of North America that includes the Puget Sound, the Strait of Georgia, and the Strait of Juan de Fuca.

''(15) SALMON RECOVERY PLANS.—The term 'Salmon Recovery Plans' means the recovery plans for salmon and steelhead species approved by the Secretary of the Interior under section 4(f) of the Endangered Species Act of 1973.

''(16) STATE ADVISORY COMMITTEE.—The term 'State Advisory Committee' means the advisory committee established by subsection (e).

''(17) TREATY RIGHTS AT RISK INITIATIVE.—The term 'Treaty Rights at Risk Initiative' means the report from the treaty Indian tribes of western Washington entitled 'Treaty Rights at Risk: Ongoing Habitat Loss, the Decline of the Salmon Resource, and Recommendations for Change' and dated July 14, 2011, or its successor report, which outlines issues and offers solutions for the protection of Tribal treaty rights, recovery of salmon habitat, and management of sustainable treaty and nontreaty salmon fisheries, including through tribal salmon hatchery programs.

''(b) CONSISTENCY.—All Federal agencies represented on the Puget Sound Federal Leadership Task Force shall act consistently with the protection of Tribal, treaty-reserved rights and, to the greatest extent practicable given such agencies' existing obligations under Federal law, act consistently with the objectives and priorities of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program, when—

''(1) conducting Federal agency activities within or outside Puget Sound that affect any land or water use or natural resources of Puget Sound and its tributary waters, including activities performed by a contractor for the benefit of a Federal agency;

''(2) interpreting and enforcing regulations that impact the restoration and protection of Puget Sound;

''(3) issuing Federal licenses or permits that impact the restoration and protection of Puget Sound; and

''(4) granting Federal assistance to State, local, and Tribal governments for activities related to the restoration and protection of Puget Sound.

''(c) PUGET SOUND RECOVERY NATIONAL PROGRAM OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Environmental Protection Agency a Puget Sound Recovery National Program Office to be located in the State of Washington.

''(2) DIRECTOR.—

''(A) IN GENERAL.—The Director of the Program Office shall be a career reserved position, as such term is defined in section 3132(a)(8) of title 5, United States Code.

''(B) QUALIFICATIONS.—The Director of the Program Office shall have leadership and project management experience and shall be highly qualified to—

''(i) direct the integration of multiple project planning efforts and programs from different agencies and jurisdictions; and

''(ii) align numerous, and often conflicting, needs toward implementing a shared Action Agenda with visible and measurable outcomes.

''(3) DELEGATION OF AUTHORITY; STAFFING.—Using amounts made available pursuant to subsection (i), the Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

''(4) DUTIES.—The Director shall—

''(A) coordinate and manage the timely execution of the requirements of this section, including the formation and meetings of the Puget Sound Federal Leadership Task Force;

''(B) coordinate activities related to the restoration and protection of Puget Sound across the Environmental Protection Agency;

''(C) coordinate and align the activities of the Administrator with the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

''(D) promote the efficient use of Environmental Protection Agency resources in pursuit of Puget Sound restoration and protection;

''(E) serve on the Puget Sound Federal Leadership Task Force and collaborate with, help coordinate, and implement activities with other Federal agencies that have responsibilities involving Puget Sound restoration and protection;

''(F) provide or procure such other advice, technical assistance, research, assessments, monitoring, or other support as is determined by the Director to be necessary or prudent to most efficiently and effectively fulfill the objectives and priorities of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program consistent with the best available science and to ensure the health of the Puget Sound ecosystem;

''(G) track the progress of the Environmental Protection Agency towards meeting the Agency's specified objectives and priorities within the Action Agenda and the Federal Action Plan;

''(H) implement the recommendations of the Comptroller General, set forth in the report entitled 'Puget Sound Restoration: Additional Actions Could Improve Assessments of Progress' and dated July 19, 2018;

''(I) serve as liaison and coordinate activities for the restoration and protection of the Salish Sea, with Canadian authorities, the Pacific Salmon Commission, and the International Joint Commission; and

''(J) carry out such additional duties as the Administrator determines necessary and appropriate.

''(d) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE.—

''(1) ESTABLISHMENT.—There is established a Puget Sound Federal Leadership Task Force.

''(2) DUTIES.—

''(A) GENERAL DUTIES.—The Puget Sound Federal Leadership Task Force shall—

''(i) uphold Federal trust responsibilities to restore and protect resources crucial to Tribal treaty rights, including by carrying out government-to-government consultation with Indian tribes when requested by such tribes;

''(ii) provide a venue for dialogue and coordination across all Federal agencies on the Puget Sound Federal Leadership Task Force to align Federal resources for the purposes of carrying out the requirements of this section and all other Federal laws that contribute to the restoration and protection of Puget Sound, including by—

''(I) enabling and encouraging the Federal agencies represented on the Puget Sound Federal Leadership Task Force to act consistently with the objectives and priorities of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

''(II) facilitating the coordination of Federal activities that impact the restoration and protection of Puget Sound;

''(III) facilitating the delivery of feedback given by Federal agencies to the Puget Sound Partnership during the development of the Action Agenda;

''(IV) facilitating the resolution of interagency conflicts associated with the restoration and protection of Puget Sound among the agencies represented on the Puget Sound Federal Leadership Task Force;

''(V) providing a forum for exchanging information among agencies regarding activities being conducted, including obstacles or efficiencies found, during Puget Sound restoration and protection activities; and

''(VI) promoting the efficient use of government resources in pursuit of Puget Sound restoration and protection through coordination and collaboration, including by ensuring that the Federal efforts relating to the science necessary for restoration and protection of Puget Sound are consistent, and not duplicative, across the Federal Government;

''(iii) catalyze public leaders at all levels to work together toward shared goals by demonstrating interagency best practices coming from the members of the Puget Sound Federal Leadership Task Force;

''(iv) provide advice and support on scientific and technical issues and act as a forum for the exchange of scientific information about Puget Sound;

''(v) identify and inventory Federal environmental research and monitoring programs related to Puget Sound, and provide such inventory to the Puget Sound National Estuary Program Management Conference;

''(vi) ensure that Puget Sound restoration and protection activities are as consistent as practicable with ongoing restoration and protection and related efforts in the Salish Sea that are being conducted by Canadian authorities, the Pacific Salmon Commission, and the International Joint Commission;

''(vii) establish any necessary working groups or advisory committees necessary to assist the Puget Sound Federal Leadership Task Force in its duties, including public policy and scientific issues;

''(viii) raise national awareness of the significance of Puget Sound;

''(ix) work with the Office of Management and Budget to give input on the crosscut budget under subsection (h); and

''(x) submit a biennial report under subsection (g) on the progress made toward carrying out the Federal Action Plan.

''(B) PUGET SOUND FEDERAL ACTION PLAN.—

''(i) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Puget Sound Federal Leadership Task Force shall develop and approve a Federal Action Plan that leverages Federal programs across agencies and serves to coordinate diverse programs on a specific suite of priorities on Puget Sound recovery.

''(ii) REVISION OF PUGET SOUND FEDERAL ACTION PLAN.—Not less often than once every 5 years after the date of completion of the Federal Action Plan described in clause (i), the Puget Sound Federal Leadership Task Force shall review, and revise as appropriate, the Federal Action Plan.

''(C) FEEDBACK BY FEDERAL AGENCIES.—In facilitating feedback under subparagraph (A)(ii)(III), the Puget Sound Federal Leadership Task Force shall request Federal agencies to consider, at a minimum, possible Federal actions designed to—

''(i) further the goals, targets, and actions of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program;

''(ii) implement and enforce this Act, the Endangered Species Act of 1973, and all other Federal laws that contribute to the restoration and protection of Puget Sound, including those that protect Tribal treaty rights;

''(iii) prevent the introduction and spread of invasive species;

''(iv) prevent the destruction of marine and wildlife habitats;

''(v) protect, restore, and conserve forests, wetlands, riparian zones, and nearshore waters that provide marine and wildlife habitat;

''(vi) promote resilience to climate change and ocean acidification effects;

''(vii) conserve and recover endangered species under the Endangered Species Act of 1973;

''(viii) restore fisheries so that they are sustainable and productive;

''(ix) preserve biodiversity;

''(x) restore and protect ecosystem services that provide clean water, filter toxic chemicals, and increase ecosystem resilience; and

''(xi) improve water quality and restore wildlife habitat, including by preventing and managing stormwater runoff, incorporating erosion control techniques and trash capture devices, using sustainable stormwater practices, and mitigating and minimizing nonpoint source pollution, including marine litter.

''(3) PARTICIPATION OF STATE ADVISORY COMMITTEE AND PUGET SOUND TRIBAL MANAGEMENT CONFERENCE.—

''(A) IN GENERAL.—The Puget Sound Federal Leadership Task Force shall carry out its duties with input from, and in collaboration with, the State Advisory Committee and Puget Sound Tribal Management Conference.

''(B) SPECIFIC ADVICE AND RECOMMENDATIONS.—The Puget Sound Federal Leadership Task Force shall seek the advice and recommendations of the State Advisory Committee and Puget Sound Tribal Management Conference on the actions, progress, and issues pertaining to restoration and protection of Puget Sound.

''(4) MEMBERSHIP.—

''(A) QUALIFICATIONS.—Members appointed under this paragraph shall have experience and expertise in matters of restoration and protection of large watersheds and bodies of water or related experience that will benefit the restoration and protection effort of Puget Sound.

''(B) COMPOSITION.—The Puget Sound Federal Leadership Task Force shall be composed of the following members:

''(i) SECRETARY OF AGRICULTURE.—The following individuals appointed by the Secretary of Agriculture:

''(I) A representative of the National Forest Service.

''(II) A representative of the Natural Resources Conservation Service.

''(ii) SECRETARY OF COMMERCE.—A representative of the National Oceanic and Atmospheric Administration appointed by the Secretary of Commerce.

''(iii) SECRETARY OF DEFENSE.—The following individuals appointed by the Secretary of Defense:

''(I) A representative of the Corps of Engineers.

''(II) A representative of the Joint Base Lewis-McChord.

''(III) A representative of the Navy Region Northwest.

''(iv) DIRECTOR.—The Director of the Program Office.

''(v) SECRETARY OF HOMELAND SECURITY.—The following individuals appointed by the Secretary of Homeland Security:

''(I) A representative of the Coast Guard.

''(II) A representative of the Federal Emergency Management Agency.

''(vi) SECRETARY OF THE INTERIOR.—The following individuals appointed by the Secretary of the Interior:

''(I) A representative of the Bureau of Indian Affairs.

''(II) A representative of the United States Fish and Wildlife Service.

''(III) A representative of the United States Geological Survey.

''(IV) A representative of the National Park Service.

''(vii) SECRETARY OF TRANSPORTATION.—The following individuals appointed by the Secretary of Transportation:

''(I) A representative of the Federal Highway Administration.

''(II) A representative of the Federal Transit Administration.

''(viii) ADDITIONAL MEMBERS.—Representatives of such other agencies, programs, and initiatives as the Puget Sound Federal Leadership Task Force determines necessary.

''(5) LEADERSHIP.—The Co-Chairs shall ensure the Puget Sound Federal Leadership Task Force completes its duties through robust discussion of all relevant issues. The Co-Chairs shall share leadership responsibilities equally.

''(6) CO-CHAIRS.—The following members of the Puget Sound Federal Leadership Task Force appointed under paragraph (5) shall serve as Co-Chairs of the Puget Sound Federal Leadership Task Force:

''(A) The representative of the National Oceanic and Atmospheric Administration.

''(B) The representative of the Puget Sound Recovery National Program Office.

''(C) The representative of the Corps of Engineers.

''(7) MEETINGS.—

''(A) INITIAL MEETING.—The Puget Sound Federal Leadership Task Force shall meet not later than 180 days after the date of enactment of this section—

''(i) to determine if all Federal agencies are properly represented;

''(ii) to establish the bylaws of the Puget Sound Federal Leadership Task Force;

''(iii) to establish necessary working groups or committees; and

''(iv) to determine subsequent meeting times, dates, and logistics.

''(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Puget Sound Federal Leadership Task Force shall meet, at a minimum, twice per year to carry out the duties of the Puget Sound Federal Leadership Task Force.

''(C) WORKING GROUP MEETINGS.—Meetings of any established working groups or committees of the Puget Sound Federal Leadership Task Force shall not be considered a biannual meeting for purposes of subparagraph (B).

''(D) JOINT MEETINGS.—The Puget Sound Federal Leadership Task Force shall offer to meet jointly with the Puget Sound National Estuary Program Management Conference and the Puget Sound Tribal Management Conference, at a minimum, once per year. A joint meeting under this subparagraph may be considered a biannual meeting of the Puget Sound Federal Leadership Task Force for purposes of subparagraph (B), if agreed upon.

''(E) QUORUM.—A majority number of the members of the Puget Sound Federal Leadership Task Force shall constitute a quorum.

''(F) VOTING.—For the Puget Sound Federal Leadership Task Force to pass a measure, a two-thirds percentage of the quorum must vote in the affirmative.

''(8) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE PROCEDURES AND ADVICE.—

''(A) ADVISORS.—The Puget Sound Federal Leadership Task Force, and any working group of the Puget Sound Federal Leadership Task Force, may seek advice and input from any interested, knowledgeable, or affected party as the Puget Sound Federal Leadership Task Force or working group, respectively, determines necessary to perform its duties.

''(B) COMPENSATION.—A member of the Puget Sound Federal Leadership Task Force shall receive no additional compensation for service as a member on the Puget Sound Federal Leadership Task Force.

''(C) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Puget Sound Federal Leadership Task Force in the performance of service on the Puget Sound Federal Leadership Task Force may be paid by the agency or department that the member represents.

''(9) PUGET SOUND FEDERAL TASK FORCE.—

''(A) IN GENERAL.—On the date of enactment of this section, the 2016 memorandum of understanding establishing the Puget Sound Federal Task Force shall cease to be effective.

''(B) USE OF PREVIOUS WORK.—The Puget Sound Federal Leadership Task Force shall, to the extent practicable, use the work product produced, relied upon, and analyzed by the Puget Sound Federal Task Force in order to avoid duplicating the efforts of the Puget Sound Federal Task Force.

''(e) STATE ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established a State Advisory Committee.

''(2) MEMBERSHIP.—The committee shall consist of up to seven members designated by the governing body of the Puget Sound Partnership, in consultation with the Governor of Washington, who will represent Washington State agencies that have significant roles and responsibilities related to Puget Sound recovery.

''(f) FEDERAL ADVISORY COMMITTEE ACT.—The Puget Sound Federal Leadership Task Force, State Advisory Committee, and any working group of the Puget Sound Federal Leadership Task Force, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

''(g) PUGET SOUND FEDERAL LEADERSHIP TASK FORCE BIENNIAL REPORT ON PUGET SOUND RECOVERY ACTIVITIES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and biennially thereafter, the Puget Sound Federal Leadership Task Force, in collaboration with the Puget Sound Tribal Management Conference and the State Advisory Committee, shall submit to the President, Congress, the Governor of Washington, and the governing body of the Puget Sound Partnership a report that summarizes the progress, challenges, and milestones of the Puget Sound Federal Leadership Task Force on the restoration and protection of Puget Sound.

''(2) CONTENTS.—The report under paragraph (1) shall include a description of the following:

''(A) The roles and progress of each State, local government entity, and Federal agency that has jurisdiction in the Puget Sound region toward meeting the identified objectives and priorities of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program.

''(B) If available, the roles and progress of Tribal governments that have jurisdiction in the Puget Sound region toward meeting the identified objectives and priorities of the Action Agenda, Salmon Recovery Plans, the Treaty Rights at Risk Initiative, and the Coastal Nonpoint Pollution Control Program.

''(C) A summary of specific recommendations concerning implementation of the Action Agenda and Federal Action Plan, including challenges, barriers, and anticipated milestones, targets, and timelines.

''(D) A summary of progress made by Federal agencies toward the priorities identified in the Federal Action Plan.

''(h) CROSSCUT BUDGET REPORT.—

''(1) FINANCIAL REPORT.—Not later than 1 year after the date of enactment of this section, and every 5 years thereafter, the Director of the Office of Management and Budget, in consultation with the Puget Sound Federal Leadership Task Force, shall, in conjunction with the annual budget submission of the President to Congress for the year under section 1105(a) of title 31, United States Code, submit to Congress and make available to the public, including on the internet, a financial report that is certified by the head of each agency represented by the Puget Sound Federal Leadership Task Force.

''(2) CONTENTS.—The report shall contain an interagency crosscut budget relating to Puget Sound restoration and protection activities that displays—

''(A) the proposed funding for any Federal restoration and protection activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration and protection activities;

''(B) the estimated expenditures for Federal restoration and protection activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year; and

''(C) the estimated expenditures for Federal environmental research and monitoring programs from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year.

''(3) INCLUDED RECOVERY ACTIVITIES.—With respect to activities described in the report, the report shall only describe activities that have funding amounts more than $100,000.

''(4) SUBMISSION TO CONGRESS.—The Director of the Office of Management and Budget shall submit the report to—

''(A) the Committee on Appropriations, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(B) the Committee on Appropriations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate.

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated for activities related to Puget Sound, there is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2025.

''(j) PRESERVATION OF TREATY OBLIGATIONS AND EXISTING FEDERAL STATUS.—

''(1) TRIBAL TREATY RIGHTS.—Nothing in this section affects, or is intended to affect, any right reserved by treaty between the United States and one or more Indian tribes.

''(2) OTHER FEDERAL LAW.—Nothing in this section affects the requirements and procedures of other Federal law.

''(k) CONSISTENCY.—Actions authorized or implemented under this section shall be consistent with—

''(1) the Endangered Species Act of 1973 and the Salmon Recovery Plans of the State of Washington;

''(2) the Coastal Zone Management Act of 1972 and the Coastal Nonpoint Pollution Control Program;

''(3) the water quality standards of the State of Washington approved by the Administrator under section 303; and

''(4) other applicable Federal requirements.''.

SEC. 22304. GREAT LAKES RESTORATION INITIATIVE REAUTHORIZATION.

Section 118(c)(7)(J)(i) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amended—

(1) by striking ''is authorized'' and inserting ''are authorized'';

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

(3) by striking ''this paragraph $300,000,000'' and inserting the following: ''this paragraph—

''(I) $300,000,000''; and

(4) by adding at the end the following:

''(II) $375,000,000 for fiscal year 2022;

''(III) $400,000,000 for fiscal year 2023;

''(IV) $425,000,000 for fiscal year 2024;

''(V) $450,000,000 for fiscal year 2025; and

''(VI) $475,000,000 for fiscal year 2026.''.

SEC. 22305. NATIONAL ESTUARY PROGRAM REAUTHORIZATION.

(a) MANAGEMENT CONFERENCE.—Section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by striking ''and Peconic Bay, New York'' and inserting ''Peconic Bay, New York; Casco Bay, Maine; Tampa Bay, Florida; Coastal Bend, Texas; San Juan Bay, Puerto Rico; Tillamook Bay, Oregon; Piscataqua Region, New Hampshire; Barnegat Bay, New Jersey; Maryland Coastal Bays, Maryland; Charlotte Harbor, Florida; Mobile Bay, Alabama; Morro Bay, California; and Lower Columbia River, Oregon and Washington''.

(b) PURPOSES OF CONFERENCE.—Section 320(b)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)(4)) is amended—

(1) by striking ''management plan that recommends'' and inserting ''management plan that—

''(A) recommends''; and

(2) by adding at the end the following:

''(B) addresses the effects of recurring extreme weather events on the estuary, including the identification and assessment of vulnerabilities in the estuary and the development and implementation of adaptation strategies; and

''(C) increases public education and awareness of the ecological health and water quality conditions of the estuary;''.

(c) MEMBERS OF CONFERENCE.—Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting ''nonprofit organizations,'' after ''educational institutions,''.

(d) GRANTS.—Section 320(g)(4)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(4)(C)) is amended—

(1) in the matter preceding clause (i)—

(A) by inserting '', emerging,'' after ''urgent''; and

(B) by striking ''coastal areas'' and inserting ''the estuaries selected by the Administrator under subsection (a)(2), or that relate to the coastal resiliency of such estuaries'';

(2) by redesignating clauses (vi) and (vii) as clauses (viii) and (ix), respectively, and inserting after clause (v) the following:

''(vi) stormwater runoff;

''(vii) accelerated land loss;''; and

(3) in clause (viii), as so redesignated, by inserting '', extreme weather,'' after ''sea level rise''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)(1)) is amended by inserting '', and $50,000,000 for each of fiscal years 2022 through 2026,'' after ''2021''.

SEC. 22306. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM REAUTHORIZATION.

(a) REVIEW OF COMPREHENSIVE MANAGEMENT PLAN.—Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (c)—

(A) in paragraph (5), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) ensure that the comprehensive conservation and management plan approved for the Basin under section 320 is reviewed and revised in accordance with section 320 not less often than once every 5 years, beginning on the date of enactment of this paragraph.''; and

(2) in subsection (d), by striking ''recommended by a management conference convened for the Basin under section 320'' and inserting ''identified in the comprehensive conservation and management plan approved for the Basin under section 320''.

(b) DEFINITIONS.—Section 121(e)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1273(e)(1)) is amended by striking '', a 5,000 square mile''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 121(f) of the Federal Water Pollution Control Act (33 U.S.C. 1273(f)) is amended—

(1) in paragraph (1), by striking ''2001 through 2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017'' and inserting ''2021 through 2025''; and

(2) by adding at the end the following:

''(3) ADMINISTRATIVE EXPENSES.—The Administrator may use for administrative expenses not more than 5 percent of the amounts appropriated to carry out this section.''.

SEC. 22307. LONG ISLAND SOUND PROGRAM REAUTHORIZATION.

Section 119(h) of the Federal Water Pollution Control Act (33 U.S.C. 1269(h)) is amended by striking ''2023'' and inserting ''2025''.

SEC. 22308. COLUMBIA RIVER BASIN RESTORATION PROGRAM REAUTHORIZATION.

Section 123(d)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1275(d)(6)) is amended by striking ''2021'' and inserting ''2025''.

TITLE III—RESILIENCE REVOLVING LOAN FUND

SEC. 23001. SHORT TITLE.

This title may be cited as the ''Resilience Revolving Loan Fund Act of 2020''.

SEC. 23002. GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

''SEC. 205 GRANTS TO ENTITIES FOR ESTABLISHMENT OF HAZARD MITIGATION REVOLVING LOAN FUNDS.

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The Administrator may enter into agreements with eligible entities to make capitalization grants to such entities for the establishment of hazard mitigation revolving loan funds (referred to in this section as 'entity loan funds') for providing funding assistance to local governments to carry out eligible projects under this section to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities in order to decrease—

''(A) the loss of life and property;

''(B) the cost of insurance claims; and

''(C) Federal disaster payments.

''(2) AGREEMENTS.—Any agreement entered into under this section shall require the participating entity to—

''(A) comply with the requirements of this section; and

''(B) use accounting, audit, and fiscal procedures conforming to generally accepted accounting standards.

''(b) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a capitalization grant under this section, an eligible entity shall submit to the Administrator an application that includes the following:

''(A) Project proposals comprised of local government hazard mitigation projects, on the condition that the entity provides public notice not less than 6 weeks prior to the submission of an application.

''(B) An assessment of recurring major disaster vulnerabilities impacting the entity that demonstrates an escalating risk to life and property.

''(C) A description of how the hazard mitigation plan of the entity has or has not taken the vulnerabilities described in paragraph (2) into account.

''(D) A description about how the projects described in paragraph (1) could conform with the hazard mitigation plans of the entity and local governments.

''(E) A proposal of the systematic and regional approach to achieve resilience in a vulnerable area, including impacts to river basins, river corridors, watersheds, estuaries, bays, coastal regions, micro-basins, micro-watersheds, ecosystems, and areas at risk of earthquakes, tsunamis, droughts, and wildfires, including the wildland-urban interface.

''(2) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to eligible entities for applications under this section.

''(c) ENTITY LOAN FUND.—

''(1) ESTABLISHMENT OF FUND.—An entity that receives a capitalization grant under this section shall establish an entity loan fund that complies with the requirements of this subsection.

''(2) FUND MANAGEMENT.—Except as provided in paragraph (3), an entity loan fund shall be administered by the agency responsible for emergency management for such entity and shall include only—

''(A) funds provided by a capitalization grant under this section;

''(B) repayments of loans under this section to the entity loan fund; and

''(C) interest earned on amounts in the entity loan fund.

''(3) ADMINISTRATION.—A participating entity may combine the financial administration of the entity loan fund of such entity with the financial administration of any other revolving fund established by such entity if the Administrator determines that—

''(A) the capitalization grant, entity share, repayments of loans, and interest earned on amounts in the entity loan fund are accounted for separately from other amounts in the revolving fund; and

''(B) the authority to establish assistance priorities and carry out oversight activities remains in the control of the agency responsible for emergency management for the entity.

''(4) ENTITY SHARE OF FUNDS.—On or before the date on which a participating entity receives a capitalization grant under this section, the entity shall deposit into the entity loan fund of such entity, an amount equal to not less than 10 percent of the amount of the capitalization grant.

''(d) APPORTIONMENT.—

''(1) IN GENERAL.—Except as otherwise provided by this subsection, the Administrator shall apportion funds made available to carry out this section to entities that have entered into an agreement under subsection (a)(2) in amounts as determined by the Administrator.

''(2) RESERVATION OF FUNDS.—The Administrator shall reserve not more than 2.5 percent of the amount made available to carry out this section for—

''(A) administrative costs incurred in carrying out this section; and

''(B) providing technical assistance to participating entities under subsection (b)(2).

''(3) PRIORITY.—In the apportionment of capitalization grants under this subsection, the Administrator shall give priority to entity applications under subsection (b) that—

''(A) propose projects increasing resilience and reducing risk of harm to natural and built infrastructure;

''(B) involve a partnership between 2 or more eligible entities to carry out a project or similar projects;

''(C) take into account regional impacts of hazards on river basins, river corridors, micro-watersheds, macro-watersheds, estuaries, bays, coastal regions, and areas vulnerable to earthquake, drought, tsunamis and wildfire, including the wildland-urban interface; or

''(D) propose projects for the resilience of major economic sectors or critical national infrastructure, including ports, global commodity supply chain assets (located within an entity or within the jurisdiction of local governments and tribal governments), capacity, power and water production and distribution centers, and bridges and waterways essential to interstate commerce.

''(e) USE OF FUNDS.—

''(1) TYPES OF ASSISTANCE.—Amounts deposited in an entity loan fund, including loan repayments and interest earned on such amounts, may be used—

''(A) to make loans, on the condition that—

''(i) such loans are made at an interest rate of not more than 1.5 percent;

''(ii) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized—

''(I) not later than 20 years after the date on which the project is completed; or

''(II) for projects in a low-income geographic area, not later than 30 years after the date on which the projects is completed and not longer than the expected design life of the project;

''(iii) the local government receiving a loan establishes a dedicated source of revenue for repayment of the loan;

''(iv) the local government receiving a loan has a hazard mitigation plan that has been approved by the participating entity; and

''(v) the entity loan fund will be credited with all payments of principal and interest on all loans;

''(B) for mitigation planning, not to exceed 10 percent of the capitalization grants made to the participating entity in a fiscal year;

''(C) for the reasonable costs of administering the fund and conducting activities under this section, except that such amounts shall not exceed $100,000 per year, 2 percent of the capitalization grants made to the participating entity in a fiscal year, or 1 percent of the value of the entity loan fund, whichever amount is greatest, plus the amount of any fees collected by the entity for such purpose regardless of the source; and

''(D) to earn interest on the entity loan fund.

''(2) PROHIBITION ON DETERMINATION THAT LOAN IS A DUPLICATION.—In carrying out this section, Administrator may not determine that a loan is a duplication of assistance or a duplication of programs.

''(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Except as provided in this subsection, a participating entity may use funds in the entity loan fund to provide financial assistance for projects or activities that mitigate the impacts of hazards, including—

''(A) drought and prolonged episodes of intense heat;

''(B) severe storms, including tornados, wind storms, cyclones, and severe winter storms;

''(C) wildfires;

''(D) earthquakes;

''(E) flooding, including the construction, repair, or replacement of a non-Federal levee or other flood control structure, provided the Administrator, in consultation with the Corps of Engineers (if appropriate), requires an eligible entity to determine that such levee or structure is designed, constructed, and maintained in accordance with sound engineering practices and standards equivalent to the purpose for which such levee or structure is intended;

''(F) storm surges;

''(G) chemical spills that present an imminent threat to life and property;

''(H) seepage resulting from chemical spills and flooding; and

''(I) any catastrophic event that the entity determines appropriate.

''(4) ZONING AND LAND USE PLANNING CHANGES.—A participating entity may use not more than 10 percent of the entity loan fund in a fiscal year to provide financial assistance for zoning and land use planning changes focused on—

''(A) the development and improvement of zoning and land use codes that incentivize and encourage low-impact development, resilient wildland-urban interface land management and development, natural infrastructure, green stormwater management, conservation areas adjacent to floodplains, implementation of watershed or greenway master plans, and reconnection of floodplains;

''(B) the study and creation of land use incentives that reward developers for greater reliance on low impact development stormwater best management practices, exchange density increases for increased open space and improvement of neighborhood catch basins to mitigate urban flooding, reward developers for including and augmenting natural infrastructure adjacent to and around building projects without reliance on increased sprawl, and reward developers for addressing wildfire ignition; and

''(C) the study and creation of an erosion response plan that accommodates river, lake, forest, plains, and ocean shoreline retreating or bluff stabilization due to increased flooding and disaster impacts.

''(5) ADMINISTRATIVE AND TECHNICAL COSTS.—For each fiscal year, a participating entity may use the amount described in paragraph (1)(C) to—

''(A) pay the reasonable costs of administering the programs under this section, including the cost of establishing an entity loan fund;

''(B) provide technical assistance to recipients of financial assistance from the entity loan fund, on the condition that such technical assistance does not exceed 5 percent of the capitalization grant made to such entity.

''(6) LIMITATION FOR SINGLE PROJECTS.—A participating entity may not provide an amount equal to or more than $5,000,000 to a single hazard mitigation project.

''(7) REQUIREMENTS.—For fiscal year 2020 and each fiscal year thereafter, the requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to the construction of projects carried out in whole or in part with assistance made available by an entity loan fund authorized by this section.

''(f) INTENDED USE PLANS.—

''(1) IN GENERAL.—After providing for public comment and review, and consultation with appropriate agencies in an entity, Federal agencies, and interest groups, each participating entity shall annually prepare and submit to the Administrator a plan identifying the intended uses of the entity loan fund.

''(2) CONTENTS OF PLAN.—An entity intended use plan prepared under paragraph (1) shall include—

''(A) the integration of entity planning efforts, including entity hazard mitigation plans and other programs and initiatives relating to mitigation of major disasters carried out by such entity;

''(B) an explanation of the mitigation and resiliency benefits the entity intends to achieve by—

''(i) reducing future damage and loss associated with hazards;

''(ii) reducing the number of severe repetitive loss structures and repetitive loss structures in the entity;

''(iii) decreasing the number of insurance claims in the entity from injuries resulting from major disasters or other hazards; and

''(iv) increasing the rating under the community rating system under section 1315(b) of the Housing and Urban Development Act of 1968 (42 U.S.C. 4022(b)) for communities in the entity;

''(C) information on the availability of, and application process for, financial assistance from the entity loan fund of such entity;

''(D) the criteria and methods established for the distribution of funds;

''(E) the amount of financial assistance that the entity anticipates apportioning;

''(F) the expected terms of the assistance provided from the entity loan fund; and

''(G) a description of the financial status of the entity loan fund, including short-term and long-term goals for the fund.

''(g) AUDITS, REPORTS, PUBLICATIONS, AND OVERSIGHT.—

''(1) BIENNIAL ENTITY AUDIT AND REPORT.—Beginning not later than the last day of the second fiscal year after the receipt of payments under this section, and biennially thereafter, any participating entity shall—

''(A) conduct an audit of such fund established under subsection (b); and

''(B) provide to the Administrator a report including—

''(i) the result of any such audit; and

''(ii) a review of the effectiveness of the entity loan fund of the entity with respect to meeting the goals and intended benefits described in the intended use plan submitted by the entity under subsection (e).

''(2) PUBLICATION.—A participating entity shall publish and periodically update information about all projects receiving funding from the entity loan fund of such entity, including—

''(A) the location of the project;

''(B) the type and amount of assistance provided from the entity loan fund;

''(C) the expected funding schedule; and

''(D) the anticipated date of completion of the project.

''(3) OVERSIGHT.—

''(A) IN GENERAL.—The Administrator shall, at least every 4 years, conduct reviews and audits as may be determined necessary or appropriate by the Administrator to carry out the objectives of this section and determine the effectiveness of the fund in reducing hazard risk.

''(B) GAO REQUIREMENTS.—The entity shall conduct audits under paragraph (1) in accordance with the auditing procedures of the Government Accountability Office, including chapter 75 of title 31.

''(C) RECOMMENDATIONS BY ADMINISTRATOR.—The Administrator may at any time make recommendations for or require specific changes to an entity's loan fund in order to improve the effectiveness of the fund.

''(h) REGULATIONS OR GUIDANCE.—The Administrator shall issue such regulations or guidance as are necessary to—

''(1) ensure that each participating entity uses funds as efficiently as possible; and

''(2) reduce waste, fraud, and abuse to the maximum extent possible.

''(i) WAIVER AUTHORITY.—Until such time as the Administrator issues regulations to implement this section, the Administrator may—

''(1) waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section; and

''(2) provide capitalization grants under this section as a pilot program.

''(j) DEFINITIONS.—In this section, the following definitions apply:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or an Indian tribal government (as such terms are defined in section 102 of this Act (42 U.S.C. 5122)).

''(2) HAZARD MITIGATION PLAN.—The term 'hazard mitigation plan' means a mitigation plan submitted under section 322 and approved by the Administrator.

''(3) LOW-INCOME GEOGRAPHIC AREA.—The term 'low-income geographic area' means an area described in paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

''(4) PARTICIPATING ENTITY.—The term 'participating entity' means an eligible entity that has entered into an agreement under this section.

''(5) REPETITIVE LOSS STRUCTURE.—The term 'repetitive loss structure' has the meaning given the term in section 1370 of the National Flood Insurance Act (42 U.S.C. 4121).

''(6) SEVERE REPETITIVE LOSS STRUCTURE.—The term 'severe repetitive loss structure' has the meaning given the term in section 1366(h) of the National Flood Insurance Act (42 U.S.C. 4104c(h).

''(7) 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).

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2021 and 2022.''.

TITLE IV—SPORTS FISHING

SEC. 24001. SHORT TITLE.

This title may be cited as the ''Sport Fish Restoration, Recreational Boating Safety, and Wildlife Restoration Act of 2020''.

SEC. 24002. DIVISION OF ANNUAL APPROPRIATIONS.

(a) IN GENERAL.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by striking ''2021'' and inserting ''2025'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''2021'' and inserting ''2025''; and

(ii) by amending subparagraph (B) to read as follows—

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for fiscal year 2021, $12,625,419; and

''(ii) for fiscal year 2022 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''2016 through 2021'' and inserting ''2022 through 2025''; and

(ii) by amending subparagraph (B) to read as follows—

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for fiscal year 2021, $8,988,700; and

''(ii) for fiscal year 2022 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.''; and

(3) in subsection (e)(2), by striking ''$900,000'' and inserting ''$1,300,000''.

(b) ADMINISTRATION.—Section 9(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a)) is amended—

(1) in paragraph (1), by striking ''on a full-time basis'';

(2) by striking paragraph (2) and redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively;

(3) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'' each place it appears;

(4) in paragraph (4)(B), as so redesignated, by striking ''full-time equivalent''; and

(5) in paragraph (8)(A), as so redesignated, by striking ''on a full-time basis''.

(c) OTHER ACTIVITIES.—Section 14(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777m(e)) is amended by adding at the end the following:

''(3) A portion, as determined by the Sport Fishing and Boating Partnership Council, of funds disbursed for the purposes described in paragraph (2) but remaining unobligated prior to fiscal year 2020 shall be used to study—

''(A) the impact of derelict recreational vessels on recreational boating safety and recreational fishing; and

''(B) identify options and methods for recycling for recreational vessels.''.

SEC. 24003. RECREATIONAL BOATING ACCESS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on recreational boating access. In carrying out such study, the Comptroller General shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on the design, scope, and priorities of such study.

(b) CONTENTS.—To the extent practicable, the study required under subsection (a) shall contain a description of—

(1) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access to waterway entry points;

(2) recreational fishing and boating user conflicts concerning motorized and nonmotorized vessels at waterway access points; and

(3) the use of funds provided under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for—

(A) the sport fish restoration program to improve nonmotorized vessel access at waterway entry points and the reasons for providing such access; and

(B) the Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Sport Fishing and Boating Partnership Council, the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate a report containing the study required under this section.

(d) STATE DEFINED.—In this section, the term ''State'' means any State, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, the U.S. Virgin Islands, and American Samoa.

SEC. 24004. WILDLIFE RESTORATION FUND ADMINISTRATION.

(a) ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c), is amended—

(1) in subsection (a)(1)(B)—

(A) in clause (i) by striking ''for each of fiscal years 2001 and 2002, $9,000,000;'' and inserting the following: ''for fiscal year 2021, the sum of—

''(I) the amount made available under this paragraph for the previous fiscal year adjusted to reflect the change in the Consumer Price Index for All Urban Consumers relative to such previous fiscal year; and

''(II) $979,500; and'';

(B) by striking clause (ii) and redesignating clause (iii) as clause (ii); and

(C) in clause (ii), as so redesignated, by striking ''fiscal year 2004''; and

(2) in subsection (a)(2) by striking ''the end of the fiscal year'' and inserting ''the end of the subsequent fiscal year''.

(b) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Section 9(a) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(a)) is amended—

(1) in paragraph (1) by striking ''who directly administer this Act on a full-time basis'' and inserting ''for the work hours such employees spend directly administering this Act, as such hours are certified by the supervisor of the employee'';

(2) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'' each place it appears;

(3) by striking paragraph (2) and redesignating paragraphs (3) through (12) as paragraphs (2) through (11), respectively; and

(4) in paragraph (10), as so redesignated—

(A) by inserting ''or part-time'' after ''on a full-time''; and

(B) by striking ''expenses are incurred'' and inserting ''expenses are incurred, provided that the percentage of relocation expenses paid such amounts do not exceed the percentage of work hours the member of personnel spends administering this chapter''.

SEC. 24005. SPORT FISH RESTORATION AND BOATING TRUST FUND.

Section 13107(c)(2) of title 46, United States Code, is amended by striking ''No funds available'' and inserting ''On or after October 1, 2023 no funds available,''.

TITLE V—CLIMATE SMART PORTS

SEC. 25001. SHORT TITLE.

This title may be cited as the ''Climate Smart Ports Act''.

SEC. 25002. CLIMATE SMART PORTS GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 50302 of title 46, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) CLIMATE SMART PORTS GRANT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Climate Smart Ports Act, the Secretary shall establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology.

''(2) PROCEDURAL SAFEGUARDS.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which those funds were made available;

''(B) each grantee properly accounts for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(3) GRANT CONDITIONS.—

''(A) IN GENERAL.—The Secretary shall require as a condition of making a grant under this subsection that a grantee—

''(i) maintain such records as the Secretary considers necessary;

''(ii) make the records described in clause (i) available for review and audit by the Secretary; and

''(iii) periodically report to the Secretary such information as the Secretary considers necessary to assess progress.

''(B) REQUIREMENT.—The Secretary shall require recipients of assistance under this subsection (d) to comply with section 113(a) of title 23 with respect to all construction, alteration, installation, or repair work, in the same manner that recipients of assistance under chapter 1 of such title are required to comply with such section for construction work performed on highway projects on Federal-aid highways. With regard to the construction, alteration, or repair of vessels, the same requirements of such section shall apply regardless of whether the location of contract performance is known when bids for such work are solicited.

''(4) PROHIBITED USE.—

''(A) IN GENERAL.—An eligible entity may not use a grant awarded under this subsection to purchase or install fully automated cargo handling equipment or terminal infrastructure that is designed for fully automated cargo handling equipment.

''(B) HUMAN-OPERATED ZERO EMISSIONS PORT EQUIPMENT AND TECHNOLOGY.—Nothing in subparagraph (A) prohibits an eligible entity from using a grant awarded under this subsection to purchase human-operated zero emissions port equipment and technology or infrastructure that supports such human-operated zero emissions port equipment and technology.

''(5) COST SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible entity may not use a grant awarded under this subsection to cover more than 70 percent of the cost of purchasing, and as applicable installing, zero emissions port equipment and technology.

''(B) CERTAIN GRANTS.—With respect to a grant in an amount equal to or greater than $3,000,000, an eligible entity may use such grant to cover not more than 85 percent of the cost of purchasing and installing zero emissions port equipment and technology if such eligible entity certifies to the Secretary that—

''(i) such grant will be used, at least in part, to employ laborers or mechanics to install zero emissions port equipment and technology; and

''(ii) such eligible entity is a party to a project labor agreement or requires that each subgrantee of such eligible entity, and any subgrantee thereof at any tier, that performs such installation participate in a project labor agreement.

''(6) PROJECT LABOR.—An eligible entity that uses a grant awarded under this subsection to install zero emissions port equipment and technology shall ensure, to the greatest extent practicable, that any subgrantee of such eligible entity, and any subgrantee thereof at any tier, that carries out such installation employs laborers or mechanics for such installation that—

''(A) are domiciled not further than 50 miles from such installation;

''(B) are members of the Armed Forces serving on active duty, separated from active duty, or retired from active duty;

''(C) have been incarcerated or served time in a juvenile detention facility; or

''(D) have a disability.

''(7) APPLICATION.—

''(A) IN GENERAL.—To be eligible to be awarded a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(B) PRIORITY.—The Secretary shall prioritize awarding grants under this subsection to eligible entities based on the following:

''(i) The degree to which the proposed use of the grant will—

''(I) reduce greenhouse gas emissions;

''(II) reduce emissions of any criteria pollutant and precursor thereof;

''(III) reduce hazardous air pollutant emissions; and

''(IV) reduce public health disparities in communities that receive a disproportionate quantity of air pollution from a port.

''(ii) The amount of matching, non-Federal funds expected to be used by an applicant to purchase, and as applicable install, zero emissions port equipment and technology.

''(iii) Whether the applicant will use such grant to purchase, and as applicable install, zero emissions port equipment and technology that is produced in the United States.

''(iv) As applicable, whether the applicant will recruit and retain skilled workers through a Department of Labor approved or State-approved joint labor management apprenticeship program.

''(8) OUTREACH.—

''(A) IN GENERAL.—Not later than 90 days after funds are made available to carry out this subsection, the Secretary shall develop and carry out an educational outreach program to promote and explain the grant program established under paragraph (1) to prospective grant recipients.

''(B) PROGRAM COMPONENTS.—In carrying out the outreach program developed under subparagraph (A), the Secretary shall—

''(i) inform prospective grant recipients how to apply for a grant awarded under this subsection;

''(ii) describe to prospective grant recipients the benefits of available zero emissions port equipment and technology;

''(iii) explain to prospective grant recipients the benefits of participating in the grant program established under this subsection; and

''(iv) facilitate the sharing of best practices and lessons learned between grant recipients and prospective grant recipients with respect to how to apply for and use grants awarded under this subsection.

''(9) REPORTS.—

''(A) REPORT TO SECRETARY.—Not later than 90 days after the date on which an eligible entity uses a grant awarded under this subsection, such eligible entity shall submit to the Secretary a report containing such information as the Secretary shall require.

''(B) BIENNIAL REPORT TO CONGRESS.—Not later than January 31, 2021, and biennially thereafter, the Secretary shall submit to Congress and make available on the website of the Maritime Administration a report that includes, with respect to each grant awarded under this subsection during the preceding calendar years—

''(i) the name and location of the eligible entity that was awarded such grant;

''(ii) the amount of such grant that the eligible entity was awarded;

''(iii) the name and location of the port where the zero emissions port equipment and technology that was purchased, and as applicable installed, with such grant is used;

''(iv) an estimate of the impact of such zero emissions port equipment and technology on reducing—

''(I) greenhouse gas emissions;

''(II) emissions of criteria pollutants and precursors thereof;

''(III) hazardous air pollutant emissions; and

''(IV) public health disparities in surrounding local communities; and

''(v) any other information the Secretary determines necessary to understand the impact of grants awarded under this subsection.

''(10) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2021 through 2030.

''(B) NONATTAINMENT AREAS.—To the extent practicable, at least 25 percent of amounts made available to carry out this subsection in each fiscal year shall be used to award grants to eligible entities to provide zero emissions port equipment and technology to ports that are in nonattainment areas.

''(C) ADMINISTRATION.—

''(i) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain not more than 2 percent of the amounts appropriated for each fiscal year under this subsection for the administrative and oversight costs incurred by the Secretary to carry out this subsection.

''(ii) AVAILABILITY.—

''(I) IN GENERAL.—Amounts appropriated for carrying out this subsection shall remain available until expended.

''(II) UNEXPENDED FUNDS.—Amounts awarded as a grant under this subsection that are not expended by the grantee during the 5-year period following the date of the award shall remain available to the Secretary for use for grants under this subsection in a subsequent fiscal year.

''(11) DEFINITIONS.—In this subsection:

''(A) ACTIVE DUTY.—The term 'active duty' has the meaning given such term in section 101 of title 10, United States Code.

''(B) ALTERNATIVE EMISSIONS CONTROL TECHNOLOGY.—The term 'alternative emissions control technology' means a technology, technique, or measure that—

''(i) captures the emissions of nitrogen oxide, particulate matter, reactive organic compounds, and greenhouse gases from the auxiliary engine and auxiliary boiler of an ocean-going vessel at berth;

''(ii) is verified or approved by a State or Federal air quality regulatory agency;

''(iii) the use of which achieves at least the equivalent reduction of emissions as the use of shore power for an ocean-going vessel at berth;

''(iv) the use of which results in reducing emissions of the auxiliary engine of an ocean-going vessel at berth to a rate of less than—

''(I) 2.8 g/kW-hr for nitrogen oxide;

''(II) 0.03 g/kW-hr for particulate matter 2.5; and

''(III) 0.1 g/kW-hr for reactive organic compounds; and

''(v) reduces the emissions of the auxiliary engine and boiler of an ocean-going vessel at berth by at least 80 percent of the default emissions rate, which is 13.8 g.

''(C) CRITERIA POLLUTANT.—The term 'criteria pollutant' means each of the following:

''(i) Ground-level ozone.

''(ii) Particulate matter.

''(iii) Carbon monoxide.

''(iv) Lead.

''(v) Sulfur dioxide.

''(vi) Nitrogen dioxide.

''(D) DISTRIBUTED ENERGY RESOURCE.—

''(i) IN GENERAL.—The term 'distributed energy resource' means an energy resource that—

''(I) is located on or near a customer site;

''(II) is operated on the customer side of the electric meter; and

''(III) is interconnected with the electric grid.

''(ii) INCLUSIONS.—The term 'distributed energy resource' includes—

''(I) clean electric generation;

''(II) customer electric efficiency measures;

''(III) electric demand flexibility; and

''(IV) energy storage.

''(E) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) a port authority;

''(ii) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

''(iii) an air pollution control district or air quality management district; or

''(iv) a private or nonprofit entity, applying for a grant awarded under this subsection in collaboration with another entity described in clauses (i) through (iii), that owns or uses cargo or transportation equipment at a port.

''(F) ENERGY STORAGE SYSTEM.—The term 'energy storage system' means a system, equipment, facility, or technology that—

''(i) is capable of absorbing energy, storing energy for a period of time, and dispatching the stored energy; and

''(ii) uses a mechanical, electrical, chemical, electrochemical, or thermal process to store energy that—

''(I) was generated at an earlier time for use at a later time; or

''(II) was generated from a mechanical process, and would otherwise be wasted, for delivery at a later time.

''(G) FULLY AUTOMATED CARGO HANDLING EQUIPMENT.—The term 'fully automated cargo handling equipment' means cargo handling equipment that—

''(i) is remotely operated or remotely monitored; and

''(ii) with respect to the use of such equipment, does not require the exercise of human intervention or control.

''(H) NONATTAINMENT AREA.—The term 'nonattainment area' has the meaning given such term in section 171 of the Clean Air Act (42 U.S.C. 7501).

''(I) PORT.—The term 'port' includes a maritime port and an inland port.

''(J) PORT AUTHORITY.—The term 'port authority' means a governmental or quasi-governmental authority formed by a legislative body to operate a port.

''(K) PROJECT LABOR AGREEMENT.—The term 'project labor agreement' means a pre-hire collective bargaining agreement with one or more labor organization that establishes the terms and conditions of employment for a specific construction project and is described in section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

''(L) APPRENTICESHIP PROGRAM.—The term 'apprenticeship program' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

''(M) SHORE POWER.—The term 'shore power' means the provision of shoreside electrical power to a ship at berth that has shut down main and auxiliary engines.

''(N) STATE APPRENTICESHIP AGENCY.—The term 'State Apprenticeship Agency' has the meaning given such term in section 29.2 of title 29, Code of Federal Regulations (as in effect on January 1, 2020).

''(O) ZERO EMISSIONS PORT EQUIPMENT AND TECHNOLOGY.—

''(i) IN GENERAL.—The term 'zero emissions port equipment and technology' means equipment and technology, including the equipment and technology described in clause (ii), that—

''(I) is used at a port; and

''(II)(aa) produces zero exhaust emissions of—

''(AA) any criteria pollutant and precursor thereof; and

''(BB) any greenhouse gas, other than water vapor; or

''(bb) captures 100 percent of the exhaust emissions produced by an ocean-going vessel at berth.

''(ii) EQUIPMENT AND TECHNOLOGY DESCRIBED.—The equipment and technology described in this clause is the following:

''(I) Any equipment that handles cargo.

''(II) A drayage truck that transports cargo.

''(III) A train that transports cargo.

''(IV) Port harbor craft.

''(V) A distributed energy resource.

''(VI) An energy storage system.

''(VII) Electrical charging infrastructure.

''(VIII) Shore power or an alternative emissions control technology.

''(IX) An electric transport refrigeration unit.''.

(b) TECHNICAL ASSISTANCE.—Paragraph (3) of subsection (e) of section 50302 of title 46, United States Code, as redesignated by subsection (a)(1) of this section, is amended—

(1) by inserting ''or (d)'' after ''subsection (c)''; and

(2) by striking ''such''.

SEC. 25003. ENERGY POLICY ACT OF 2005 AUTHORIZATION OF APPROPRIATIONS FOR PORT AUTHORITIES.

Section 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137) is amended by adding at the end the following:

''(c) PORT AUTHORITIES.—There is authorized to be appropriated $50,000,000 for each of fiscal years 2021 through 2025 to award grants, rebates, or loans, under section 792, to eligible entities to carry out projects that reduce emissions at ports.''.

DIVISION G—ENERGY AND COMMERCE

TITLE I—BROADBAND INFRASTRUCTURE

SEC. 31001. DEFINITIONS.

In this title:

(1) AGING INDIVIDUAL.—The term ''aging individual'' has the meaning given the term ''older individual'' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

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

(C) the Committee on Appropriations of the House of Representatives; and

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

(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(4) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(5) COVERED HOUSEHOLD.—The term ''covered household'' means a household the income of which does not exceed 150 percent of the poverty threshold, as determined by using criteria of poverty established by the Bureau of the Census, for a household of the size involved.

(6) COVERED POPULATIONS.—The term ''covered populations'' means—

(A) individuals who are members of covered households;

(B) aging individuals;

(C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility (including a private facility operated under contract with the Federal Government);

(D) veterans;

(E) individuals with disabilities;

(F) individuals with a language barrier, including individuals who—

(i) are English learners; or

(ii) have low levels of literacy;

(G) individuals who are members of a racial or ethnic minority group; and

(H) individuals who primarily reside in a rural area.

(7) DIGITAL LITERACY.—The term ''digital literacy'' means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(8) DISABILITY.—The term ''disability'' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(9) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(10) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e)).

(11) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(12) POSTSECONDARY VOCATIONAL INSTITUTION.—The term ''postsecondary vocational institution'' has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(13) RURAL AREA.—The term ''rural area'' has the meaning given the term in section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913).

(14) STATE.—The term ''State'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(15) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

SEC. 31002. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) a broadband service connection and digital literacy are increasingly critical to how individuals—

(A) participate in the society, economy, and civic institutions of the United States; and

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual;

(C) materially harms the opportunity of areas where it is especially widespread with respect to economic success, educational achievement, positive health outcomes, social cohesion, and civic institutions; and

(D) exacerbates existing wealth and income gaps, especially those experienced by covered populations and between regions;

(3) achieving accessible and affordable access to broadband service, as well as digital literacy, for all people of the United States requires additional and sustained research efforts and investment;

(4) the Federal Government, as well as State, Tribal, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and

(5) achieving accessible and affordable access to broadband service is a matter of social and economic justice and is worth pursuing.

(b) BROADBAND SERVICE DEFINED.—In this section, the term ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

SEC. 31003. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid, the remainder of this title and the amendments made by this title, and the application of such provision or amendment to any other person or circumstance, shall not be affected thereby.

Subtitle A—Digital Equity

SEC. 31100. DEFINITIONS.

In this subtitle:

(1) ADOPTION OF BROADBAND SERVICE.—The term ''adoption of broadband service'' means the process by which an individual obtains daily access to broadband service—

(A) with a download speed of at least 25 megabits per second, an upload speed of at least 3 megabits per second, and a latency that is sufficiently low to allow real-time, interactive applications;

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) ANCHOR INSTITUTION.—The term ''anchor institution'' means a public or private school, a library, a medical or healthcare provider, a museum, a public safety entity, a public housing agency, a community college, an institution of higher education, a religious organization, or any other community support organization or agency.

(3) ASSISTANT SECRETARY.—Except in section 31101, the term ''Assistant Secretary'' means the Assistant Secretary, acting through the Office.

(4) BROADBAND SERVICE.—The term ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(5) COVERED PROGRAMS.—The term ''covered programs'' means the State Digital Equity Capacity Grant Program established under section 31121 and the Digital Equity Competitive Grant Program established under section 31122.

(6) DIGITAL EQUITY.—The term ''digital equity'' means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(7) DIGITAL INCLUSION ACTIVITIES.—The term ''digital inclusion activities''—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

(i) reliable broadband service;

(ii) internet-enabled devices that meet the needs of the user; and

(iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

(i) the provision of digital literacy training;

(ii) the provision of quality technical support; and

(iii) promoting basic awareness of measures to ensure online privacy and cybersecurity.

(8) ELIGIBLE STATE.—The term ''eligible State'' means—

(A) with respect to planning grants made available under section 31121(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 31121(c)(3)(C); and

(B) with respect to capacity grants awarded under section 31121(d), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 31121(d)(2), including approval of the State Digital Equity Plan developed by the State under section 31121(c).

(9) FEDERAL BROADBAND SERVICE SUPPORT PROGRAM.—The term ''Federal broadband service support program'' does not include any Universal Service Fund program and means any of the following programs (or any other similar Federal program) to the extent the program offers broadband service or programs for promoting access to broadband service and adoption of broadband service for various demographic communities through various media for residential, commercial, or community providers or anchor institutions:

(A) The Telecommunications and Technology Program of the Appalachian Regional Commission.

(B) The Telecommunications Infrastructure Loans and Loan Guarantees, the Rural Broadband Access Loans and Loan Guarantees, the Substantially Underserved Trust Areas Provisions, the Community Connect Grant Program, and the Distance Learning and Telemedicine Grant Program of the Rural Utilities Service of the Department of Agriculture.

(C) The Public Works and Economic Adjustment Assistance Programs and the Planning and Local Technical Assistance Programs of the Economic Development Administration of the Department of Commerce.

(D) The Community Development Block Grants and Section 108 Loan Guarantees, the Funds for Public Housing Authorities: Capital Fund and Operating Fund, the Multifamily Housing, the Indian Community Development Block Grant Program, the Indian Housing Block Grant Program, the Title VI Loan Guarantee Program, Choice Neighborhoods, the HOME Investment Partnerships Program, the Housing Trust Fund, and the Housing Opportunities for Persons with AIDS of the Department of Housing and Urban Development.

(E) The American Job Centers of the Employment and Training Administration of the Department of Labor.

(F) The Library Services and Technology Grant Programs of the Institute of Museum and Library Services.

(G) The State Digital Equity Capacity Grant Program established under section 31121.

(H) The Digital Equity Competitive Grant Program established under section 31122.

(I) The program established under section 723 of the Communications Act of 1934 (relating to expansion of access to broadband service for unserved areas, areas with low-tier service, areas with mid-tier service, and unserved anchor institutions), as added by section 31301.

(J) The broadband infrastructure finance and innovation program established under chapter 2 of subtitle C.

(10) GENDER IDENTITY.—The term ''gender identity'' has the meaning given the term in section 249(c) of title 18, United States Code.

(11) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(12) MEDICAID ENROLLEE.—The term ''Medicaid enrollee'' means, with respect to a State, an individual enrolled in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a waiver of that plan.

(13) NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The term ''National Lifeline Eligibility Verifier'' has the meaning given such term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(14) OFFICE.—The term ''Office'' means the Office of Internet Connectivity and Growth established pursuant to section 31101.

(15) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(16) SNAP PARTICIPANT.—The term ''SNAP participant'' means an individual who is a member of a household that participates in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(17) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERN.—The term ''socially and economically disadvantaged small business concern'' has the meaning given the term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(18) TRIBALLY DESIGNATED ENTITY.—The term ''tribally designated entity'' means an entity designated by an Indian Tribe to carry out activities under this subtitle.

(19) UNIVERSAL SERVICE FUND PROGRAM.—The term ''Universal Service Fund program'' means any program authorized under section 254 of the Communications Act of 1934 (47 U.S.C. 254), to the extent such program provides support for broadband service deployment.

(20) UNIVERSAL SERVICE MECHANISM.—The term ''universal service mechanism'' means any funding stream provided by a Universal Service Fund program to support broadband service deployment.

(21) WORKFORCE DEVELOPMENT PROGRAM.—The term ''workforce development program'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

CHAPTER 1—OFFICE OF INTERNET CONNECTIVITY AND GROWTH

SEC. 31101. ESTABLISHMENT OF THE OFFICE OF INTERNET CONNECTIVITY AND GROWTH.

Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish the Office of Internet Connectivity and Growth within the National Telecommunications and Information Administration.

SEC. 31102. DUTIES.

(a) OUTREACH.—The Office shall—

(1) connect with communities that need access to broadband service and improved digital inclusion activities through various forms of outreach and communication techniques;

(2) hold regional workshops across the country to share best practices and effective strategies for promoting access to broadband service and adoption of broadband service;

(3) develop targeted broadband service training and presentations for various demographic communities through various media; and

(4) develop and distribute publications (including toolkits, primers, manuals, and white papers) providing guidance, strategies, and insights to communities as the communities develop strategies to expand access to broadband service and adoption of broadband service.

(b) TRACKING OF FEDERAL DOLLARS.—

(1) BROADBAND SERVICE INFRASTRUCTURE.—The Office shall track the construction and use of and access to any broadband service infrastructure built using any Federal support in a central database.

(2) ACCOUNTING MECHANISM.—The Office shall develop a streamlined accounting mechanism by which any Federal agency offering a Federal broadband service support program, and the Commission with respect to the Universal Service Fund programs, shall provide the information described in paragraph (1) in a standardized and efficient fashion.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, and every year thereafter, the Office shall make public on the website of the Office and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the following:

(A) A description of the work of the Office for the previous year and the number of residents of the United States that received broadband service as result of Federal broadband service support programs and the Universal Service Fund programs.

(B) A description of how many residents of the United States were provided broadband service by which universal service mechanism or which Federal broadband service support program.

(C) An estimate of the economic impact of such broadband service deployment efforts on the local economy, including any effect on small businesses or jobs.

(D) A description of any non-economic benefits of such broadband service deployment efforts, including any effect on civic engagement.

(c) STUDY AND REPORT ON AFFORDABILITY OF ADOPTION OF BROADBAND SERVICE.—

(1) STUDY.—The Office, in consultation with the Commission, the Department of Agriculture, the Department of the Treasury, and such other Federal agencies as the Office considers appropriate, shall, not later than 1 year after the date of the enactment of this Act, and biennially thereafter, conduct a study that examines the following:

(A) The number of households for which cost is a barrier to the adoption of broadband service, the financial circumstances of such households, and whether such households are eligible for the broadband benefit under section 31141.

(B) The extent to which the cost of adoption of broadband service is a financial burden to households that have adopted broadband service, the financial circumstances of such financially burdened households, and whether such households are receiving the broadband benefit under section 31141.

(C) The appropriate standard to determine whether adoption of broadband service is affordable for households, given the financial circumstances of such households.

(D) The feasibility of providing additional Federal subsidies, including expanding the eligibility for or increasing the amount of the broadband benefit under section 31141, to households to cover the difference between the cost of adoption of broadband service (determined before applying such additional Federal subsidies) and the price at which adoption of broadband service would be affordable.

(E) How a program to provide additional Federal subsidies as described in subparagraph (D) should be administered to most effectively facilitate adoption of broadband service at the lowest overall expense to the Federal Government, including measures that would ensure that the availability of the subsidies does not result in providers raising the price of broadband service for households receiving subsidies.

(F) How participation in the Lifeline program of the Commission has changed in the 5 years prior to the date of the enactment of this Act, including—

(i) geographic information at the census-block level depicting the scale of change in participation in each area; and

(ii) information on changes in participation by specific types of Lifeline-supported services, including fixed voice telephony service, mobile voice telephony service, fixed broadband service, and mobile broadband service and, in the case of any Lifeline-supported services provided as part of a bundle of services to which a Lifeline discount is applied, which Lifeline-supported services are part of such bundle and whether or not each Lifeline-supported service in such bundle meets Lifeline minimum service standards.

(G) How competition impacts the price of broadband service.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Office shall submit to Congress a report on the results of the study conducted under paragraph (1).

(3) COST DEFINED.—In this subsection, the term ''cost'' means, with respect to adoption of broadband service, the cost of adoption of broadband service to a household after applying any subsidies that reduce such cost.

SEC. 31103. STREAMLINED APPLICATIONS FOR SUPPORT.

(a) FEDERAL AGENCY CONSULTATION.—The Office shall consult with any Federal agency offering a Federal broadband service support program to streamline and standardize the application process for financial assistance for such program.

(b) FEDERAL AGENCY STREAMLINING.—Any Federal agency offering a Federal broadband service support program shall amend the applications of such agency for broadband service support, to the extent practicable and as necessary, to streamline and standardize applications for Federal broadband service support programs across the Government.

(c) SINGLE APPLICATION.—To the greatest extent practicable, the Office shall seek to create one application that may be submitted to apply for all, or substantially all, Federal broadband service support programs.

(d) WEBSITE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Office shall create a central website through which potential applicants can learn about and apply for support through any Federal broadband service support program.

SEC. 31104. COORDINATION OF SUPPORT.

The Office, any Federal agency that offers a Federal broadband service support program, and the Commission with respect to the Universal Service Fund programs shall coordinate to ensure that support is being distributed in an efficient, technology-neutral, and financially sustainable manner, with the goals of achieving universal access to affordable broadband service and promoting the most job and economic growth for all residents of the United States.

SEC. 31105. RULE OF CONSTRUCTION.

Nothing in this chapter is intended to alter or amend any provision of section 254 of the Communications Act of 1934 (47 U.S.C. 254).

SEC. 31106. FUNDING.

(a) APPROPRIATION.—There are appropriated to the Assistant Secretary, out of any money in the Treasury not otherwise appropriated, $26,000,000 to carry out this chapter for fiscal year 2021, to remain available until expended.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Assistant Secretary $26,000,000 to carry out this chapter for fiscal year 2022 and each fiscal year thereafter, to remain available until expended.

CHAPTER 2—DIGITAL EQUITY PROGRAMS

SEC. 31121. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) IN GENERAL.—The Assistant Secretary shall establish in the Office the State Digital Equity Capacity Grant Program (referred to in this section as the ''Program'')—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to the adoption of broadband service by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Housing and Urban Development;

(iii) the Secretary of Education;

(iv) the Secretary of Labor;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Veterans Affairs;

(vii) the Secretary of the Interior;

(viii) the Assistant Secretary for Indian Affairs of the Department of the Interior;

(ix) the Commission;

(x) the Federal Trade Commission;

(xi) the Director of the Institute of Museum and Library Services;

(xii) the Administrator of the Small Business Administration;

(xiii) the Federal Cochairman of the Appalachian Regional Commission; and

(xiv) the head of any other Federal agency that the Assistant Secretary determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband service support programs and Universal Service Fund programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any of the entities described in clauses (i) through (xi) of subsection (c)(1)(D) that is located in the State in support of—

(i) the State Digital Equity Plan for the State; and

(ii) digital inclusion activities in the State generally; and

(D) serve as—

(i) an advocate for digital equity policies and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State.

(B) A political subdivision, agency, or instrumentality of the State.

(C) An Indian Tribe located in the State, a tribally designated entity located in the State, or a Native Hawaiian organization located in the State.

(c) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) an identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 31001(6) located in that State—

(i) the availability of, and affordability of access to, broadband service and technology needed for the use of broadband service;

(ii) public awareness of such availability and affordability and of subsidies available to increase such affordability (including subsidies available through the Lifeline program of the Commission), including objectives to—

(I) inform Medicaid enrollees and SNAP participants, and organizations that serve Medicaid enrollees and SNAP participants, of potential eligibility for the Lifeline program; and

(II) provide Medicaid enrollees and SNAP participants with information about the Lifeline program, including—

(aa) how to apply for the Lifeline program; and

(bb) a description of the prohibition on more than one subscriber in each household receiving a service provided under the Lifeline program;

(iii) the online accessibility and inclusivity of public resources and services;

(iv) digital literacy;

(v) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and

(vi) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

(i) economic and workforce development goals, plans, and outcomes;

(ii) educational outcomes;

(iii) health outcomes;

(iv) civic and social engagement; and

(v) delivery of other essential services;

(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—

(i) anchor institutions;

(ii) county and municipal governments;

(iii) local educational agencies;

(iv) where applicable, Indian Tribes, tribally designated entities, or Native Hawaiian organizations;

(v) nonprofit organizations;

(vi) organizations that represent—

(I) individuals with disabilities, including organizations that represent children with disabilities;

(II) aging individuals;

(III) individuals with a language barrier, including individuals who—

(aa) are English learners; or

(bb) have low levels of literacy;

(IV) veterans;

(V) individuals residing in rural areas; and

(VI) incarcerated individuals in that State, other than individuals who are incarcerated in a Federal correctional facility (including a private facility operated under contract with the Federal Government);

(vii) civil rights organizations;

(viii) entities that carry out workforce development programs;

(ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;

(x) public housing agencies whose jurisdictions are located in the State; and

(xi) a consortium of any of the entities described in clauses (i) through (x); and

(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.

(2) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).

(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—

(i) before submitting the application—

(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the ''comment period''); and

(II) make any changes to the plan that the administering entity determines to be appropriate; and

(ii) when submitting the application—

(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and

(II) include a written response to each comment received during the comment period.

(3) PLANNING GRANTS.—

(A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of the enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.

(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State—

(i) shall submit to the Assistant Secretary an application under subparagraph (C); and

(ii) may not have been awarded, at any time, a planning grant under this paragraph.

(C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State will submit to the Assistant Secretary a State Digital Equity Plan developed under this subsection, which will comply with the requirements of this subsection, including the requirements of paragraph (2).

(iii) The assurances required under subsection (e).

(D) AWARDS.—

(i) AMOUNT OF GRANT.—The amount of a planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).

(ii) DURATION.—

(I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.

(II) EXCEPTION.—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I).

(iii) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).

(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:

(i) To develop the State Digital Equity Plan of the State under this subsection.

(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in clauses (i) through (xi) of paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.

(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).

(d) STATE CAPACITY GRANTS.—

(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—

(A) the implementation of the State Digital Equity Plans of those States; and

(B) digital inclusion activities in those States.

(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:

(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).

(B) The State Digital Equity Plan of that State, as described in subsection (c).

(C) A certification that the State, acting through the administering entity for the State, shall—

(i) implement the State Digital Equity Plan of the State; and

(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).

(D) The assurances required under subsection (e).

(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.

(3) AWARDS.—

(A) AMOUNT OF GRANT.—

(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the Assistant Secretary shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:

(I) 50 percent of the total grant amount shall be based on the population of the eligible State in proportion to the total population of all eligible States.

(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are members of covered populations in proportion to the total number of individuals in all eligible States who are members of covered populations.

(III) 25 percent of the total grant amount shall be based on the lack of availability of broadband service and lack of adoption of broadband service in the eligible State in proportion to the lack of availability of broadband service and lack of adoption of broadband service in all eligible States, which shall be determined according to data collected—

(aa) from the annual inquiry of the Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));

(bb) from the American Community Survey or, if necessary, other data collected by the Bureau of the Census;

(cc) from the Internet and Computer Use Supplement to the Current Population Survey of the Bureau of the Census;

(dd) by the Commission pursuant to the rules issued under section 802 of the Communications Act of 1934 (47 U.S.C. 642); and

(ee) from any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.

(ii) MINIMUM AWARD.—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.

(iii) ADDITIONAL AMOUNTS.—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—

(I) to eligible States to which the Assistant Secretary has awarded grants under this subsection for that fiscal year; and

(II) in accordance with the formula described in clause (i).

(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as ''Puerto Rico'') is an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (III) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) USE OF FUNDS.—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 31122(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for the purpose described in subclause (I).

(e) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if any of the entities described in clauses (i) through (xi) of subsection (c)(1)(D) or section 31122(b) is awarded grant funds under this section (referred to in this subsection as a ''covered recipient''), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, or application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

(i) of any program that relates to a grant awarded to the covered recipient; and

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

(A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of

the State, has complied with the requirements of subsection (c)(2).

(f) TERMINATION OF GRANT.—

(1) IN GENERAL.—In addition to other authority under applicable law, the Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary determines, and presents to the State a rationale and supporting information that clearly demonstrates, that—

(A) the grant funds are not contributing to the development or implementation of the State Digital Equity Plan of the State, as applicable;

(B) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); or

(C) the grant is no longer necessary to achieve the original purpose for which the Assistant Secretary awarded the grant.

(2) REDISTRIBUTION.—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1) or under other authority under applicable law, the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—

(i) the use of that grant by the entity;

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and

(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that any entity to which a grant, including a subgrant, is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) the application of each State that has applied for a grant under this section;

(ii) the status of each application described in clause (i);

(iii) each report submitted by an entity under subparagraph (A);

(iv) a record of public comments received during the comment period described in subsection (c)(2)(A) regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken as a result of those comments; and

(v) any other information that the Assistant Secretary considers appropriate to ensure that the public has sufficient information to understand and monitor grants awarded under this section; and

(2) may establish additional reporting and information requirements for any recipient of a grant under this section.

(h) SUPPLEMENT NOT SUPPLANT.—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.

(i) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) not more than 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to—

(i) States, or administering entities for States, to prepare the applications of those States; and

(ii) administering entities with respect to grants awarded under this section; and

(C) developing the report required under section 31123(a); and

(2) not less than 5 percent to award grants directly to Indian Tribes, tribally designated entities, and Native Hawaiian organizations to allow those Tribes, entities, and organizations to carry out the activities described in this section.

(j) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(k) APPROPRIATION.—There are appropriated to the Assistant Secretary, out of any money in the Treasury not otherwise appropriated—

(1) for the award of grants under subsection (c)(3), $60,000,000 for fiscal year 2021, to remain available until expended; and

(2) for the award of grants under subsection (d)—

(A) $125,000,000 for fiscal year 2021, to remain available until expended;

(B) $125,000,000 for fiscal year 2022, to remain available until expended;

(C) $125,000,000 for fiscal year 2023, to remain available until expended;

(D) $125,000,000 for fiscal year 2024, to remain available until expended; and

(E) $125,000,000 for fiscal year 2025, to remain available until expended.

SEC. 31122. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 31121(d), and not before that date, the Assistant Secretary shall establish in the Office the Digital Equity Competitive Grant Program (referred to in this section as the ''Program''), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband service among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 31001(6) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;

(VIII) the Assistant Secretary for Indian Affairs of the Department of the Interior;

(IX) the Commission;

(X) the Federal Trade Commission;

(XI) the Director of the Institute of Museum and Library Services;

(XII) the Administrator of the Small Business Administration;

(XIII) the Federal Cochairman of the Appalachian Regional Commission; and

(XIV) the head of any other Federal agency that the Assistant Secretary determines to be appropriate; and

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband service support programs and Universal Service Fund programs.

(b) ELIGIBILITY.—The Assistant Secretary may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 31121(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities in the State.

(2) An Indian Tribe, a tribally designated entity, or a Native Hawaiian organization.

(3) An entity that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) An anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A consortium of any of the entities described in paragraphs (1) through (6).

(8) A consortium of—

(A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

(i) the Assistant Secretary, by rule, determines to be in the public interest; and

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be awarded a grant under the Program shall submit to the Assistant Secretary an application—

(1) at such time, in such form, and containing such information as the Assistant Secretary may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting; and

(ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;

(D) demonstrates to the satisfaction of the Assistant Secretary that the entity—

(i) is capable of carrying out the project or function to which the application relates and the activities described in subsection (h)—

(I) in a competent manner; and

(II) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), will appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

(i) the assurances that are required under subsection (f); and

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

(1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the Assistant Secretary shall, to the extent practicable, consider—

(A) whether—

(i) an application will, if approved—

(I) increase access to broadband service and the adoption of broadband service among covered populations to be served by the applicant; and

(II) not result in unjust enrichment; and

(ii) the applicant is, or plans to subcontract with, a socially and economically disadvantaged small business concern;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband service by covered populations, including by raising awareness of subsidies available to increase affordability of such service (including subsidies available through the Lifeline program of the Commission), in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this chapter—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband service to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through anchor institutions.

(vi) To undertake any other project or activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the Assistant Secretary;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the Assistant Secretary awards a grant under the Program may use not more than 10 percent of the amount of the grant for administrative costs in carrying out any of the activities described in subparagraph (A).

(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity—

(i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).

(E) CONTRACTING REQUIREMENTS.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with a grant under the Program shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subparagraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(F) NEUTRALITY REQUIREMENT.—An employer to which the Assistant Secretary awards a grant under the Program shall remain neutral with respect to the exercise of employees and labor organizations of the right to organize and bargain under the National Labor Relations Act (29 U.S.C. 151 et seq.).

(G) REFERRAL OF ALLEGED VIOLATIONS OF APPLICABLE FEDERAL LABOR AND EMPLOYMENT LAWS.—The Assistant Secretary shall refer any alleged violation of an applicable labor and employment law to the appropriate Federal agency for investigation and enforcement, any alleged violation of subparagraph (E) or (F) to the National Labor Relations Board for investigation and enforcement, utilizing all appropriate remedies up to and including debarment from the Program.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project for which the Assistant Secretary awards a grant under the Program may not exceed 90 percent.

(2) EXCEPTION.—The Assistant Secretary may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if—

(A) the applicant with respect to the project petitions the Assistant Secretary for the waiver; and

(B) the Assistant Secretary determines that the petition described in subparagraph (A) demonstrates financial need.

(f) ASSURANCES.—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity will—

(1) use any grant funds that the entity is awarded in accordance with any applicable statute, regulation, or application procedure;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

(A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

(A) of any program that relates to a grant awarded to the entity; and

(B) that is carried out by or for the Assistant Secretary or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;

(5) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

(6) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

(g) TERMINATION OF GRANT.—In addition to other authority under applicable law, the Assistant Secretary shall—

(1) terminate a grant awarded to an entity under this section if, after notice to the entity and opportunity for a hearing, the Assistant Secretary determines, and presents to the entity a rationale and supporting information that clearly demonstrates, that—

(A) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c);

(B) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); or

(C) the grant is no longer necessary to achieve the original purpose for which the Assistant Secretary awarded the grant; and

(2) with respect to any grant funds that the Assistant Secretary terminates under paragraph (1) or under other authority under applicable law, competitively award the grant funds to another applicant (if such an applicant exists), consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in clause (i) of subsection (d)(2)(D) with respect to the grant and during the period described in clause (ii) of such subsection with respect to the grant if the entity continues to measure and evaluate the activities supported with the grant amounts during such period, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the use by the entity of the grant amounts; and

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

(v) any other information that the Assistant Secretary considers appropriate to ensure that the public has sufficient information to understand and monitor grants awarded under the Program; and

(D) ensure that any entity with respect to which an award is terminated under subsection (g) may, in a timely manner, appeal or otherwise challenge that termination; and

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

(i) SUPPLEMENT NOT SUPPLANT.—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.

(j) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) not more than 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

(C) developing the report required under section 31123(a); and

(D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant; and

(2) not less than 5 percent to award grants directly to Indian Tribes, tribally designated entities, and Native Hawaiian organizations to allow those Tribes, entities, and organizations to carry out the activities described in this section.

(k) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) APPROPRIATION.—There are appropriated to the Assistant Secretary, out of any money in the Treasury not otherwise appropriated, $625,000,000 to carry out this section for fiscal year 2021, to remain available until expended.

SEC. 31123. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.

(a) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 31121(d), and annually thereafter, the Assistant Secretary shall—

(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any termination or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 31121 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the State Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 31122 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those entities under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) PUBLIC AVAILABILITY.—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

(b) AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) CONSULTATION AND PUBLIC ENGAGEMENT.—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Assistant Secretary for Indian Affairs of the Department of the Interior;

(9) the Commission;

(10) the Federal Trade Commission;

(11) the Director of the Institute of Museum and Library Services;

(12) the Administrator of the Small Business Administration;

(13) the Federal Cochairman of the Appalachian Regional Commission;

(14) State agencies and governors of States (or equivalent officials);

(15) entities serving as administering entities for States under section 31121(b);

(16) national, State, Tribal, and local organizations that conduct digital inclusion activities, promote digital equity, or provide digital literacy services;

(17) researchers, academics, and philanthropic organizations; and

(18) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) TECHNICAL SUPPORT AND ASSISTANCE.—The Assistant Secretary shall provide technical support and assistance to potential applicants for the covered programs and entities awarded grants under the covered programs, to ensure consistency in data reporting and to meet the objectives of this section.

SEC. 31124. GENERAL PROVISIONS.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available under this chapter.

(2) ENFORCEMENT.—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2).

(b) TECHNOLOGICAL NEUTRALITY.—The Assistant Secretary shall, to the extent practicable, carry out this chapter in a technologically neutral manner.

(c) AUDIT AND OVERSIGHT.—There are appropriated to the Office of Inspector General of the Department of Commerce, out of any money in the Treasury not otherwise appropriated, for audits and oversight of funds made available to carry out this chapter, $5,000,000 for fiscal year 2021, to remain available until expended.

CHAPTER 3—BROADBAND SERVICE FOR LOW-INCOME CONSUMERS

SEC. 31141. ADDITIONAL BROADBAND BENEFIT.

(a) PROMULGATION OF REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations implementing this section.

(b) REQUIREMENTS.—The regulations promulgated pursuant to subsection (a) shall establish the following:

(1) BROADBAND BENEFIT.—A provider shall provide an eligible household with an internet service offering, upon request by a member of such household. Such provider shall discount the price charged to such household for such internet service offering in an amount equal to the broadband benefit for such household.

(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a provider shall either—

(A) use the National Lifeline Eligibility Verifier; or

(B) rely upon an alternative verification process of the provider, if the Commission finds such process to be sufficient to avoid waste, fraud, and abuse.

(3) USE OF NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The Commission shall—

(A) expedite the ability of all providers to access the National Lifeline Eligibility Verifier for purposes of determining whether a household is an eligible household; and

(B) ensure that the National Lifeline Eligibility Verifier approves an eligible household to receive the broadband benefit not later than ten days after the date of the submission of information necessary to determine if such household is an eligible household.

(4) REIMBURSEMENT.—From the Broadband Connectivity Fund established in subsection (g), the Commission shall reimburse a provider in an amount equal to the broadband benefit with respect to an eligible household that receives such benefit from such provider.

(5) REIMBURSEMENT FOR CONNECTED DEVICE.—A provider that, in addition to providing the broadband benefit to an eligible household, supplies such household with a connected device may be reimbursed up to $100 from the Broadband Connectivity Fund established in subsection (g) for such connected device, if the charge to such eligible household is more than $10 but less than $50 for such connected device, except that a provider may receive reimbursement for no more than one connected device per eligible household.

(6) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4) or (5), a provider shall certify to the Commission the following:

(A) That the amount for which the provider is seeking reimbursement from the Broadband Connectivity Fund for an internet service offering to an eligible household is not more than the normal rate.

(B) That each eligible household for which the provider is seeking reimbursement for providing an internet service offering discounted by the broadband benefit—

(i) has not been and will not be charged—

(I) for such offering, if the normal rate for such offering is less than or equal to the amount of the broadband benefit for such household; or

(II) more for such offering than the difference between the normal rate for such offering and

the amount of the broadband benefit for such household;

(ii) will not be required to pay an early termination fee if such eligible household elects to enter into a contract to receive such internet service offering if such household later terminates such contract; and

(iii) was not subject to a mandatory waiting period for such internet service offering based on having previously received broadband service from such provider.

(C) That each eligible household for which the provider is seeking reimbursement for supplying such household with a connected device has not been and will not be charged $10 or less or $50 or more for such device.

(D) A description of the process used by the provider to verify that a household is an eligible household, if the provider elects an alternative verification process under paragraph (2)(B), and that such verification process was designed to avoid waste, fraud, and abuse.

(7) AUDIT REQUIREMENTS.—The Commission shall adopt audit requirements to ensure that providers are in compliance with the requirements of this section and to prevent waste, fraud, and abuse in the broadband benefit program established under this section.

(c) ELIGIBLE PROVIDERS.—Notwithstanding subsection (e) of this section, the Commission shall provide a reimbursement to a provider under this section without requiring such provider to be designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline Assistance Program governed by the rules set forth in subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(e) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), shall apply in whole or in part to support provided under the regulations required by subsection (a), shall not apply in whole or in part to such support, or shall be modified in whole or in part for purposes of application to such support.

(f) ENFORCEMENT.—A violation of this section or a regulation promulgated under this section, including the knowing or reckless denial of an internet service offering discounted by the broadband benefit to an eligible household that requests such an offering, shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act. The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

(g) BROADBAND CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Broadband Connectivity Fund.

(2) APPROPRIATION.—There are appropriated to the Broadband Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $9,000,000,000 for fiscal year 2021, to remain available until expended.

(3) USE OF FUNDS.—Amounts in the Broadband Connectivity Fund shall be available to the Commission for reimbursements to providers under the regulations required by subsection (a).

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Reimbursements provided under the regulations required by subsection (a) shall be provided from amounts made available under this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)), except the Commission may use such contributions if needed to offset expenses associated with the reliance on the National Lifeline Eligibility Verifier to determine eligibility of households to receive the broadband benefit.

(5) LACK OF AVAILABILITY OF FUNDS.—The regulations required by subsection (a) shall provide that a provider is not required to provide an eligible household with an internet service offering under subsection (b)(1) for any month for which there are insufficient amounts in the Broadband Connectivity Fund to reimburse the provider under subsection (b)(4) for providing the broadband benefit to such eligible household.

(h) DEFINITIONS.—In this section:

(1) BROADBAND BENEFIT.—The term ''broadband benefit'' means a monthly discount for an eligible household applied to the normal rate for an internet service offering, in an amount equal to such rate, but not more than $50, or, if an internet service offering is provided to an eligible household on Tribal land, not more than $75.

(2) CONNECTED DEVICE.—The term ''connected device'' means a laptop or desktop computer or a tablet.

(3) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means, regardless of whether the household or any member of the household receives support under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation), and regardless of whether any member of the household has any past or present arrearages with a provider, a household in which—

(A) at least one member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

(B) at least one member of the household has applied for and been approved to receive benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(C) at least one member of the household has experienced a substantial loss of income for at least the two consecutive months immediately preceding the month for which eligibility for the broadband benefit is being determined, documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation.

(4) INTERNET SERVICE OFFERING.—The term ''internet service offering'' means, with respect to a provider, broadband service provided by such provider to a household, offered in the same manner, and on the same terms, as described in any of such provider's advertisements for broadband service to such household, on May 1, 2020 (or such later date as the Commission may by rule determine, if the Commission considers it necessary).

(5) NORMAL RATE.—The term ''normal rate'' means, with respect to an internet service offering by a provider, the advertised monthly retail rate, on May 1, 2020 (or such later date as the Commission may by rule determine, if the Commission considers it necessary), including any applicable promotions and excluding any taxes or other governmental fees.

(6) PROVIDER.—The term ''provider'' means a provider of broadband service.

SEC. 31142. GRANTS TO STATES TO STRENGTHEN NATIONAL LIFELINE ELIGIBILITY VERIFIER.

(a) IN GENERAL.—From amounts appropriated under subsection (d), the Commission shall, not later than 30 days after the date of the enactment of this Act, make a grant to each State, in an amount in proportion to the population of such State, for the purpose of connecting the database used by such State for purposes of the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the National Lifeline Eligibility Verifier, so that the receipt by a household of benefits under such program is reflected in the National Lifeline Eligibility Verifier.

(b) DISBURSEMENT OF GRANT FUNDS.—Funds under each grant made under subsection (a) shall be disbursed to the State receiving such grant not later than 60 days after the date of the enactment of this Act.

(c) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Commission shall certify to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the grants required by subsection (a) have been made and that funds have been disbursed as required by subsection (b).

(d) APPROPRIATION.—There are appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, $200,000,000 to carry out this section for fiscal year 2021, to remain available until expended.

SEC. 31143. FEDERAL COORDINATION BETWEEN LIFELINE AND SNAP VERIFICATION.

(a) IN GENERAL.—Notwithstanding section 11(x)(2)(C)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)(2)(C)(i)), not later than 180 days after the date of the enactment of this Act, the Commission shall, in coordination with the Secretary of Agriculture, establish an automated connection, to the maximum extent practicable, between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse established under section 11(x) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)) for the supplemental nutrition assistance program.

(b) DEFINITION.—In this section, the term ''automated connection'' means a connection between two or more information systems where the manual input of information in one system leads to the automatic input of the same information any other connected system.

CHAPTER 4—E–RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER EQUIPMENT, AND CONNECTED DEVICES

SEC. 31161. E–RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER EQUIPMENT, AND CONNECTED DEVICES.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations providing for the provision, from amounts made available from the Connectivity Fund established under subsection (h)(1), of support under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under such section, for the purchase of equipment described in subsection (c), advanced telecommunications and information services, or equipment described in such subsection and advanced telecommunications and information services, for use by—

(1) in the case of a school, students and staff of such school at locations that include locations other than such school; and

(2) in the case of a library, patrons of such library at locations that include locations other than such library.

(b) TRIBAL ISSUES.—

(1) SET ASIDE FOR TRIBAL LANDS.—The Commission shall reserve not less than 5 percent of the amounts available to the Commission under subsection (h)(3) to provide support under the regulations required by subsection (a) to schools and libraries that serve persons who are located on Tribal lands.

(2) ELIGIBILITY OF TRIBAL LIBRARIES.—For purposes of determining the eligibility of a Tribal library for support under the regulations required by subsection (a), the portion of paragraph (4) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) relating to

eligibility for assistance from a State library administrative agency under the Library Services and Technology Act shall not apply.

(c) EQUIPMENT DESCRIBED.—The equipment described in this subsection is the following:

(1) Wi-Fi hotspots.

(2) Modems.

(3) Routers.

(4) Devices that combine a modem and router.

(5) Connected devices.

(d) PRIORITIZATION OF SUPPORT.—The Commission shall provide in the regulations required by subsection (a) for a mechanism to require a school or library to prioritize the provision of equipment described in subsection (c), advanced telecommunications and information services, or equipment described in such subsection and advanced telecommunications and information services, for which support is received under such regulations, to students and staff or patrons (as the case may be) that the school or library believes do not have access to equipment described in subsection (c), do not have access to advanced telecommunications and information services, or have access to neither equipment described in subsection (c) nor advanced telecommunications and information services, at the residences of such students and staff or patrons.

(e) PERMISSIBLE USES OF EQUIPMENT.—The Commission shall provide in the regulations required by subsection (a) that, in the case of a school or library that purchases equipment described in subsection (c) using support received under such regulations, such school or library—

(1) may use such equipment for such purposes as such school or library considers appropriate, subject to any restrictions provided in such regulations (or any successor regulation); and

(2) may not sell or otherwise transfer such equipment in exchange for any thing (including a service) of value, except that such school or library may exchange such equipment for upgraded equipment of the same type.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any authority the Commission may have under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to allow support under such section to be used for the purposes described in subsection (a) other than as required by such subsection.

(g) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), shall apply in whole or in part to support provided under the regulations required by subsection (a), shall not apply in whole or in part to such support, or shall be modified in whole or in part for purposes of application to such support.

(h) CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Connectivity Fund.

(2) APPROPRIATION.—There are appropriated to the Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $5,000,000,000 for fiscal year 2021, to remain available until expended.

(3) USE OF FUNDS.—Amounts in the Connectivity Fund shall be available to the Commission to provide support under the regulations required by subsection (a).

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Support provided under the regulations required by subsection (a) shall be provided from amounts made available under paragraph (3) and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

(i) DEFINITIONS.—In this section:

(1) ADVANCED TELECOMMUNICATIONS AND INFORMATION SERVICES.—The term ''advanced telecommunications and information services'' means advanced telecommunications and information services, as such term is used in section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(2) CONNECTED DEVICE.—The term ''connected device'' means a laptop computer, tablet computer, or similar device that is capable of connecting to advanced telecommunications and information services.

(3) LIBRARY.—The term ''library'' includes a library consortium.

(4) TRIBAL LAND.—The term ''Tribal land'' means—

(A) any land located within the boundaries of—

(i) an Indian reservation, pueblo, or rancheria; or

(ii) a former reservation within Oklahoma;

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community;

(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

(5) WI-FI.—The term ''Wi-Fi'' means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(6) WI-FI HOTSPOT.—The term ''Wi-Fi hotspot'' means a device that is capable of—

(A) receiving mobile advanced telecommunications and information services; and

(B) sharing such services with another device through the use of Wi-Fi.

Subtitle B—Broadband Transparency

SEC. 31201. DEFINITIONS.

In this subtitle:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term ''broadband internet access service'' has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) FIXED WIRELESS BROADBAND.—The term ''fixed wireless broadband'' means broadband internet access service that serves end users primarily at fixed endpoints through stationary equipment connected by the use of radio, such as by the use of unlicensed spectrum.

(3) MOBILE BROADBAND.—The term ''mobile broadband''—

(A) means broadband internet access service that serves end users primarily using mobile stations;

(B) includes services that use smartphones or mobile network-enabled tablets as the primary endpoints for connection to the internet; and

(C) includes mobile satellite broadband internet access services.

(4) PROVIDER.—The term ''provider'' means a provider of fixed or mobile broadband internet access service.

(5) SATELLITE BROADBAND.—The term ''satellite broadband'' means broadband internet access service that serves end users primarily at fixed endpoints through stationary equipment connected by the use of orbital satellites.

(6) TERRESTRIAL FIXED BROADBAND.—The term ''terrestrial fixed broadband'' means broadband internet access service that serves end users primarily at fixed endpoints through stationary equipment connected by wired technology such as cable, DSL, and fiber.

SEC. 31202. BROADBAND TRANSPARENCY.

(a) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall issue final rules that include a requirement for the annual collection by the Commission of data relating to the price and subscription rates of terrestrial fixed broadband, fixed wireless broadband, satellite broadband, and mobile broadband.

(2) UPDATES.—Not later than 90 days after the date on which rules are issued under paragraph (1), and when determined to be necessary by the Commission thereafter, the Commission shall revise such rules to verify the accuracy of data submitted pursuant to such rules.

(3) REDUNDANCY AVOIDANCE.—Nothing in this section shall be construed to require the Commission, in order to meet a requirement of this section, to duplicate an activity that the Commission is undertaking as of the date of the enactment of this Act, if the Commission refers to such activity in the rules issued under paragraph (1), such activity meets the requirements of this section, and the Commission discloses such activity to the public.

(b) CONTENT OF RULES.—The rules issued by the Commission under subsection (a)(1) shall require the Commission to collect from each provider of terrestrial fixed broadband, fixed wireless broadband, mobile broadband, or satellite broadband, data that includes—

(1) either the weighted average of the monthly prices charged to subscribed households within each census block for each distinct broadband internet access service plan or tier of standalone broadband internet access service, including mandatory equipment charges, usage-based fees, and fees for early termination of required contracts, or the monthly price charged to each subscribed household, including such charges and fees;

(2) either the mean monthly price within the duration of subscription contracts offered within each census block for each distinct broadband internet access service plan or tier of standalone broadband internet access service, including mandatory equipment charges, usage-based fees, and fees for early termination of required contracts, or the mean monthly price within the duration of subscription contracts offered to each household, including such charges and fees;

(3) either the subscription rate within each census block for each distinct broadband internet access service plan or tier of standalone broadband internet access service, or information regarding the subscription status of each household to which a subscription is offered;

(4) data necessary to demonstrate the actual price paid by subscribers of broadband internet access service at each tier for such service in a manner that—

(A) takes into account any discounts (or similar price concessions); and

(B) identifies any additional taxes and fees (including for the use of equipment related to the use of a subscription for such service), any monthly data usage limitation at the stated price, and the extent to which the price of the service reflects inclusion within a product bundle; and

(5) data necessary to assess the resiliency of the broadband internet access service network in the event of a natural disaster or emergency.

(c) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to small providers (as defined by the Commission) of broadband internet access service, to ensure such providers can fulfill the requirements of this section.

SEC. 31203. DISTRIBUTION OF DATA.

(a) AVAILABILITY OF DATA.—Subject to subsection (b), the Commission shall make all data relating to broadband internet access service collected under rules required by this subtitle available in a commonly used electronic format to—

(1) other Federal agencies, including the National Telecommunications and Information Administration, to assist that agency in conducting the study required by section 31102(c);

(2) a broadband office, public utility commission, broadband mapping program, or other broadband program of a State, in the case of data pertaining to the needs of that State;

(3) a unit of local government, in the case of data pertaining to the needs of that locality; and

(4) an individual or organization conducting research for noncommercial purposes or public interest purposes.

(b) PROTECTION OF DATA.—

(1) IN GENERAL.—The Commission may not share any data described in subsection (a) with an entity or individual described in that subsection unless the Commission has determined that the receiving entity or individual has the capability and intent to protect any personally identifiable information contained in the data.

(2) DETERMINATION OF PERSONALLY IDENTIFIABLE INFORMATION.—The Commission—

(A) shall define the term ''personally identifiable information'', for purposes of paragraph (1), through notice and comment rulemaking; and

(B) may not share any data under subsection (a) before completing the rulemaking under subparagraph (A).

(c) BALANCING ACCESS AND PROTECTION.—If the Commission is unable to determine under subsection (b)(1) that an entity or individual requesting access to data under subsection (a) has the capability to protect personally identifiable information contained in the data, the Commission shall make as much of the data available as possible in a format that does not compromise personally identifiable information, through methods such as anonymization.

SEC. 31204. COORDINATION WITH CERTAIN OTHER FEDERAL AGENCIES.

Section 804(b)(2) of the Communications Act of 1934 (47 U.S.C. 644(b)(2)), as added by the Broadband DATA Act (Public Law 116–130), is amended—

(1) in subparagraph (A)(ii), by striking the semicolon at the end and inserting ''; and'';

(2) by amending subparagraph (B) to read as follows:

''(B) coordinate with the Postmaster General, the heads of other Federal agencies that operate delivery fleet vehicles, and the Director of the Bureau of the Census for assistance with data collection whenever coordination could feasibly yield more specific geographic data.''; and

(3) by striking subparagraph (C).

SEC. 31205. BROADBAND CONSUMER LABELS.

(a) RULES.—Not later than 1 year after the date of the enactment of this Act, the Commission shall issue final rules to promote and incentivize widespread adoption of the broadband consumer labels referred to in the Public Notice of the Commission released on April 4, 2016 (DA 16–357).

(b) HEARINGS.—The Commission shall conduct a series of public hearings in the rulemaking proceeding required by subsection (a) to assess how consumers currently evaluate internet service plans and whether existing disclosures are available, effective, and sufficient.

SEC. 31206. APPROPRIATION FOR BROADBAND DATA ACT.

There are appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, $24,000,000 to carry out title VIII of the Communications Act of 1934 (47 U.S.C. 641 et seq.), as added by the Broadband DATA Act (Public Law 116–130), for fiscal year 2021, to remain available until expended.

Subtitle C—Broadband Access

CHAPTER 1—EXPANSION OF BROADBAND ACCESS

SEC. 31301. EXPANSION OF BROADBAND ACCESS IN UNSERVED AREAS AND AREAS WITH LOW-TIER OR MID-TIER SERVICE.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 723. EXPANSION OF BROADBAND ACCESS IN UNSERVED AREAS AND AREAS WITH LOW-TIER OR MID-TIER SERVICE.

''(a) PROGRAM ESTABLISHED.—Not later than 180 days after the date of the enactment of this section, the Commission, in consultation with the Assistant Secretary, shall establish a program to expand access to broadband service for unserved areas, areas with low-tier service, areas with mid-tier service, and unserved anchor institutions in accordance with the requirements of this section that—

''(1) is separate from any universal service program established pursuant to section 254; and

''(2) does not require funding recipients to be designated as eligible telecommunications carriers under section 214(e).

''(b) USE OF PROGRAM FUNDS.—

''(1) EXPANDING ACCESS TO BROADBAND SERVICE THROUGH NATIONAL SYSTEM OF COMPETITIVE BIDDING.—Not later than 18 months after the date of the enactment of this section, the Commission shall award 75 percent of the amounts appropriated under subsection (g) through national systems of competitive bidding to funding recipients only to expand access to broadband service in unserved areas and areas with low-tier service.

''(2) EXPANDING ACCESS TO BROADBAND SERVICE THROUGH STATES.—

''(A) DISTRIBUTION OF FUNDS TO STATES.—Not later than 255 days after the date of the enactment of this section, the Commission shall distribute 25 percent of the amounts appropriated under subsection (g) among the States, in direct proportion to the population of each State.

''(B) PUBLIC NOTICE.—Not later than 195 days after the date of the enactment of this section, the Commission shall issue a public notice informing each State and the public of the amounts to be distributed under this paragraph. The notice shall include—

''(i) the manner in which a State shall inform the Commission of that State's acceptance or acceptance in part of the amounts to be distributed under this paragraph;

''(ii) the date (which is 30 days after the date on which the public notice is issued) by which such acceptance or acceptance in part is due; and

''(iii) the requirements as set forth under this section and as may be further prescribed by the Commission.

''(C) ACCEPTANCE BY STATES.—Not later than 30 days after the date on which a public notice is issued under subparagraph (B), each State accepting amounts to be distributed under this paragraph shall inform the Commission of the acceptance or acceptance in part by the State of the amounts to be distributed under this paragraph in the manner described by the Commission in the public notice.

''(D) REQUIREMENTS FOR STATE RECEIPT OF AMOUNTS DISTRIBUTED.—Each State accepting amounts distributed under this paragraph—

''(i) shall only award such amounts through statewide systems of competitive bidding, in the manner prescribed by the State but subject to the requirements as set forth under this section and as may be further prescribed by the Commission;

''(ii) shall make such awards only—

''(I) to funding recipients to expand access to broadband service in unserved areas and areas with low-tier service;

''(II) to funding recipients to expand access to broadband service to unserved anchor institutions; or

''(III) to funding recipients to expand access to broadband service in areas with mid-tier service, but only if a State does not have, or no longer has, any unserved areas or areas with low-tier service;

''(iii) shall conduct separate systems of competitive bidding for awards made to unserved anchor institutions under clause (ii)(II), if a State awards any amounts distributed under this paragraph to unserved anchor institutions;

''(iv) shall return any unused portion of amounts distributed under this paragraph to the Commission within 10 years after the date of the enactment of this section and shall submit a certification to the Commission before receiving such amounts that the State will return such amounts; and

''(v) may not use more than 5 percent of the amounts distributed under this paragraph to administer a system or systems of competitive bidding authorized by this paragraph.

''(3) COORDINATION OF FEDERAL AND STATE FUNDING.—The Commission, in consultation with the Office of Internet Connectivity and Growth, shall establish processes through the rulemaking under subsection (e) to—

''(A) enable States to conduct statewide systems of competitive bidding as part of, or in coordination with, national systems of competitive bidding;

''(B) assist States in conducting statewide systems of competitive bidding;

''(C) ensure that program funds awarded by the Commission and program funds awarded by the States are not used in the same areas; and

''(D) ensure that program funds and funds awarded through other Federal programs to expand broadband service with a download speed of at least 100 megabits per second, an upload speed of at least 100 megabits per second, and a latency that is sufficiently low to allow real-time, interactive applications, are not used in the same areas.

''(c) PROGRAM REQUIREMENTS.—

''(1) TECHNOLOGY NEUTRALITY REQUIRED.—The entity administering a system of competitive bidding (either a State or the Commission) in making awards may not favor a project using any particular technology.

''(2) GIGABIT PERFORMANCE FUNDING.—The Commission shall reserve 20 percent of the amounts to be awarded by the Commission under subsection (b)(1), and each State shall reserve 20 percent of the amounts distributed to such State under subsection (b)(2), for bidders committing (with respect to any particular project by such a bidder) to offer, not later than the date that is 5 years after the date on which funding is provided under this section for such project, broadband service with a download speed of at least 1 gigabit per second and an upload speed of at least 1 gigabit per second or, in the case of a project to provide broadband service to an unserved anchor institution, broadband service with a download speed of at least 10 gigabits per second per 1,000 users and an upload speed of at least 10 gigabits per second per 1,000 users.

''(3) SYSTEM OF COMPETITIVE BIDDING PROCESS.—The entity administering a system of competitive bidding (either a State or the Commission) shall structure the system of competitive bidding process to—

''(A) first hold a system of competitive bidding only for bidders committing (with respect to any particular project by such a bidder) to offer, not later than the date that is 5 years after the date on which funding is provided under this section for such project, broadband service with a download speed of at least 1 gigabit per second and an upload speed of at least 1 gigabit per second or, in the case of a project to provide broadband service to an unserved anchor institution, broadband service with a download speed of at least 10 gigabits per second per 1,000 users and an upload speed of at least 10 gigabits per second per 1,000 users; and

''(B) after holding the system of competitive bidding required by subparagraph (A), hold one

or more systems of competitive bidding, in areas not receiving awards under subparagraph (A), to award funds for projects in areas that are estimated to remain unserved areas, areas with low-tier service, or (to the extent permitted under this section) areas with mid-tier service, or (to the extent permitted under this section) for projects to offer broadband service to anchor institutions that are estimated to remain unserved anchor institutions, after the completion of the projects for which funding is awarded under the system of competitive bidding required by subparagraph (A) or any previous system of competitive bidding under this subparagraph.

''(4) FUNDS PRIORITY PREFERENCE.—There shall be a preference in a system of competitive bidding for projects that would expand access to broadband service in areas where at least 90 percent of the population has no access to broadband service or does not have access to broadband service offered with a download speed of at least 25 megabits per second, with an upload speed of at least 3 megabits per second, and with latency that is sufficiently low to allow real-time, interactive applications. Such projects shall be given priority in such system of competitive bidding over all other projects, regardless of how many preferences under paragraph (5) for which such other projects qualify.

''(5) FUNDS PREFERENCE.—There shall be a preference in a system of competitive bidding, as determined by the entity administering the system of competitive bidding (either a State or the Commission), for any of the following projects:

''(A) Projects with at least 20 percent matching funds from non-Federal sources.

''(B) Projects that would expand access to broadband service on Tribal lands, as defined by the Commission.

''(C) Projects that would provide broadband service with higher speeds than those specified in subsection (d)(2), except in the case of funds awarded under subparagraph (A) of paragraph (3).

''(D) Projects that would expand access to broadband service in advance of the time specified in subsection (e)(5), except in the case of funds awarded under subparagraph (A) of paragraph (3).

''(E) Projects that would expand access to broadband service to persistent poverty counties or high-poverty areas at subsidized rates.

''(F) Projects that, at least until the date that is 10 years after the date of the enactment of this section, would provide broadband service with comparable speeds to those provided in areas that, on the day before such date of enactment, were not unserved areas, areas with low-tier service, or areas with mid-tier service, with minimal future investment.

''(G) Projects that would provide broadband service consistent with consumer preferences based on data and analysis conducted by the Commission.

''(H) Projects that would provide for the deployment of open-access broadband service networks.

''(6) UNSERVED AREAS AND AREAS WITH LOW-TIER OR MID-TIER SERVICE.—In determining whether an area is an unserved area, an area with low-tier service, or an area with mid-tier service or whether an anchor institution is an unserved anchor institution for any system of competitive bidding authorized under this section, the Commission shall implement the following requirements through the rulemaking described in subsection (e):

''(A) DATA FOR INITIAL DETERMINATION.—To make an initial determination as to whether an area is an unserved area, an area with low-tier service, or an area with mid-tier service or whether an anchor institution is an unserved anchor institution, the Commission shall—

''(i) use the most accurate and granular data on the map created by the Commission under section 802(c)(1)(B);

''(ii) refine the data described in clause (i) by using—

''(I) other data on access to broadband service obtained or purchased by the Commission;

''(II) other publicly available data or information on access to broadband service; and

''(III) other publicly available data or information on State broadband service deployment programs; and

''(iii) not determine an area is not an unserved area, an area with low-tier service, or an area with mid-tier service on the basis that one location within such area does not meet the definition of an unserved area, an area with low-tier service, or an area with mid-tier service.

''(B) INITIAL DETERMINATION.—The Commission shall make an initial determination of the areas that are unserved areas, areas with low-tier service, and areas with mid-tier service and which anchor institutions are unserved anchor institutions not later than 270 days after the date of the enactment of this section.

''(C) CHALLENGE OF DETERMINATION.—

''(i) IN GENERAL.—The Commission shall provide for a process for challenging any initial determination regarding whether an area is an unserved area, an area with low-tier service, or an area with mid-tier service or whether an anchor institution is an unserved anchor institution that, at a minimum, provides not less than 45 days for a person to voluntarily submit information concerning—

''(I) the broadband service offered in the area, or a commitment to offer broadband service in the area that is subject to legal sanction if not performed; or

''(II) the broadband service offered to the anchor institution.

''(ii) STREAMLINED PROCESS.—The Commission shall ensure that such process is sufficiently streamlined such that a reasonably prudent person may easily participate to challenge such initial determination with little burden on such person.

''(D) FINAL DETERMINATION.—The Commission shall make a final determination of the areas that are unserved areas, areas with low-tier service, or areas with mid-tier service and which anchor institutions are unserved anchor institutions within 1 year after the date of the enactment of this section.

''(7) NOTICE, TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT REQUIRED.—The program shall contain sufficient notice, transparency, accountability, and oversight measures to provide the public with notice of the assistance provided under this section, and to deter waste, fraud, and abuse of program funds.

''(8) COMPETENCE.—The program shall contain sufficient processes and requirements, as established by an entity administering a system of competitive bidding (either a State or the Commission), to ensure that, prior to bidding in such system of competitive bidding, a provider of broadband service seeking to participate in such system of competitive bidding—

''(A) is capable of carrying out the project in a competent manner in compliance with all applicable Federal, State, and local laws;

''(B) has the financial capacity to meet the buildout obligations of the project and requirements as set forth under this section and as may be further prescribed by the Commission; and

''(C) has the technical and operational capability to provide broadband services in the manner contemplated by the provider's bid in the system of competitive bidding, including a detailed consideration of the provider's prior performance in delivering services as contemplated in the bid and the capabilities of the provider's proposed network to deliver the contemplated services in the area in question.

''(9) CONTRACTING REQUIREMENTS.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with assistance made available under this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

''(10) RULE OF CONSTRUCTION REGARDING ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect—

''(A) the Clean Air Act (42 U.S.C. 7401 et seq.);

''(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.; commonly referred to as the 'Clean Water Act');

''(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(D) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(E) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the 'Resource Conservation and Recovery Act'); or

''(F) any State or local law that is similar to a law listed in subparagraphs (A) through (E).

''(11) REFERRAL OF ALLEGED VIOLATIONS OF APPLICABLE FEDERAL LABOR AND EMPLOYMENT LAWS.—The Commission shall refer any alleged violation of an applicable labor and employment law to the appropriate Federal agency for investigation and enforcement, and any alleged violation of paragraph (9) or (12) to the National Labor Relations Board for investigation and enforcement, utilizing all appropriate remedies up to and including debarment from the program.

''(12) LABOR ORGANIZATION.—

''(A) IN GENERAL.—Notwithstanding the National Labor Relations Act (29 U.S.C. 151 et seq.), subparagraphs (B) through (F) shall apply with respect to any funding recipient who is an employer and any labor organization who represents employees of a funding recipient.

''(B) NEUTRALITY REQUIREMENT.—An employer shall remain neutral with respect to the exercise of employees and labor organizations of the right to organize and bargain under the National Labor Relations Act (29 U.S.C. 151 et seq.).

''(C) COMMENCEMENT OF COLLECTIVE BARGAINING.—Not later than 10 days after receiving a written request for collective bargaining from a labor organization that has been newly recognized or certified as a representative under section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

''(D) MEDIATION AND CONCILIATION FOR FAILURE TO REACH A COLLECTIVE BARGAINING AGREEMENT.—

''(i) IN GENERAL.—If the parties have failed to reach an agreement before the date that is 90 days after the date on which bargaining is commenced under subparagraph (C), or any later date agreed upon by both parties, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation.

''(ii) FEDERAL MEDIATION AND CONCILIATION SERVICE.—Whenever a request is received under clause (i), the Director of the Federal Mediation and Conciliation Service shall promptly communicate with the parties and use best efforts, by mediation and conciliation, to bring them to agreement.

''(E) TRIPARTITE ARBITRATION PANEL.—

''(i) IN GENERAL.—If the Federal Mediation and Conciliation Service is not able to bring the parties to agreement by mediation or conciliation before the date that is 30 days after the date on which such mediation or conciliation is commenced, or any later date agreed upon by both parties, the Service shall refer the dispute to a tripartite arbitration panel established in accordance with such regulations as may be

prescribed by the Service, with one member selected by the labor organization, one member selected by the employer, and one neutral member mutually agreed to by the parties.

''(ii) DISPUTE SETTLEMENT.—A majority of the tripartite arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of two years, unless amended during such period by written consent of the parties. Such decision shall be based on—

''(I) the employer's financial status and prospects;

''(II) the size and type of the employer's operations and business;

''(III) the employees' cost of living;

''(IV) the employees' ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

''(V) the wages and benefits that other employers in the same business provide their employees.

''(F) PROHIBITION ON SUBCONTRACTING FOR CERTAIN PURPOSES.—A funding recipient may not engage in subcontracting for the purpose of circumventing the terms of a collective bargaining agreement with respect to wages, benefits, or working conditions.

''(G) PARTIES DEFINED.—In this paragraph, the term 'parties' means a labor organization that is newly recognized or certified as a representative under section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) and the employer of the employees represented by such organization.

''(d) PROJECT REQUIREMENTS.—Any project funded through the program shall meet the following requirements:

''(1) The project shall adhere to quality-of-service standards as established by the Commission.

''(2) Except as provided in paragraphs (2) and (3) of subsection (c), the project shall offer broadband service with a download speed of at least 100 megabits per second, an upload speed of at least 100 megabits per second, and a latency that is sufficiently low to allow real-time, interactive applications.

''(3) The project shall offer broadband service at prices that are comparable to, or lower than, the prices charged for comparable levels of service in areas that were not unserved areas, areas with low-tier service, or areas with mid-tier service on the day before the date of the enactment of this section.

''(4) For any project that involves laying fiber-optic cables along a roadway, the project shall include interspersed conduit access points at regular and short intervals.

''(5) The project shall incorporate prudent cybersecurity and supply chain risk management practices, as specified by the Commission through the rulemaking described in subsection (e), in consultation with the Director of the National Institute of Standards and Technology and the Assistant Secretary.

''(6) The project shall incorporate best practices, as defined by the Commission, for ensuring reliability and resiliency of the network during disasters.

''(7) Any funding recipient must agree to have the project meet the requirements established under section 224, as if the project were classified as a 'utility' under such section. The preceding sentence shall not apply to those entities or persons excluded from the definition of the term 'utility' by the second sentence of subsection (a)(1) of such section.

''(8) The project shall offer an affordable option for a broadband service plan under which broadband service is provided—

''(A) with a download speed of at least 50 megabits per second;

''(B) with an upload speed of at least 50 megabits per second; and

''(C) with latency that is sufficiently low to allow multiple, simultaneous, real-time, interactive applications.

''(e) RULEMAKING AND DISTRIBUTION AND AWARD OF FUNDS.—Not later than 180 days after the date of the enactment of this section, the Commission, in consultation with the Assistant Secretary, shall promulgate rules—

''(1) that implement the requirements of this section, as appropriate;

''(2) that establish the design of and rules for the national systems of competitive bidding;

''(3) that establish notice requirements for all systems of competitive bidding authorized under this section that, at a minimum, provide the public with notice of—

''(A) the initial determination of which areas are unserved areas, areas with low-tier service, or areas with mid-tier service;

''(B) the final determination of which areas are unserved areas, areas with low-tier service, or areas with mid-tier service after the process for challenging the initial determination has concluded;

''(C) which entities have applied to bid for funding; and

''(D) the results of any system of competitive bidding, including identifying the funding recipients, which areas each project will serve, the nature of the service that will be provided by the project in each of those areas, and how much funding the funding recipients will receive in each of those areas;

''(4) that establish broadband service buildout milestones and periodic certification by funding recipients to ensure compliance with the broadband service buildout milestones for all systems of competitive bidding authorized under this section;

''(5) that, except as provided in paragraphs (2) and (3) of subsection (c), establish a maximum buildout timeframe of four years beginning on the date on which funding is provided under this section for a project;

''(6) that establish periodic reporting requirements for funding recipients and that identify, at a minimum, the nature of the service provided in each area for any system of competitive bidding authorized under this section;

''(7) that establish standard penalties for the noncompliance of funding recipients or projects with the requirements as set forth under this section and as may be further prescribed by the Commission for any system of competitive bidding authorized under this section;

''(8) that establish procedures for recovery of funds, in whole or in part, from funding recipients in the event of the default or noncompliance of the funding recipient or project with the requirements established under this section for any system of competitive bidding authorized under this section; and

''(9) that establish mechanisms to reduce waste, fraud, and abuse within the program for any system of competitive bidding authorized under this section.

''(f) REPORTS REQUIRED.—

''(1) INSPECTOR GENERAL AND COMPTROLLER GENERAL REPORT.—Not later than June 30 and December 31 of each year following the awarding of the first funds under the program, the Inspector General of the Commission and the Comptroller General of the United States shall submit to the Committees on Energy and Commerce of the House of Representatives and Commerce, Science, and Transportation of the Senate a report for the previous 6 months that reviews the program. Such report shall include any recommendations to address waste, fraud, and abuse.

''(2) STATE REPORTS.—Any State that receives funds under the program shall submit an annual report to the Commission on how such funds were spent, along with a certification of compliance with the requirements as set forth under this section and as may be further prescribed by the Commission, including a description of each service provided and the number of individuals to whom the service was provided.

''(g) APPROPRIATION.—There are appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, $80,000,000,000 to carry out the program for fiscal year 2021, to remain available until expended.

''(h) DEFINITIONS.—In this section:

''(1) AFFORDABLE OPTION.—The term 'affordable option' means, with respect to a broadband service plan, that broadband service is provided under such plan at a rate that is determined by the Commission, in coordination with the Office of Internet Connectivity and Growth, to be affordable for a household with an income of 136 percent of the poverty threshold, as determined by using criteria of poverty established by the Bureau of the Census, for a 4-person household that includes 2 dependents under the age of 18.

''(2) ANCHOR INSTITUTION.—The term 'anchor institution' means a public or private school, a library, a medical or healthcare provider, a museum, a public safety entity, a public housing agency (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), a community college, an institution of higher education, a religious organization, or any other community support organization or agency.

''(3) AREA.—The term 'area' means the geographic unit of measurement with the greatest level of granularity reasonably feasible for the Commission to use in making eligibility determinations under this section and in meeting the requirements and deadlines of this section.

''(4) AREA WITH LOW-TIER SERVICE.—The term 'area with low-tier service' means an area where at least 90 percent of the population has access to broadband service offered—

''(A) with a download speed of at least 25 megabits per second but less than 100 megabits per second;

''(B) with an upload speed of at least 25 megabits per second but less than 100 megabits per second; and

''(C) with latency that is sufficiently low to allow multiple, simultaneous, real-time, interactive applications.

''(5) AREA WITH MID-TIER SERVICE.—The term 'area with mid-tier service' means an area where at least 90 percent of the population has access to broadband service offered—

''(A) with a download speed of at least 100 megabits per second but less than 1 gigabit per second;

''(B) with an upload speed of at least 100 megabits per second but less than 1 gigabit per second; and

''(C) with latency that is sufficiently low to allow multiple, simultaneous, real-time, interactive applications.

''(6) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Commerce for Communications and Information.

''(7) BROADBAND SERVICE.—The term 'broadband service'—

''(A) means broadband internet access service that is a mass-market retail service, or a service provided to an anchor institution, by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service;

''(B) includes any service that is a functional equivalent of the service described in subparagraph (A); and

''(C) does not include dial-up internet access service.

''(8) COLLECTIVE BARGAINING.—The term 'collective bargaining' means performance of the mutual obligation described in section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)).

''(9) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement reach through collective bargaining.

''(10) FUNDING RECIPIENT.—The term 'funding recipient' means an entity that receives funding for a project under this section, including a private entity, public-private partnership, cooperative, or municipal broadband service provider.

''(11) HIGH-POVERTY AREA.—The term 'high-poverty area' means a census tract with a poverty rate of at least 20 percent, as measured by the most recent 5-year data series available from the American Community Survey of the Bureau of the Census as of the year before the date of the enactment of this section.

''(12) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

''(B) includes a postsecondary vocational institution.

''(13) LABOR ORGANIZATION.—The term 'labor organization' has the meaning given the term in section 2 of the National Labor Relations Act (29 U.S.C. 152).

''(14) PERSISTENT POVERTY COUNTY.—The term 'persistent poverty county' means any county with a poverty rate of at least 20 percent, as determined in each of the 1990 and 2000 decennial censuses and in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the Estimates are available.

''(15) POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'postsecondary vocational institution' has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

''(16) PROGRAM.—Unless otherwise indicated, the term 'program' means the program established under subsection (a).

''(17) PROJECT.—The term 'project' means an undertaking by a funding recipient under this section to construct and deploy infrastructure for the provision of broadband service.

''(18) UNSERVED ANCHOR INSTITUTION.—The term 'unserved anchor institution' means an anchor institution that has no access to broadband service or does not have access to broadband service offered—

''(A) with a download speed of at least 1 gigabit per second per 1,000 users;

''(B) with an upload speed of at least 1 gigabit per second per 1,000 users; and

''(C) with latency that is sufficiently low to allow multiple, simultaneous, real-time, interactive applications.

''(19) UNSERVED AREA.—The term 'unserved area' means an area where at least 90 percent of the population has no access to broadband service or does not have access to broadband service offered—

''(A) with a download speed of at least 25 megabits per second;

''(B) with an upload speed of at least 25 megabits per second; and

''(C) with latency that is sufficiently low to allow real-time, interactive applications.''.

CHAPTER 2—BROADBAND INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 31321. DEFINITIONS.

In this chapter:

(1) BIFIA PROGRAM.—The term ''BIFIA program'' means the broadband infrastructure finance and innovation program established under this chapter.

(2) BROADBAND SERVICE.—The term ''broadband service''—

(A) means broadband internet access service that is a mass-market retail service, or a service provided to an entity described in paragraph (11)(B)(ii), by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service;

(B) includes any service that is a functional equivalent of the service described in subparagraph (A); and

(C) does not include dial-up internet access service.

(3) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs'' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, historic preservation review, permitting, preliminary engineering and design work, and other preconstruction activities;

(B) construction and deployment phase activities, including—

(i) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land relating to the project and improvements to land), equipment, instrumentation, networking capability, hardware and software, and digital network technology;

(ii) environmental mitigation; and

(iii) construction contingencies; and

(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction and deployment.

(4) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan, loan guarantee, or line of credit authorized to be made available under the BIFIA program with respect to a project.

(5) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(6) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(7) LETTER OF INTEREST.—The term ''letter of interest'' means a letter submitted by a potential applicant prior to an application for credit assistance in a format prescribed by the Assistant Secretary on the website of the BIFIA program that—

(A) describes the project and the location, purpose, and cost of the project;

(B) outlines the proposed financial plan, including the requested credit assistance and the proposed obligor;

(C) provides a status of environmental review; and

(D) provides information regarding satisfaction of other eligibility requirements of the BIFIA program.

(8) LINE OF CREDIT.—The term ''line of credit'' means an agreement entered into by the Assistant Secretary with an obligor under section 31324 to provide a direct loan at a future date upon the occurrence of certain events.

(9) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Assistant Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(10) OBLIGOR.—The term ''obligor'' means a party that—

(A) is primarily liable for payment of the principal of or interest on a Federal credit instrument; and

(B) may be a corporation, company, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(11) PROJECT.—The term ''project'' means a project—

(A) to construct and deploy infrastructure for the provision of broadband service; and

(B) that the Assistant Secretary determines will—

(i) provide access or improved access to broadband service to consumers residing in areas of the United States that have no access to broadband service or do not have access to broadband service offered—

(I) with a download speed of at least 100 megabits per second;

(II) with an upload speed of at least 20 megabits per second; and

(III) with latency that is sufficiently low to allow real-time, interactive applications; or

(ii) provide access or improved access to broadband service to—

(I) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, museums, religious organizations, and other community support organizations and entities to facilitate greater use of broadband service by or through such organizations;

(II) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations;

(III) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture; or

(IV) public safety agencies.

(12) PROJECT OBLIGATION.—The term ''project obligation'' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

(13) PUBLIC AUTHORITY.—The term ''public authority'' means a Federal, State, county, town, or township, Indian Tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain infrastructure for the provision of broadband service.

(14) RATING AGENCY.—The term ''rating agency'' means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

(15) SECURED LOAN.—The term ''secured loan'' means a direct loan or other debt obligation issued by an obligor and funded by the Assistant Secretary in connection with the financing of a project under section 31323.

(16) SMALL PROJECT.—The term ''small project'' means a project having eligible project costs that are reasonably anticipated not to equal or exceed $20,000,000.

(17) SUBSIDY AMOUNT.—The term ''subsidy amount'' means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument—

(A) calculated on a net present value basis; and

(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(18) SUBSTANTIAL COMPLETION.—The term ''substantial completion'' means, with respect to a project receiving credit assistance under the BIFIA program—

(A) the commencement of the provision of broadband service using the infrastructure being financed; or

(B) a comparable event, as determined by the Assistant Secretary and specified in the credit agreement.

SEC. 31322. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY.—

(1) IN GENERAL.—A project shall be eligible to receive credit assistance under the BIFIA program if—

(A) the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project; and

(B) the project meets the criteria described in this subsection.

(2) CREDITWORTHINESS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under the BIFIA program, a project shall satisfy applicable creditworthiness standards, which, at a minimum, shall include—

(i) adequate coverage requirements to ensure repayment;

(ii) an investment-grade rating from at least 2 rating agencies on debt senior to the Federal credit instrument; and

(iii) a rating from at least 2 rating agencies on the Federal credit instrument.

(B) SMALL PROJECTS.—In order for a small project to be eligible for assistance under the BIFIA program, such project shall satisfy alternative creditworthiness standards that shall be established by the Assistant Secretary under section 31325 for purposes of this paragraph.

(3) APPLICATION.—A State, local government, agency or instrumentality of a State or local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Assistant Secretary shall submit a project application that is acceptable to the Assistant Secretary.

(4) ELIGIBLE PROJECT COST PARAMETERS FOR INFRASTRUCTURE PROJECTS.—Eligible project costs shall be reasonably anticipated to equal or exceed $2,000,000 in the case of a project or program of projects—

(A) in which the applicant is a local government, instrumentality of local government, or public authority (other than a public authority that is a Federal or State government or instrumentality);

(B) located on a facility owned by a local government; or

(C) for which the Assistant Secretary determines that a local government is substantially involved in the development of the project.

(5) DEDICATED REVENUE SOURCES.—The applicable Federal credit instrument shall be repayable, in whole or in part, from—

(A) amounts charged to—

(i) subscribers of broadband service for such service; or

(ii) subscribers of any related service provided over the same infrastructure for such related service;

(B) user fees;

(C) payments owing to the obligor under a public-private partnership; or

(D) other dedicated revenue sources that also secure or fund the project obligations.

(6) APPLICATIONS WHERE OBLIGOR WILL BE IDENTIFIED LATER.—A State, local government, agency or instrumentality of a State or local government, or public authority may submit to the Assistant Secretary an application under paragraph (3), under which a private party to a public-private partnership will be—

(A) the obligor; and

(B) identified later through completion of a procurement and selection of the private party.

(7) BENEFICIAL EFFECTS.—The Assistant Secretary shall determine that financial assistance for the project under the BIFIA program will—

(A) foster, if appropriate, partnerships that attract public and private investment for the project;

(B) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs (including debt service costs) of the project; and

(C) reduce the contribution of Federal grant assistance for the project.

(8) PROJECT READINESS.—To be eligible for assistance under the BIFIA program, the applicant shall demonstrate a reasonable expectation that the contracting process for the construction and deployment of infrastructure for the provision of broadband service through the project can commence by no later than 90 days after the date on which a Federal credit instrument is obligated for the project under the BIFIA program.

(9) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—

(A) IN GENERAL.—If an eligible project is carried out by an entity that is not a State or local government or an agency or instrumentality of a State or local government or a Tribal Government or consortium of Tribal Governments, the project shall be publicly sponsored.

(B) PUBLIC SPONSORSHIP.—For purposes of this chapter, a project shall be considered to be publicly sponsored if the obligor can demonstrate, to the satisfaction of the Assistant Secretary, that the project applicant has consulted with the State, local, or Tribal Government in the area in which the project is located, or that is otherwise affected by the project, and that such Government supports the proposal.

(b) SELECTION AMONG ELIGIBLE PROJECTS.—

(1) ESTABLISHMENT OF APPLICATION PROCESS.—The Assistant Secretary shall establish a rolling application process under which projects that are eligible to receive credit assistance under subsection (a) shall receive credit assistance on terms acceptable to the Assistant Secretary, if adequate funds are available to cover the subsidy costs associated with the Federal credit instrument.

(2) PRELIMINARY RATING OPINION LETTER.—The Assistant Secretary shall require each project applicant to provide—

(A) a preliminary rating opinion letter from at least 1 rating agency—

(i) indicating that the senior obligations of the project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating; and

(ii) including a preliminary rating opinion on the Federal credit instrument; or

(B) in the case of a small project, alternative documentation that the Assistant Secretary shall require in the standards established under section 31325 for purposes of this paragraph.

(3) TECHNOLOGY NEUTRALITY REQUIRED.—In selecting projects to receive credit assistance under the BIFIA program, the Assistant Secretary may not favor a project using any particular technology.

(4) PREFERENCE FOR OPEN-ACCESS NETWORKS.—In selecting projects to receive credit assistance under the BIFIA program, the Assistant Secretary shall give preference to projects providing for the deployment of open-access broadband service networks.

(c) FEDERAL REQUIREMENTS.—

(1) IN GENERAL.—The following provisions of law shall apply to funds made available under the BIFIA program and projects assisted with those funds:

(A) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(B) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) 54 U.S.C. 300101 et seq. (commonly referred to as the ''National Historic Preservation Act'').

(D) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(2) NEPA.—No funding shall be obligated for a project that has not received an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.—For purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), any project that receives credit assistance under the BIFIA program shall be considered a program or activity within the meaning of section 606 of such title (42 U.S.C. 2000d–4a).

(4) CONTRACTING REQUIREMENTS.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with assistance made available through a Federal credit instrument shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(5) NEUTRALITY REQUIREMENT.—An employer receiving assistance made available through a Federal credit instrument under this chapter shall remain neutral with respect to the exercise of employees and labor organizations of the right to organize and bargain under the National Labor Relations Act (29 U.S.C. 151 et seq.).

(6) REFERRAL OF ALLEGED VIOLATIONS OF APPLICABLE FEDERAL LABOR AND EMPLOYMENT LAWS.—The Assistant Secretary shall refer any alleged violation of an applicable labor and employment law to the appropriate Federal agency for investigation and enforcement, and any alleged violation of paragraph (4) or (5) to the National Labor Relations Board for investigation and enforcement, utilizing all appropriate remedies up to and including debarment from the BIFIA program.

(d) APPLICATION PROCESSING PROCEDURES.—

(1) NOTICE OF COMPLETE APPLICATION.—Not later than 30 days after the date of receipt of an application under this section, the Assistant Secretary shall provide to the applicant a written notice to inform the applicant whether—

(A) the application is complete; or

(B) additional information or materials are needed to complete the application.

(2) APPROVAL OR DENIAL OF APPLICATION.—Not later than 60 days after the date of issuance of the written notice under paragraph (1), the Assistant Secretary shall provide to the applicant a written notice informing the applicant whether the Assistant Secretary has approved or disapproved the application.

(3) APPROVAL BEFORE NEPA REVIEW.—Subject to subsection (c)(2), an application for a project may be approved before the project receives an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) DEVELOPMENT PHASE ACTIVITIES.—Any credit instrument secured under the BIFIA program may be used to finance up to 100 percent of the cost of development phase activities as described in section 31321(3)(A).

SEC. 31323. SECURED LOANS.

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) and (3), the Assistant Secretary may enter into agreements with one or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs of any project selected under section 31322;

(B) to refinance interim construction financing of eligible project costs of any project selected under section 31322; or

(C) to refinance long-term project obligations or Federal credit instruments, if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

(i) is selected under section 31322; or

(ii) otherwise meets the requirements of section 31322.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B)—

(A) if the maturity of such interim construction financing is later than 1 year after the substantial completion of the project; and

(B) later than 1 year after the date of substantial completion of the project.

(3) RISK ASSESSMENT.—Before entering into an agreement under this subsection, the Assistant Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account each rating letter provided by a rating agency under section 31322(b)(2)(A)(ii) or, in the case of a small project, the alternative documentation provided under section 31322(b)(2)(B).

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Assistant Secretary determines to be appropriate.

(2) MAXIMUM AMOUNT.—The amount of a secured loan under this section shall not exceed the lesser of 49 percent of the reasonably anticipated eligible project costs or, if the secured loan is not for a small project and does not receive an investment-grade rating, the amount of the senior project obligations.

(3) PAYMENT.—A secured loan under this section—

(A) shall—

(i) be payable, in whole or in part, from—

(I) amounts charged to—

(aa) subscribers of broadband service for such service; or

(bb) subscribers of any related service provided over the same infrastructure for such related service;

(II) user fees;

(III) payments owing to the obligor under a public-private partnership; or

(IV) other dedicated revenue sources that also secure the senior project obligations; and

(ii) include a coverage requirement or similar security feature supporting the project obligations; and

(B) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—The final maturity date of the secured loan shall be the lesser of—

(A) 35 years after the date of substantial completion of the project; and

(B) if the useful life of the infrastructure for the provision of broadband service being financed is of a lesser period, the useful life of the infrastructure.

(6) NONSUBORDINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(B) PREEXISTING INDENTURE.—

(i) IN GENERAL.—The Assistant Secretary shall waive the requirement under subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

(I) the secured loan—

(aa) is rated in the A category or higher; or

(bb) in the case of a small project, meets an alternative standard that the Assistant Secretary shall establish under section 31325 for purposes of this subclause;

(II) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

(III) the BIFIA program share of eligible project costs is 33 percent or less.

(ii) LIMITATION.—If the Assistant Secretary waives the nonsubordination requirement under this subparagraph—

(I) the maximum credit subsidy to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

(II) the obligor shall be responsible for paying the remainder of the subsidy cost, if any.

(7) FEES.—The Assistant Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under the BIFIA program, if the loan is repayable from non-Federal funds—

(A) may be used for any non-Federal share of project costs required under this chapter; and

(B) shall not count toward the total Federal assistance provided for a project for purposes of paragraph (9).

(9) MAXIMUM FEDERAL INVOLVEMENT.—The total Federal assistance provided for a project receiving a loan under the BIFIA program shall not exceed 80 percent of the total project cost.

(c) REPAYMENT.—

(1) SCHEDULE.—The Assistant Secretary shall establish a repayment schedule for each secured loan under this section based on—

(A) the projected cash flow from project revenues and other repayment sources; and

(B) the useful life of the infrastructure for the provision of broadband service being financed.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(3) DEFERRED PAYMENTS.—

(A) IN GENERAL.—If, at any time after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Assistant Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Assistant Secretary.

(ii) REPAYMENT STANDARDS.—The criteria established pursuant to clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Assistant Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Assistant Secretary determines that the sale or reoffering can be made on favorable terms.

(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Assistant Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Assistant Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Assistant Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Assistant Secretary.

(f) STREAMLINED APPLICATION PROCESS.—

(1) IN GENERAL.—The Assistant Secretary shall develop one or more expedited application processes, available at the request of entities seeking secured loans under the BIFIA program, that use a set or sets of conventional terms established pursuant to this section.

(2) TERMS.—In establishing the streamlined application process required by this subsection, the Assistant Secretary may allow for an expedited application period and include terms such as those that require—

(A) that the project be a small project;

(B) the secured loan to be secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge, tax increment financing, or a system-backed pledge of project revenues; and

(C) repayment of the loan to commence not later than 5 years after disbursement.

SEC. 31324. LINES OF CREDIT.

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) through (4), the Assistant Secretary may enter into agreements to make available to one or more obligors lines of credit in the form of direct loans to be made by the Assistant Secretary at future dates on the occurrence of certain events for any project selected under section 31322.

(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

(3) RISK ASSESSMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), before entering into an agreement under this subsection, the Assistant Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 31322(b)(2)(A), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account the rating opinion letter.

(B) SMALL PROJECTS.—Before entering into an agreement under this subsection to make available a line of credit for a small project, the Assistant Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for each such line of credit, taking into account the alternative documentation provided under section 31322(b)(2)(B) instead of preliminary rating opinion letters provided under section 31322(b)(2)(A).

(4) INVESTMENT-GRADE RATING REQUIREMENT.—The funding of a line of credit under this section shall be contingent on—

(A) the senior obligations of the project receiving an investment-grade rating from 2 rating agencies; or

(B) in the case of a small project, the project meeting an alternative standard that the Assistant Secretary shall establish under section 31325 for purposes of this paragraph.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits)

as the Assistant Secretary determines to be appropriate.

(2) MAXIMUM AMOUNTS.—The total amount of a line of credit under this section shall not exceed 33 percent of the reasonably anticipated eligible project costs.

(3) DRAWS.—Any draw on a line of credit under this section shall—

(A) represent a direct loan; and

(B) be made only if net revenues from the project (including capitalized interest, but not including reasonably required financing reserves) are insufficient to pay the costs specified in subsection (a)(2).

(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year United States Treasury securities, as of the date of execution of the line of credit agreement.

(5) SECURITY.—A line of credit issued under this section—

(A) shall—

(i) be payable, in whole or in part, from—

(I) amounts charged to—

(aa) subscribers of broadband service for such service; or

(bb) subscribers of any related service provided over the same infrastructure for such related service;

(II) user fees;

(III) payments owing to the obligor under a public-private partnership; or

(IV) other dedicated revenue sources that also secure the senior project obligations; and

(ii) include a coverage requirement or similar security feature supporting the project obligations; and

(B) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

(6) PERIOD OF AVAILABILITY.—The full amount of a line of credit under this section, to the extent not drawn upon, shall be available during the 10-year period beginning on the date of substantial completion of the project.

(7) RIGHTS OF THIRD-PARTY CREDITORS.—

(A) AGAINST FEDERAL GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on a line of credit under this section.

(B) ASSIGNMENT.—An obligor may assign a line of credit under this section to—

(i) one or more lenders; or

(ii) a trustee on the behalf of such a lender.

(8) NONSUBORDINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(B) PRE-EXISTING INDENTURE.—

(i) IN GENERAL.—The Assistant Secretary shall waive the requirement of subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

(I) the line of credit—

(aa) is rated in the A category or higher; or

(bb) in the case of a small project, meets an alternative standard that the Assistant Secretary shall establish under section 31325 for purposes of this subclause;

(II) the BIFIA program loan resulting from a draw on the line of credit is payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

(III) the BIFIA program share of eligible project costs is 33 percent or less.

(ii) LIMITATION.—If the Assistant Secretary waives the nonsubordination requirement under this subparagraph—

(I) the maximum credit subsidy to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

(II) the obligor shall be responsible for paying the remainder of the subsidy cost.

(9) FEES.—The Assistant Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section 31323 in an amount that, combined with the amount of the line of credit, exceeds 49 percent of eligible project costs.

(c) REPAYMENT.—

(1) TERMS AND CONDITIONS.—The Assistant Secretary shall establish repayment terms and conditions for each direct loan under this section based on—

(A) the projected cash flow from project revenues and other repayment sources; and

(B) the useful life of the infrastructure for the provision of broadband service being financed.

(2) TIMING.—All repayments of principal or interest on a direct loan under this section shall be scheduled—

(A) to commence not later than 5 years after the end of the period of availability specified in subsection (b)(6); and

(B) to conclude, with full repayment of principal and interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

SEC. 31325. ALTERNATIVE PRUDENTIAL LENDING STANDARDS FOR SMALL PROJECTS.

Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall establish alternative, streamlined prudential lending standards for small projects receiving credit assistance under the BIFIA program to ensure that such projects pose no additional risk to the Federal Government, as compared with projects that are not small projects.

SEC. 31326. PROGRAM ADMINISTRATION.

(a) REQUIREMENT.—The Assistant Secretary shall establish a uniform system to service the Federal credit instruments made available under the BIFIA program.

(b) FEES.—The Assistant Secretary may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

(1) the costs of services of expert firms retained pursuant to subsection (d); and

(2) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments.

(c) SERVICER.—

(1) IN GENERAL.—The Assistant Secretary may appoint a financial entity to assist the Assistant Secretary in servicing the Federal credit instruments.

(2) DUTIES.—A servicer appointed under paragraph (1) shall act as the agent for the Assistant Secretary.

(3) FEE.—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Assistant Secretary.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Assistant Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

(e) EXPEDITED PROCESSING.—The Assistant Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under the BIFIA program.

(f) ASSISTANCE TO SMALL PROJECTS.—Of the amount appropriated under section 31329(a), and after the set-aside for administrative expenses under section 31329(b), not less than 20 percent shall be made available for the Assistant Secretary to use in lieu of fees collected under subsection (b) for small projects.

SEC. 31327. STATE AND LOCAL PERMITS.

The provision of credit assistance under the BIFIA program with respect to a project shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

SEC. 31328. REGULATIONS.

The Assistant Secretary may promulgate such regulations as the Assistant Secretary determines to be appropriate to carry out the BIFIA program.

SEC. 31329. FUNDING.

(a) APPROPRIATION.—There are appropriated to the Assistant Secretary, out of any money in the Treasury not otherwise appropriated, $5,000,000,000 to carry out this chapter for fiscal year 2021, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Of the amount appropriated under subsection (a), the Assistant Secretary may use not more than 5 percent for the administration of the BIFIA program.

SEC. 31330. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and every 2 years thereafter, the Assistant Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under the BIFIA program, including a recommendation as to whether the objectives of the BIFIA program are best served by—

(1) continuing the program under the authority of the Assistant Secretary; or

(2) establishing a Federal corporation or federally sponsored enterprise to administer the program.

(b) APPLICATION PROCESS REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a list of all of the letters of interest and applications received for assistance under the BIFIA program during the preceding fiscal year.

(2) INCLUSIONS.—

(A) IN GENERAL.—Each report under paragraph (1) shall include, at a minimum, a description of, with respect to each letter of interest and application included in the report—

(i) the date on which the letter of interest or application was received;

(ii) the date on which a notification was provided to the applicant regarding whether the application was complete or incomplete;

(iii) the date on which a revised and completed application was submitted (if applicable);

(iv) the date on which a notification was provided to the applicant regarding whether the project was approved or disapproved; and

(v) if the project was not approved, the reason for the disapproval.

(B) CORRESPONDENCE.—Each report under paragraph (1) shall include copies of any correspondence provided to the applicant in accordance with section 31322(d).

CHAPTER 3—WI-FI ON SCHOOL BUSES

SEC. 31341. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall commence a rulemaking to make the provision of Wi-Fi access on school buses eligible for support under the E-rate program of the Commission set forth under subpart F of part 54 of title 47, Code of Federal Regulations.

(2) ELIGIBLE RECIPIENTS.—Notwithstanding section 254(h)(1)(B) of the Communications Act

of 1934 (47 U.S.C. 254(h)(1)(B)), the Commission shall provide in the rulemaking under paragraph (1) for State educational agencies, educational service agencies, and local educational agencies to be eligible to receive the support described in such paragraph.

(b) DEFINITIONS.—In this section:

(1) SCHOOL BUS.—The term ''school bus'' means a passenger motor vehicle that is—

(A) designed to carry a driver and not less than 5 passengers; and

(B) used significantly to transport—

(i) children enrolled in an early childhood education program to or from such program or an event related to such program; or

(ii) students enrolled in an elementary school or secondary school to or from such school or an event related to such school.

(2) TERMS DEFINED IN ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The terms ''early childhood education program'', ''educational service agency'', ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

Subtitle D—Community Broadband

SEC. 31401. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP, AND CO-OP BROADBAND SERVICES.

Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

''(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP, AND CO-OP ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.—

''(1) IN GENERAL.—No State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider, public-private partnership provider, or cooperatively organized provider from providing, to any person or any public or private entity, advanced telecommunications capability or any service that utilizes the advanced telecommunications capability provided by such provider.

''(2) ANTIDISCRIMINATION SAFEGUARDS.—

''(A) PUBLIC PROVIDERS.—To the extent any public provider regulates competing private providers of advanced telecommunications capability or services that utilize advanced telecommunications capability, such public provider shall apply its ordinances and rules without discrimination in favor of itself or any provider that it owns of services that utilize advanced telecommunications capability.

''(B) PUBLIC-PRIVATE PARTNERSHIP PROVIDERS.—To the extent any State or local entity that is part of a public-private partnership provider regulates competing private providers of advanced telecommunications capability or services that utilize advanced telecommunications capability, such State or local entity shall apply its ordinances and rules without discrimination in favor of such public-private partnership provider or any provider that such State or local entity or public-private partnership provider owns of services that utilize advanced telecommunications capability.

''(3) SAVINGS CLAUSE.—Nothing in this subsection shall exempt a public provider, public-private partnership provider, or cooperatively organized provider from any Federal or State telecommunications law or regulation that applies to all providers of advanced telecommunications capability or services that utilize such advanced telecommunications capability.''; and

(2) in subsection (e), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''this subsection'' and inserting ''this section'';

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

(C) by inserting after paragraph (1) the following:

''(2) COOPERATIVELY ORGANIZED PROVIDER.—The term 'cooperatively organized provider' means an entity that is treated as a cooperative under Federal tax law and that provides advanced telecommunications capability, or any service that utilizes such advanced telecommunications capability, to any person or public or private entity.''; and

(D) by adding at the end the following:

''(4) PUBLIC PROVIDER.—The term 'public provider' means a State or local entity that provides advanced telecommunications capability, or any service that utilizes such advanced telecommunications capability, to any person or public or private entity.

''(5) PUBLIC-PRIVATE PARTNERSHIP PROVIDER.—The term 'public-private partnership provider' means a public-private partnership, between a State or local entity and a private entity, that provides advanced telecommunications capability, or any service that utilizes such advanced telecommunications capability, to any person or public or private entity.

''(6) STATE OR LOCAL ENTITY.—The term 'State or local entity' means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(e))).''.

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

SEC. 31501. REPEAL OF RULE AND PROHIBITION ON USE OF NPRM.

(a) REPEAL OF RULE.—The Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry in the matter of bridging the digital divide for low-income consumers, lifeline and link up reform and modernization, telecommunications carriers eligible for universal service support that was adopted by the Commission on November 16, 2017 (FCC 17–155) shall have no force or effect.

(b) RULEMAKING IN RELIANCE ON UNIVERSAL SERVICE CONTRIBUTION METHODOLOGY NPRM PROHIBITED.—Beginning on the date of the enactment of this Act, the Commission may not rely on the Notice of Proposed Rulemaking in the matter of universal service contribution methodology that was adopted by the Commission on May 15, 2019 (FCC 19–46), to satisfy the requirements of section 553 of title 5, United States Code, for adopting, amending, revoking, or otherwise modifying any rule (as defined in section 551 of such title) of the Commission.

Subtitle F—Next Generation 9–1–1

SEC. 31601. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the 9–1–1 professionals in the United States perform important and lifesaving work every day, and need the tools and communications technologies to perform the work effectively in a world with digital communications technologies;

(2) the transition from the legacy communications technologies used in the 9–1–1 systems of the United States to Next Generation 9–1–1 is a national priority and a national imperative;

(3) the United States should complete the transition described in paragraph (2) as soon as practicable;

(4) the United States should develop a nationwide framework that facilitates cooperation among Federal, State, and local officials on deployment of Next Generation 9–1–1 in order to meet that goal;

(5) the term ''Public Safety Answering Point'' becomes outdated in a broadband environment and 9–1–1 centers are increasingly and appropriately being referred to as emergency communications centers; and

(6) 9–1–1 authorities and emergency communications centers should have sufficient resources to implement Next Generation 9–1–1, including resources to support associated geographic information systems (commonly known as ''GIS''), and cybersecurity measures.

SEC. 31602. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) Next Generation 9–1–1 should be technologically and competitively neutral;

(2) Next Generation 9–1–1 should be interoperable;

(3) the governance and control of the 9–1–1 systems of the United States, including Next Generation 9–1–1, should remain at the State, regional, and local level; and

(4) individuals in the United States should receive information on how to best utilize Next Generation 9–1–1 and on its capabilities and usefulness.

SEC. 31603. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 159. COORDINATION OF NEXT GENERATION 9–1–1 IMPLEMENTATION.

''(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMENTATION COORDINATION OFFICE.—

''(1) AUTHORITY.—The Office shall implement the provisions of this section.

''(2) MANAGEMENT PLAN.—

''(A) DEVELOPMENT.—The Assistant Secretary and the Administrator shall develop and may modify a management plan for the grant program established under this section, including by developing—

''(i) plans related to the organizational structure of such program; and

''(ii) funding profiles for each fiscal year of the duration of such program.

''(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this section or 90 days after the date on which the plan is modified, as applicable, the Assistant Secretary and the Administrator shall submit the management plan developed under subparagraph (A) to—

''(i) the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

''(ii) the Committees on Energy and Commerce and Appropriations of the House of Representatives.

''(3) PURPOSE OF OFFICE.—The Office shall—

''(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve coordination and communication with respect to the implementation of Next Generation 9–1–1;

''(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of Next Generation 9–1–1;

''(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

''(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

''(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

''(4) REPORTS.—The Assistant Secretary and the Administrator shall provide an annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of Next Generation 9–1–1.

''(b) NEXT GENERATION 9–1–1 IMPLEMENTATION GRANTS.—

''(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, acting through the Office, shall provide grants to eligible entities for—

''(A) the implementation of Next Generation 9–1–1;

''(B) establishing and maintaining Next Generation 9–1–1;

''(C) training directly related to Next Generation 9–1–1;

''(D) public outreach and education on how best to use Next Generation 9–1–1 and on its capabilities and usefulness; and

''(E) administrative costs associated with planning and implementation of Next Generation 9–1–1, including costs related to planning for and preparing an application and related materials as required by this section, if—

''(i) such costs are fully documented in materials submitted to the Office; and

''(ii) such costs are reasonable and necessary and do not exceed 5 percent of the total grant award.

''(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 80 percent.

''(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

''(A) in the case of an eligible entity that is a State, the entity—

''(i) has coordinated the application with the emergency communications centers located within the jurisdiction of such entity;

''(ii) has designated a single officer or governmental body to serve as the State point of contact to coordinate the implementation of Next Generation 9–1–1 for that State, except that such designation need not vest such coordinator with direct legal authority to implement Next Generation 9–1–1 or to manage emergency communications operations; and

''(iii) has developed and submitted a State plan for the coordination and implementation of Next Generation 9–1–1 that—

''(I) ensures interoperability by requiring the use of commonly accepted standards;

''(II) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

''(III) incorporates the use of effective cybersecurity resources;

''(IV) uses open and competitive request for proposal processes, or the applicable State equivalent, for deployment of Next Generation 9–1–1;

''(V) includes input from relevant emergency communications centers, regional authorities, local authorities, and Tribal authorities; and

''(VI) includes a governance body or bodies, either by creation of new or use of existing body or bodies, for the development and deployment of Next Generation 9–1–1 that—

''(aa) includes relevant stakeholders; and

''(bb) consults and coordinates with the State point of contact required by clause (ii); or

''(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i) and (iii) of subparagraph (A), and the State in which the entity is located has complied with clause (ii) of such subparagraph.

''(4) CRITERIA.—

''(A) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Assistant Secretary and the Administrator shall issue regulations, after providing the public with notice and an opportunity to comment, prescribing the criteria for selection for grants under this section.

''(B) REQUIREMENTS.—The criteria shall—

''(i) include performance requirements and a schedule for completion of any project to be financed by a grant under this section; and

''(ii) specifically permit regional or multi-State applications for funds.

''(C) UPDATES.—The Assistant Secretary and the Administrator shall update such regulations as necessary.

''(5) GRANT CERTIFICATIONS.—Each applicant for a grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time the funds from the grant are available to the applicant, that—

''(A) no portion of any designated 9–1–1 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date on which the application was filed and continuing through the period of time during which the funds from the grant are available to the applicant;

''(B) any funds received by the applicant will be used to support deployment of Next Generation 9–1–1 that ensures interoperability by requiring the use of commonly accepted standards;

''(C) the State in which the applicant resides has established, or has committed to establish no later than 3 years following the date on which the funds are distributed to the applicant, a sustainable funding mechanism for Next Generation 9–1–1 to be deployed pursuant to the grant;

''(D) the applicant will promote interoperability between Next Generation 9–1–1 emergency communications centers and emergency response providers including users of the nationwide public safety broadband network implemented by the First Responder Network Authority;

''(E) the applicant has or will take steps to coordinate with adjoining States to establish and maintain Next Generation 9–1–1; and

''(F) the applicant has developed a plan for public outreach and education on how to best use Next Generation 9–1–1 and on its capabilities and usefulness.

''(6) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, fails to comply with the certifications required under paragraph (5), all of the funds from such grant shall be returned to the Office.

''(7) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (5) knowing that the information provided in the certification was false shall—

''(A) not be eligible to receive the grant under this subsection;

''(B) return any grant awarded under this subsection during the time that the certification was not valid; and

''(C) not be eligible to receive any subsequent grants under this subsection.

''(8) PROHIBITION.—No grant funds under this subsection may be used—

''(A) for any component of the Nationwide Public Safety Broadband Network; or

''(B) to make any payments to a person who has been, for reasons of national security, prohibited by any entity of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant.

''(9) CONTRACTING REQUIREMENTS.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with a grant under this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

''(c) FUNDING AND TERMINATION.—

''(1) IN GENERAL.—In addition to any funds authorized for grants under section 158, there is authorized to be appropriated $12,000,000,000 for fiscal years 2021 through 2025.

''(2) ADMINISTRATIVE COSTS.—The Office may use up to 5 percent of the funds authorized under this subsection for reasonable and necessary administrative costs associated with the grant program.

''(d) DEFINITIONS.—In this section:

''(1) 9–1–1 REQUEST FOR EMERGENCY ASSISTANCE.—The term '9–1–1 request for emergency assistance' means a communication, such as voice, text, picture, multimedia, or any other type of data that is sent to an emergency communications center for the purpose of requesting emergency assistance.

''(2) COMMONLY ACCEPTED STANDARDS.—The term 'commonly accepted standards' means—

''(A) the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity, including but not limited to, standards developed by the Third Generation Partnership Project (3GPP), the Institute of Electrical and Electronics Engineers (IEEE), the Alliance for Telecommunications Industry Solutions (ATIS), the Internet Engineering Taskforce (IETF), and the International Telecommunications Union (ITU); and

''(B) standards that are accredited by a recognized authority such as the American National Standards Institute (ANSI).

''(3) DESIGNATED 9–1–1 CHARGES.—The term 'designated 9–1–1 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 9–1–1 services, E9–1–1 services, or Next Generation 9–1–1.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means a State, local government, or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)));

''(B) includes public authorities, boards, commissions, and similar bodies created by one or more eligible entities described in subparagraph (A) to coordinate or provide Next Generation 9–1–1; and

''(C) does not include any entity that has failed to submit—

''(i) the certifications required under subsection (b)(5); and

''(ii) the most recently required certification under subsection (c) within 30 days after the date on which such certification is due.

''(5) EMERGENCY COMMUNICATIONS CENTER.—The term 'emergency communications center' means a facility that is designated to receive a 9–1–1 request for emergency assistance and perform one or more of the following functions:

''(A) Process and analyze 9–1–1 requests for emergency assistance and other gathered information.

''(B) Dispatch appropriate emergency response providers.

''(C) Transfer or exchange 9–1–1 requests for emergency assistance and other gathered information with other emergency communications centers and emergency response providers.

''(D) Analyze any communications received from emergency response providers.

''(E) Support incident command functions.

''(6) EMERGENCY RESPONSE PROVIDER.—The term 'emergency response provider' has the meaning given that term under section 2 of the Homeland Security Act (47 U.S.C. 101(6)), emergency response providers includes Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities).

''(7) INTEROPERABLE.—The term 'interoperable' or 'interoperability' means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and related data such as location information and callback numbers from the public, then process and share the 9–1–1 requests for emergency assistance and related data with other emergency communications centers and emergency response providers, regardless of jurisdiction, equipment,

device, software, service provider, or other relevant factors, and without the need for proprietary interfaces.

''(8) NATIONWIDE.—The term 'nationwide' means all states of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession of the United States, and each federally recognized Indian Tribe.

''(9) NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK.—The term 'nationwide public safety broadband network' has the meaning given the term in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401).

''(10) NEXT GENERATION 9–1–1.—The term Next Generation 9–1–1 means an interoperable, secure, Internet Protocol-based system that—

''(A) employs commonly accepted standards;

''(B) enables the appropriate emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

''(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

''(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

''(11) OFFICE.—The term 'Office' means the Next Generation 9–1–1 Implementation Coordination Office established under section 158 of this title.

''(12) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

''(13) SUSTAINABLE FUNDING MECHANISM.—The term 'sustainable funding mechanism' means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.''.

SEC. 31604. SAVINGS PROVISION.

Nothing in this subtitle or any amendment made by this subtitle shall affect any application pending or grant awarded under section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) prior to date of the enactment of this Act.

TITLE II—MOTOR VEHICLE SAFETY

SEC. 32001. SAFETY WARNING FOR OCCUPANTS OF HOT CARS.

(a) OCCUPANT SAFETY.—

(1) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30128 the following:

''§ 30129. Occupant safety

''(a) DEFINITIONS.—In this section:

''(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given that term in section 32101.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) RULEMAKING.—Not later than 2 years after the date of the enactment of this section, the Secretary shall issue a final rule prescribing a motor vehicle safety standard that requires all new passenger motor vehicles with a gross vehicle weight of 10,000 pounds or less to be equipped with a system to detect the presence of an occupant in the passenger compartment of the vehicle when the vehicle engine or motor is deactivated and engage a warning.

''(c) LIMITATION ON CAPABILITY OF BEING DISABLED.—The motor vehicle safety standard prescribed under subsection (b) shall require that the system installed in a new passenger motor vehicle cannot be disabled, overridden, reset, or recalibrated in such a way that the system will no longer detect the presence of an occupant in the passenger compartment of the vehicle when the vehicle engine or motor is deactivated and engage a warning.

''(d) MEANS.—

''(1) IN GENERAL.—The warning required under the motor vehicle safety standard prescribed under subsection (b)—

''(A) shall include a distinct auditory and visual warning to notify individuals inside and outside of the vehicle of the presence of an occupant, which shall be combined with an interior haptic warning; and

''(B) shall be activated when the vehicle engine or motor is deactivated and the presence of an occupant is detected.

''(2) CONSIDERATION.—In developing such warning, the Secretary shall also consider including a secondary additional alert to notify operators that are not in close proximity to the vehicle.

''(e) COMPLIANCE.—The rule issued under subsection (b) shall require full compliance with the motor vehicle safety standard prescribed in the rule not later than 2 years after the date on which the final rule is issued.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30128 the following:

''30129. Occupant safety.''.

(b) STUDY.—

(1) INDEPENDENT STUDY.—

(A) CONTRACT.—Not later than 90 days after issuing the final rule under section 30129(b) of title 49, United States Code, as added by subsection (a)(1), the Secretary shall enter into a contract with an independent third party to perform the services under this subparagraph.

(B) STUDY.—

(i) IN GENERAL.—Under the contract between the Secretary and an independent third party under this subparagraph, the independent third party shall carry out a study on retrofitting existing passenger motor vehicles with technology that meets the safety need addressed by the motor vehicle safety standard prescribed under such section 30129(b) of title 49, United States Code, as added by subsection (a)(1).

(ii) ELEMENTS.—In carrying out the study required under clause (i), the independent third party shall—

(I) survey and evaluate a variety of methods used by current and emerging technology or products to solve the problem of occupants being left unattended in vehicles and occupants independently accessing unoccupied vehicles;

(II) make recommendations for manufacturers of such technology or products to undergo a functional safety performance assessment to ensure that the products perform as designed by the manufacturer under a variety of real-world conditions; and

(III) provide recommendations for consumers on how to select such technology or products in order to retrofit existing vehicles.

(iii) AVAILABILITY THROUGH NHTSA WEBSITE.—The Secretary shall make the recommendations provided under clause (ii)(III) available to the public through the website of the National Highway Traffic Safety Administration.

(2) PUBLICATION; PUBLIC COMMENT.—Not later than 2 years after the date on which the Secretary issues the final rule under section 30129(b) of title 49, United States Code, as added by subsection (a)(1), the Secretary shall—

(A) publish the study required under paragraph (1)(B) in the Federal Register; and

(B) provide a period for public comment of not longer than 90 days after the study is published under subparagraph (A).

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (2)(B), the Secretary shall publish in the Federal Register and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the study required by paragraph (1)(B). The submission shall include all public comments in response to the study received by the Secretary upon publication in the Federal Register.

(4) DEFINITIONS.—In this paragraph—

(A) the term ''child restraint system'' has the meaning given that term in section 571.213 of title 49, Code of Federal Regulations (or any successor regulation);

(B) the term ''independent third party'' means a person who does not have any financial or contractual ties with any person producing or supplying equipment for occupant detection or reminder warning systems, child restraint systems, or passenger motor vehicles;

(C) the term ''passenger motor vehicle'' has the meaning given that term in section 32101 of title 49, United States Code; and

(D) the term ''Secretary'' means the Secretary of Transportation.

SEC. 32002. PROTECTING AMERICANS FROM THE RISKS OF KEYLESS IGNITION TECHNOLOGY.

(a) DEFINITIONS.—In this section—

(1) the term ''electric vehicle''—

(A) means a vehicle that does not include an engine and is powered solely by an external source of electricity, solar power, or both; and

(B) does not include an electric hybrid vehicle that uses a chemical fuel such as gasoline or diesel fuel;

(2) the term ''key'' has the meaning given the term in section 571.114 of title 49, Code of Federal Regulations (or successor regulations);

(3) the term ''manufacturer'' has the meaning given the term in section 30102(a) of title 49, United States Code;

(4) The term ''motor vehicle''

(A) has the meaning given the term in section 30102(a) of title 49, United States Code; and

(B) does not include—

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

(ii) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight; or

(iii) an electric vehicle.

(5) The term ''Secretary'' means the Secretary of Transportation.

(b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHICLES.—

(1) FINAL RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule amending section 571.114 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 114), to require manufacturers to install technology in each motor vehicle equipped with a keyless ignition device and an internal combustion engine to automatically shut off the motor vehicle after the motor vehicle has idled for the period designated under subparagraph (B).

(B) PERIOD DESCRIBED.—

(i) IN GENERAL.—The period referred to in subparagraph (A) is the period designated by the Administrator of the National Highway Traffic Safety Administration as necessary to prevent carbon monoxide poisoning.

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

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

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

(2) DEADLINE.—The rule under paragraph (1) shall become effective not later than 2 years after the date on which the Secretary issues the rule.

(c) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule amending part 571 of title 49, Code of Federal Regulations, requiring manufacturers to install technology in motor vehicles equipped with keyless ignition devices and automatic transmissions to prevent movement of the motor vehicle if—

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

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

(C) the door for the operator of the motor vehicle is open;

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

(E) the service brake of the motor vehicle is not engaged.

(2) DETERMINATION.—The Secretary shall determine the maximum speed at which a motor vehicle may be safely locked in place under the conditions described in subparagraphs (A), (C), (D), and (E) of paragraph (1) to prevent vehicle rollaways.

(3) DEADLINE.—The rule under paragraph (1) shall become effective not later than 2 years after the date on which the Secretary issues such rule.

SEC. 32003. 21ST CENTURY SMART CARS.

(a) CRASH AVOIDANCE RULEMAKING.—

(1) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30130. Crash avoidance rulemaking

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final rules prescribing Federal motor vehicle safety standards that—

''(1) establish minimum performance requirements for the crash avoidance technologies described in subsection (b); and

''(2) require all new passenger motor vehicles manufactured for sale in the United States, introduced or delivered for introduction in interstate commerce, or imported into the United States to be equipped with the crash avoidance technologies described in subsection (b).

''(b) CRASH AVOIDANCE TECHNOLOGIES.—The Secretary shall issue Federal motor vehicle safety standards for each of the following crash avoidance technologies—

''(1) forward collision warning and automatic emergency braking, including crash imminent braking and dynamic brake support, that detects potential collisions with a vehicle, object, pedestrian, bicyclist, and other vulnerable road user while the vehicle is traveling forward, provides a warning to the driver, and automatically applies the brakes to avoid or mitigate the severity of an impact;

''(2) rear automatic emergency braking that detects a potential collision with a vehicle, object, pedestrian, bicyclist, and other vulnerable road user while a vehicle is moving in reverse and automatically applies the brakes to avoid or mitigate the severity of an impact;

''(3) rear cross traffic warning that detects vehicles, objects, pedestrians, bicyclists, and other vulnerable road users approaching from the side and rear of a vehicle as it moves in reverse and alerts the driver;

''(4) lane departure warning that monitors a vehicle's position in its lane and alerts the driver as the vehicle approaches or crosses lane markers; and

''(5) blind spot warning that detects a vehicle, object, pedestrian, bicyclist, and other vulnerable road user to the side or rear of a vehicle and alerts the driver to their presence, including when a driver attempts to change the course of travel toward another vehicle or road user in the blind zone of the vehicle.

''(c) CONSIDERATIONS.—In prescribing the Federal motor vehicle safety standards required in subsection (a), the Secretary shall ensure that the crash avoidance technologies perform effectively at speeds for which a passenger motor vehicle is reasonably expected to operate, including on city streets and highways.

''(d) COMPLIANCE DATE.—The compliance date of the standards prescribed under subsection (a) shall not exceed more than 2 model years from the date final rules are issued.

''(e) HEADLAMPS.—

''(1) Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule that revises Federal motor vehicle safety standard 108 to—

''(A) improve illumination of the roadway;

''(B) prevent glare;

''(C) establish minimum performance standards for—

''(i) semi-automatic headlamp beam switching; and

''(ii) curve adaptive headlamps.

''(2) The compliance date of the revised standard prescribed under paragraph (1) shall not exceed more than 2 model years from the effective date.

''(3) Not later than 1 year after the date of enactment of this section, the Secretary shall finalize the Rulemaking (83 Fed. Reg. 51766) to permit the certification of adaptive driving beam headlighting systems.

''(f) DEFINITIONS.—In this section:

''(1) CRASH AVOIDANCE.—The term 'crash avoidance' has the meaning given that term in section 32301.

''(2) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given to that term in section 32101.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 301 of title 49, United States Code, is further amended by adding after the item relating to section 30129 (as added by section 32002(a)(2)) the following:

''30130. Crash avoidance rulemaking.''.

(b) RESEARCH OF ADVANCED CRASH SYSTEMS.—

(1) IN GENERAL.—Subchapter II of chapter 301 of title 49, United States Code, as amended by section(a)(1), is further amended by adding at the end the following:

''§ 30131. Advanced crash systems research and consumer education

''(a) ADVANCED CRASH SYSTEMS RESEARCH.—

''(1) Not later than 2 years after the date of enactment of this section, the Secretary shall complete research into the following:

''(A) Driver monitoring systems that will minimize driver disengagement, prevent automation complacency, and account for foreseeable misuse of the automation.

''(B) Lane keeping assistance that assists with steering to keep a vehicle within its driving lane.

''(C) Automatic crash data notification systems that—

''(i) notify emergency responders that a crash has occurred and provide the geographical location of the vehicle and crash data in a manner that allows for assessment of potential injuries and emergency response; and

''(ii) transfer to the Secretary anonymized automatic crash data for the purposes of safety research and statistical analysis.

''(2) REQUIREMENTS.—In conducting the research required under subsection (a), the Secretary shall—

''(A) develop one or more tests to evaluate the performance of the system;

''(B) determine metrics that would be most effective at evaluating the performance of the system; and

''(C) determine fail, pass, or advanced pass criteria to assure the systems are performing their intended function.

''(3) REPORT.—The Secretary shall submit a report detailing findings from the research required under subsection (a) to the House Energy and Commerce Committee and the Senate Commerce, Science, and Transportation Committee not later than 3 years after the date of enactment of this Act.

''(4) RULEMAKING.—Not later than 4 years after the date of enactment of this section, the Secretary shall issue final rules to establish Federal motor vehicle safety standards for the advanced crash systems described in this subsection and to require all new passenger motor vehicles manufactured for sale in the United States produced after the effective date of such standards to be equipped with advanced crash systems described in this subsection.

''(b) RULEMAKING ON POINT OF SALE INFORMATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue a final rule to require clear and concise information about the capabilities and limitations of an advanced driver assistance system to be provided to a consumer at the point of sale and in the vehicle owner's manual, including a publicly accessible electronic owner's manual.''.

(2) CONFORMING AMENDMENT.—The table of section for subchapter II of chapter 301 of title 49, United States Code, is further amended by adding after the item relating to section 30129, as added by section 2(b), the following:

''30131. Advanced crash systems research and consumer education''.

SEC. 32004. UPDATING THE 5-STAR SAFETY RATING SYSTEM.

(a) AMENDMENT.—Section 32302 of title 49, United States Code, is amended by adding at the end the following:

''(e) ROADMAP.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 2 years thereafter, the Secretary shall publish a clear and concise report on a publicly accessible website detailing efforts over the next five-year period to improve the passenger motor vehicle information developed under subsection (a).

''(2) ELEMENTS.—The report required under paragraph (1) shall include—

''(A) descriptions of actions that will be taken to update the passenger motor vehicle information developed under subsection (a), including the development of test procedures, test devices, test fixtures, and safety performance metrics;

''(B) key milestones, including the anticipated start of an action, completion of an action, and effective date of an update; and

''(C) descriptions of how an update will improve the passenger motor vehicle information developed under subsection (a).

''(3) REQUIREMENTS.—In developing, implementing, and updating the report required under paragraph (1), the Secretary shall—

''(A) identify and prioritize features and systems that meet a known safety need and for which objective rating tests and evaluation criteria exists;

''(B) when reasonable and in the interest of improving the safety of passenger motor vehicles, harmonize the passenger motor vehicle information developed under subsection (a) with other safety information programs, including those administered internationally or by private organizations, that provide comparisons of safety characteristics of passenger motor vehicles;

''(C) establish objective criteria, including effectiveness in reducing traffic accidents and deaths and injuries resulting from traffic accidents, for the selection of safety technologies to be rated;

''(D) conduct a review not less frequently than once every 2 years to evaluate effectiveness of the passenger motor vehicle information produced under subsection (a) at improving the safety of passenger motor vehicles; and

''(E) adhere to all deadlines established under subsection (f).

''(4) PUBLIC COMMENT.—The Secretary shall provide for a period of public comment and review in developing the plan required under paragraph (1).

''(f) IMMEDIATE UPDATES TO THE 5-STAR SAFETY RATING SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall finalize the proceeding entitled New

Car Assessment Program (80 Fed. Reg. 78521) to update the passenger motor vehicle information required under subsection (a).

''(2) CRASHWORTHINESS.—In carrying out paragraph (1), the Secretary shall—

''(A) update the test procedures and devices, including anthropomorphic test devices, used in crashworthiness tests;

''(B) establish new or refine injury criteria, including head, neck, chest, abdomen, pelvis, upper leg and lower leg injury criteria, based on real-world injuries and the greatest potential to increase safety;

''(C) establish rear seat crashworthiness tests for adult (men and women) occupants in all designated seating positions;

''(D) establish crashworthiness tests for elderly occupants in all designated seating positions;

''(E) establish crashworthiness tests for children in all rear designated seating positions and ratings;

''(F) establish crashworthiness tests for seating system performance for occupants in all designated seating positions; and

''(G) ensure that crashworthiness tests account for occupancy of all designated seating positions, as applicable.

''(3) CRASH AVOIDANCE.—In carrying out paragraph (1), the Secretary shall update and create, as applicable, crash avoidance tests, which shall include forward automatic emergency braking, lane departure warning, blind spot warning, rear cross traffic warning, and rear automatic emergency braking.

''(4) VULNERABLE ROAD USER SAFETY.—In carrying out paragraph (1), the Secretary shall—

''(A) establish crash avoidance tests to evaluate crash avoidance systems, including automatic emergency braking and rear automatic emergency braking, for crashes between a passenger motor vehicle and a pedestrian, bicyclist, or other vulnerable road user;

''(B) establish crashworthiness tests to prevent and mitigate injury and death caused by a collision between a passenger motor vehicle and a pedestrian, bicyclist, or other vulnerable road user, including the potential risks of injuries to the head, pelvis, upper, and lower leg.

''(5) ENHANCING MOTOR VEHICLE INFORMATION.—

''(A) In carrying out paragraph (1), the Secretary shall—

''(i) create a combined overall five-star vehicle rating; and

''(ii) create separate five-star ratings for—

''(I) crashworthiness for adults (women and men);

''(II) crashworthiness for elderly occupants;

''(III) crashworthiness for children;

''(IV) crash avoidance; and

''(V) pedestrian and bicyclist crashworthiness and crash avoidance.

''(B) In developing the ratings under subparagraph (A), the Secretary shall require that a vehicle can only achieve the highest rating if the systems are standard for the model.

''(C) The Secretary shall—

''(i) require manufacturers to prominently display the five-star ratings described in subparagraph (A) on Monroney labels (as required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232)); and

''(ii) publish the five-star safety ratings for a passenger motor vehicle on a publicly available and easily accessible (including on mobile devices) website not later than 30 days after the Secretary has provided a safety rating for a passenger motor vehicle to the manufacturer.

''(D) The ratings created under this subsection shall—

''(i) provide consumers with easy-to-understand information about vehicle safety;

''(ii) provide meaningful comparative information about the safety of vehicles; and

''(iii) provide incentives for the design of safer vehicles.

''(6) POST-CRASH SAFETY.—

''(A) Not later than 2 years after the date of enactment of this section, the Secretary shall complete research into the development of tests for the following systems—

''(i) automatic collision notification; and

''(ii) advanced automatic collision notification.

''(B) After completion of the research required under subparagraph (A), the Secretary shall include each of the systems in the passenger motor vehicle information developed under subsection (a) not later than 3 years after the date of enactment of this section unless the Secretary determines that doing so will not improve such information.

''(C) If the Secretary determines that including one or more of the systems in subparagraph (A) will not improve the passenger motor vehicle safety information developed under subsection (a), the Secretary shall submit a report describing the reasons for not including any such system or systems to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 3 years after the date of enactment of this section. If one or more of the systems is included in another safety information program, including those administered by international or private organizations, the Secretary shall detail why the tests, or substantively similar tests, from such other safety information program were not adopted.

''(7) ADVANCED CRASH AVOIDANCE SYSTEMS.—

''(A) Not later than 2 years after the date of enactment of this section, the Secretary shall complete research into the development of tests for the following systems—

''(i) lane keeping assistance;

''(ii) traffic jam assistance;

''(iii) driver distraction prevention, including systems to maintain driver engagement and methods for mitigating distraction from in-vehicle electronic devices;

''(iv) driver monitoring; and

''(v) intelligent speed assistance.

''(B) After completion of the research required under subparagraph (A), the Secretary shall include each of the safety systems in the crash avoidance rating not later than 3 years after the date of enactment of this section unless the Secretary determines that doing so will not improve the passenger motor vehicle safety information developed under subsection (a).

''(C) If the Secretary determines that including one or more of the safety systems in the crash avoidance rating required will not improve the passenger motor vehicle safety information developed under subsection (a), the Secretary shall, not later than 3 years after the date of enactment of this section, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, describing the reasons for not including each of the safety systems in the crash avoidance rating. If one or more of the safety systems is included in another safety information program, including those administered by international or private organizations, the Secretary shall detail why the tests, or substantively similar tests, from such other safety information program were not adopted.

''(8) ADVANCED DRUNK DRIVING PREVENTION TECHNOLOGY.—

''(A) Not later than 3 years after the date of enactment of this section, the Secretary shall complete research into the development of tests for advanced drunk driving prevention technology.

''(B) After completion of the research required under subparagraph (A), the Secretary shall include advanced drunk driving prevention technology in the crash avoidance rating not later than 5 years after the date of enactment of this section unless the Secretary determines that doing so will not improve the passenger motor vehicle safety information developed under subsection (a).

''(C) If the Secretary determines that including advanced drunk driving prevention technology in the crash avoidance rating will not improve the passenger motor vehicle safety information developed under subsection (a), the Secretary shall, not later than 4 years after the date of enactment of this section submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons for not including such technology in the crash avoidance rating. If advanced drunk driving prevention technology is included in another safety information program, including those administered by international or private organizations, the Secretary shall detail why the tests, or substantively similar tests, from such other safety information program were not adopted.

''(9) CONTINUOUS UPDATES.—

''(A) Not later than 2 years after completing the updates required under this subsection and every 2 years thereafter, the Secretary shall—

''(i) update the passenger motor vehicle information program developed under subsection (a) to expand consumer access to vehicles with improved safety in accordance with the roadmap required under subsection (e); and

''(ii) update a test or rating established pursuant to this section unless the Secretary makes a determination that updating the test or rating will not improve the safety of passenger motor vehicles.

''(B) If the Secretary makes a determination that a test or rating established pursuant to this section no longer improves the safety of passenger motor vehicles, the Secretary shall replace or eliminate that test or rating, only if the Secretary determines that a replacement test will not improve the safety of passenger motor vehicles. Should the Secretary make such a determination, the Secretary shall, within 30 days of making such a determination, complete and submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, providing an explanation for such a determination.

''(10) REPORTING REQUIREMENT.—Should the Secretary fail to meet a deadline set forth in this subsection, the Secretary shall complete and submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 30 days of such deadline, providing an explanation for why the deadline was not met and a detailed plan and projected timeline for completing the requirement.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $75,000,000 for each of fiscal years 2021 through 2026 to carry out this section and the amendments made by this section.

SEC. 32005. ADVANCED DRUNK DRIVING PREVENTION TECHNOLOGY.

(a) REQUIREMENTS.—

(1) MOTOR VEHICLE SAFETY STANDARD.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall issue an advanced notice of proposed rulemaking to initiate a rulemaking to prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires passenger motor vehicles manufactured after the effective date of such standard to be equipped with advanced drunk driving prevention technology.

(2) NOTICE AND COMMENT.—Not later than 3 years after the date of enactment of this section, the Secretary of Transportation shall issue a notice of proposed rulemaking in order to continue the rulemaking proceeding required by paragraph (1).

(3) FINAL RULE.—

(A) Not later than 5 years after the date of enactment of this section, the Secretary shall prescribe a final rule containing the motor vehicle safety standard required under this subsection.

The final rule shall specify an effective date that provides at least 2 years, and no more than 3 year, to allow for manufacturing compliance.

(B) If the Secretary determines that a new motor vehicle safety standard required under this subsection cannot meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate describing the reasons for not prescribing such a standard.

(b) DEVELOPMENT.—The Secretary shall work directly with manufacturers of passenger motor vehicles, suppliers, safety advocates, and other interested parties, including universities with expertise in automotive engineering, to—

(1) accelerate the development of the advanced drunk driving prevention technology required to prescribe a motor vehicle safety standard described in subsection (a); and

(2) ensure the integration of such technology into passenger motor vehicles available for sale at the earliest practicable date.

(c) DEFINITIONS.—In this section—

(1) the term ''advanced drunk driving prevention technology'' means a passive system which—

(A) monitors a driver's performance to identify impairment of a driver;

(B) a system which passively detects a blood alcohol level equal to and exceeding .08 blood alcohol content; or

(C) a similar system which detects impairment and prevents or limits vehicle operation.

(2) the term ''motor vehicle safety standard'' has the meaning given such term in section 30102 of title 49, United States Code; and

(3) the term ''passenger motor vehicle'' has the meaning given such term in section 32101 of title 49, United States Code.

SEC. 32006. LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS.

(a) LIMOUSINE STANDARDS.—

(1) SAFETY BELT AND SEATING SYSTEM STANDARDS FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this section, the Secretary shall prescribe a final rule—

(A) that amends Federal Motor Vehicle Safety Standard Numbers 208, 209, and 210 to require to be installed in limousines at each designated seating position, including on side-facing seats—

(i) an occupant restraint system consisting of integrated lap shoulder belts; or

(ii) an occupant restraint system consisting of a lap belt if the occupant protection system described in clause (i) does not meet the need for motor vehicle safety; and

(B) that amends Federal Motor Vehicle Safety Standard Number 207 to require limousines to meet standards for seats (including side-facing seats), attachment assemblies, and installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact.

(2) REPORT ON RETROFIT ASSESSMENT FOR LIMOUSINES.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that assesses the feasibility, benefits, and costs with respect to the application of any requirement established under paragraph (1) to a limousine introduced into interstate commerce before the date on which the requirement applies to a limousine.

(b) SAFETY REGULATIONS OF LIMOUSINES.—Section 30102(a)(6) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following new subparagraph:

''(C) modifying a passenger motor vehicle that has already been purchased by the first purchaser (as such term is defined in subsection (b)) by increasing the wheelbase of the vehicle so that the vehicle has increased seating capacity.''.

(c) DEFINITIONS.—In this section the following definitions apply:

(1) CERTIFIED PASSENGER MOTOR VEHICLE.—The term ''certified passenger motor vehicle'' means a passenger motor vehicle that has been certified in accordance with section 30115 of title 49, United States Code, to meet all applicable Federal Motor Vehicle Safety Standards.

(2) LIMOUSINE.—The term ''limousine'' means a motor vehicle—

(A) that has a seating capacity of 9 or more persons (including the driver);

(B) with a gross vehicle weight greater than 10,000 pounds but not greater than 26,000 pounds; and

(C) that the Secretary has decided by regulation has physical characteristics resembling a passenger car or multipurpose passenger vehicle.

(3) LIMOUSINE OPERATOR.—The term ''limousine operator'' means a person who owns or leases, and uses, the limousine to transport passengers for compensation.

(4) LIMOUSINE REMODELER.—The term ''limousine remodeler'' means a person who alters or modifies by addition, substitution, or removal of components (other than readily attachable components) an incomplete vehicle, a vehicle manufactured in two or more stages, or a certified motor vehicle before or after the first purchase of the vehicle to manufacture a limousine.

(5) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given that term in section 30102(a) of title 49, United States Code.

(6) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' has the meaning given that term in section 32101 of title 49, United States Code.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(d) LIMOUSINE COMPLIANCE WITH FEDERAL SAFETY STANDARDS.—

(1) IN GENERAL.—Chapter 301 of subtitle VI of title 49, United States Code, is amended by section 32003, is further amended by inserting after section 30131 the following new section:

''§ 30132. Limousine compliance with Federal Safety Standards

''(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this section, a limousine remodeler may not offer for sale, lease, or rent, introduce or deliver for introduction into interstate commerce, or import into the United States a new limousine unless the limousine remodeler has provided a vehicle remodeler plan, in accordance with this section, to the Secretary that describes how the remodeler is addressing the safety of the limousine. A vehicle remodeler plan shall include the following:

''(1) Verification and validation of compliance with applicable Federal Motor Vehicle Safety Standards.

''(2) Design, quality control, manufacturing, and training practices adopted by a manufacturer, limousine remodeler, incomplete vehicle manufacturer, intermediate manufacturer, or final-stage manufacturer.

''(3) Customer support guidelines, including instructions for limousine occupants to wear seatbelts and limousine operators to notify occupants of the date and results of the most recent inspection of the limousine.

''(b) UPDATES.—Each manufacturer, limousine remodeler, incomplete vehicle manufacturer, intermediate manufacturer, or final-stage manufacturer shall submit an updated vehicle remodeler plan to the Secretary each year.

''(c) PUBLICLY AVAILABLE.—The Secretary shall make any vehicle remodeler plan submitted pursuant to subsection (a) or (b) publicly available not later than 60 days after the date on which the plan is received, except the Secretary may not make publicly available any information relating to a trade secret or other confidential business information as defined in part 512 of title 49, Code of Federal Regulations.

''(d) REVIEW.—The Secretary may inspect any vehicle remodeler plan developed by a manufacturer, limousine remodeler, incomplete vehicle manufacturer, intermediate manufacturer, or final-stage manufacturer under this section to enable the Secretary to decide whether the manufacturer, limousine remodeler, incomplete vehicle manufacturer, intermediate manufacturer, or final-stage manufacturer has complied, or is complying, with this chapter or a regulation prescribed or order issued pursuant to this chapter.

''(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.

''(f) DEFINITIONS.—In this section the following definitions apply:

''(1) LIMOUSINE.—The term 'limousine' means a motor vehicle—

''(A) that has a seating capacity of 9 or more persons (including the driver);

''(B) with a gross vehicle weight greater than 10,000 pounds but not greater than 26,000 pounds; and

''(C) that the Secretary has decided by regulation has physical characteristics resembling a passenger car or multipurpose passenger vehicle.

''(2) LIMOUSINE REMODELER.—The term 'limousine remodeler' means a person who alters or modifies by addition, substitution, or removal of components (other than readily attachable components) an incomplete vehicle, a vehicle manufactured in two or more stages, or a certified motor vehicle before or after the first purchase of the vehicle to manufacture a limousine.

''(3) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given that term in section 32101.''.

(2) ENFORCEMENT.—Section 30165(a)(1) of title 49, United States Code, is amended by inserting ''30132,'' after ''30127,''.

(3) CONFORMING AMENDMENT.—The table of section for subchapter II of chapter 301 of title 49, United States Code, is further amended by adding after the item relating to section 30131, as added by section 2(b), the following:

''30132. Limousine compliance with federal safety standards''.

(e) LIMOUSINE CRASHWORTHINESS.—

(1) RESEARCH.—Not later than 4 years after the date of enactment of this section, the Secretary shall complete research into the development of Federal Motor Vehicle Safety Standards for side impact protection, roof crush resistance, and air bag systems for the protection of occupants for limousines with perimeter seating positions, including perimeter seating arrangements.

(2) RULEMAKING OR REPORT.—

(A) CRASHWORTHINESS STANDARDS.—Not later than 2 years after the completion of the research required pursuant to paragraph (1), the Secretary shall prescribe final Federal Motor Vehicle Safety Standards for side impact protection, roof crush resistance, and air bag systems for the protection of occupants for limousines with alternative seating positions if the Secretary determines that such a standard or standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) REPORT.—If the Secretary determines that a standard or standards described in subparagraph (A) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the reasons for not prescribing the standard or standards and publish the report in the Federal Register.

(f) LIMOUSINE EVACUATION.—

(1) RESEARCH.—Not later than 2 years after the date of enactment of this section, the Secretary shall complete research into safety features and standards that aid evacuation in the event that one exit in the passenger compartment of a limousine is blocked.

(2) STANDARDS.—Not later than 3 years after the date of enactment of this section, the Secretary shall issue Federal Motor Vehicle Safety Standards based on the results of the research under paragraph (1).

(g) LIMOUSINE INSPECTION DISCLOSURE.—

(1) LIMOUSINE INSPECTION DISCLOSURE.—A limousine operator may not introduce a limousine into interstate commerce unless the limousine operator has prominently disclosed in a clear and conspicuous notice, including on the website of the operator if the operator has a website, that includes—

(A) the date of the most recent inspection of the limousine required under State or Federal law;

(B) the results of the inspection; and

(C) any corrective action taken by the limousine operator to ensure the limousine passed inspection.

(2) FEDERAL TRADE COMMISSION ENFORCEMENT.—The Commission shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section. Any person who violates this subsection shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(4) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this section.

(h) EVENT DATA RECORDERS FOR LIMOUSINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, shall issue a final rule requiring the use of event data recorders for limousines.

(2) PRIVACY PROTECTIONS.—Any standard promulgated under paragraph (1) pertaining to event data recorder information shall comply with the collection and sharing requirements under the FAST Act (Public Law 114–94) and any other applicable law.

TITLE III—ENERGY AND ENVIRONMENT INFRASTRUCTURE

Subtitle A—Infrastructure

CHAPTER 1—DRINKING WATER

Subchapter A—PFAS Infrastructure Grant Program

SEC. 33101. ESTABLISHMENT OF PFAS INFRASTRUCTURE GRANT PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

''SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

''(b) APPLICATIONS.—

''(1) GUIDANCE.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the form and timing for community water systems to apply for grants under this section.

''(2) REQUIRED INFORMATION.—The Administrator shall require a community water system applying for a grant under this section to submit—

''(A) information showing the presence of PFAS in water of the community water system; and

''(B) a certification that the treatment technology in use by the community water system at the time of application is not sufficient to remove all detectable amounts of PFAS.

''(c) LIST OF ELIGIBLE TREATMENT TECHNOLOGIES.—Not later than 150 days after the date of enactment of this section, and every two years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator determines are effective at removing all detectable amounts of PFAS from drinking water.

''(d) PRIORITY FOR FUNDING.—In awarding grants under this section, the Administrator shall prioritize affected community water systems that—

''(1) serve a disadvantaged community;

''(2) will provide at least a 10 percent cost share for the cost of implementing an eligible treatment technology; or

''(3) demonstrate the capacity to maintain the eligible treatment technology to be implemented using the grant.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not more than $500,000,000 for each of the fiscal years 2021 through 2025.

''(f) DEFINITIONS.—In this section:

''(1) AFFECTED COMMUNITY WATER SYSTEM.—The term 'affected community water system' means a community water system that is affected by the presence of PFAS in the water in the community water system.

''(2) DISADVANTAGED COMMUNITY.—The term 'disadvantaged community' has the meaning given that term in section 1452.

''(3) ELIGIBLE TREATMENT TECHNOLOGY.—The term 'eligible treatment technology' means a treatment technology included on the list published under subsection (c).''.

SEC. 33102. DEFINITION.

Section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f) is amended by adding at the end the following:

''(17) PFAS.—The term 'PFAS' means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.''.

Subchapter B—Extensions

SEC. 33103. FUNDING.

(a) STATE REVOLVING LOAN FUNDS.—Section 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(m)(1)) is amended—

(1) in subparagraph (B), by striking ''and'';

(2) in subparagraph (C), by striking ''2021.'' and inserting ''2021;''; and

(3) by adding at the end the following:

''(D) $4,140,000,000 for fiscal year 2022;

''(E) $4,800,000,000 for fiscal year 2023; and

''(F) $5,500,000,000 for each of fiscal years 2024 and 2025.''.

(b) INDIAN RESERVATION DRINKING WATER PROGRAM.—Section 2001(d) of America's Water Infrastructure Act of 2018 (Public Law 115–270) is amended by striking ''2022'' and inserting ''2025''.

(c) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM LEAD TESTING GRANT PROGRAM.—Section 1464(d)(8) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d)(8)) is amended by striking ''2021'' and inserting ''2025''.

(d) DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.—Section 1465(d) of the Safe Drinking Water Act (42 U.S.C. 300j–25(d)) is amended by striking ''2021'' and inserting ''2025''.

(e) TECHNICAL ASSISTANCE AND GRANTS.—Section 1433(g)(6) of the Safe Drinking Water Act (42 U.S.C. 300i–2(g)(6)) is amended by striking ''2021'' and inserting ''2025''.

(f) GRANTS FOR STATE PROGRAMS.—Section 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–2(a)(7)) is amended by striking ''2021'' and inserting ''2025''.

SEC. 33104. AMERICAN IRON AND STEEL PRODUCTS.

Section 1452(a)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking ''During fiscal years 2019 through 2023, funds'' and inserting ''Funds''.

CHAPTER 2—GRID SECURITY AND MODERNIZATION

SEC. 33111. 21ST CENTURY POWER GRID.

(a) IN GENERAL.—The Secretary of Energy shall establish a program to provide financial assistance to eligible partnerships to carry out projects related to the modernization of the electric grid, including—

(1) projects for the deployment of technologies to improve monitoring of, advanced controls for, and prediction of performance of, a distribution system; and

(2) projects related to transmission system planning and operation.

(b) ELIGIBLE PROJECTS.—Projects for which an eligible partnership may receive financial assistance under subsection (a)—

(1) shall be designed to improve the resiliency, performance, or efficiency of the electric grid, while ensuring the continued provision of safe, secure, reliable, and affordable power;

(2) may be designed to deploy a new product or technology that could be used by customers of an electric utility; and

(3) shall demonstrate—

(A) secure integration and management of energy resources, including through distributed energy generation, combined heat and power, microgrids, energy storage, electric vehicles, energy efficiency, demand response, or controllable loads; or

(B) secure integration and interoperability of communications and information technologies related to the electric grid.

(c) CYBERSECURITY PLAN.—Each project carried out with financial assistance provided under subsection (a) shall include the development of a cybersecurity plan written in accordance with guidelines developed by the Secretary of Energy.

(d) PRIVACY EFFECTS ANALYSIS.—Each project carried out with financial assistance provided under subsection (a) shall include a privacy effects analysis that evaluates the project in accordance with the Voluntary Code of Conduct of the Department of Energy, commonly known as the ''DataGuard Energy Data Privacy Program'', or the most recent revisions to the privacy program of the Department.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership consisting of two or more entities, which—

(A) may include—

(i) any institution of higher education;

(ii) a National Laboratory;

(iii) a State or a local government or other public body created by or pursuant to State law;

(iv) an Indian Tribe;

(v) a Federal power marketing administration; or

(vi) an entity that develops and provides technology; and

(B) shall include at least one of any of—

(i) an electric utility;

(ii) a Regional Transmission Organization; or

(iii) an Independent System Operator.

(2) ELECTRIC UTILITY.—The term ''electric utility'' has the meaning given that term in section 3(22) of the Federal Power Act (16 U.S.C. 796(22)), except that such term does not include an entity described in subparagraph (B) of such section.

(3) FEDERAL POWER MARKETING ADMINISTRATION.—The term ''Federal power marketing administration'' means the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, or the Western Area Power Administration.

(4) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $700,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

SEC. 33112. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) QUALIFIED ENERGY EFFICIENT TRANSFORMER.—The term ''qualified energy efficient transformer'' means a transformer that meets or exceeds the applicable energy conservation standards described in the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) QUALIFIED ENERGY INEFFICIENT TRANSFORMER.—The term ''qualified energy inefficient transformer'' means a transformer with an equal number of phases and capacity to a transformer described in any of the tables in subsection (b)(2) and paragraphs (1) and (2) of subsection (c) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act) that—

(A) does not meet or exceed the applicable energy conservation standards described in paragraph (1); and

(B)(i) was manufactured between January 1, 1985, and December 31, 2006, for a transformer with an equal number of phases and capacity as a transformer described in the table in subsection (b)(2) of section 431.196 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act); or

(ii) was manufactured between January 1, 1990, and December 31, 2009, for a transformer with an equal number of phases and capacity as a transformer described in the table in paragraph (1) or (2) of subsection (c) of that section (as in effect on the date of enactment of this Act).

(3) QUALIFIED ENTITY.—The term ''qualified entity'' means an owner of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company, that fulfills the requirements of subsection (c).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall establish a program to provide rebates to qualified entities for expenditures made by the qualified entity for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

(c) REQUIREMENTS.—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary of Energy an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence—

(1) that the entity purchased a qualified energy efficient transformer;

(2) of the core loss value of the qualified energy efficient transformer;

(3) of the age of the qualified energy inefficient transformer being replaced;

(4) of the core loss value of the qualified energy inefficient transformer being replaced—

(A) as measured by a qualified professional or verified by the equipment manufacturer, as applicable; or

(B) for transformers described in subsection (a)(2)(B)(i), as selected from a table of default values as determined by the Secretary in consultation with applicable industry; and

(5) that the qualified energy inefficient transformer has been permanently decommissioned and scrapped.

(d) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be—

(1) for a 3-phase or single-phase transformer with a capacity of not less than 10 and not greater than 2,500 kilovolt-amperes, twice the amount equal to the difference in watts between the core loss value (as measured in accordance with paragraphs (2) and (4) of subsection (c)) of—

(A) the qualified energy inefficient transformer; and

(B) the qualified energy efficient transformer; or

(2) for a transformer described in subsection (a)(2)(B)(i), the amount determined using a table of default rebate values by rated transformer output, as measured in kilovolt-amperes, as determined by the Secretary in consultation with applicable industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

SEC. 33113. INTERREGIONAL TRANSMISSION PLANNING REPORT.

Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report that—

(1) examines the effectiveness of interregional transmission planning processes for identifying transmission projects across regions that provide economic, reliability, or operational benefits, taking into consideration the public interest, the integrity of markets, and the protection of consumers;

(2) evaluates the current architecture of regional electricity grids (including international transmission connections of such grids) that together comprise the Nation's electricity grid, with respect to—

(A) potential growth in renewable energy generation, including energy generation from offshore wind;

(B) potential growth in electricity demand; and

(C) retirement of existing electricity generation assets;

(3) analyzes—

(A) the range of benefits that interregional transmission provides;

(B) the impact of basing transmission project approvals on a comprehensive assessment of the multiple benefits provided;

(C) synchronization of processes described in paragraph (1) among neighboring regions;

(D) how often interregional transmission planning should be completed;

(E) whether voltage, size, or cost requirements should be a factor in the approval of interregional transmission projects;

(F) cost allocation methodologies for interregional transmission projects; and

(G) current barriers and challenges to construction of interregional transmission projects; and

(4) identifies potential changes, based on the analysis under paragraph (3), to the processes described in paragraph (1) to ensure the most efficient, cost effective, and broadly beneficial transmission projects are selected for construction.

SEC. 33114. PROMOTING GRID STORAGE.

(a) DEFINITIONS.—In this section:

(1) ENERGY STORAGE SYSTEM.—The term ''energy storage system'' means equipment or facilities relating to the electric grid that are capable of absorbing and converting energy, as applicable, storing the energy for a period of time, and dispatching the energy, that—

(A) use mechanical, electrochemical, biochemical, or thermal processes, to convert and store energy that was generated at an earlier time for use at a later time;

(B) use mechanical, electrochemical, biochemical, or thermal processes to convert and store energy generated from mechanical processes that would otherwise be wasted for delivery at a later time; or

(C) convert and store energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity or other fuel sources at that later time, as is offered by grid-enabled water heaters.

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

(A) a State, territory, or possession of the United States;

(B) a State energy office (as defined in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)));

(C) a tribal organization (as defined in section 3765 of title 38, United States Code);

(D) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001));

(E) an electric utility, including—

(i) a rural electric cooperative;

(ii) a political subdivision of a State, such as a municipally owned electric utility, or any agency, authority, corporation, or instrumentality of one or more State political subdivisions; and

(iii) an investor-owned utility; and

(F) a private energy storage company that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

(3) ISLAND MODE.—The term ''island mode'' means a mode in which a distributed generator or energy storage system continues to power a location in the absence of electric power from the primary source.

(4) MICROGRID.—The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources, including generators and energy storage systems, within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the electric grid; and

(B) can connect to, and disconnect from, the electric grid to operate in both grid-connected mode and island mode.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ENERGY STORAGE RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a cross-cutting national program within the Department of Energy for the research of energy storage systems, including components and materials of such systems.

(2) ADDITIONAL REQUIREMENTS.—In establishing the program under paragraph (1), the Secretary shall—

(A) identify and coordinate across all relevant program offices throughout the Department of Energy key areas of existing and future research with respect to a portfolio of technologies and approaches; and

(B) adopt long-term cost, performance, and implementation targets for specific applications of energy storage systems.

(c) TECHNICAL ASSISTANCE AND GRANT PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a technical assistance and grant program (referred to in this subsection as the ''program'')—

(i) to disseminate information and provide technical assistance directly to eligible entities so the eligible entities can identify, evaluate, plan, design, and develop processes to procure energy storage systems; and

(ii) to make grants to eligible entities so that the eligible entities may contract to obtain technical assistance to identify, evaluate, plan, design, and develop processes to procure energy storage systems.

(B) TECHNICAL ASSISTANCE.—

(i) IN GENERAL.—The technical assistance described in subparagraph (A) shall include assistance with one or more of the following activities relating to energy storage systems:

(I) Identification of opportunities to use energy storage systems.

(II) Assessment of technical and economic characteristics.

(III) Utility interconnection.

(IV) Permitting and siting issues.

(V) Business planning and financial analysis.

(VI) Engineering design.

(ii) EXCLUSION.—The technical assistance described in subparagraph (A) shall not include assistance relating to modification of Federal, State, or local regulations or policies relating to energy storage systems.

(C) INFORMATION DISSEMINATION.—The information dissemination under subparagraph (A)(i) shall include dissemination of—

(i) information relating to the topics described in subparagraph (B), including case studies of successful examples;

(ii) computer software for assessment, design, and operation and maintenance of energy storage systems; and

(iii) public databases that track the operation of existing and planned energy storage systems.

(2) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity desiring technical assistance or grants under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) APPLICATION PROCESS.—The Secretary shall seek applications for technical assistance and grants under the program—

(i) on a competitive basis; and

(ii) on a periodic basis, but not less frequently than once every 12 months.

(C) PRIORITIES.—In selecting eligible entities for technical assistance and grants under the program, the Secretary shall give priority to eligible entities with projects that have the greatest potential for—

(i) strengthening the reliability of energy infrastructure and the resilience of energy infrastructure to the effects of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(ii) reducing the cost of energy storage systems;

(iii) facilitating the use of renewable energy resources;

(iv) minimizing environmental impact, including regulated air pollutants and greenhouse gas emissions;

(v) improving the feasibility of microgrids or islanding, particularly in rural areas, including rural areas with high energy costs; and

(vi) maximizing local job creation.

(3) GRANTS.—On application by an eligible entity, the Secretary may award grants to the eligible entity to provide funds to cover not more than—

(A) 100 percent of the costs of carrying out an initial assessment to identify net system benefits of using energy storage systems;

(B) 75 percent of the cost of obtaining guidance relating to methods to assess energy storage in long-term resource planning and resource procurement;

(C) 60 percent of the cost of carrying out studies to assess the cost-benefit ratio of energy storage systems; and

(D) 50 percent of the cost of obtaining guidance on complying with State and local regulatory technical standards, including siting and permitting standards.

(4) RULES AND PROCEDURES.—

(A) RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by rule, establish procedures for carrying out the program.

(B) GRANTS.—Not later than 120 days after the date on which the Secretary establishes procedures for the program under subparagraph (A), the Secretary shall issue grants under this subsection.

(5) REPORTS.—The Secretary shall submit to Congress and make available to the public—

(A) not less frequently than once every 2 years, a report describing the performance of the program under this subsection, including a synthesis and analysis of any information the Secretary requires grant recipients to provide to the Secretary as a condition of receiving a grant; and

(B) on termination of the program under this subsection, an assessment of the success of, and education provided by, the measures carried out by eligible entities under the program.

(d) DEPARTMENT OF ENERGY WORKSHOPS.—The Secretary shall hold one or more workshops during each of calendar years 2021 and 2023 to facilitate the sharing, across the Department of Energy, the States, local and Tribal governments, industry, and the academic research community, of research developments and new technical knowledge gained in carrying out subsections (b) and (c).

(e) ENERGY STORAGE SYSTEM DEMONSTRATION PROGRAM.—

(1) ENERGY STORAGE GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary shall establish a competitive grant program for pilot energy storage systems, as identified by the Secretary, that use either—

(i) a single system; or

(ii) aggregations of multiple systems.

(B) SELECTION REQUIREMENTS.—In selecting eligible entities to receive a grant under this subsection, the Secretary shall, to the maximum extent practicable—

(i) ensure regional diversity among eligible entities that receive the grants, including participation by rural States and small States;

(ii) ensure that specific projects selected for grants—

(I) expand on the existing technology demonstration programs of the Department of Energy; and

(II) are designed to achieve one or more of the objectives described in subparagraph (C);

(iii) prioritize projects from eligible entities that do not have an energy storage system;

(iv) give consideration to proposals from eligible entities for securing energy storage through competitive procurement or contracts for service;

(v) prioritize projects that coordinate with the local incumbent electric utility for in-front-of-the-meter projects that do not formally involve an electric utility; and

(vi) prioritize projects that leverage matching funds from non-Federal sources.

(C) OBJECTIVES.—Each demonstration project selected for a grant under subparagraph (A) shall include one or more of the following objectives:

(i) To improve the security and resiliency of critical infrastructure and emergency response systems.

(ii) To improve the reliability of the electricity transmission and distribution system, particularly in rural areas, including rural areas with high energy costs.

(iii) To optimize electricity transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.

(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.

(v) To reduce peak residential and commercial loads, particularly to defer or avoid investments in new electric grid capacity.

(vi) To advance power conversion systems to make the systems internet-connected, more efficient, able to communicate with other inverters, and able to control voltage.

(vii) To provide ancillary services for grid stability and management.

(viii) To integrate a renewable energy resource production source into the grid at the source or away from the source.

(ix) To increase the feasibility of microgrids or islanding.

(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.

(D) RESTRICTION ON USE OF FUNDS.—Any eligible entity that receives a grant under subparagraph (A) may only use the grant to fund programs relating to the demonstration of energy storage systems connected to the electric grid, including energy storage systems sited behind a customer revenue meter.

(E) FUNDING LIMITATIONS.—

(i) FEDERAL COST SHARE.—The Federal cost share of a project carried out with a grant under subparagraph (A) shall be not more than 50 percent of the total costs incurred in connection with the development, construction, acquisition of components for, or engineering of a demonstration project.

(ii) MAXIMUM GRANT.—The maximum amount of a grant awarded under subparagraph (A) shall be $5,000,000.

(F) NO PROJECT OWNERSHIP INTEREST.—The United States shall hold no equity or other ownership interest in an energy storage system for which a grant is provided under subparagraph (A).

(G) COMPARABLE WAGE RATES.—Each laborer and mechanic employed by a contractor or subcontractor in performance of construction work financed, in whole or in part, by the grant shall be paid wages at rates not less than the rates prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) RULES AND PROCEDURES; AWARDING OF GRANTS.—

(A) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by rule, establish procedures for carrying out the grant program under paragraph (1).

(B) AWARDING OF GRANTS.—Not later than 1 year after the date on which the Secretary establishes procedures under subparagraph (A), the Secretary shall award the initial grants provided under this subsection.

(3) REPORTS.—The Secretary shall submit to Congress and make publicly available—

(A) not less frequently than once every 2 years for the duration of the grant program under paragraph (1), a report describing the performance of the grant program, including a synthesis and analysis of any information the Secretary requires grant recipients to provide to the Secretary as a condition of receiving a grant; and

(B) on termination of the grant program under paragraph (1), an assessment of the success of, and education provided by, the measures carried out by grant recipients under the grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) for each of fiscal years 2021 through 2025, $175,000,000 to carry out subsection (b);

(2) for the period of fiscal years 2021 through 2025, $100,000,000 to carry out subsection (c), to remain available until expended; and

(3) for the period of fiscal years 2021 through 2025, $150,000,000 to carry out subsection (e), to remain available until expended.

SEC. 33115. EXPANDING ACCESS TO SUSTAINABLE ENERGY.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a rural electric cooperative; or

(B) a nonprofit organization working with at least 6 or more rural electric cooperatives.

(2) ENERGY STORAGE.—The term ''energy storage'' means the use of equipment or facilities relating to the electric grid that are capable of absorbing and converting energy, as applicable, storing the energy for a period of time, and dispatching the energy, that—

(A) use mechanical, electrochemical, biochemical, or thermal processes, to convert and store energy that was generated at an earlier time for use at a later time;

(B) use mechanical, electrochemical, biochemical, or thermal processes to convert and store energy generated from mechanical processes that would otherwise be wasted for delivery at a later time; or

(C) convert and store energy in an electric, thermal, or gaseous state for direct use for heating or cooling at a later time in a manner that avoids the need to use electricity or other fuel sources at that later time, as is offered by grid-enabled water heaters.

(3) ISLAND.—The term ''island mode'' means a mode in which a distributed generator or energy storage device continues to power a location in the absence of electric power from the primary source.

(4) MICROGRID.—The term ''microgrid'' means an interconnected system of loads and distributed energy resources, including generators and energy storage devices, within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the electric grid; and

(B) can connect to, and disconnect from, the electric grid to operate in both grid-connected mode and island mode.

(5) RENEWABLE ENERGY SOURCE.—The term ''renewable energy source'' has the meaning given the term in section 609(a) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

(6) RURAL ELECTRIC COOPERATIVE.—The term ''rural electric cooperative'' means an electric cooperative (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that sells electric energy to persons in rural areas.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ENERGY STORAGE AND MICROGRID ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall—

(A) provide grants to eligible entities under paragraph (3);

(B) provide technical assistance to eligible entities under paragraph (4); and

(C) disseminate information to eligible entities on—

(i) the activities described in paragraphs (3)(A) and (4); and

(ii) potential and existing energy storage and microgrid projects.

(2) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with an eligible entity to carry out paragraph (1).

(3) GRANTS.—

(A) IN GENERAL.—The Secretary shall award grants to eligible entities for identifying, evaluating, designing, and demonstrating energy storage and microgrid projects that utilize energy from renewable energy sources.

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

(C) USE OF GRANT.—An eligible entity that receives a grant under subparagraph (A)—

(i) shall use the grant—

(I) to conduct feasibility studies to assess the potential for implementation or improvement of energy storage or microgrid projects;

(II) to analyze and implement strategies to overcome barriers to energy storage or microgrid project implementation, including financial, contracting, siting, and permitting barriers;

(III) to conduct detailed engineering of energy storage or microgrid projects;

(IV) to perform a cost-benefit analysis with respect to an energy storage or microgrid project;

(V) to plan for both the short- and long-term inclusion of energy storage or microgrid projects into the future development plans of the eligible entity; or

(VI) to purchase and install necessary equipment, materials, and supplies for demonstration of emerging technologies; and

(ii) may use the grant to obtain technical assistance from experts in carrying out the activities described in clause (i).

(D) CONDITION.—As a condition of receiving a grant under subparagraph (A), an eligible entity shall—

(i) implement a public awareness campaign, in coordination with the Secretary, about the project implemented under the grant in the community in which the eligible entity is located;

(ii) submit to the Secretary, and make available to the public, a report that describes—

(I) any energy cost savings and environmental benefits achieved under the project; and

(II) the results of the project, including quantitative assessments to the extent practicable, associated with each activity described in subparagraph (C)(i); and

(iii) create and disseminate tools and resources that will benefit other rural electric cooperatives, which may include cost calculators, guidebooks, handbooks, templates, and training courses.

(E) COST-SHARE.—Activities under this paragraph shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(4) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—In carrying out the program established under paragraph (1), the Secretary shall provide eligible entities with technical assistance relating to—

(i) identifying opportunities for energy storage and microgrid projects;

(ii) understanding the technical and economic characteristics of energy storage or microgrid projects;

(iii) understanding financing alternatives;

(iv) permitting and siting issues;

(v) obtaining case studies of similar and successful energy storage or microgrid projects;

(vi) reviewing and obtaining computer software for assessment, design, and operation and maintenance of energy storage or microgrid systems; and

(vii) understanding and utilizing the reliability and resiliency benefits of energy storage and microgrid projects.

(B) EXTERNAL CONTRACTS.—In carrying out subparagraph (A), the Secretary may enter into contracts with third-party experts, including engineering, finance, and insurance experts, to provide technical assistance to eligible entities relating to the activities described in such subparagraph, or other relevant activities, as determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2021 through 2025.

(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used for administrative expenses.

SEC. 33116. INTERREGIONAL TRANSMISSION PLANNING RULEMAKING.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Federal Energy Regulatory Commission (hereinafter referred to as ''the Commission'') shall initiate a rulemaking to increase the effectiveness of the interregional transmission planning process.

(b) ASSESSMENT.—In conducting the rulemaking under subsection (a), the Commission shall assess—

(1) the effectiveness of interregional transmission planning processes for identifying transmission planning solutions that provide economic, reliability, operation, and public policy benefits, taking into consideration—

(A) the public interest;

(B) the integrity of markets; and

(C) the protection of consumers; and

(2) proposed changes to the processes described in paragraph (1) to ensure that efficient, cost-effective, and broadly beneficial transmission solutions are selected for construction, taking into consideration—

(A) the public interest;

(B) the integrity of markets;

(C) the protection of consumers; and

(D) the range of benefits that interregional transmission provides.

(c) EMPHASIS.—In conducting the rulemaking under subsection (a), the Commission shall develop rules that emphasize—

(1) the need for a solution to secure approval based on a comprehensive assessment of the multiple benefits the solution is expected to provide;

(2) that interregional benefit analyses made between multiple regions should not be subject to reassessment by a single regional entity;

(3) the importance of synchronizing the planning processes between regions that neighbor one another, including using one timeline with a single set of needs, input assumptions, and benefit metrics;

(4) that evaluation of long-term scenarios should align with the expected life of an interregional transmission solution;

(5) that transmission planning authorities should allow for the identification and joint evaluation between regions of alternative proposals;

(6) that the interregional transmission planning process should take place not less frequently than once every 3 years;

(7) the elimination of arbitrary voltage, size, or cost requirements for an interregional transmission solution; and

(8) cost allocation methodologies that reflect the multiple benefits provided by an interregional transmission solution.

(d) TIMING.—Not later than 18 months after the date of the enactment of this section, the Commission shall complete the rulemaking initiated under subsection (a).

(e) DEFINITIONS.—In this section:

(1) INTERREGIONAL BENEFIT ANALYSIS.—The term ''interregional benefit analysis'' means the identification and evaluation of the estimated benefits of interregional transmission facilities in two or more neighboring transmission planning regions to meet the needs for transmission system reliability, resilience, economic, and public policy requirements.

(2) INTERREGIONAL TRANSMISSION PLANNING PROCESS.—The term ''interregional transmission planning process'' means an evaluation of transmission needs established by public utility transmission providers in two or more neighboring transmission planning regions that are jointly evaluated by those regions.

(3) INTERREGIONAL TRANSMISSION SOLUTION.—The term ''interregional transmission solution'' means an interregional transmission facility that is evaluated by two or more neighboring transmission planning regions and determined by each of those regions for the ability of the project to efficiently or cost effectively meet regional transmission needs or to provide substantial benefits that are not addressed in either of the region's regional planning processes.

(4) TRANSMISSION PLANNING AUTHORITY.—The term ''transmission planning authority'' means the public utility transmission provider within a transmission planning region that is required to create a regional transmission plan that identifies transmission facilities and nontransmission alternatives needed to meet regional needs.

(5) TRANSMISSION PLANNING REGIONS.—The term ''transmission planning regions'' means the transmission planning regions recognized by the Commission as compliant with the final rule entitled ''Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities'' located at part 35 of title 18, Code of Federal Regulations (or any successor regulation).

CHAPTER 3—CONTROLLING METHANE LEAKS FROM PIPELINES

SEC. 33121. IMPROVING THE NATURAL GAS DISTRIBUTION SYSTEM.

(a) PROGRAM.—The Secretary of Energy shall establish a grant program to provide financial assistance to States to offset the incremental rate increases paid by low-income households resulting from the implementation of State-approved infrastructure replacement, repair, and maintenance programs designed to accelerate the necessary replacement, repair, or maintenance of natural gas distribution systems.

(b) DATE OF ELIGIBILITY.—Awards may be provided under this section to offset rate increases described in subsection (a) occurring on or after the date of enactment of this Act.

(c) PRIORITIZATION.—The Secretary shall collaborate with States to prioritize the distribution of grants made under this section. At a minimum, the Secretary shall consider prioritizing the distribution of grants to States which have—

(1) authorized or adopted enhanced infrastructure replacement programs or innovative rate recovery mechanisms, such as infrastructure cost trackers and riders, infrastructure base rate surcharges, deferred regulatory asset programs, and earnings stability mechanisms; and

(2) a viable means for delivering financial assistance to low-income households.

(d) AUDITING AND REPORTING REQUIREMENTS.—The Secretary shall establish auditing and reporting requirements for States with respect to the performance of eligible projects funded pursuant to grants awarded under this section.

(e) PREVAILING WAGES.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work assisted, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40.

(f) DEFINITIONS.—In this section:

(1) INNOVATIVE RATE RECOVERY MECHANISMS.—The term ''innovative rate recovery mechanisms'' means rate structures that allow State public utility commissions to modify tariffs and recover costs of investments in utility replacement incurred between rate cases.

(2) LOW-INCOME HOUSEHOLD.—The term ''low-income household'' means a household that is eligible to receive payments under section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $250,000,000 to carry out this section in each fiscal year beginning in fiscal year 2021 and ending in fiscal year 2025.

CHAPTER 4—RENEWABLE ENERGY

SEC. 33131. GRANT PROGRAM FOR SOLAR INSTALLATIONS LOCATED IN, OR THAT SERVE, LOW-INCOME AND UNDERSERVED AREAS.

(a) DEFINITIONS.—In this section:

(1) BENEFICIARY.—The term ''beneficiary'' means a low-income household or a low-income household in an underserved area.

(2) COMMUNITY SOLAR FACILITY.—The term ''community solar facility'' means a solar generating facility that—

(A) through a voluntary program, has multiple subscribers that receive financial benefits that are directly attributable to the facility;

(B) has a nameplate rating of 5 megawatts AC or less; and

(C) is located in the utility distribution service territory of subscribers.

(3) COMMUNITY SOLAR SUBSCRIPTION.—The term ''community solar subscription'' means a share in the capacity, or a proportional interest in the electricity generation, of a community solar facility.

(4) COVERED FACILITY.—The term ''covered facility'' means—

(A) a community solar facility—

(i) that is located in an underserved area; or

(ii) at least 50 percent of the capacity of which is reserved for low-income households;

(B) a solar generating facility located at a residence of a low-income household; or

(C) a solar generating facility located at a multi-family affordable housing complex.

(5) COVERED STATE.—The term ''covered State'' means a State with processes in place to ensure that covered facilities deliver financial benefits to low-income households.

(6) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a nonprofit organization that provides services to low-income households or multi-family affordable housing complexes;

(B) a developer, owner, or operator of a community solar facility that reserves a portion of the capacity of the facility for subscribers who are members of low-income households or for low-income households that otherwise financially benefit from the facility;

(C) a covered State, or political subdivision thereof;

(D) an Indian Tribe or a tribally owned electric utility;

(E) a Native Hawaiian community-based organization;

(F) any other national or regional entity that has experience developing or installing solar generating facilities for low-income households that maximize financial benefits to those households; and

(G) an electric cooperative or municipal electric utility (as such terms are defined in section 3 of the Federal Power Act).

(7) ELIGIBLE INSTALLATION PROJECT.—The term ''eligible installation project'' means a project to install a covered facility in a covered State.

(8) ELIGIBLE PLANNING PROJECT.—The term ''eligible planning project'' means a project to carry out pre-installation activities for the development of a covered facility in a covered State.

(9) ELIGIBLE PROJECT.—The term ''eligible project'' means—

(A) an eligible planning project; or

(B) an eligible installation project.

(10) FEASIBILITY STUDY.—The term ''feasibility study'' means any activity to determine the feasibility of a specific solar generating facility, including a customer interest assessment and a siting assessment, as determined by the Secretary.

(11) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, Regional Corporation, or Village Corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(12) INTERCONNECTION SERVICE.—The term ''interconnection service'' has the meaning given such term in section 111(d)(15) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(15)).

(13) LOW-INCOME HOUSEHOLD.—The term ''low-income household'' means that income in relation to family size which—

(A) is at or below 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary determines that such a higher level is necessary to carry out the purposes of this section;

(B) is the basis on which cash assistance payments have been paid during the preceding 12-month period under titles IV and XVI of the Social Security Act (42 U.S.C. 601 et seq., 1381 et seq.) or applicable State or local law; or

(C) if a State elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), provided that such basis is at least 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

(14) MULTI-FAMILY AFFORDABLE HOUSING COMPLEX.—The term ''multi-family affordable housing complex'' means any federally subsidized affordable housing complex in which at least 50 percent of the units are reserved for low-income households.

(15) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term ''Native Hawaiian community-based organization'' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

(16) PROGRAM.—The term ''program'' means the program established under subsection (b).

(17) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(18) SOLAR GENERATING FACILITY.—The term ''solar generating facility'' means—

(A) a generator that creates electricity from light photons; and

(B) the accompanying hardware enabling that electricity to flow—

(i) onto the electric grid;

(ii) into a facility or structure; or

(iii) into an energy storage device.

(19) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

(20) SUBSCRIBER.—The term ''subscriber'' means a person who—

(A) owns a community solar subscription, or an equivalent unit or share of the capacity or generation of a community solar facility; or

(B) financially benefits from a community solar facility, even if the person does not own a community solar subscription for the facility.

(21) UNDERSERVED AREA.—The term ''underserved area'' means—

(A) a geographical area with low or no photovoltaic solar deployment, as determined by the Secretary;

(B) a geographical area that has low or no access to electricity, as determined by the Secretary;

(C) a geographical area with an average annual residential retail electricity price that exceeds the national average annual residential retail electricity price (as reported by the Energy Information Agency) by 50 percent or more; or

(D) trust land, as defined in section 3765 of title 38, United States Code.

(b) ESTABLISHMENT.—The Secretary shall establish a program to provide financial assistance to eligible entities—

(1) carry out planning projects that are necessary to establish the feasibility, obtain required permits, identify beneficiaries, or secure subscribers to install a covered facility; or

(2) install a covered facility for beneficiaries in accordance with this section.

(c) APPLICATIONS.—

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

(2) INCLUSION FOR INSTALLATION ASSISTANCE.—

(A) REQUIREMENTS.—For an eligible entity to receive assistance for a project to install a covered facility, the Secretary shall require the eligible entity to include—

(i) information in the application that is sufficient to demonstrate that the eligible entity has

obtained, or has the capacity to obtain, necessary permits, subscribers, access to an installation site, and any other items or agreements necessary to comply with an agreement under subsection (g)(1) and to complete the installation of the applicable covered facility;

(ii) a description of the mechanism through which financial benefits will be distributed to beneficiaries or subscribers; and

(iii) an estimate of the anticipated financial benefit for beneficiaries or subscribers.

(B) CONSIDERATION OF PLANNING PROJECTS.—The Secretary shall consider the successful completion of an eligible planning project pursuant to subsection (b)(1) by the eligible entity to be sufficient to demonstrate the ability of the eligible entity to meet the requirements of subparagraph (A)(i).

(d) SELECTION.—

(1) IN GENERAL.—In selecting eligible projects to receive assistance under the program, the Secretary shall—

(A) prioritize—

(i) eligible installation projects that will result in the most financial benefit for subscribers, as determined by the Secretary;

(ii) eligible installation projects that will result in development of covered facilities in underserved areas; and

(iii) eligible projects that include apprenticeship, job training, or community participation as part of their application; and

(B) ensure that such assistance is provided in a manner that results in eligible projects being carried out on a geographically diverse basis within and among covered States.

(2) DETERMINATION OF FINANCIAL BENEFIT.—In determining the amount of financial benefit for low-income households of an eligible installation project, the Secretary shall ensure that all calculations for estimated household energy savings are based solely on electricity offsets from the applicable covered facility and use formulas established by the State or local government with jurisdiction over the applicable covered facility for verifiable household energy savings estimates that accrue to low-income households.

(e) ASSISTANCE.—

(1) FORM.—The Secretary may provide assistance under the program in the form of a grant (which may be in the form of a rebate) or a low-interest loan.

(2) MULTIPLE PROJECTS FOR SAME FACILITY.—

(A) IN GENERAL.—An eligible entity may apply for assistance under the program for an eligible planning project and an eligible installation project for the same covered facility.

(B) SEPARATE SELECTIONS.—Selection by the Secretary for assistance under the program of an eligible planning project does not require the Secretary to select for assistance under the program an eligible installation project for the same covered facility.

(f) USE OF ASSISTANCE.—

(1) ELIGIBLE PLANNING PROJECTS.—An eligible entity receiving assistance for an eligible planning project under the program may use such assistance to pay the costs of pre-installation activities associated with an applicable covered facility, including—

(A) feasibility studies;

(B) permitting;

(C) site assessment;

(D) on-site job training, or other community-based activities directly associated with the eligible planning project; or

(E) such other costs determined by the Secretary to be appropriate.

(2) ELIGIBLE INSTALLATION PROJECTS.—An eligible entity receiving assistance for an eligible installation project under the program may use such assistance to pay the costs of—

(A) installation of a covered facility, including costs associated with materials, permitting, labor, or site preparation;

(B) storage technology sited at a covered facility;

(C) interconnection service expenses;

(D) on-site job training, or other community-based activities directly associated with the eligible installation project;

(E) offsetting the cost of a subscription for a covered facility described in subparagraph (A) of subsection (a)(4) for subscribers that are members of a low income household; or

(F) such other costs determined by the Secretary to be appropriate.

(g) ADMINISTRATION.—

(1) AGREEMENTS.—

(A) IN GENERAL.—As a condition of receiving assistance under the program, an eligible entity shall enter into an agreement with the Secretary.

(B) REQUIREMENTS.—An agreement entered into under this paragraph—

(i) shall require the eligible entity to maintain such records and adopt such administrative practices as the Secretary may require to ensure compliance with the requirements of this section and the agreement;

(ii) with respect to an eligible installation project shall require that any solar generating facility installed using assistance provided pursuant to the agreement comply with local building and safety codes and standards; and

(iii) shall contain such other terms as the Secretary may require to ensure compliance with the requirements of this section.

(C) TERM.—An agreement under this paragraph shall be for a term that begins on the date on which the agreement is entered into and ends on the date that is 2 years after the date on which the eligible entity receives assistance pursuant to the agreement, which term may be extended once for a period of not more than 1 year if the eligible entity demonstrates to the satisfaction of the Secretary that such an extension is necessary to complete the activities required by the agreement.

(2) USE OF FUNDS.—Of the funds made available to provide assistance to eligible installation projects under this section over the period of fiscal years 2021 through 2025, the Secretary shall use—

(A) not less than 50 percent to provide assistance for eligible installation projects with respect to which low-income households make up at least 50 percent of the subscribers to the project; and

(B) not more than 50 percent to provide assistance for eligible installation projects with respect to which low-income households make up at least 25 percent of the subscribers to the project.

(3) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register regulations to carry out this section, which shall take effect on the date of publication.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(2) AMOUNTS FOR PLANNING PROJECTS.—Of the amounts appropriated pursuant to this section over the period of fiscal years 2021 through 2025, the Secretary shall use not more than 15 percent of funds to provide assistance to eligible planning projects.

(i) RELATIONSHIP TO OTHER ASSISTANCE.—The Secretary shall, to the extent practicable, encourage eligible entities that receive assistance under this section to leverage such funds by seeking additional funding through federally or locally subsidized weatherization and energy efficiency programs.

CHAPTER 5—SMART COMMUNITIES

SEC. 33141. 3C ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a program to be known as the Cities, Counties, and Communities Energy Program (or the 3C Energy Program) to provide technical assistance and competitively awarded grants to local governments, public housing authorities, nonprofit organizations, and other entities the Secretary determines to be eligible, to incorporate clean energy into community development and revitalization efforts.

(b) BEST PRACTICE MODELS.—The Secretary of Energy shall—

(1) provide a recipient of technical assistance or a grant under the program established under subsection (a) with best practice models that are used in jurisdictions of similar size and situation; and

(2) assist such recipient in developing and implementing strategies to achieve its clean energy technology goals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2025.

SEC. 33142. FEDERAL TECHNOLOGY ASSISTANCE.

(a) SMART CITY OR COMMUNITY ASSISTANCE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall develop and implement a pilot program under which the Secretary shall contract with the national laboratories to provide technical assistance to cities and communities, to improve the access of such cities and communities to expertise, competencies, and infrastructure of the national laboratories for the purpose of promoting smart city or community technologies.

(2) PARTNERSHIPS.—In carrying out the program under this subsection, the Secretary of Energy shall prioritize assistance for cities and communities that have partnered with small business concerns.

(b) TECHNOLOGIST IN RESIDENCE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall expand the Technologist in Residence pilot program of the Department of Energy to include partnerships between national laboratories and local governments with respect to research and development relating to smart cities and communities.

(2) REQUIREMENTS.—For purposes of the partnerships entered into under paragraph (1), technologists in residence shall work with an assigned unit of local government to develop an assessment of smart city or community technologies available and appropriate to meet the objectives of the city or community, in consultation with private sector entities implementing smart city or community technologies.

(c) GUIDANCE.—The Secretary of Energy, in consultation with the Secretary of Commerce, shall issue guidance with respect to—

(1) the scope of the programs established and implemented under subsections (a) and (b); and

(2) requests for proposals from local governments interested in participating in such programs.

(d) CONSIDERATIONS.—In establishing and implementing the programs under subsections (a) and (b), the Secretary of Energy shall seek to address the needs of small- and medium-sized cities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2021 through 2025.

SEC. 33143. TECHNOLOGY DEMONSTRATION GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish a smart city or community regional demonstration grant program under which the Secretary shall conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities, including small- and medium-sized cities.

(b) GOALS.—The goals of the program established under subsection (a) are—

(1) to demonstrate—

(A) potential benefits of concentrated investments in smart city or community technologies

relating to public safety that are repeatable and scalable; and

(B) the efficiency, reliability, and resilience of civic infrastructure and services;

(2) to facilitate the adoption of advanced smart city or community technologies and systems; and

(3) to demonstrate protocols and standards that allow for the measurement and validation of the cost savings and performance improvements associated with the installation and use of smart city or community technologies and practices.

(c) DEMONSTRATION PROJECTS.—

(1) ELIGIBILITY.—Subject to paragraph (2), a unit of local government shall be eligible to receive a grant for a demonstration project under this section.

(2) COOPERATION.—To qualify for a demonstration project under this section, a unit of local government shall agree to follow applicable best practices identified by the Secretary of Commerce and the Secretary of Energy, in consultation with industry entities, to evaluate the effectiveness of the implemented smart city or community technologies to ensure that—

(A) technologies and interoperability can be assessed;

(B) best practices can be shared; and

(C) data can be shared in a public, interoperable, and transparent format.

(3) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary of Commerce—

(A) subject to subparagraph (B), shall provide to a unit of local government selected under this section for the conduct of a demonstration project a grant in an amount equal to not more than 50 percent of the total cost of technology investments to incorporate and assess smart city or community technologies in the applicable jurisdiction; but

(B) may waive the cost-share requirement of subparagraph (A) as the Secretary determines to be appropriate.

(d) REQUIREMENT.—In conducting demonstration projects under this section, the Secretary shall—

(1) develop competitive, technology-neutral requirements;

(2) seek to leverage ongoing or existing civic infrastructure investments; and

(3) take into consideration the non-Federal cost share as a competitive criterion in applicant selection in order to leverage non-Federal investment.

(e) PUBLIC AVAILABILITY OF DATA AND REPORTS.—The Secretary of Commerce shall ensure that reports, public data sets, schematics, diagrams, and other works created using a grant provided under this section are—

(1) available on a royalty-free, non-exclusive basis; and

(2) open to the public to reproduce, publish, or otherwise use, without cost.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (c) $100,000,000 for each of fiscal years 2021 through 2025.

SEC. 33144. SMART CITY OR COMMUNITY.

(a) IN GENERAL.—In this chapter, the term ''smart city or community'' means a community in which innovative, advanced, and trustworthy information and communication technologies and related mechanisms are applied—

(1) to improve the quality of life for residents;

(2) to increase the efficiency and cost effectiveness of civic operations and services;

(3) to promote economic growth; and

(4) to create a community that is safer and more secure, sustainable, resilient, livable, and workable.

(b) INCLUSIONS.—The term ''smart city or community'' includes a local jurisdiction that—

(1) gathers and incorporates data from systems, devices, and sensors embedded in civic systems and infrastructure to improve the effectiveness and efficiency of civic operations and services;

(2) aggregates and analyzes gathered data;

(3) communicates the analysis and data in a variety of formats;

(4) makes corresponding improvements to civic systems and services based on gathered data; and

(5) integrates measures—

(A) to ensure the resilience of civic systems against cybersecurity threats and physical and social vulnerabilities and breaches;

(B) to protect the private data of residents; and

(C) to measure the impact of smart city or community technologies on the effectiveness and efficiency of civic operations and services.

SEC. 33145. CLEAN CITIES COALITION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program to be known as the Clean Cities Coalition Program.

(b) PROGRAM ELEMENTS.—In carrying out the program under subsection (a), the Secretary shall—

(1) establish criteria for designating local and regional Clean Cities Coalitions;

(2) designate local and regional Clean Cities Coalitions that the Secretary determines meet the criteria established under paragraph (1);

(3) make awards to each designated Clean Cities Coalition for administrative and program expenses of the coalition;

(4) make competitive awards to designated Clean Cities Coalitions for projects and activities described in subsection (c);

(5) provide technical assistance and training to designated Clean Cities Coalitions;

(6) provide opportunities for communication and sharing of best practices among designated Clean Cities Coalitions; and

(7) maintain, and make available to the public, a centralized database of information included in the reports submitted under subsection (d).

(c) PROJECTS AND ACTIVITIES.—Projects and activities eligible for awards under subsection (b)(4) are projects and activities that reduce petroleum consumption, improve air quality, promote energy and economic security, and encourage deployment of a diverse, domestic supply of alternative fuels in the transportation sector by—

(1) encouraging the purchase and use of alternative fuel vehicles and alternative fuels, including by fleet managers;

(2) expediting the establishment of local, regional, and national infrastructure to fuel alternative fuel vehicles;

(3) advancing the use of other petroleum fuel reduction technologies and strategies;

(4) conducting outreach and education activities to advance the use of alternative fuels and alternative fuel vehicles;

(5) providing training and technical assistance and tools to users that adopt petroleum fuel reduction technologies; or

(6) collaborating with and training officials and first responders with responsibility for permitting and enforcing fire, building, and other safety codes related to the deployment and use of alternative fuels or alternative fuel vehicles.

(d) ANNUAL REPORT.—Each designated Clean Cities Coalition shall submit an annual report to the Secretary on the activities and accomplishments of the coalition.

(e) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term ''alternative fuel'' has the meaning given such term in section 32901 of title 49, United States Code.

(2) ALTERNATIVE FUEL VEHICLE.—The term ''alternative fuel vehicle'' means any vehicle that is capable of operating, partially or exclusively, on an alternative fuel.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $50,000,000 for fiscal year 2021;

(B) $60,000,000 for fiscal year 2022;

(C) $75,000,000 for fiscal year 2023;

(D) $90,000,000 for fiscal year 2024; and

(E) $100,000,000 for fiscal year 2025.

(2) ALLOCATIONS.—The Secretary shall allocate funds made available to carry out this section in each fiscal year as follows:

(A) Thirty percent of such funds shall be distributed as awards under subsection (b)(3).

(B) Fifty percent of such funds shall be distributed as competitive awards under subsection (b)(4).

(C) Twenty percent of such funds shall be used to carry out the duties of the Secretary under this section.

CHAPTER 6—BROWNFIELDS

SEC. 33151. BROWNFIELDS FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 104(k)(13) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(13)) is amended to read as follows:

''(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

''(A) $350,000,000 for fiscal year 2021;

''(B) $400,000,000 for fiscal year 2022;

''(C) $450,000,000 for fiscal year 2023;

''(D) $500,000,000 for fiscal year 2024; and

''(E) $550,000,000 for fiscal year 2025.''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended to read as follows:

''(3) FUNDING.—There are authorized to be appropriated to carry out this subsection—

''(A) $70,000,000 for fiscal year 2021;

''(B) $80,000,000 for fiscal year 2022;

''(C) $90,000,000 for fiscal year 2023;

''(D) $100,000,000 for fiscal year 2024; and

''(E) $110,000,000 for fiscal year 2025.''.

CHAPTER 7—INDIAN ENERGY

SEC. 33161. INDIAN ENERGY.

(a) DEFINITION OF INDIAN LAND.—Section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2)) is amended—

(1) in subparagraph (B)(iii), by striking ''and'';

(2) in subparagraph (C), by striking ''land.'' and inserting ''land; and''; and

(3) by adding at the end the following subparagraph:

''(D) any land in a census tract in which the majority of the residents are Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))).''.

(b) REDUCTION OF COST SHARE.—Section 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(5)) is amended by adding at the end the following subparagraph:

''(D) The Director may reduce any applicable cost share required of an Indian tribe, intertribal organization, or tribal energy development organization in order to receive a grant under this subsection to not less than 10 percent if the Indian tribe, intertribal organization, or tribal energy development organization meets criteria developed by the Director, including financial need.

''(E) Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall not apply to grants provided under this subsection.''.

(c) AUTHORIZATION.—Section 2602(b)(7) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amended by striking ''$20,000,000 for each of fiscal years 2006 through 2016'' and inserting ''$50,000,000 for each of fiscal years 2021 through 2025''.

SEC. 33162. REPORT ON ELECTRICITY ACCESS AND RELIABILITY.

(a) ASSESSMENT.—The Secretary of Energy shall conduct an assessment of the status of access to electricity by households residing in Tribal communities or on Indian land, and the

reliability of electric service available to households residing in Tribal communities or on Indian land, as compared to the status of access to and reliability of electricity within neighboring States or within the State in which Indian land is located.

(b) CONSULTATION.—The Secretary of Energy shall consult with Indian Tribes, Tribal organizations, the North American Electricity Reliability Corporation, and the Federal Energy Regulatory Commission in the development and conduct of the assessment under subsection (a). Indian Tribes and Tribal organizations shall have the opportunity to review and make recommendations regarding the development of the assessment and the findings of the assessment, prior to the submission of the report under subsection (c).

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of the assessment conducted under subsection (a), which shall include—

(1) a description of generation, transmission, and distribution assets available to provide electricity to households residing in Tribal communities or on Indian land;

(2) a survey of the retail and wholesale prices of electricity available to households residing in Tribal communities or on Indian land;

(3) a description of participation of Tribal members in the electric utility workforce, including the workforce for construction and maintenance of renewable energy resources and distributed energy resources;

(4) the percentage of households residing in Tribal communities or on Indian land that do not have access to electricity;

(5) the potential of distributed energy resources to provide electricity to households residing in Tribal communities or on Indian land;

(6) the potential for tribally-owned electric utilities or electric utility assets to participate in or benefit from regional electricity markets;

(7) a description of the barriers to providing access to electric service to households residing in Tribal communities or on Indian land; and

(8) recommendations to improve access to and reliability of electric service for households residing in Tribal communities or on Indian land.

(d) DEFINITIONS.—In this section:

(1) TRIBAL MEMBER.—The term ''Tribal member'' means a person who is an enrolled member of a federally recognized Tribe or village.

(2) TRIBAL COMMUNITY.—The term ''Tribal community'' means a community in a United States census tract in which the majority of residents are persons who are enrolled members of a federally recognized Tribe or village.

CHAPTER 8—HYDROPOWER AND DAM SAFETY

SEC. 33171. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) QUALIFIED HYDROELECTRIC FACILITY.—The term 'qualified hydroelectric facility' means a turbine or other generating device owned or solely operated by a non-Federal entity—

''(A) that generates hydroelectric energy for sale; and

''(B)(i) that is added to an existing dam or conduit; or

''(ii)(I) that has a generating capacity of not more than 10 megawatts;

''(II) for which the non-Federal entity has received a construction authorization from the Federal Energy Regulatory Commission, if applicable; and

''(III) that is constructed in a region in which there is inadequate electric service, as determined by the Secretary.'';

(2) in subsection (c), by striking ''10'' and inserting ''22'';

(3) in subsection (e)(2), by striking ''section 29(d)(2)(B)'' and inserting ''section 45K(d)(2)(B)'';

(4) in subsection (f), by striking ''20'' and inserting ''32''; and

(5) in subsection (g), by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2019 through 2036''.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking ''each of the fiscal years 2006 through 2015'' and inserting ''each of fiscal years 2019 through 2036''.

SEC. 33172. FERC BRIEFING ON EDENVILLE DAM AND SANFORD DAM FAILURES.

Not later than 90 days after the date on which the Forensic Investigation Team submits to the Federal Energy Regulatory Commission the reports on the root causes, and any other contributing causes, of the Edenville Dam and Sanford Dam failures, the Federal Energy Regulatory Commission shall conduct a briefing for, and submit a report summarizing such briefing to, the Committee on Energy and Commerce of the House of Representatives that includes—

(1) an explanation of the findings of the Forensic Investigation Team reports on the root causes, and any other contributing causes, of the Edenville Dam and Sanford Dam failures;

(2) a determination of whether the dam safety procedures of the Federal Energy Regulatory Commission should be revised in light of the lessons learned from such reports;

(3) a determination of whether additional safety inspections of dams should be required after large storms;

(4) a determination of whether the safety requirements and testing protocols for dams adequately account for the projected effects of climate change and atmospheric rivers on dams; and

(5) a determination of whether additional actions should be taken to ensure the safety of dams that operate without an emergency spillway.

SEC. 33173. DAM SAFETY CONDITIONS.

Section 10 of the Federal Power Act (16 U.S.C. 803) is amended by adding at the end the following:

''(k) That the dam and other project works meet the Commission's dam safety requirements and that the licensee shall continue to manage, operate, and maintain the dam and other project works in a manner that ensures dam safety and public safety under the operating conditions of the license.''.

SEC. 33174. DAM SAFETY REQUIREMENTS.

Section 15 of the Federal Power Act (16 U.S.C. 808) is amended by adding at the end the following:

''(g) The Commission may issue a new license under this section only if the Commission determines that the dam and other project works covered by the license meet the Commission's dam safety requirements and that the licensee can continue to manage, operate, and maintain the dam and other project works in a manner that ensures dam safety and public safety under the operating conditions of the new license.''.

SEC. 33175. VIABILITY PROCEDURES.

The Federal Energy Regulatory Commission shall establish procedures to assess the financial viability of an applicant for a license under the Federal Power Act to meet applicable dam safety requirements and to operate the dam and project works under the license.

SEC. 33176. FERC DAM SAFETY TECHNICAL CONFERENCE WITH STATES.

(a) TECHNICAL CONFERENCE.—Not later than April 1, 2021, the Federal Energy Regulatory Commission, acting through the Office of Energy Projects, shall hold a technical conference with the States to discuss and provide information on—

(1) dam maintenance and repair;

(2) Risk Informed Decision Making (RIDM);

(3) climate and hydrological regional changes that may affect the structural integrity of dams; and

(4) high hazard dams.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2021.

(c) STATE DEFINED.—In this section, the term ''State'' has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 33177. REQUIRED DAM SAFETY COMMUNICATIONS BETWEEN FERC AND STATES.

(a) IN GENERAL.—The Commission, acting through the Office of Energy Projects, shall notify a State within which a project is located when—

(1) the Commission issues a finding, following a dam safety inspection, that requires the licensee for such project to take actions to repair the dam and other project works that are the subject of such finding;

(2) after a period of 5 years starting on the date a finding under paragraph (1) is issued, the licensee has failed to take actions to repair the dam and other project works, as required by such finding; and

(3) the Commission initiates a non-compliance proceeding or otherwise takes steps to revoke a license issued under section 4 of the Federal Power Act (16 U.S.C. 797) due to the failure of a licensee to take actions to repair a dam and other project works.

(b) NOTICE UPON REVOCATION, SURRENDER, OR IMPLIED SURRENDER OF A LICENSE.—If the Commission issues an order to revoke a license or approve the surrender or implied surrender of a license under the Federal Power Act (16 U.S.C. 792 et seq.), the Commission shall provide to the State within which the project that relates to such license is located—

(1) all records pertaining to the structure and operation of the applicable dam and other project works, including, as applicable, any dam safety inspection reports by independent consultants, specifications for required repairs or maintenance of such dam and other project works that have not been completed, and estimates of the costs for such repairs or maintenance;

(2) all records documenting the history of maintenance or repair work for the applicable dam and other project works;

(3) information on the age of the dam and other project works and the hazard classification of the dam and other project works;

(4) the most recent assessment of the condition of the dam and other project works by the Commission;

(5) as applicable, the most recent hydrologic information used to determine the potential maximum flood for the dam and other project works; and

(6) the results of the most recent risk assessment completed on the dam and other project works.

(c) DEFINITION.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) LICENSEE.—The term ''licensee'' has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) PROJECT.—The term ''project'' has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

CHAPTER 9—LOAN PROGRAM OFFICE REFORM

SEC. 33181. LOAN PROGRAM OFFICE TITLE XVII REFORM.

(a) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by amending subsection (b) to read as follows:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the cost of a guarantee shall be paid by the Secretary using an appropriation made for the cost of the guarantee, subject to the availability of such an appropriation.

''(2) INSUFFICIENT APPROPRIATIONS.—If sufficient appropriated funds to pay the cost of a guarantee are not available, then the guarantee shall not be made unless—

''(A) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(B) a combination of one or more appropriations and one or more payments from the borrower under this subsection has been made that is sufficient to cover the cost of the guarantee.'';

(2) in subsection (h)(1), by striking ''charge and collect fees'' and inserting ''charge, and collect at the financial close of the obligation, fees''; and

(3) by adding at the end the following:

''(l) APPLICATION STATUS.—

''(1) REQUEST.—If the Secretary does not make a final decision on an application for a guarantee under this section by the date that is 270 days after receipt of the application by the Secretary, on that date and every 90 days thereafter until the final decision is made, the applicant may request that the Secretary provide to the applicant a description of the status of the application.

''(2) RESPONSE.—Not later than 10 days after receiving a request from an applicant under paragraph (1), the Secretary shall provide to the applicant a response that includes—

''(A) a summary of any factors that are delaying a final decision on the application; and

''(B) an estimate of when review of the application will be completed.''.

(b) PROJECT ELIGIBILITY EXPANSION.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', utilize'' after ''reduce''; and

(B) in paragraph (2), by striking ''.'' and inserting the following: ''which may include—

''(A) a system of technologies that combine existing technologies in an innovative manner;

''(B) projects containing elements of commercial technologies in combination with new or significantly improved technologies; or

''(C) projects that incorporate new and innovative platform technologies developed outside the energy sector that enable modernization of existing energy infrastructure and systems.'';

(2) in subsection (b)—

(A) in paragraph (5)—

(i) by adding '', utilization,'' after ''capture''; and

(ii) by inserting ''and technologies that capture greenhouse gases already airborne'' after ''sequester carbon''; and

(B) by adding at the end the following:

''(11) Energy storage technologies for residential, industrial, and transportation applications.

''(12) Technologies and systems for reducing high global warming potential pollutants, including methane leakage from natural gas transmission and distribution infrastructure.

''(13) Manufacturing and deployment of nuclear supply components for advanced nuclear reactors.

''(14) System-level energy management solutions.

''(15) Application of platform technologies, including data analytics, artificial intelligence, and other software to improve the energy efficiency and effectiveness of energy infrastructure, including electric grid operations.

''(16) Energy-water use efficiency in water resources infrastructure and water-using technologies.

''(17) Innovative technologies for improving the resilience or reliability of existing energy infrastructure.''; and

(3) by adding at the end the following:

''(f) REGIONAL VARIATION.—The Secretary shall account for regional variation in commercial technology deployment such that no project shall be ineligible for assistance under this title because a similar project exists in a different region than the proposed project.''.

(c) STATE LOAN ELIGIBILITY.—

(1) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

''(6) STATE.—The term 'State' has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

''(7) STATE ENERGY FINANCING INSTITUTION.—

''(A) IN GENERAL.—The term 'State energy financing institution' means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

''(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

''(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

''(B) INCLUSION.—The term 'State energy financing institution' includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian tribal entity or an Alaska Native Corporation.''.

(2) ELIGIBILITY.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(A) in subsection (a), by inserting '', including projects receiving financial support or credit enhancements from a State energy financing institution,'' after ''for projects'';

(B) in subsection (d)(1), by inserting '', including a guarantee for a project receiving financial support or credit enhancements from a State energy financing institution,'' after ''No guarantee''; and

(C) by adding at the end the following:

''(m) STATE ENERGY FINANCING INSTITUTIONS.—

''(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a project receiving financial support or credit enhancements from a State energy financing institution—

''(A) shall meet the requirements of section 1703(a)(1); and

''(B) shall not be required to meet the requirements of section 1703(a)(2).

''(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a guarantee under this title, State energy financing institutions may enter into partnerships with private entities, Tribal entities, and Alaska Native corporations.''.

Subtitle B—Energy Efficiency

CHAPTER 1—ENERGY EFFICIENCY RETROFITS

Subchapter A—HOMES

SEC. 33201. DEFINITIONS.

In this subchapter:

(1) ENERGY AUDIT.—The term ''energy audit'' means an inspection, survey, and analysis of the energy use of a building, including the building envelope and HVAC system.

(2) HOME.—The term ''home'' means a residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States;

(B) was constructed before the date of enactment of this Act; and

(C) is occupied at least six months out of the year.

(3) HOME ENERGY SAVINGS RETROFIT REBATE PROGRAM.—The term ''Home Energy Savings Retrofit Rebate Program'' means the Home Energy Savings Retrofit Rebate Program established under section 33202.

(4) HOMEOWNER.—The term ''homeowner'' means the owner of an owner-occupied home or a tenant-occupied home.

(5) HVAC SYSTEM.—The term ''HVAC system'' means a system—

(A) consisting of a heating component, a ventilation component, and an air-conditioning component; and

(B) which components may include central air conditioning, a heat pump, a furnace, a boiler, a rooftop unit, a window unit, and a chiller.

(6) MEASURED PERFORMANCE REBATE.—The term ''measured performance rebate'' means a rebate provided in accordance with section 33204 and described in subsection (e) of that section.

(7) MODELED PERFORMANCE REBATE.—The term ''modeled performance rebate'' means a rebate provided in accordance with section 33204 and described in subsection (d) of that section.

(8) PARTIAL SYSTEM REBATE.—The term ''partial system rebate'' means a rebate provided in accordance with section 33203.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(10) STATE.—The term ''State'' includes—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

(11) STATE ENERGY OFFICE.—The term ''State energy office'' means the office or agency of a State responsible for developing the State energy conservation plan for the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

SEC. 33202. ESTABLISHMENT OF HOME ENERGY SAVINGS RETROFIT REBATE PROGRAM.

The Secretary shall establish a program, to be known as the Home Energy Savings Retrofit Rebate Program, to—

(1) provide rebates in accordance with section 33203; and

(2) provide grants to States to carry out programs to provide rebates in accordance with section 33204.

SEC. 33203. PARTIAL SYSTEM REBATES.

(a) AMOUNT OF REBATE.—In carrying out the Home Energy Savings Retrofit Rebate Program, and subject to the availability of appropriations for such purpose, the Secretary shall provide a homeowner a rebate, to be known as a partial system rebate, of up to—

(1) $800 for the installation of insulation and air sealing within a home of the homeowner; or

(2) $1,500 for the installation of insulation and air sealing within a home of the homeowner and replacement of an HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system, of such home.

(b) SPECIFICATIONS.—

(1) COST.—The amount of a partial system rebate provided under this section shall not exceed 30 percent of cost of installation of insulation and air sealing under subsection (a)(1), or installation of insulation and air sealing and replacement of an HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system, under subsection (a)(2). Labor may be included in such cost but may not exceed—

(A) in the case of a rebate under subsection (a)(1), 50 percent of such cost; and

(B) in the case of a rebate under subsection (a)(2), 25 percent of such cost.

(2) REPLACEMENT OF AN HVAC SYSTEM, THE HEATING COMPONENT OF AN HVAC SYSTEM, OR THE COOLING COMPONENT OF AN HVAC SYSTEM.—In order to qualify for a partial system rebate described in subsection (a)(2)—

(A) any HVAC system, heating component of an HVAC system, or cooling component of an HVAC system installed shall be Energy Star Most Efficient certified;

(B) installation of such an HVAC system, the heating component of an HVAC system, or the

cooling component of an HVAC system, shall be completed in accordance with standards specified by the Secretary that are at least as stringent as the applicable guidelines of the Air Conditioning Contractors of America that are in effect on the date of enactment of this Act;

(C) if ducts are present, replacement of an HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system shall include duct sealing; and

(D) the installation of insulation and air sealing shall occur within 6 months of the replacement of the HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system.

(c) ADDITIONAL INCENTIVES FOR CONTRACTORS.—In carrying out the Home Energy Savings Retrofit Rebate Program, the Secretary may provide a $250 payment to a contractor per home for which—

(1) a partial system rebate is provided under this section for the installation of insulation and air sealing, or installation of insulation and air sealing and replacement of an HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system, by the contractor;

(2) the applicable homeowner has signed and submitted to the Secretary a release form made available pursuant to section 33206(c) authorizing the contractor access to information in the utility bills of the homeowner; and

(3) the contractor inputs, into the Department of Energy's Building Performance Database—

(A) the energy usage for the home for the 12 months preceding, and the 24 months following, the installation of insulation and air sealing or installation of insulation and air sealing and replacement of an HVAC system, the heating component of an HVAC system, or the cooling component of an HVAC system;

(B) a description of such installation or installation and replacement; and

(C) the total cost to the homeowner for such installation or installation and replacement.

(d) PROCESS.—

(1) FORMS; REBATE PROCESSING SYSTEM.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall—

(A) develop and make available rebate forms required to receive a partial system rebate under this section;

(B) establish a Federal rebate processing system which shall serve as a database and information technology system that will allow homeowners to submit required rebate forms; and

(C) establish a website that provides information on partial system rebates provided under this section, including how to determine whether particular measures qualify for a rebate under this section and how to receive such a rebate.

(2) SUBMISSION OF FORMS.—In order to receive a partial system rebate under this section, a homeowner shall submit the required rebate forms, and any other information the Secretary determines appropriate, to the Federal rebate processing system established pursuant to paragraph (1).

(e) FUNDING.—

(1) LIMITATION.—For each fiscal year, to carry out this section, the Secretary may not use more than 50 percent of the amounts made available to carry out this subchapter.

(2) ALLOCATION.—The Secretary shall allocate amounts made available to carry out this section for partial system rebates in States using the same formula as is used to allocate funds for States under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

SEC. 33204. STATE ADMINISTERED REBATES.

(a) FUNDING.—In carrying out the Home Energy Savings Retrofit Rebate Program, and subject to the availability of appropriations for such purpose, the Secretary shall provide grants to States to carry out programs to provide rebates in accordance with this section.

(b) STATE PARTICIPATION.—

(1) PLAN.—In order to receive a grant under this section a State shall submit to the Secretary an application that includes a plan to implement a State program that meets the minimum criteria under subsection (c).

(2) APPROVAL.—Not later than 60 days after receipt of a completed application for a grant under this section, the Secretary shall either approve the application or provide to the applicant an explanation for denying the application.

(c) MINIMUM CRITERIA FOR STATE PROGRAMS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish minimum criteria for a State program to meet to qualify for funding under this section, including—

(1) that the State program be carried out by the applicable State energy office;

(2) that a rebate be provided under a State program only for a home energy efficiency retrofit that—

(A) is completed by a contractor who meets minimum training requirements and certification requirements set forth by the Secretary;

(B) includes installation of one or more home energy efficiency retrofit measures for a home that together are modeled to achieve, or are shown to achieve, a reduction in home energy use of 20 percent or more from the baseline energy use of the home;

(C) does not include installation of any measure that the Secretary determines does not improve the thermal energy usage of the home, such as a pool pump, pool heater, spa, or EV charger; and

(D) includes, after installation of the applicable home energy efficiency retrofit measures, a test-out procedure conducted in accordance with guidelines issued by the Secretary of such measures to ensure—

(i) the safe operation of all systems post retrofit; and

(ii) that all improvements are included in, and have been installed according to—

(I) manufacturers installation specifications; and

(II) all applicable State and local codes or equivalent standards approved by the Secretary;

(3) that the State program utilizes—

(A) for purposes of modeled performance rebates, modeling software approved by the Secretary for determining and documenting the baseline energy use of a home and the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit; and

(B) for purposes of measured performance rebates, methods and procedures approved by the Secretary for determining and documenting the baseline energy use of a home and the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit, including methods and procedures for use of advanced metering infrastructure, weather-normalized data, and open source standards, to measure such baseline energy use and such reductions in home energy use;

(4) that the State program includes implementation of a quality assurance program—

(A) to ensure that home energy efficiency retrofits are achieving the stated level of energy savings, that efficiency measures were installed correctly, and that work is performed in accordance with procedures developed by the Secretary, including through quality-control inspections for a portion of home energy efficiency retrofits completed by each applicable contractor; and

(B) under which a quality-control inspection of a home energy efficiency retrofit is performed by a quality assurance provider who—

(i) is independent of the contractor for such retrofit; and

(ii) will confirm that such contractor is a contractor who meets minimum training requirements and certification requirements set forth by the Secretary;

(5) that the State program includes requirements for a homeowner, contractor, or rebate aggregator to claim a rebate, including that the homeowner, contractor, or rebate aggregator submit any applicable forms approved by the Secretary to the State, including a copy of the certificate provided by the applicable contractor certifying projected or measured reduction of home energy use;

(6) that the State program may include requirements for an entity to be eligible to serve as a rebate aggregator to facilitate the delivery of rebates to homeowners or contractors;

(7) that the State program includes procedures for a homeowner to transfer the right to claim a rebate to the contractor performing the applicable home energy efficiency retrofit or to a rebate aggregator that works with the contractor; and

(8) that the State program provides that a homeowner, contractor, or rebate aggregator may claim more than one rebate under the State program, and may claim a rebate under the State program after receiving a partial system rebate under section 33203, provided that no 2 rebates may be provided with respect to a home using the same baseline energy use of such home.

(d) MODELED PERFORMANCE REBATES.—

(1) IN GENERAL.—In carrying out a State program under this section, a State may provide a homeowner, contractor, or rebate aggregator a rebate, to be known as a modeled performance rebate, for an energy audit of a home and a home energy efficiency retrofit that is projected, using modeling software approved by the Secretary, to reduce home energy use by at least 20 percent.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a modeled performance rebate provided under a State program shall be equal to 50 percent of the cost of the applicable energy audit of a home and home energy efficiency retrofit, including the cost of diagnostic procedures, labor, reporting, and modeling.

(B) LIMITATION.—With respect to an energy audit and home energy efficiency retrofit that is projected to reduce home energy use by—

(i) at least 20 percent, but less than 40 percent, the maximum amount of a modeled performance rebate shall be $2,000; and

(ii) at least 40 percent, the maximum amount of a modeled performance rebate shall be $4,000.

(e) MEASURED PERFORMANCE REBATES.—

(1) IN GENERAL.—In carrying out a State program under this section, a State may provide a homeowner, contractor, or rebate aggregator a rebate, to be known as a measured performance rebate, for a home energy efficiency retrofit that reduces home energy use by at least 20 percent as measured using methods and procedures approved by the Secretary.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of a measured performance rebate provided under a State program shall be equal to 50 percent of the cost, including the cost of diagnostic procedures, labor, reporting, and energy measurement, of the applicable home energy efficiency retrofit.

(B) LIMITATION.—With respect to a home energy efficiency retrofit that is measured as reducing home energy use by—

(i) at least 20 percent, but less than 40 percent, the maximum amount of a measured performance rebate shall be $2,000; and

(ii) at least 40 percent, the maximum amount of a measured performance rebate shall be $4,000.

(f) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED OR UTILITY-SPONSORED PROGRAMS.—A State that receives a grant under this section is encouraged to work with State agencies, utilities, State-sponsored nonprofits, and other entities—

(1) to assist in marketing the availability of the rebates under the applicable State program;

(2) to coordinate with utility or State managed financing programs;

(3) to assist in implementation of the applicable State program, including installation of home energy efficiency retrofits; and

(4) to coordinate with existing quality assurance programs.

(g) ADMINISTRATION AND OVERSIGHT.—

(1) REVIEW OF APPROVED MODELING SOFTWARE.—The Secretary shall, on an annual basis, list and review all modeling software approved for use in determining and documenting the reductions in home energy use for purposes of modeled performance rebates under subsection (d). In approving such modeling software each year, the Secretary shall ensure that modeling software approved for a year will result in modeling of energy efficiency gains for any type of home energy efficiency retrofit that is at least as substantial as the modeling of energy efficiency gains for such type of home energy efficiency retrofit using the modeling software approved for the previous year.

(2) OVERSIGHT.—If the Secretary determines that a State is not implementing a State program that was approved pursuant to subsection (b) and that meets the minimum criteria under subsection (c), the Secretary may, after providing the State a period of at least 90 days to meet such criteria, withhold grant funds under this section from the State.

SEC. 33205. EVALUATION REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and annually thereafter until the termination of the Home Energy Savings Retrofit Rebate Program, the Secretary shall submit to Congress a report on the use of funds made available to carry out this subchapter.

(b) CONTENTS.—Each report submitted under subsection (a) shall include—

(1) how many home energy efficiency retrofits have been completed during the previous year under the Home Energy Savings Retrofit Rebate Program;

(2) an estimate of how many jobs have been created through the Home Energy Savings Retrofit Rebate Program, directly and indirectly;

(3) a description of what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) a description of the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the Home Energy Savings Retrofit Rebate Program;

(5) a description of any waste, fraud, or abuse with respect to funds made available to carry out this subchapter; and

(6) any other information the Secretary considers appropriate.

SEC. 33206. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall provide such administrative and technical support to contractors, rebate aggregators, States, and Indian Tribes as is necessary to carry out this subchapter.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, regarding appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this subchapter.

(c) INFORMATION COLLECTION.—The Secretary shall establish, and make available to a homeowner, or the homeowner's designated representative, seeking a rebate under this subchapter, release forms authorizing access by the Secretary, or a designated third-party representative to information in the utility bills of the homeowner with appropriate privacy protections in place.

SEC. 33207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this subchapter $1,000,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

(b) MAINTENANCE OF FUNDING.—Each State receiving Federal funds pursuant to this subchapter shall provide reasonable assurances to the Secretary that it has established policies and procedures designed to ensure that Federal funds provided under this subchapter will be used to supplement, and not to supplant, State and local funds.

(c) TRIBAL ALLOCATION.—Of the amounts made available pursuant to subsection (a) for a fiscal year, the Secretary shall work with Indian Tribes and use 2 percent of such amounts to carry out a program or programs that as close as possible reflect the goals, requirements, and provisions of this subchapter, taking into account any factors that the Secretary determines to be appropriate.

Subchapter B—Public Buildings

SEC. 33211. ENERGY EFFICIENT PUBLIC BUILDINGS.

(a) GRANTS.—Section 125(a) of the Energy Policy Act of 2005 (42 U.S.C. 15822(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''Standard 90.1 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers,'' after ''the International Energy Conservation Code,''; and

(B) by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) through benchmarking programs to enable use of building performance data to evaluate the performance of energy efficiency investments over time.''.

(b) ASSURANCE OF IMPROVEMENT.—Section 125 of the Energy Policy Act of 2005 (42 U.S.C. 15822) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

''(b) ASSURANCE OF IMPROVEMENT.—

''(1) VERIFICATION.—A State agency receiving a grant for activities described in paragraph (1) or (2) of subsection (a) shall ensure, as a condition of eligibility for assistance pursuant to such grant, that a unit of local government receiving such assistance obtain third-party verification of energy efficiency improvements in each public building with respect to which such assistance is used.

''(2) GUIDANCE.—The Secretary may provide guidance to State agencies to comply with paragraph (1). In developing such guidance, the Secretary shall consider available third-party verification tools for high-performing buildings and available third-party verification tools for energy efficiency retrofits.''.

(c) ADMINISTRATION.—Section 125(c) of the Energy Policy Act of 2005, as so redesignated, is amended—

(1) in the matter preceding paragraph (1), by striking ''State energy offices receiving grants'' and inserting ''A State agency receiving a grant'';

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction, alteration, or repair work financed in whole or in part with assistance received pursuant to this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (and with respect to such labor standards, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code).''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 125(d) of the Energy Policy Act of 2005, as so redesignated, is amended by striking ''$30,000,000 for each of fiscal years 2006 through 2010'' and inserting ''$100,000,000 for each of fiscal years 2021 through 2025''.

Subchapter C—Schools

SEC. 33221. ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

''(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

''(1) DEFINITION OF SCHOOL.—Notwithstanding section 391(6), for the purposes of this subsection, the term 'school' means—

''(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)));

''(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or established under section 2164 of title 10, United States Code;

''(D) a school operated by the Bureau of Indian Affairs;

''(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)); and

''(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

''(2) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall establish a clearinghouse to disseminate information regarding available Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and energy retrofitting projects for schools.

''(3) REQUIREMENTS.—In carrying out paragraph (2), the Secretary shall—

''(A) consult with appropriate Federal agencies to develop a list of Federal programs and financing mechanisms that are, or may be, used for the purposes described in paragraph (2); and

''(B) coordinate with appropriate Federal agencies to develop a collaborative education and outreach effort to streamline communications and promote available Federal programs and financing mechanisms described in subparagraph (A), which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance in the Office of Energy Efficiency and Renewable Energy that States, local education agencies, and schools may use to effectively access and use such Federal programs and financing mechanisms.''.

SEC. 33222. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a consortium of—

(A) one local educational agency; and

(B) one or more—

(i) schools;

(ii) nonprofit organizations;

(iii) for-profit organizations; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(2) ENERGY IMPROVEMENTS.—The term ''energy improvements'' means—

(A) any improvement, repair, or renovation, to a school that will result in a direct reduction in school energy costs including but not limited to improvements to building envelope, air conditioning, ventilation, heating system, domestic

hot water heating, compressed air systems, distribution systems, lighting, power systems and controls;

(B) any improvement, repair, renovation, or installation that leads to an improvement in teacher and student health including but not limited to indoor air quality, daylighting, ventilation, electrical lighting, and acoustics; and

(C) the installation of renewable energy technologies (such as wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, anaerobic digesters, and hydropower) involved in the improvement, repair, or renovation to a school.

(b) AUTHORITY.—From amounts made available for grants under this section, the Secretary of Energy shall provide competitive grants to eligible entities to make energy improvements authorized by this section.

(c) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that have renovation, repair, and improvement funding needs and are—

(1) a high-need local educational agency, as defined in section 2102 of the Elementary and Secondary Education Act of 1965 (20 14 U.S.C. 6602); or

(2) a local educational agency designated with a metrocentric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

(d) COMPETITIVE CRITERIA.—The competitive criteria used by the Secretary shall include the following:

(1) The fiscal capacity of the eligible entity to meet the needs for improvements of school facilities without assistance under this section, including the ability of the eligible entity to raise funds through the use of local bonding capacity and otherwise.

(2) The likelihood that the local educational agency or eligible entity will maintain, in good condition, any facility whose improvement is assisted.

(3) The potential energy efficiency and safety benefits from the proposed energy improvements.

(e) APPLICATIONS.—To be eligible to receive a grant under this section, an applicant must submit to the Secretary an application that includes each of the following:

(1) A needs assessment of the current condition of the school and facilities that are to receive the energy improvements.

(2) A draft work plan of what the applicant hopes to achieve at the school and a description of the energy improvements to be carried out.

(3) A description of the applicant's capacity to provide services and comprehensive support to make the energy improvements.

(4) An assessment of the applicant's expected needs for operation and maintenance training funds, and a plan for use of those funds, if any.

(5) An assessment of the expected energy efficiency and safety benefits of the energy improvements.

(6) A cost estimate of the proposed energy improvements.

(7) An identification of other resources that are available to carry out the activities for which funds are requested under this section, including the availability of utility programs and public benefit funds.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—The recipient of a grant under this section shall use the grant amounts only to make the energy improvements contemplated in the application, subject to the other provisions of this subsection.

(2) OPERATION AND MAINTENANCE TRAINING.—The recipient may use up to 5 percent for operation and maintenance training for energy efficiency and renewable energy improvements (such as maintenance staff and teacher training, education, and preventative maintenance training).

(3) AUDIT.—The recipient may use funds for a third-party investigation and analysis for energy improvements (such as energy audits and existing building commissioning).

(4) CONTINUING EDUCATION.—The recipient may use up to 1 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) CONTRACTING REQUIREMENTS.—

(1) DAVIS-BACON.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any energy improvements funded by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

(2) COMPETITION.—Each applicant that receives funds shall ensure that, if the applicant carries out repair or renovation through a contract, any such contract process—

(A) ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition; and

(B) gives priority to businesses located in, or resources common to, the State or the geographical area in which the project is carried out.

(h) REPORTING.—Each recipient of a grant under this section shall submit to the Secretary, at such time as the Secretary may require, a report describing the use of such funds for energy improvements, the estimated cost savings realized by those energy improvements, the results of any audit, the use of any utility programs and public benefit funds and the use of performance tracking for energy improvements (such as the Department of Energy: Energy Star program or LEED for Existing Buildings).

(i) BEST PRACTICES.—The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2021 through 2025.

CHAPTER 2—WEATHERIZATION

SEC. 33231. WEATHERIZATION ASSISTANCE PROGRAM.

(a) REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $350,000,000 for fiscal year 2021;

''(2) $500,000,000 for fiscal year 2022;

''(3) $650,000,000 for fiscal year 2023;

''(4) $800,000,000 for fiscal year 2024; and

''(5) $1,000,000,000 for fiscal year 2025.''.

(b) MODERNIZING THE DEFINITION OF WEATHERIZATION MATERIALS.—Section 412(9)(J) of the Energy Conservation and Production Act (42 U.S.C. 6862(9)(J)) is amended—

(1) by inserting '', including renewable energy technologies and other advanced technologies,'' after ''devices or technologies''; and

(2) by striking '', after consulting with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Director of the Community Services Administration''.

(c) CONSIDERATION OF HEALTH BENEFITS.—Section 413(b) of the Energy Conservation and Production Act (42 U.S.C. 6863(b)) is amended—

(1) in paragraph (1), by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services'';

(2) in paragraph (2)(A), by striking ''Health, Education, and Welfare'' and inserting ''Health and Human Services'';

(3) in paragraph (3)—

(A) by striking ''and with the Director of the Community Services Administration'';

(B) by inserting ''and by'' after ''in carrying out this part,''; and

(C) by striking '', and the Director of the Community Services Administration in carrying out weatherization programs under section 222(a)(12) of the Economic Opportunity Act of 1964'';

(4) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(5) by inserting after paragraph (3), the following:

''(4) The Secretary may amend the regulations prescribed under paragraph (1) to provide that the standards described in paragraph (2)(A) take into consideration improvements in the health and safety of occupants of dwelling units, and other non-energy benefits, from weatherization.''.

(d) CONTRACTOR OPTIMIZATION.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414B (42 U.S.C. 6864b) the following:

''SEC. 414C. CONTRACTOR OPTIMIZATION.

''(a) IN GENERAL.—The Secretary may request that entities receiving funding from the Federal Government or from a State through a weatherization assistance program under section 413 or section 414 perform periodic reviews of the use of private contractors in the provision of weatherization assistance, and encourage expanded use of contractors as appropriate.

''(b) USE OF TRAINING FUNDS.—Entities described in subsection (a) may use funding described in such subsection to train private, non-Federal entities that are contracted to provide weatherization assistance under a weatherization program, in accordance with rules determined by the Secretary.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414B the following:

''Sec. 414C. Contractor optimization.''.

(e) FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT AND INNOVATION.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414C (as added by subsection (d) of this section) the following:

''SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT AND INNOVATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to expand the number of dwelling units that are occupied by low-income persons that receive weatherization assistance by making such dwelling units weatherization-ready;

''(2) to promote the deployment of renewable energy in dwelling units that are occupied by low-income persons;

''(3) to ensure healthy indoor environments by enhancing or expanding health and safety measures and resources available to dwellings that are occupied by low-income persons;

''(4) to disseminate new methods and best practices among entities providing weatherization assistance; and

''(5) to encourage entities providing weatherization assistance to hire and retain employees who are individuals—

''(A) from the community in which the assistance is provided; and

''(B) from communities or groups that are underrepresented in the home energy performance workforce, including religious and ethnic minorities, women, veterans, individuals with disabilities, and individuals who are socioeconomically disadvantaged.

''(b) FINANCIAL ASSISTANCE.—The Secretary shall, to the extent funds are made available, award financial assistance, on an annual basis, through a competitive process to entities receiving funding from the Federal Government or from a State, tribal organization, or unit of general purpose local government through a weatherization program under section 413 or section

414, or to nonprofit entities, to be used by such an entity—

''(1) with respect to dwelling units that are occupied by low-income persons, to—

''(A) implement measures to make such dwelling units weatherization-ready by addressing structural, plumbing, roofing, and electrical issues, environmental hazards, or other measures that the Secretary determines to be appropriate;

''(B) install energy efficiency technologies, including home energy management systems, smart devices, and other technologies the Secretary determines to be appropriate;

''(C) install renewable energy systems (as defined in section 415(c)(6)(A)); and

''(D) implement measures to ensure healthy indoor environments by improving indoor air quality, accessibility, and other healthy homes measures as determined by the Secretary;

''(2) to improve the capability of the entity—

''(A) to significantly increase the number of energy retrofits performed by such entity;

''(B) to replicate best practices for work performed pursuant to this section on a larger scale;

''(C) to leverage additional funds to sustain the provision of weatherization assistance and other work performed pursuant to this section after financial assistance awarded under this section is expended; and

''(D) to hire and retain employees who are individuals described subsection (a)(5);

''(3) for innovative outreach and education regarding the benefits and availability of weatherization assistance and other assistance available pursuant to this section;

''(4) for quality control of work performed pursuant to this section;

''(5) for data collection, measurement, and verification with respect to such work;

''(6) for program monitoring, oversight, evaluation, and reporting regarding such work;

''(7) for labor, training, and technical assistance relating to such work;

''(8) for planning, management, and administration (up to a maximum of 15 percent of the assistance provided); and

''(9) for such other activities as the Secretary determines to be appropriate.

''(c) AWARD FACTORS.—In awarding financial assistance under this section, the Secretary shall consider—

''(1) the applicant's record of constructing, renovating, repairing, or making energy efficient single-family, multifamily, or manufactured homes that are occupied by low-income persons, either directly or through affiliates, chapters, or other partners (using the most recent year for which data are available);

''(2) the number of dwelling units occupied by low-income persons that the applicant has built, renovated, repaired, weatherized, or made more energy efficient in the 5 years preceding the date of the application;

''(3) the qualifications, experience, and past performance of the applicant, including experience successfully managing and administering Federal funds;

''(4) the strength of an applicant's proposal to achieve one or more of the purposes under subsection (a);

''(5) the extent to which such applicant will utilize partnerships and regional coordination to achieve one or more of the purposes under subsection (a);

''(6) regional and climate zone diversity;

''(7) urban, suburban, and rural localities; and

''(8) such other factors as the Secretary determines to be appropriate.

''(d) APPLICATIONS.—

''(1) ADMINISTRATION.—To be eligible for an award of financial assistance under this section, an applicant shall submit to the Secretary an application in such manner and containing such information as the Secretary may require.

''(2) AWARDS.—Subject to the availability of appropriations, not later than 270 days after the date of enactment of this section, the Secretary shall make a first award of financial assistance under this section.

''(e) MAXIMUM AMOUNT AND TERM.—

''(1) IN GENERAL.—The total amount of financial assistance awarded to an entity under this section shall not exceed $2,000,000.

''(2) TECHNICAL AND TRAINING ASSISTANCE.—The total amount of financial assistance awarded to an entity under this section shall be reduced by the cost of any technical and training assistance provided by the Secretary that relates to such financial assistance.

''(3) TERM.—The term of an award of financial assistance under this section shall not exceed 3 years.

''(4) RELATIONSHIP TO FORMULA GRANTS.—An entity may use financial assistance awarded to such entity under this section in conjunction with other financial assistance provided to such entity under this part.

''(f) REQUIREMENTS.—Not later than 90 days after the date of enactment of this section, the Secretary shall issue requirements to implement this section, including, for entities receiving financial assistance under this section—

''(1) standards for allowable expenditures;

''(2) a minimum saving-to-investment ratio; and

''(3) standards for—

''(A) training programs;

''(B) energy audits;

''(C) the provision of technical assistance;

''(D) monitoring activities carried out using such financial assistance;

''(E) verification of energy and cost savings;

''(F) liability insurance requirements; and

''(G) recordkeeping and reporting requirements, which shall include reporting to the Office of Weatherization and Intergovernmental Programs of the Department of Energy applicable data on each dwelling unit retrofitted or otherwise assisted pursuant to this section.

''(g) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the applicable requirement of this section.

''(h) REVIEW AND EVALUATION.—The Secretary shall review and evaluate the performance of each entity that receives an award of financial assistance under this section (which may include an audit).

''(i) ANNUAL REPORT.—The Secretary shall submit to Congress an annual report that provides a description of—

''(1) actions taken under this section to achieve the purposes of this section; and

''(2) accomplishments as a result of such actions, including energy and cost savings achieved.

''(j) FUNDING.—

''(1) AMOUNTS.—

''(A) IN GENERAL.—For each of fiscal years 2021 through 2025, of the amount made available under section 422 for such fiscal year to carry out the weatherization program under this part (not including any of such amount made available for Department of Energy headquarters training or technical assistance), not more than—

''(i) 2 percent of such amount (if such amount is $225,000,000 or more but less than $260,000,000) may be used to carry out this section;

''(ii) 4 percent of such amount (if such amount is $260,000,000 or more but less than $300,000,000) may be used to carry out this section; and

''(iii) 6 percent of such amount (if such amount is $300,000,000 or more) may be used to carry out this section.

''(B) MINIMUM.—For each of fiscal years 2021 through 2025, if the amount made available under section 422 (not including any of such amount made available for Department of Energy headquarters training or technical assistance) for such fiscal year is less than $225,000,000, no funds shall be made available to carry out this section.

''(2) LIMITATION.—For any fiscal year, the Secretary may not use more than $25,000,000 of the amount made available under section 422 to carry out this section.

''(k) TERMINATION.—The Secretary may not award financial assistance under this section after September 30, 2024.''.

(2) TABLE OF CONTENTS.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414C the following:

''Sec. 414D. Financial assistance for WAP enhancement and innovation.''.

(f) HIRING.—

(1) IN GENERAL.—The Energy Conservation and Production Act is amended by inserting after section 414D (as added by subsection (e) of this section) the following:

''SEC. 414E. HIRING.

''The Secretary may, as the Secretary determines appropriate, encourage entities receiving funding from the Federal Government or from a State through a weatherization program under section 413 or section 414, to prioritize the hiring and retention of employees who are individuals described in section 414D(a)(5).''.

(2) TABLE OF CONTENTS.—The table of contents for the Energy Conservation and Production Act is amended by inserting after the item relating to section 414D the following:

''Sec. 414E. Hiring.''.

(g) INCREASE IN ADMINISTRATIVE FUNDS.—Section 415(a)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(a)(1)) is amended by striking ''10 percent'' and inserting ''15 percent''.

(h) AMENDING RE-WEATHERIZATION DATE.—Paragraph (2) of section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended to read as follows:

''(2) Dwelling units weatherized (including dwelling units partially weatherized) under this part, or under other Federal programs (in this paragraph referred to as 'previous weatherization'), may not receive further financial assistance for weatherization under this part until the date that is 15 years after the date such previous weatherization was completed. This paragraph does not preclude dwelling units that have received previous weatherization from receiving assistance and services (including the provision of information and education to assist with energy management and evaluation of the effectiveness of installed weatherization materials) other than weatherization under this part or under other Federal programs, or from receiving non-Federal assistance for weatherization.''.

(i) ANNUAL REPORT.—Section 421 of the Energy Conservation and Production Act (42 U.S.C. 6871) is amended by inserting ''the number of multifamily buildings in which individual dwelling units were weatherized during the previous year, the number of individual dwelling units in multifamily buildings weatherized during the previous year,'' after ''the average size of the dwellings being weatherized,''.

SEC. 33232. REPORT ON WAIVERS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report on the status of any request made after September 30, 2010, for a waiver of any requirement under section 200.313 of title 2, Code of Federal Regulations, as such requirement applies with respect to the weatherization assistance program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.), including a description of any such waiver that has been granted and any such request for a waiver that has been considered but not granted.

CHAPTER 3—ENERGY EFFICIENT CONSERVATION BLOCK GRANTS

SEC. 33241. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) PURPOSE.—Section 542(b)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(b)(1)) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the semicolon and inserting ''; and''; and

(3) by adding at the end the following:

''(C) diversifies energy supplies, including by facilitating and promoting the use of alternative fuels;''.

(b) USE OF FUNDS.—Section 544(9) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154(9)) is amended to read as follows:

''(9) deployment of energy distribution technologies that significantly increase energy efficiency or expand access to alternative fuels, including—

''(A) distributed resources;

''(B) district heating and cooling systems; and

''(C) infrastructure for delivering alternative fuels;''.

(c) COMPETITIVE GRANTS.—Section 546(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17156(c)(2)) is amended by inserting '', including projects to expand the use of alternative fuels'' before the period at the end.

(d) FUNDING.—Section 548(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) GRANTS.—There is authorized to be appropriated to the Secretary to carry out the program $3,500,000,000 for each of fiscal years 2021 through 2025.

''(2) ADMINISTRATIVE COSTS.—The Secretary may use for administrative expenses of the program not more than 1 percent of the amounts made available under paragraph (1) in each of fiscal years 2021 through 2025.''.

(e) TECHNICAL AMENDMENTS.—Section 543 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153) is amended—

(1) in subsection (c), by striking ''subsection (a)(2)'' and inserting ''subsection (a)(3)''; and

(2) in subsection (d), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

CHAPTER 4—FEDERAL ENERGY AND WATER MANAGEMENT PERFORMANCE

SEC. 33251. ENERGY AND WATER PERFORMANCE REQUIREMENT FOR FEDERAL FACILITIES.

(a) IN GENERAL.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) in the section heading, by inserting ''AND WATER'' after ''ENERGY'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''ENERGY PERFORMANCE REQUIREMENT FOR FEDERAL BUILDINGS'' and inserting ''ENERGY AND WATER PERFORMANCE REQUIREMENT FOR FEDERAL FACILITIES'';

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

''(1) IN GENERAL.—Subject to paragraph (2), the head of each agency shall—

''(A) for each of fiscal years 2020 through 2030, reduce average facility energy intensity (as measured in British thermal units per gross square foot) at facilities of the agency by 2.5 percent each fiscal year relative to the average facility energy intensity of the facilities of the agency in fiscal year 2018;

''(B) for each of fiscal years 2020 through 2030, improve water use efficiency and management, including stormwater management, at facilities of the agency by reducing agency water consumption intensity—

''(i) by reducing the potable water consumption by 54 percent by fiscal year 2030, relative to the potable water consumption at facilities of the agency in fiscal year 2007, through reductions of 2 percent each fiscal year (as measured in gallons per gross square foot);

''(ii) by reducing the industrial, landscaping, and agricultural water consumption of the agency, as compared to a baseline of that consumption at facilities of the agency in fiscal year 2010, through reductions of 2 percent each fiscal year (as measured in gallons); and

''(iii) by installing appropriate infrastructure features at facilities of the agency to improve stormwater and wastewater management; and

''(C) to the maximum extent practicable, in carrying out subparagraphs (A) and (B), take measures that are life cycle cost-effective.'';

(C) in paragraph (2)—

(i) by striking ''(2) An agency'' and inserting the following:

''(2) ENERGY AND WATER INTENSIVE FACILITY EXCLUSION.—An agency''; and

(ii) by striking ''building'' and inserting ''facility'';

(iii) by inserting ''and water'' after ''energy'' each place it appears; and

(iv) by striking ''buildings'' and inserting ''facilities''; and

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

''(3) RECOMMENDATIONS.—Not later than December 31, 2029, the Secretary shall—

''(A) review the results of the implementation of the energy and water performance requirements established under paragraph (1); and

''(B) submit to Congress recommendations concerning energy and water performance requirements for fiscal years 2031 through 2040.'';

(3) in subsection (b)—

(A) in the subsection heading, by inserting ''AND WATER'' after ''ENERGY''; and

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

''(1) IN GENERAL.—Each agency shall—

''(A) not later than October 1, 2020, to the maximum extent practicable, begin installing in facilities owned by the United States all energy and water conservation measures determined by the Secretary to be life cycle cost-effective; and

''(B) complete the installation described in subparagraph (A) as soon as practicable after the date referred to in that subparagraph.'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Federal building or collection of Federal buildings'' each place it appears and inserting ''Federal facility'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''An agency'' and inserting ''The head of each agency''; and

(II) by inserting ''or water'' after ''energy'' each place it appears; and

(iii) in subparagraph (B)(i), by inserting ''or water'' after ''energy'';

(B) in paragraph (2)—

(i) by striking ''buildings'' and inserting ''facilities''; and

(ii) by striking ''building'' and inserting ''facility''; and

(C) in paragraph (3), by adding at the end the following: ''Not later than one year after the date of enactment of the Moving Forward Act, the Secretary shall issue guidelines to establish criteria for exclusions to water performance requirements under paragraph (1). The Secretary shall update the criteria for exclusions under this subsection as appropriate to reflect changing technology and other conditions.'';

(5) in subsection (d)(2)—

(A) by inserting ''and water'' after ''energy''; and

(B) by striking ''buildings'' and inserting ''facilities'';

(6) in subsection (e)—

(A) in the subsection heading, by inserting ''AND WATER'' after ''ENERGY'';

(B) in paragraph (1)—

(i) by striking ''By October 1'' and inserting the following:

''(A) ENERGY.—By October 1'';

(ii) by striking ''buildings'' each place it appears and inserting ''facilities''; and

(iii) by adding at the end the following:

''(B) WATER.—By February 1, 2025, in accordance with guidelines established by the Secretary under paragraph (2), each agency shall use water meters at facilities of the agency where doing so will assist in reducing the cost of water used at such facilities.'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''and'' before ''Federal'';

(II) by inserting ''and any other person the Secretary deems necessary,'' before ''shall''; and

(III) by striking ''paragraph (1).'' and inserting ''paragraph (1)(A). Not later than 180 days after the date of enactment of the Moving Forward Act, the Secretary, in consultation with such departments and entities, shall establish guidelines for agencies to carry out paragraph (1)(B).'';

(ii) in subparagraph (B)—

(I) by amending clause (i)(II) to read as follows:

''(II) the extent to which metering is expected to result in increased potential for energy and water management, increased potential for energy and water savings, energy and water efficiency improvements, and cost savings due to utility contract aggregation; and'';

(II) in clause (ii), by inserting ''and water'' after ''energy'';

(III) in clause (iii), by striking ''buildings'' and inserting ''facilities''; and

(IV) in clause (iv), by striking ''energy use of a Federal building'' and inserting ''energy and water use of a Federal facility''; and

(D) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''this paragraph'' and inserting ''the Moving Forward Act''; and

(II) by inserting ''and water'' before ''use in''; and

(ii) in subparagraph (B)—

(I) by striking ''buildings'' each place it appears and inserting ''facilities''; and

(II) in clause (ii), in the matter preceding subclause (I), by inserting ''and water'' after ''energy'';

(7) in subsection (f)—

(A) in the subsection heading, by striking ''BUILDINGS'' and inserting ''FACILITIES'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''In this subsection'' and inserting ''In this section'';

(ii) in subparagraph (B)(i)(II), by inserting ''and water'' after ''energy''; and

(iii) in subparagraph (C)(i), by inserting ''that consumes energy or water and is'' before ''owned or operated'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''and water'' before ''use''; and

(ii) in subparagraph (B)—

(I) by striking ''energy'' before ''efficiency''; and

(II) by inserting ''or water'' before ''use'';

(D) in paragraph (7)(B)(ii)(II), by inserting ''and water'' after ''energy'';

(E) in paragraph (8)—

(i) by striking ''building'' each place it appears and inserting ''facility'';

(ii) in subparagraph (A), by adding at the end the following: ''The energy manager shall enter water use data for each metered facility that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) into a facility water use benchmarking system.''; and

(iii) in subparagraph (B), by striking ''this subsection'' and inserting ''the date of enactment of the Moving Forward Act''; and

(F) in paragraph (9)(A), in the matter preceding clause (i), by inserting ''and water'' after ''energy''; and

(8) in subsection (g)(1)—

(A) by striking ''building'' and inserting ''facility''; and

(B) by striking ''energy efficient'' and inserting ''energy and water efficient''.

(b) CONFORMING AMENDMENT.—The table of contents for the National Energy Conservation Policy Act (Public Law 95–619; 92 Stat. 3206) is amended by striking the item relating to section 543 and inserting the following:

''Sec. 543. Energy and water management requirements.''.

SEC. 33252. FEDERAL ENERGY MANAGEMENT PROGRAM.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(h) FEDERAL ENERGY MANAGEMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program, to be known as the 'Federal Energy Management Program' (referred to in this subsection as the 'Program'), to facilitate the implementation by the Federal Government of cost-effective energy and water management and energy-related investment practices—

''(A) to coordinate and strengthen Federal energy and water resilience; and

''(B) to promote environmental stewardship.

''(2) FEDERAL DIRECTOR.—The Secretary shall appoint an individual to serve as the director of the Program (referred to in this subsection as the 'Federal Director'), which shall be a career position in the Senior Executive service, to administer the Program.

''(3) PROGRAM ACTIVITIES.—

''(A) STRATEGIC PLANNING AND TECHNICAL ASSISTANCE.—In administering the Program, the Federal Director shall—

''(i) provide technical assistance and project implementation support and guidance to agencies to identify, implement, procure, and track energy and water conservation measures required under this Act and under other provisions of law;

''(ii) in coordination with the Administrator of the General Services Administration, establish appropriate procedures, methods, and best practices for use by agencies to select, monitor, and terminate contracts entered into pursuant to a utility incentive program under section 546(c) with utilities;

''(iii) carry out the responsibilities of the Secretary under section 801, as determined appropriate by the Secretary;

''(iv) establish and maintain internet-based information resources and project tracking systems and tools for energy and water management;

''(v) coordinate comprehensive and strategic approaches to energy and water resilience planning for agencies; and

''(vi) establish a recognition program for Federal achievement in energy and water management, energy-related investment practices, environmental stewardship, and other relevant areas, through events such as individual recognition award ceremonies and public announcements.

''(B) ENERGY AND WATER MANAGEMENT AND REPORTING.—In administering the Program, the Federal Director shall—

''(i) track and report on the progress of agencies in meeting the requirements of the agency under this section;

''(ii) make publicly available agency performance data required under—

''(I) this section and sections 544, 546, 547, and 548; and

''(II) section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852);

''(iii)(I) collect energy and water use and consumption data from each agency; and

''(II) based on that data, submit to each agency a report that will facilitate the energy and water management, energy-related investment practices, and environmental stewardship of the agency in support of Federal goals under this Act and under other provisions of law;

''(iv) carry out the responsibilities of the Secretary under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834); and

''(v) in consultation with the Administrator of the General Services Administration, acting through the head of the Office of High-Performance Green Buildings, establish and implement sustainable design principles for Federal facilities;

''(vi) designate products that meet the highest energy conservation standards for categories not covered under the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

''(C) FEDERAL INTERAGENCY COORDINATION.—In administering the Program, the Federal Director shall—

''(i) develop and implement accredited training consistent with existing Federal programs and activities—

''(I) relating to energy and water use, management, and resilience in Federal facilities, energy-related investment practices, and environmental stewardship; and

''(II) that includes in-person training, internet-based programs, and national in-person training events;

''(ii) carry out the functions of the Secretary with respect to the Interagency Energy Management Task Force under section 547; and

''(iii) report on the implementation of the priorities of the President, including Executive Orders, relating to energy and water use in Federal facilities, in coordination with—

''(I) the Office of Management and Budget;

''(II) the Council on Environmental Quality; and

''(III) any other entity, as considered necessary by the Federal Director.

''(D) FACILITY AND FLEET OPTIMIZATION.—In administering the Program, the Federal Director shall develop guidance, supply assistance to, and track the progress of agencies—

''(i) in conducting portfolio-wide facility energy and water resilience planning and project integration;

''(ii) in building new construction and major renovations to meet the sustainable design and energy and water performance standards required under this section;

''(iii) in developing guidelines for—

''(I) facility commissioning; and

''(II) facility operations and maintenance; and

''(iv) in coordination with the Administrator of the General Services Administration, in meeting statutory and agency goals for Federal fleet vehicles.

''(4) MANAGEMENT COUNCIL.—The Federal Director shall establish a management council to advise the Federal Director that shall—

''(A) convene not less frequently than once every quarter; and

''(B) consist of representatives from—

''(i) the Council on Environmental Quality;

''(ii) the Office of Management and Budget; and

''(iii) the Office of Federal High-Performance Green Buildings in the General Services Administration.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $36,000,000 for each of fiscal years 2021 through 2025.''.

Subtitle C—Vehicles

CHAPTER 1—DERA

SEC. 33301. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION PROGRAM.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''$100,000,000 for each of fiscal years 2012 through 2016'' and inserting ''$500,000,000 for each of fiscal years 2021 through 2025''.

CHAPTER 2—CLEAN COMMUTE FOR KIDS

SEC. 33311. REAUTHORIZATION OF CLEAN SCHOOL BUS PROGRAM.

(a) DEFINITIONS.—

(1) ALTERNATIVE FUEL.—Section 741(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)) is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(D) electricity.''.

(2) CLEAN SCHOOL BUS.—Paragraph (3) of section 741(a) of the Energy Policy Act of 2005 (42 U.S.C. 16091(a)) is amended to read as follows:

''(3) CLEAN SCHOOL BUS.—The term 'clean school bus' means—

''(A) a school bus with a gross vehicle weight of greater than 14,000 pounds that—

''(i) is powered by a heavy duty engine; and

''(ii) is operated solely on an alternative fuel or ultra-low sulfur diesel fuel; or

''(B) a vehicle designed to carry more than 10 passengers that—

''(i) complies with Federal motor vehicle safety standards for school buses; and

''(ii) meets or exceeds Federal vehicle emission standards for medium-duty passenger vehicles for model year 2016.''.

(b) PROGRAM FOR RETROFIT OR REPLACEMENT OF CERTAIN EXISTING SCHOOL BUSES WITH CLEAN SCHOOL BUSES.—

(1) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—

(A) IN GENERAL.—Section 741(b)(1)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(1)(A)) is amended by inserting after ''awarding grants'' the following: '', rebates, and low-cost revolving loans, as determined by the Administrator, including through contracts pursuant to subsection (d),''.

(B) CONFORMING CHANGES.—Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended—

(i) in subsection (a)(4)(B), by striking ''grant funds'' and inserting ''award funds'';

(ii) in subsection (b)(1)(B), by striking ''awarding grants'' each place it appears and inserting ''making awards'';

(iii) in the heading of subsection (b)(2), by striking ''GRANT APPLICATIONS'' and inserting ''AWARD APPLICATIONS'';

(iv) in subsection (b)(2)(A), by striking ''grant applications'' and inserting ''award applications'';

(v) in subsection (b)(3)(A), by striking ''grant'' and insert ''award'';

(vi) and (b)(4)—

(I) in the paragraph heading, by striking ''GRANTS'' and inserting ''AWARDS'';

(II) by striking ''award grants'' and inserting ''make awards'';

(vii) in subsection (b)(7)—

(I) by striking ''grant awards'' and inserting ''awards''; and

(II) by striking ''grant funding'' and inserting ''funding'';

(viii) in subsection (b)(8)(A)(ii)—

(I) in subclauses (I) and (II), by striking ''grant applications'' each place it appears and inserting ''award applications''; and

(II) in subclause (III)—

(aa) by striking ''grants awarded'' and inserting ''awards made''; and

(bb) by striking ''grant recipients'' and inserting ''award recipients''; and

(ix) in subsection (c)(3)—

(I) in subparagraph (A)—

(aa) by striking ''grant recipients'' and inserting ''award recipients''; and

(bb) by striking ''grants'' and inserting ''awards''; and

(II) in subparagraph (C), by striking ''grant program'' and inserting ''award program''.

(2) PRIORITY OF AWARD APPLICATIONS.—Section 741(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''1977'' and inserting ''2007''; and

(ii) by inserting before the period at the end ''with clean school buses with low or zero emissions''; and

(B) by amending subparagraph (B) to read as follows:

''(B) RETROFITTING.—In the case of award applications to retrofit school buses, the Administrator shall give highest priority to applicants that propose to retrofit school buses manufactured in or after model year 2010 to become clean school buses.''.

(3) USE OF SCHOOL BUS FLEET.—Section 741(b)(3)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)(3)(B)) is amended by inserting ''charged,'' after ''operated,''.

(4) REPLACEMENT AWARDS.—Paragraph (5) of section 741(b) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)) is amended to read as follows:

''(5) REPLACEMENT AWARDS.—In the case of awards to replace school buses—

''(A) the Administrator may make awards for up to 60 percent of the replacement costs; and

''(B) such replacement costs may include the costs of acquiring the clean school buses and charging and fueling infrastructure.''.

(5) ULTRA LOW-SULFUR DIESEL FUEL.—Section 741(b) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (6).

(6) SCRAPPAGE.—Section 741(b) of the Energy Policy Act of 2005 (42 U.S.C. 16091(b)) is further amended by inserting after paragraph (6), as redesignated, the following new paragraph:

''(7) SCRAPPAGE.—In the case of an award under this section for the replacement of a school bus or a retrofit including installation of a new engine, the Administrator shall require the recipient of the award to verify that the replaced bus, or the engine of a retrofitted bus that was removed, was returned to the supplier for remanufacturing to a more stringent set of engine emissions standards or for scrappage.''.

(c) EDUCATION.—Paragraph (1) of section 741(c) of the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is amended to read as follows:

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Clean Commute for Kids Act of 2020, the Administrator shall develop an education outreach program to promote and explain the award program under subsection (b), as amended by such Act.''.

(d) CONTRACT PROGRAMS; ADMINISTRATIVE COSTS.—Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) CONTRACT PROGRAMS.—

''(1) AUTHORITY.—In addition to the use of contracting authority otherwise available to the Administrator, the Administrator may enter into contracts with eligible contractors described in paragraph (2) for awarding rebates and low-cost revolving loans pursuant to subsection (b)(1).

''(2) ELIGIBLE CONTRACTORS.—A contractor is an eligible contractor described in this paragraph if the contractor is a for-profit, not-for-profit, or nonprofit entity that has the capacity—

''(A) to sell clean school buses or equipment to, or to arrange financing for, individuals or entities that own a school bus or fleet of school buses; or

''(B) to upgrade school buses or their equipment with verified or Environmental Protection Agency-certified engines or technologies, or to arrange financing for such upgrades.

''(e) ADMINISTRATIVE COSTS.—The Administrator may not use, for the administrative costs of carrying out this section, more than one percent of the amounts made available to carry out this section for any fiscal year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f), as redesignated, of section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, $65,000,000 for each of fiscal years 2021 through 2025, of which not less than $15,000,000 each such fiscal year shall be used for grants under this section to eligible recipients proposing to replace or retrofit school buses to serve an underserved or disadvantaged community.

''(2) DEFINITION.—In this subsection, the term 'underserved or disadvantaged community' means a community located in a zip code within a census tract that is identified as—

''(A) a low-income community;

''(B) an urban community of color; or

''(C) any other urban community that the Administrator determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.''.

CHAPTER 3—REFRIGERATED VEHICLES

SEC. 33321. PILOT PROGRAM FOR THE ELECTRIFICATION OF CERTAIN REFRIGERATED VEHICLES.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Administrator shall establish and carry out a pilot program to award funds, in the form of grants, rebates, and low-cost revolving loans, as determined appropriate by the Administrator, on a competitive basis, to eligible entities to carry out projects described in subsection (b).

(b) PROJECTS.—An eligible entity receiving an award of funds under subsection (a) may use such funds only for one or more of the following projects:

(1) TRANSPORT REFRIGERATION UNIT REPLACEMENT.—A project to retrofit a heavy-duty vehicle by replacing or retrofitting the existing diesel-powered transport refrigeration unit in such vehicle with an electric transport refrigeration unit and retiring the replaced unit for scrappage.

(2) SHORE POWER INFRASTRUCTURE.—A project to purchase and install shore power infrastructure or other equipment that enables transport refrigeration units to connect to electric power and operate without using diesel fuel.

(c) MAXIMUM AMOUNTS.—The amount of an award of funds under subsection (a) shall not exceed—

(1) for the costs of a project described in subsection (b)(1), 75 percent of such costs; and

(2) for the costs of a project described in subsection (b)(2), 55 percent of such costs.

(d) APPLICATIONS.—To be eligible to receive an award of funds under subsection (a), an eligible entity shall submit to the Administrator—

(1) a description of the air quality in the area served by the eligible entity, including a description of how the air quality is affected by diesel emissions from heavy-duty vehicles;

(2) a description of the project proposed by the eligible entity, including—

(A) any technology to be used or funded by the eligible entity; and

(B) a description of the heavy-duty vehicle or vehicles of the eligible entity, that will be retrofitted, if any, including—

(i) the number of such vehicles;

(ii) the uses of such vehicles;

(iii) the locations where such vehicles dock for the purpose of loading or unloading; and

(iv) the routes driven by such vehicles, including the times at which such vehicles are driven;

(3) an estimate of the cost of the proposed project;

(4) a description of the age and expected lifetime control of the equipment used or funded by the eligible entity; and

(5) provisions for the monitoring and verification of the project including to verify scrappage of replaced units.

(e) PRIORITY.—In awarding funds under subsection (a), the Administrator shall give priority to proposed projects that, as determined by the Administrator—

(1) maximize public health benefits;

(2) are the most cost-effective; and

(3) will serve the communities that are most polluted by diesel motor emissions, including communities that the Administrator identifies as being in either nonattainment or maintenance of the national ambient air quality standards for a criteria pollutant, particularly for—

(A) ozone; and

(B) particulate matter.

(f) DATA RELEASE.—Not later than 120 days after the date on which an award of funds is made under this section, the Administrator shall publish on the website of the Environmental Protection Agency, on a downloadable electronic database, information with respect to such award of funds, including—

(1) the name and location of the recipient;

(2) the total amount of funds awarded;

(3) the intended use or uses of the awarded funds;

(4) the date on which the award of funds was approved;

(5) where applicable, an estimate of any air pollution or greenhouse gas emissions avoided as a result of the project funded by the award; and

(6) any other data the Administrator determines to be necessary for an evaluation of the use and effect of awarded funds provided under this section.

(g) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the establishment of the pilot program under this section, and annually thereafter until amounts made available to carry out this section are expended, the Administrator shall submit to Congress and make available to the public a report that describes, with respect to the applicable year—

(A) the number of applications for awards of funds received under such program;

(B) all awards of funds made under such program, including a summary of the data described in subsection (f);

(C) the estimated reduction of annual emissions of air pollutants regulated under section 109 of the Clean Air Act (42 U.S.C. 7409), and the estimated reduction of greenhouse gas emissions, associated with the awards of funds made under such program;

(D) the number of awards of funds made under such program for projects in communities described in subsection (e)(3); and

(E) any other data the Administrator determines to be necessary to describe the implementation, outcomes, or effectiveness of such program.

(2) FINAL REPORT.—Not later than 1 year after amounts made available to carry out this section are expended, or 5 years after the pilot program is established, whichever comes first, the Administrator shall submit to Congress and make available to the public a report that describes—

(A) all of the information collected for the annual reports under paragraph (1);

(B) any benefits to the environment or human health that could result from the widespread application of electric transport refrigeration units for short-haul transportation and delivery of perishable goods or other goods requiring climate-controlled conditions, including in low-income communities and communities of color;

(C) any challenges or benefits that recipients of awards of funds under such program reported with respect to the integration or use of electric transport refrigeration units and associated technologies;

(D) an assessment of the national market potential for electric transport refrigeration units;

(E) an assessment of challenges and opportunities for widespread deployment of electric transport refrigeration units, including in urban areas; and

(F) recommendations for how future Federal, State, and local programs can best support the adoption and widespread deployment of electric transport refrigeration units.

(h) DEFINITIONS.—In this section:

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

(2) DIESEL-POWERED TRANSPORT REFRIGERATION UNIT.—The term ''diesel-powered transport refrigeration unit'' means a transport refrigeration unit that is powered by an independent diesel internal combustion engine.

(3) ELECTRIC TRANSPORT REFRIGERATION UNIT.—The term ''electric transport refrigeration

unit'' means a transport refrigeration unit in which the refrigeration or climate-control system is driven by an electric motor when connected to shore power infrastructure or other equipment that enables transport refrigeration units to connect to electric power, including all-electric transport refrigeration units, hybrid electric transport refrigeration units, and stand-by electric transport refrigeration units.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a regional, State, local, or Tribal agency, or port authority, with jurisdiction over transportation or air quality;

(B) a nonprofit organization or institution that—

(i) represents or provides pollution reduction or educational services to persons or organizations that own or operate heavy-duty vehicles or fleets of heavy-duty vehicles; or

(ii) has, as its principal purpose, the promotion of air quality;

(C) an individual or entity that is the owner of record of a heavy-duty vehicle or a fleet of heavy-duty vehicles that operates for the transportation and delivery of perishable goods or other goods requiring climate-controlled conditions;

(D) an individual or entity that is the owner of record of a facility that operates as a warehouse or storage facility for perishable goods or other goods requiring climate-controlled conditions; or

(E) a hospital or public health institution that utilizes refrigeration for storage of perishable goods or other goods requiring climate-controlled conditions.

(5) HEAVY-DUTY VEHICLE.—The term ''heavy-duty vehicle'' means—

(A) a commercial truck or van—

(i) used for the primary purpose of transporting perishable goods or other goods requiring climate-controlled conditions; and

(ii) with a gross vehicle weight rating greater than 6,000 pounds; or

(B) an insulated cargo trailer used in transporting perishable goods or other goods requiring climate-controlled conditions when mounted on a semitrailer.

(6) SHORE POWER INFRASTRUCTURE.—The term ''shore power infrastructure'' means electrical infrastructure that provides power to the electric transport refrigeration unit of a heavy-duty vehicle when such vehicle is stationary on a property where such vehicle is parked or loaded, including a food distribution center or other location where heavy-duty vehicles congregate.

(7) TRANSPORT REFRIGERATION UNIT.—The term ''transport refrigeration unit'' means a climate-control system installed on a heavy-duty vehicle for the purpose of maintaining the quality of perishable goods or other goods requiring climate-controlled conditions.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—The Administrator may use not more than 1 percent of amounts made available pursuant to paragraph (1) for administrative expenses to carry out this section.

CHAPTER 4—EV INFRASTRUCTURE

SEC. 33331. DEFINITIONS.

In this chapter:

(1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term ''electric vehicle supply equipment'' means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) UNDERSERVED OR DISADVANTAGED COMMUNITY.—The term ''underserved or disadvantaged community'' means—

(A) a community located in a ZIP code that includes a census tract that is identified as—

(i) a low-income community; or

(ii) a community of color; or

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 33332. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE PROGRAM.

(a) REBATE PROGRAM.—Not later than January 1, 2021, the Secretary shall establish a rebate program to provide rebates for covered expenses associated with publicly accessible electric vehicle supply equipment (in this section referred to as the ''rebate program'').

(b) REBATE PROGRAM REQUIREMENTS.—

(1) ELIGIBLE ENTITIES.—A rebate under the rebate program may be made to an individual, a State, local, Tribal, or Territorial government, a private entity, a not-for-profit entity, a nonprofit entity, or a metropolitan planning organization.

(2) ELIGIBLE EQUIPMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish and maintain on the Department of Energy internet website a list of electric vehicle supply equipment that is eligible for the rebate program.

(B) UPDATES.—The Secretary may, by regulation, add to, or otherwise revise, the list of electric vehicle supply equipment under subparagraph (A) if the Secretary determines that such addition or revision will likely lead to—

(i) greater usage of electric vehicle supply equipment;

(ii) greater access to electric vehicle supply equipment by users; or

(iii) an improved experience for users of electric vehicle supply equipment.

(C) LOCATION REQUIREMENT.—To be eligible for the rebate program, the electric vehicle supply equipment described in subparagraph (A) shall be installed—

(i) in the United States;

(ii) on property—

(I) owned by the eligible entity under paragraph (1); or

(II) on which the eligible entity under paragraph (1) has authority to install electric vehicle supply equipment; and

(iii) at a location that is—

(I) a multi-unit housing structure;

(II) a workplace;

(III) a commercial location; or

(IV) open to the public for a minimum of 12 hours per day;

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity under paragraph (1) may submit to the Secretary an application for a rebate under the rebate program. Such application shall include—

(i) the estimated cost of covered expenses to be expended on the electric vehicle supply equipment that is eligible under paragraph (2);

(ii) the estimated installation cost of the electric vehicle supply equipment that is eligible under paragraph (2);

(iii) the global positioning system location, including the integer number of degrees, minutes, and seconds, where such electric vehicle supply equipment is to be installed, and identification of whether such location is—

(I) a multi-unit housing structure;

(II) a workplace;

(III) a commercial location; or

(IV) open to the public for a minimum of 12 hours per day;

(iv) the technical specifications of such electric vehicle supply equipment, including the maximum power voltage and amperage of such equipment; and

(v) any other information determined by the Secretary to be necessary for a complete application.

(B) REVIEW PROCESS.—The Secretary shall review an application for a rebate under the rebate program and approve an eligible entity under paragraph (1) to receive such rebate if the application meets the requirements of the rebate program under this subsection.

(C) NOTIFICATION TO ELIGIBLE ENTITY.—Not later than 1 year after the date on which the eligible entity under paragraph (1) applies for a rebate under the rebate program, the Secretary shall notify the eligible entity whether the eligible entity will be awarded a rebate under the rebate program following the submission of additional materials required under paragraph (5).

(4) REBATE AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a rebate made under the rebate program for each charging unit shall be the lesser of—

(i) 75 percent of the applicable covered expenses;

(ii) $2,000 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;

(iii) $4,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or

(iv) $75,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.

(B) REBATE AMOUNT FOR REPLACEMENT EQUIPMENT.—A rebate made under the rebate program for replacement of pre-existing electric vehicle supply equipment at a single location shall be the lesser of—

(i) 75 percent of the applicable covered expenses;

(ii) $1,000 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;

(iii) $2,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or

(iv) $25,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.

(5) DISBURSEMENT OF REBATE.—

(A) IN GENERAL.—The Secretary shall disburse a rebate under the rebate program to an eligible entity under paragraph (1), following approval of an application under paragraph (3), if such entity submits the materials required under subparagraph (B).

(B) MATERIALS REQUIRED FOR DISBURSEMENT OF REBATE.—Not later than one year after the date on which the eligible entity under paragraph (1) receives notice under paragraph (3)(C) that the eligible entity has been approved for a rebate, such eligible entity shall submit to the Secretary the following—

(i) a record of payment for covered expenses expended on the installation of the electric vehicle supply equipment that is eligible under paragraph (2);

(ii) a record of payment for the electric vehicle supply equipment that is eligible under paragraph (2);

(iii) the global positioning system location of where such electric vehicle supply equipment was installed and identification of whether such location is—

(I) a multi-unit housing structure;

(II) a workplace;

(III) a commercial location; or

(IV) open to the public for a minimum of 12 hours per day;

(iv) the technical specifications of the electric vehicle supply equipment that is eligible under paragraph (2), including the maximum power voltage and amperage of such equipment; and

(v) any other information determined by the Secretary to be necessary.

(C) AGREEMENT TO MAINTAIN.—To be eligible for a rebate under the rebate program, an eligible entity under paragraph (1) shall enter into an agreement with the Secretary to maintain the electric vehicle supply equipment that is eligible under paragraph (2) in a satisfactory manner for not less than 5 years after the date on which the eligible entity under paragraph (1) receives the rebate under the rebate program.

(D) EXCEPTION.—The Secretary shall not disburse a rebate under the rebate program if materials submitted under subparagraph (B) do not meet the same global positioning system location and technical specifications for the electric vehicle supply equipment that is eligible under paragraph (2) provided in an application under paragraph (3).

(6) MULTI-PORT CHARGERS.—An eligible entity under paragraph (1) shall be awarded a rebate under the rebate program for covered expenses relating to the purchase and installation of a multi-port charger based on the number of publicly accessible charging ports, with each subsequent port after the first port being eligible for 50 percent of the full rebate amount.

(7) HYDROGEN FUEL CELL REFUELING INFRASTRUCTURE.—Hydrogen fuel cell refueling equipment shall be eligible for a rebate under the rebate program. All requirements related to public accessibility of installed locations shall apply. Of the amounts appropriated to carry out the rebate program, not more than 25 percent may be used for rebates for hydrogen fuel cell refueling equipment.

(8) REPORT.—Not later than 3 years after the first date on which the Secretary awards a rebate under the rebate program, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the number of rebates awarded for electric vehicle supply equipment and hydrogen fuel cell refueling equipment in each of the location categories described in paragraph (2)(C)(iii).

(c) DEFINITIONS.—In this section:

(1) COVERED EXPENSES.—The term ''covered expenses'' means an expense that is associated with the purchase and installation of electric vehicle supply equipment, including—

(A) the cost of electric vehicle supply equipment;

(B) labor costs associated with the installation of such electric vehicle supply equipment, only if wages for such labor are paid at rates not less than those prevailing on similar labor in the locality of installation, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'');

(C) material costs associated with the installation of such electric vehicle supply equipment, including expenses involving electrical equipment and necessary upgrades or modifications to the electrical grid and associated infrastructure required for the installation of such electric vehicle supply equipment;

(D) permit costs associated with the installation of such electric vehicle supply equipment; and

(E) the cost of an on-site energy storage system.

(2) ELECTRIC VEHICLE.—The term ''electric vehicle'' means a vehicle that derives all or part of its power from electricity.

(3) MULTI-PORT CHARGER.—The term ''multi-port charger'' means electric vehicle supply equipment capable of charging more than one electric vehicle.

(4) LEVEL 2 CHARGING EQUIPMENT.—The term ''level 2 charging equipment'' means electric vehicle supply equipment that provides an alternating current power source at a minimum of 240 volts.

(5) NETWORKED DIRECT CURRENT FAST CHARGING EQUIPMENT.—The term ''networked direct current fast charging equipment'' means electric vehicle supply equipment that provides a direct current power source at a minimum of 50 kilowatts and is enabled to connect to a network to facilitate data collection and access.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2021 through 2025.

SEC. 33333. EXPANDING ACCESS TO ELECTRIC VEHICLES IN UNDERSERVED COMMUNITIES.

(a) ASSESSMENT.—

(1) IN GENERAL.—

(A) ASSESSMENT.—The Secretary shall conduct an assessment of the state of, challenges to, and opportunities for the deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities located in major urban areas and rural areas throughout the United States.

(B) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the results of the assessment conducted under subparagraph (A), which shall—

(i) describe the state of deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities located in major urban areas and rural areas by providing—

(I) the number of existing and planned Level 2 charging stations and DC FAST charging stations per capita in each State for charging individually owned light-duty and medium-duty electric vehicles;

(II) the number of existing and planned Level 2 charging stations and DC FAST charging stations for charging public and private fleet electric vehicles and medium- and heavy-duty electric equipment and electric vehicles;

(III) the number of Level 2 charging stations and DC FAST charging stations installed in or available to occupants of publicly owned and privately owned multi-unit dwellings;

(IV) information pertaining to policies, plans, and programs that cities, States, utilities, and private entities are using to encourage greater deployment and usage of electric vehicles and the associated electric vehicle charging infrastructure, including programs to encourage deployment of charging stations available to residents in publicly owned and privately owned multi-unit dwellings;

(V) information pertaining to ownership models for Level 2 charging stations and DC FAST charging stations located in publicly owned and privately owned residential multi-unit dwellings, commercial buildings, public and private parking areas, and curb-side locations; and

(VI) information pertaining to how charging stations are financed and the rates charged for the use of Level 2 charging stations and DC FAST charging stations;

(ii) describe the methodology used to obtain the information provided in the report;

(iii) identify the barriers to expanding deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities in major urban areas and rural areas, including any challenges relating to such deployment in multi-unit dwellings;

(iv) compile and provide an analysis of the best practices and policies used by State and local governments and private entities to increase deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities in major urban areas and rural areas, including best practices with respect to—

(I) public outreach and engagement; and

(II) increasing deployment of electric vehicle charging infrastructure in publicly owned and privately owned multi-unit dwellings; and

(v) enumerate and identify the number of electric vehicle charging stations per capita at locations within each major urban area and rural area throughout the United States with detail at the level of ZIP Codes and census tracts.

(2) FIVE-YEAR UPDATE ASSESSMENT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall—

(A) update the assessment conducted under paragraph (1)(A); and

(B) make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report, which shall—

(i) update the information required by paragraph (1)(B); and

(ii) include a description of case studies and key lessons learned after the date on which the report under paragraph (1)(B) was submitted with respect to expanding the deployment of electric vehicle charging infrastructure in underserved or disadvantaged communities in major urban areas and rural areas.

(b) DEFINITIONS.—In this section:

(1) ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.—The term ''electric vehicle charging infrastructure'' means electric vehicle supply equipment and other physical assets that provide for the distribution of and access to electricity for the purpose of charging an electric vehicle or a plug-in hybrid electric vehicle.

(2) MAJOR URBAN AREA.—The term ''major urban area'' means a metropolitan statistical area within the United States with an estimated population that is greater than or equal to 1,500,000.

SEC. 33334. ENSURING PROGRAM BENEFITS FOR UNDERSERVED AND DISADVANTAGED COMMUNITIES.

In carrying out this chapter, and the amendments made by this chapter, the Secretary shall provide, to the extent practicable access to electric vehicle charging infrastructure, address transportation needs, and provide improved air quality in underserved or disadvantaged communities.

SEC. 33335. MODEL BUILDING CODE FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT.

(a) REVIEW.—The Secretary shall review proposed or final model building codes for—

(1) integrating electric vehicle supply equipment into residential and commercial buildings that include space for individual vehicle or fleet vehicle parking; and

(2) integrating onsite renewable power equipment and electric storage equipment (including electric vehicle batteries to be used for electric storage) into residential and commercial buildings.

(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to stakeholders representing the building construction industry, manufacturers of electric vehicles and electric vehicle supply equipment, State and local governments, and any other persons with relevant expertise or interests to facilitate understanding of the model code and best practices for adoption by jurisdictions.

SEC. 33336. ELECTRIC VEHICLE SUPPLY EQUIPMENT COORDINATION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (including the Smart Grid Task Force), shall convene a group to assess progress in the development of standards necessary to—

(1) support the expanded deployment of electric vehicle supply equipment;

(2) develop an electric vehicle charging network to provide reliable charging for electric vehicles nationwide; and

(3) ensure the development of such network will not compromise the stability and reliability of the electric grid.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report containing the results of the assessment carried out under subsection (a) and recommendations to overcome any barriers to standards development or adoption identified by the group convened under such subsection.

SEC. 33337. STATE CONSIDERATION OF ELECTRIC VEHICLE CHARGING.

(a) CONSIDERATION AND DETERMINATION RESPECTING CERTAIN RATEMAKING STANDARDS.—

Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(20) ELECTRIC VEHICLE CHARGING PROGRAMS.—

''(A) IN GENERAL.—Each State shall consider measures to promote greater electrification of the transportation sector, including—

''(i) authorizing measures to stimulate investment in and deployment of electric vehicle supply equipment and to foster the market for electric vehicle charging;

''(ii) authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to load management, programs, or investments associated with the integration of electric vehicle supply equipment into the grid; and

''(iii) allowing a person or agency that owns and operates an electric vehicle charging facility for the sole purpose of recharging an electric vehicle battery to be excluded from regulation as an electric utility pursuant to section 3(4) when making electricity sales from the use of the electric vehicle charging facility, if such sales are the only sales of electricity made by the person or agency.

''(B) DEFINITION.—For purposes of this paragraph, the term 'electric vehicle supply equipment' means conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle.''.

(b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

''(7)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraph (20) of section 111(d).

''(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraph (20) of section 111(d).''.

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by striking ''(19)'' and inserting ''(20)''.

(3) PRIOR STATE ACTIONS.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

''(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) of this section shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

''(1) the State has implemented for such utility the standard concerned (or a comparable standard);

''(2) the State regulatory authority for such State or relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility;

''(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility; or

''(4) the State has taken action to implement incentives or other steps to strongly encourage the deployment of electric vehicles.''.

SEC. 33338. STATE ENERGY PLANS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) a State energy transportation plan developed in accordance with section 367; and''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STATE ENERGY CONSERVATION PLANS.—For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for each of fiscal years 2021 through 2025.

''(2) STATE ENERGY TRANSPORTATION PLANS.—In addition to the amounts authorized under paragraph (1), for the purpose of carrying out section 367, there are authorized to be appropriated $25,000,000 for each of fiscal years 2021 through 2025.''.

(c) STATE ENERGY TRANSPORTATION PLANS.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

''SEC. 367. STATE ENERGY TRANSPORTATION PLANS.

''(a) IN GENERAL.—The Secretary may provide financial assistance to a State to develop a State energy transportation plan, for inclusion in a State energy conservation plan under section 362(d), to promote the electrification of the transportation system, reduced consumption of fossil fuels, and improved air quality.

''(b) DEVELOPMENT.—A State developing a State energy transportation plan under this section shall carry out this activity through the State energy office that is responsible for developing the State energy conservation plan under section 362.

''(c) CONTENTS.—A State developing a State energy transportation plan under this section shall include in such plan a plan to—

''(1) deploy a network of electric vehicle supply equipment to ensure access to electricity for electric vehicles; and

''(2) promote modernization of the electric grid to accommodate demand for power to operate electric vehicle supply equipment and to utilize energy storage capacity provided by electric vehicles.

''(d) COORDINATION.—In developing a State energy transportation plan under this section, a State shall coordinate, as appropriate, with—

''(1) State regulatory authorities (as defined in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602));

''(2) electric utilities;

''(3) regional transmission organizations or independent system operators;

''(4) private entities that provide electric vehicle charging services;

''(5) State transportation agencies, metropolitan planning organizations, and local governments;

''(6) electric vehicle manufacturers;

''(7) public and private entities that manage vehicle fleets; and

''(8) public and private entities that manage ports, airports, or other transportation hubs.

''(e) TECHNICAL ASSISTANCE.—Upon request of the Governor of a State, the Secretary shall provide information and technical assistance in the development, implementation, or revision of a State energy transportation plan.

''(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DEFINED.—For purposes of this section, the term 'electric vehicle supply equipment' means conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle.''.

SEC. 33339. TRANSPORTATION ELECTRIFICATION.

Section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) is amended—

(1) in subsection (a)(6)—

(A) in subparagraph (A), by inserting '', including ground support equipment at ports'' before the semicolon;

(B) in subparagraph (E), by inserting ''and vehicles'' before the semicolon;

(C) in subparagraph (H), by striking ''and'' at the end;

(D) in subparagraph (I)—

(i) by striking ''battery chargers,''; and

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

(E) by adding at the end the following:

''(J) installation of electric vehicle supply equipment for recharging plug-in electric drive vehicles, including such equipment that is accessible in rural and urban areas and in underserved or disadvantaged communities; and

''(K) multi-use charging hubs used for multiple forms of transportation.'';

(2) in subsection (b)—

(A) in paragraph (3)(A)—

(i) in clause (i), by striking ''and'' at the end; and

(ii) in clause (ii), by inserting '', components for such vehicles, and charging equipment for such vehicles'' after ''vehicles''; and

(B) in paragraph (6), by striking ''$90,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$2,000,000,000 for each of fiscal years 2021 through 2025'';

(3) in subsection (c)—

(A) in the header, by striking ''NEAR-TERM'' and inserting ''LARGE-SCALE''; and

(B) in paragraph (4), by striking ''$95,000,000 for each of fiscal years 2008 through 2013'' and inserting ''$2,500,000,000 for each of fiscal years 2021 through 2025''; and

(4) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following:

''(d) PRIORITY.—In providing grants under subsections (b) and (c), the Secretary shall give priority consideration to applications that contain a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant provided under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code (and the Secretary of Labor shall, with respect to the labor standards described in this clause, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code).''.

SEC. 33340. FEDERAL FLEETS.

(a) MINIMUM FEDERAL FLEET REQUIREMENT.—Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PERCENTAGE REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) LIGHT-DUTY VEHICLES.—Beginning in fiscal year 2025, 100 percent of the total number of light-duty vehicles acquired by a Federal entity for a Federal fleet shall be alternative fueled vehicles, of which—

''(i) at least 50 percent shall be zero emission vehicles or plug-in hybrids in fiscal years 2025 through 2034;

''(ii) at least 75 percent shall be zero emission vehicles or plug-in hybrids in fiscal years 2035 through 2049; and

''(iii) 100 percent shall be zero emission vehicles in fiscal year 2050 and thereafter.

''(B) MEDIUM- AND HEAVY-DUTY VEHICLES.—The following percentages of the total number of medium- and heavy-duty vehicles acquired by a Federal entity for a Federal fleet shall be alternative fueled vehicles:

''(i) At least 20 percent in fiscal years 2025 through 2029.

''(ii) At least 30 percent in fiscal years 2030 through 2039.

''(iii) At least 40 percent in fiscal years 2040 through 2049.

''(iv) At least 50 percent in fiscal year 2050 and thereafter.

''(2) EXCEPTION.—The Secretary, in consultation with the Administrator of General Services where appropriate, may permit a Federal entity to acquire for a Federal fleet a smaller percentage than is required in paragraph (1) for a fiscal year, so long as the aggregate percentage acquired for each class of vehicle for all Federal fleets in the fiscal year is at least equal to the required percentage.

''(3) DEFINITIONS.—In this subsection:

''(A) FEDERAL FLEET.—The term 'Federal fleet' means a fleet of vehicles that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by or assigned to any Federal executive department, military department, Government corporation, independent establishment, or executive agency, the United States Postal Service, the Congress, the courts of the United States, or the Executive Office of the President. Such term does not include—

''(i) motor vehicles held for lease or rental to the general public;

''(ii) motor vehicles used for motor vehicle manufacturer product evaluations or tests;

''(iii) law enforcement vehicles;

''(iv) emergency vehicles; or

''(v) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(B) FLEET.—The term 'fleet' means—

''(i) 20 or more light-duty vehicles, located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000; or

''(ii) 10 or more medium- or heavy-duty vehicles, located at a Federal facility or located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1980 population of more than 250,000.''; and

(2) in subsection (f)(2)(B)—

(A) by striking '', either''; and

(B) in clause (i), by striking ''or'' and inserting ''and''.

(b) FEDERAL FLEET CONSERVATION REQUIREMENTS.—Section 400FF(a) of the Energy Policy and Conservation Act (42 U.S.C. 6374e) is amended—

(1) in paragraph (1)—

(A) by striking ''18 months after the date of enactment of this section'' and inserting ''12 months after the date of enactment of the Moving Forward Act'';

(B) by striking ''2010'' and inserting ''2022''; and

(C) by striking ''and increase alternative fuel consumption'' and inserting '', increase alternative fuel consumption, and reduce vehicle greenhouse gas emissions''; and

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

''(2) GOALS.—The goals of the requirements under paragraph (1) are that each Federal agency shall—

''(A) reduce fleet-wide per-mile greenhouse gas emissions from agency fleet vehicles, relative to a baseline of emissions in 2015, by—

''(i) not less than 30 percent by the end of fiscal year 2025;

''(ii) not less than 50 percent by the end of fiscal year 2030; and

''(iii) 100 percent by the end of fiscal year 2050; and

''(B) increase the annual percentage of alternative fuel consumption by agency fleet vehicles as a proportion of total annual fuel consumption by Federal fleet vehicles, to achieve—

''(i) 25 percent of total annual fuel consumption that is alternative fuel by the end of fiscal year 2025;

''(ii) 50 percent of total annual fuel consumption that is alternative fuel by the end of fiscal year 2035; and

''(iii) at least 85 percent of total annual fuel consumption that is alternative fuel by the end of fiscal year 2050.''.

SEC. 33341. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

(a) HYBRID VEHICLES, ADVANCED VEHICLES, AND FUEL CELL BUSES.—Subtitle B of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amended—

(1) in the subtitle header, by inserting ''**Plug-In Electric Vehicles,**'' before ''**Hybrid Vehicles**''; and

(2) in part 1, in the part header, by striking ''**HYBRID**'' and inserting ''**PLUG-IN ELECTRIC**''.

(b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of the Energy Policy Act of 2005 (42 U.S.C. 16061) is amended to read as follows:

''SEC. 711. PLUG-IN ELECTRIC VEHICLES.

''The Secretary shall accelerate efforts, related to domestic manufacturing, that are directed toward the improvement of batteries, power electronics, and other technologies for use in plug-in electric vehicles.''.

(c) EFFICIENT HYBRID AND ADVANCED DIESEL VEHICLES.—Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', plug-in electric,'' after ''efficient hybrid''; and

(B) by amending paragraph (3) to read as follows:

''(3) PRIORITY.—Priority shall be given to—

''(A) the refurbishment or retooling of manufacturing facilities that have recently ceased operation or would otherwise cease operation in the near future; and

''(B) applications containing a written assurance that—

''(i) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, retooling, or repair that is financed, in whole or in part, by a grant under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code;

''(ii) all laborers and mechanics employed by the owner or operator of a manufacturing facility that is financed, in whole or in part, by a grant under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code; and

''(iii) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.''; and

(2) by striking subsection (c) and inserting the following:

''(c) COST SHARE AND GUARANTEE OF OPERATION.—

''(1) CONDITION.—A recipient of a grant under this section shall pay the Secretary the full amount of the grant if the facility financed in whole or in part under this subsection fails to manufacture goods for a period of at least 10 years after the completion of construction.

''(2) COST SHARE.—Section 988(c) shall apply to a grant made under this subsection.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2.5 billion for each of fiscal years 2021 through 2025.

''(e) PERIOD OF AVAILABILITY.—An award made under this section after the date of enactment of this subsection shall only be available with respect to facilities and equipment placed in service before December 30, 2035.''.

SEC. 33342. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(ii) by striking ''(1) ADVANCED TECHNOLOGY VEHICLE.—'' and all that follows through ''meets—'' and inserting the following:

''(1) ADVANCED TECHNOLOGY VEHICLE.—The term 'advanced technology vehicle' means—

''(A) an ultra efficient vehicle;

''(B) a light duty vehicle or medium duty passenger vehicle that meets—'';

(iii) by amending subparagraph (B)(iii) (as so redesignated) to read as follows:

''(iii)(I) for vehicles produced in model years 2021 through 2025, the applicable regulatory standards for emissions of greenhouse gases for model year 2021 through 2025 vehicles promulgated by the Administrator of the Environmental Protection Agency on October 15, 2012 (77 Fed. Reg. 62624); or

''(II) emits zero emissions of greenhouse gases; or''; and

(iv) by adding at the end the following:

''(C) a heavy-duty vehicle (excluding a medium-duty passenger vehicle), as defined in section 86.1803–01 of title 40, Code of Federal Regulations (or successor regulations), that—

''(i) complies early with and demonstrates achievement below the applicable regulatory standards for emissions of greenhouse gases for model year 2027 vehicles promulgated by the Administrator on October 25, 2016 (81 Fed. Reg. 73478); or

''(ii) emits zero emissions of greenhouse gases.'';

(B) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(C) by amending paragraph (3) (as so redesignated) to read as follows:

''(4) QUALIFYING COMPONENTS.—The term 'qualifying components' means materials, technology, components, systems, or groups of subsystems in an advanced technology vehicle, including ultra efficient components, which include—

''(A) EV battery cells, fuel cells, batteries, battery technologies, and thermal control systems;

''(B) automotive semiconductors and computers;

''(C) electric motors, axles, and components; and

''(D) advanced lightweight, high strength, and high performance materials.''; and

(D) in paragraph (4) (as so redesignated)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) at least 75 miles per gallon equivalent while operating as a hydrogen fuel cell electric vehicle.'';

(2) by amending subsection (b) to read as follows:

''(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—

''(1) IN GENERAL.—The Secretary shall provide facility funding awards under this section to advanced technology vehicle manufacturers and component suppliers to pay not more than 50 percent of the cost of—

''(A) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

''(i) advanced technology vehicles; or

''(ii) qualifying components; and

''(B) engineering integration performed in the United States of advanced technology vehicles and qualifying components.

''(2) ULTRA EFFICIENT COMPONENTS COST SHARE.—The facility funding awards authorized in paragraph (1) may pay not more than 80 percent of the cost if the proposed project is to reequip, expand, or establish a manufacturing facility in the United States to produce ultra efficient components.'';

(3) in subsection (c), by striking ''2020'' and inserting ''2030'' each place it appears;

(4) in subsection (d)—

(A) by amending paragraph (2) to read as follows:

''(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a written assurance that—

''(i) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair, or at any manufacturing operation, that is financed, in whole or in part, by a loan under this section shall be paid wages at rates not less than those prevailing in a similar firm or on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40;

''(ii) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40; and

''(iii) the applicant will remain neutral in any union organizing effort;

''(B) a disclosure of whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Secretary of Labor, rendered against the applicant in the preceding 3 years for violations of applicable labor, employment, civil rights, or health and safety laws; and

''(C) specific information regarding the actions the applicant will take to demonstrate compliance with, and where possible exceedance of, requirements under applicable labor, employment, civil rights, and health and safety laws, and actions the applicant will take to ensure that its direct suppliers demonstrate compliance with applicable labor, employment, civil rights, and health and safety laws.'';

(B) by amending paragraph (3) to read as follows:

''(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which the Secretary determines—

''(A) the award recipient—

''(i) has a reasonable prospect of repaying the principal and interest on the loan;

''(ii) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

''(ii) has met such other criteria as may be established and published by the Secretary; and

''(B) the amount of the loan (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project.''; and

(C) in paragraph (4)—

(i) in subparagraph (B)(i), by striking ''; and'' and inserting ''; or'';

(ii) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(E) shall be subject to the condition that the loan is not subordinate to other financing.'';

(5) in subsection (f)—

(A) by striking ''point'' and inserting ''points''; and

(B) by inserting ''and may not be collected prior to financial closing'' after ''loan'';

(6) by amending subsection (g) to read as follows:

''(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities, which can currently be sitting idle, that are or would be—

''(1) oldest or have been in existence for at least 20 years;

''(2) utilized primarily for the manufacture of ultra efficient vehicles;

''(3) utilized primarily for the manufacture of medium-duty passenger vehicles or heavy-duty vehicles that emit zero greenhouse gas emissions; or

''(4) utilized primarily for the manufacture of ultra efficient components.'';

(7) in subsection (h)—

(A) in the header, by striking ''AUTOMOBILE'' and inserting ''ADVANCED TECHNOLOGY VEHICLE''; and

(B) in paragraph (1)(B), by striking ''automobiles, or components of automobiles'' and inserting ''advanced technology vehicles, or components of advanced technology vehicles''; and

(8) in subsection (i), by striking ''2008 through 2012'' and inserting ''2021 through 2025''.

Subtitle D—Buy American and Wage Rate Requirements

SEC. 33401. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds made available pursuant to this title, or provisions of law added or amended by this title, may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 33402. WAGE RATE REQUIREMENTS.

Notwithstanding any other provision of law and in a manner consistent with other provisions in this title, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this title, or provisions of law added or amended by this title, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

TITLE IV—HEALTH CARE INFRASTRUCTURE

SEC. 34101. HOSPITAL INFRASTRUCTURE.

(a) IN GENERAL.—Section 1610(a) of the Public Health Service Act (42 U.S.C. 300r(a)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''or'' at the end; and

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) increase capacity and update hospitals and other medical facilities in order to better serve communities in need.''; and

(2) by striking paragraph (3) and inserting the following paragraphs:

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants whose projects will include, by design, public health emergency preparedness or cybersecurity against cyber threats.

''(4) AMERICAN IRON AND STEEL PRODUCTS.—

''(A) IN GENERAL.—As a condition on receipt of a grant under this subsection for a project, an entity shall ensure that all of the iron and steel products used in the project are produced in the United States.

''(B) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Secretary finds that—

''(i) applying subparagraph (A) would be inconsistent with the public interest;

''(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

''(C) WAIVER.—If the Secretary receives a request for a waiver under this paragraph, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

''(D) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

''(E) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this subsection for management and oversight of the requirements of this paragraph.

''(F) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.

''(5) ENERGY EFFICIENCY.—

''(A) IN GENERAL.—As a condition on receipt of a grant under this subsection for a project, a grant recipient shall ensure that the project increases—

''(i) energy efficiency;

''(ii) energy resilience; or

''(iii) the use of renewable energy.

''(B) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Secretary finds that applying subparagraph (A)—

''(i) would be inconsistent with the public interest; or

''(ii) will increase the cost of the overall project by more than 25 percent.

''(C) WAIVER.—If the Secretary receives a request for a waiver under this paragraph, the

Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

''(D) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this subsection for management and oversight of the requirements of this paragraph.

''(E) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.

''(6) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there is authorized to be appropriated $2,000,000,000 for each of fiscal years 2021 through 2025.''.

(b) TECHNICAL UPDATE.—Section 1610(b) of the Public Health Service Act (42 U.S.C. 300r(b)) is amended by striking paragraph (3).

SEC. 34102. COMMUNITY HEALTH CENTER CAPITAL PROJECT FUNDING.

Section 10503 of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2) is amended by striking subsection (c) and inserting the following:

''(c) CAPITAL PROJECTS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the CHC Fund to be transferred to the Secretary of Health and Human Services for capital projects of the community health center program under section 330 of the Public Health Service Act, $10,000,000,000 for the period of fiscal years 2021 through 2025.

''(2) ENERGY EFFICIENCY.—

''(A) IN GENERAL.—As a condition on receipt of a grant for a capital project pursuant to paragraph (1), a grant recipient shall ensure that the capital project increases—

''(i) energy efficiency;

''(ii) energy resilience; or

''(iii) the use of renewable energy.

''(B) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Secretary finds that applying subparagraph (A)—

''(i) would be inconsistent with the public interest; or

''(ii) will increase the cost of the overall project by more than 25 percent.

''(C) WAIVER.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

''(D) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this subsection for management and oversight of the requirements of this paragraph.

''(E) EFFECTIVE DATE.—This paragraph does not apply with respect to a capital project if a State agency approves the engineering plans and specifications for the capital project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.

''(4) APPLICABILITY OF DAVIS-BACON ACT.—

''(A) IN GENERAL.—The Secretary shall require that each entity applying for a grant for any capital project pursuant to paragraph (1), funded in whole or in part with funds made available under this subsection, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to (and referred to in this section) as the 'Davis-Bacon Act').

''(B) AUTHORITY TO ENFORCE.—With respect to the labor standards specified in the Davis-Bacon Act, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).''.

SEC. 34103. PILOT PROGRAM TO IMPROVE LABORATORY INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall award grants to States and political subdivisions of States to support the improvement, renovation, or modernization of infrastructure at clinical laboratories (as defined in section 353 of the Public Health Service Act (42 U.S.C. 263a)) that will help to improve SARS–CoV–2 and COVID–19 testing and response activities, including the expansion and enhancement of testing capacity at such laboratories.

(b) ENERGY EFFICIENCY.—

(1) IN GENERAL.—As a condition on receipt of a grant under this section for a project, a grant recipient shall ensure that the project increases—

(A) energy efficiency;

(B) energy resilience; or

(C) the use of renewable energy.

(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Secretary finds that applying paragraph (1)—

(A) would be inconsistent with the public interest; or

(B) will increase the cost of the overall project by more than 25 percent.

(3) WAIVER.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

(4) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this subsection.

(5) EFFECTIVE DATE.—This subsection does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this subsection.

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—The Secretary shall require that each State or political subdivision of a State applying for a grant, with respect to a project for the improvement, renovation, or modernization of infrastructure at clinical laboratories under this section, funded in whole or in part with funds made available under this section, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation, or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to (and referred to in this section) as the ''Davis-Bacon Act'').

(2) AUTHORITY TO ENFORCE.—With respect to the labor standards specified in the Davis-Bacon Act, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $4,500,000,000 for the period of fiscal years 2021 through 2025.

SEC. 34104. 21ST CENTURY INDIAN HEALTH PROGRAM HOSPITALS AND OUTPATIENT HEALTH CARE FACILITIES.

The Indian Health Care Improvement Act is amended by inserting after section 301 of such Act (25 U.S.C. 1631) the following:

''SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN, CONSTRUCTION, MODERNIZATION, AND RENOVATION OF HOSPITALS AND OUTPATIENT HEALTH CARE FACILITIES.

''(a) ADDITIONAL FUNDING.—For the purpose described in subsection (b), in addition to any other funds available for such purpose, there is authorized to be appropriated $5,000,000,000 for the period of fiscal years 2021 through 2025.

''(b) PURPOSE.—The purpose described in this subsection is the planning, design, construction, modernization, and renovation of hospitals and outpatient health care facilities that are funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), including to address COVID-19 and other subsequent public health crises.

''(c) TRIBAL CONSULTATION.—The Secretary shall engage in consultation with Indian Tribes and Tribal organizations to receive guidance and recommendations from Tribal officials before initiating any construction projects under this section on federally-operated facilities of the Service.

''(d) ENERGY EFFICIENCY.—

''(1) IN GENERAL.—As a condition on receipt of funding under this section for a project, the recipient of such funding shall ensure that the project increases—

''(A) energy efficiency;

''(B) energy resilience; or

''(C) the use of renewable energy.

''(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Secretary finds that applying paragraph (1)—

''(A) would be inconsistent with the public interest; or

''(B) will increase the cost of the overall project by more than 25 percent.

''(3) WAIVER.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

''(4) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this subsection.

''(5) EFFECTIVE DATE.—This subsection does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this subsection.''.

SEC. 34105. PILOT PROGRAM TO IMPROVE COMMUNITY-BASED CARE INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Health and Human Services may award grants to qualified teaching health centers (as defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)) and behavioral health care centers (as defined by the Secretary, to include both substance abuse and mental health care facilities) to support the improvement, renovation, or modernization of infrastructure at such centers, including to address COVID-19 and other subsequent public health crises.

(b) ENERGY EFFICIENCY.—

(1) IN GENERAL.—As a condition on receipt of a grant under this section for a project, a grant recipient shall ensure that the project increases—

(A) energy efficiency;

(B) energy resilience; or

(C) the use of renewable energy.

(2) APPLICATION.—Paragraph (1) shall be waived in any case or category of cases in which the Secretary finds that applying paragraph (1)—

(A) would be inconsistent with the public interest; or

(B) will increase the cost of the overall project by more than 25 percent.

(3) WAIVER.—If the Secretary receives a request for a waiver under this subsection, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

(4) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this subsection.

(5) EFFECTIVE DATE.—This subsection does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this subsection.

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—The Secretary shall require that each qualified teaching health center or behavioral health care center applying for a grant, with respect to a project for the improvement, renovation, or modernization of infrastructure at a qualified teaching health center or behavior health care center under this section, funded in whole or in part with funds made available under this section, shall include in such application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation, or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to (and referred to in this section) as the ''Davis-Bacon Act'').

(2) AUTHORITY TO ENFORCE.—With respect to the labor standards specified in the Davis-Bacon Act, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $500,000,000, to remain available until expended.

DIVISION H—ADDITIONAL PROGRAMS

SEC. 40001. NATIONAL SCENIC BYWAYS PROGRAM.

There are authorized to be appropriated out of the general fund of the Treasury, for the national scenic byways program under section 162 of title 23, United States Code—

(1) $55,000,000 for fiscal year 2021;

(2) $60,000,000 for fiscal year 2022;

(3) $65,000,000 for fiscal year 2023;

(4) $70,000,000 for fiscal year 2024; and

(5) $75,000,000 for fiscal year 2025.

SEC. 40002. AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of Veterans Affairs $3,396,000,000 to carry out subsection (b). Amounts appropriated pursuant to this section shall remain available for obligation or expenditure without fiscal year limitation.

(b) USE OF AMOUNTS.—The amount authorized to be appropriated under subsection (a) shall be used by the Secretary of Veterans Affairs as follows:

(1) $750,000,000 for minor construction.

(2) $750,000,000 for non-recurring maintenance.

(3) $1,350,000,000 for major construction projects that are partially funded for fiscal year 2021.

(4) $546,000,000 for grants under subchapter III of chapter 81 of title 38, United States Code.

(c) CONTRACTING GOALS.—The contracting goals under section 15(g)(1) and (2) of the Small Business Act (15 U.S.C. 644) shall apply to a contract entered into using amounts authorized to be appropriated under this section and used pursuant to subsection (b)(1) and (2).

DIVISION I—ZERO-EMISSION POSTAL FLEET AND OTHER MATTERS

SEC. 50001. AUTHORIZATION OF APPROPRIATION FOR UNITED STATES POSTAL SERVICE FOR MODERNIZATION OF POSTAL INFRASTRUCTURE.

There is authorized to be appropriated to the United States Postal Service for the modernization of postal infrastructure and operations, including through capital expenditures to purchase delivery vehicles, processing equipment, trailers, and other goods, $25,000,000,000, to remain available until expended. Of the amount authorized to be appropriated under this subsection, $6,000,000,000 shall be for the purchase of vehicles. Any amount appropriated under this subsection shall be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code.

SEC. 50002. ELECTRIC OR ZERO-EMISSION VEHICLES FOR UNITED STATES POSTAL SERVICE FLEET.

(a) IN GENERAL.—Any next generation delivery vehicle purchased by the United States Postal Service using the funds appropriated under section 50001 shall, to the greatest extent practicable, be an electric or zero-emission vehicle, and the Postal Service shall ensure that at least 75 percent of the total number of vehicles purchased using such funds shall be electric or zero emission vehicles. In this subsection, the term ''next generation delivery vehicle'' means a vehicle purchased to replace a right-hand-drive, long-life vehicle in use by the Postal Service.

(b) MEDIUM AND HEAVY-DUTY VEHICLES.—

(1) DATE OF ENACTMENT AND 2030.—Between the period beginning on the date of enactment of this Act and ending on December 31, 2029, not less than 50 percent of the total number of new medium or heavy-duty vehicles purchased by the Postal Service during such period shall be electric or zero-emission vehicles.

(2) AFTER 2039.—Beginning on January 1, 2040, the Postal Service may not purchase any new medium or heavy-duty vehicle that is not an electric or zero-emission vehicle.

(c) COMPLIANCE.—In carrying out subsections (a) and (b), the Postal Service shall comply with chapter 83 of title 41, United States Code (popularly known as the Buy American Act) and any applicable Federal labor or civil rights laws.

(d) CHARGING STATIONS.—

(1) IN GENERAL.—Not later than January 1, 2026, the Postal Service shall provide, at each postal facility accessible to the public, not less than 1 electric vehicle charging station for use by the public or officers and employees of the Postal Service.

(2) FLEET OPERATION.—The Postal Service shall ensure that adequate charging stations are available at Postal Service facilities to keep the Postal Service fleet operational.

(e) PLAN AND UPDATE.—Not later than 180 days after the date of enactment of this Act, the Postmaster General shall submit a plan to carry out this section to the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate. The Postmaster General shall submit an update and progress report on implementing such plan to such committees not less than once every 2 years beginning on the date the plan is submitted under the previous sentence and ending on the day that is 6 years after such date.

(f) CONTINGENT ON APPROPRIATION.—The requirements of subsections (a) through (e) of this section shall not apply unless the funds authorized for vehicles under section 50001 are appropriated.

SEC. 50003. CLARIFICATION OF AUTHORITY OF DISTRICT OF COLUMBIA TO CARRY OUT LONG BRIDGE PROJECT.

(a) CLARIFICATION OF AUTHORITY.—Section 244 of the Revised Statutes of the United States relating to the District of Columbia (sec. 9-1201.03, D.C. Official Code) does not apply with respect to any railroads installed pursuant to the Long Bridge Project.

(b) LONG BRIDGE PROJECT DEFINED.—In this section, the term ''Long Bridge Project'' means the project carried out by the District of Columbia and the Commonwealth of Virginia to construct a new Long Bridge adjacent to the existing Long Bridge over the Potomac River, including related infrastructure and other related projects, to expand commuter and regional passenger rail service and to provide bike and pedestrian access crossings over the Potomac River.

DIVISION II—COMMITTEE ON FINANCIAL SERVICES

SECTION 60001. SHORT TITLE.

This division may be cited as the ''Housing is Infrastructure Act of 2020''.

SEC. 60002. FINDINGS.

The Congress finds the following:

(1) Residential segregation and systemic community disinvestment continue to disproportionately affect the well-being and socioeconomic opportunity of children, low-income residents, and people of color.

(2) Affordable and accessible housing allows people with disabilities to live independent lives and supports aging in place, yet less than 2 percent of the housing stock in the United States is accessible for individuals with disabilities.

(3) Affordable housing is a critical part of the national infrastructure of the United States but there is a severe shortage of affordable housing in the United States and the existing stock is badly in need of repair.

(4) According to a 2010 study sponsored by the Department of Housing and Urban Development, there was a $26 billion backlog of capital needs for public housing; that figure is likely higher today, with some groups estimating the backlog of capital needs for public housing to be as high as $70 billion.

(5) There are 14,000 units supported by Rural Rental Housing Loans under section 515 of the Housing Act of 1949 and Farm Labor Housing Loans under section 514 of the Housing Act of 1949. According to National Rural Housing Coalition, it would take an estimated $1 billion in

the Multi-Family Housing Revitalization Demonstration Program (MPR) funding to fully address the capital backlog for rural housing properties.

(6) Federal investment in housing helps to create jobs and stimulate the economy.

(7) When the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) was enacted, which included funding for public housing, researchers found that for each $1.00 in direct spending on public housing, there was an additional $2.12 of indirect and induced economic activity nationwide for a total economic impact of $3.12 for each $1.00 in direct spending on public housing.

(8) According to the National Association of Home Builders, building 100 affordable rental homes generates $11.7 million in local income, $2,200,000 in taxes and revenue for local governments, and 161 local jobs.

(9) Researchers estimate that the growth in the gross domestic product from 1964–2009 would have been 13.5 percent higher if families had better access to affordable housing, which in turn could have led to an additional $1.7 trillion increase in income, equivalent to $8,775 in additional wages for each worker.

SEC. 60003. PUBLIC HOUSING CAPITAL FUND.

(a) IN GENERAL.—There is authorized to be appropriated for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) $70,000,000,000 and any amounts appropriated pursuant to this subsection shall remain available until the expiration of the 7-year period beginning upon the date of such appropriation.

(b) REQUIREMENTS.—The Secretary of Housing and Urban Development (in this division referred to as the ''Secretary'') shall—

(1) distribute not less than 35 percent and not more than 75 percent of any amounts appropriated pursuant to subsection (a) under the same formula used for amounts made available for the Capital Fund for fiscal year 2020; and

(2) make available all remaining amounts by competition for priority investments, including investments that address lead hazards, other urgent health and safety concerns, and such other priorities as the Secretary may identify.

(c) TIMING.—The Secretary shall obligate amounts—

(1) made available under subsection (b)(1) within 30 days of enactment of the Act appropriating such funds; and

(2) made available under subsection (b)(2) within 12 months of enactment of the Act appropriating such funds.

(d) LIMITATION.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(e) USE OF FUNDS.—Not more than 0.5 percent of any amount appropriated pursuant to this section shall be used by the Secretary for costs associated with staff, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation.

(f) SUPPLEMENT NOT SUPPLANT.—The Secretary shall ensure that amounts provided pursuant to this section shall serve to supplement and not supplant other amounts generated by a recipient of such amounts or amounts provided by other Federal, State, or local sources.

(g) WATER AND ENERGY EFFICIENCY.—In distributing any amounts pursuant to subsection (b), the Secretary shall give priority to public housing agencies located in States and localities that have a plan to increase water and energy efficiency when developing or rehabilitating public housing using any amounts distributed.

SEC. 60004. RURAL MULTIFAMILY PRESERVATION AND REVITALIZATION DEMONSTRATION PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated for carrying out the Multifamily Preservation and Revitalization Demonstration program of the Rural Housing Service (as authorized under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484; 1485; 1486)) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the discretion of the Secretary of Agriculture, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60005. FLOOD MITIGATION ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated for carrying out the Flood Mitigation Assistance Grant Program under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) MULTIFAMILY RESIDENCES AND ATTACHED AND SEMI-ATTACHED HOMES.—With regard to any structure that is a multifamily residence or an attached or semi-attached residence, the Administrator of the Federal Emergency Management Agency shall consult with the Secretary of Housing and Urban Development and establish alternative forms of mitigation.

(c) DEFINITIONS.—For the purposes of this section, the term ''multifamily residence'' has the same meaning as in the Flood Disaster Protection Act of 1973 and the National Flood Insurance Act of 1968.

(d) STANDARDS.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration or repair work carried out, in whole or in part, with assistance made available through this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this paragraph, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(2) EXCEPTION BASED ON NUMBER OF UNITS.—Paragraph (1) shall not apply to single-family homes or residential properties of less than 5 units.

(3) EXCEPTION FOR CERTAIN INDIVIDUALS.—Paragraph (1) shall not apply to any individual that—

(A) performs services for which the individual volunteered;

(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(C) is not otherwise employed at any time in the construction work.

SEC. 60006. HOUSING TRUST FUND.

(a) IN GENERAL.—There is authorized to be appropriated for the Housing Trust Fund under section 1338 of the Housing and Urban Development Act of 1992 (12 U.S.C. 4568) $5,000,000,000 and any amounts appropriated pursuant to this subsection shall remain available until expended. The Secretary shall ensure that priority for occupancy in dwelling units assisted with amounts made available pursuant to this section that become available for occupancy shall be given to persons and households who are homeless (as such term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) or at risk of homelessness (as such term is defined in section 401 of such Act (42 U.S.C. 11360)).

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

(2) EXCEPTION.—Paragraph (1) shall not apply to any individual that—

(A) performs services for which the individual volunteered;

(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(C) is not otherwise employed at any time in the construction work.

SEC. 60007. SINGLE-FAMILY HOUSING REPAIR LOANS AND GRANTS.

(a) IN GENERAL.—There is authorized to be appropriated for carrying out single family housing repair loans and grants under section 504 of the Housing Act of 1949 (42 U.S.C. 1474) $100,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the discretion of the Secretary of Agriculture, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60008. NATIVE AMERICAN HOUSING BLOCK GRANT PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated for carrying out the Native American housing block grant program under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) $1,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60009. HOME INVESTMENT PARTNERSHIPS PROGRAM.

(a) IN GENERAL.—There is authorized to be appropriated for carrying out the HOME Investment Partnership Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) $5,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60010. PROGRAM FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

(a) IN GENERAL.—There is authorized to be appropriated $2,500,000,000 for project rental assistance under the program for supportive housing for persons with disabilities under section 811(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(b)(3)) for

State housing finance agencies and any amounts appropriated pursuant to this section shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60011. PROGRAM FOR SUPPORTIVE HOUSING FOR THE ELDERLY.

(a) IN GENERAL.—There is authorized to be appropriated $2,500,000,000 for—

(1) capital advances pursuant to section 202(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(c)(1)), including amendments to capital advance contracts for housing for the elderly as authorized by section 202 of such Act;

(2) project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term;

(3) senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000 (12 U.S.C. 1701g note); and

(4) supportive services associated with housing assisted under paragraph (1), (2), or (3).

(b) AVAILABILITY OF AMOUNTS.—Any amounts appropriated pursuant to this section shall remain available until September 30, 2023.

(c) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

SEC. 60012. CAPITAL MAGNET FUND.

(a) There is authorized to be appropriated for the Capital Magnet Fund under section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4569) $2,500,000,000 and any amounts appropriated pursuant to this subsection shall remain available until expended.

(b) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available pursuant to this section shall be used only for activities relating to water and energy efficiency and, at the discretion of the Secretary of the Treasury, other strategies to enhance the environmental sustainability of housing production and design.

(c) APPLICABILITY OF DAVIS-BACON ACT.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part with amounts made available pursuant to this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The preceding sentence shall apply to the rehabilitation of residential property only if such property contains not less than 12 units. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

(2) EXCEPTION.—Paragraph (1) shall not apply to any individual that—

(A) performs services for which the individual volunteered;

(B) does not receive compensation for such services or is paid expenses, reasonable benefits, or a nominal fee for such services; and

(C) is not otherwise employed at any time in the construction work.

SEC. 60013. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AFFORDABLE HOUSING AND INFRASTRUCTURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to the provisions of this section, there is authorized to be appropriated for assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) $10,000,000,000 and any amounts appropriated pursuant to this section shall remain available until expended.

(2) ADMINISTRATIVE AND PLANNING COSTS.—Not more than 15 percent of any amounts appropriated pursuant to paragraph (1) may be used for administrative and planning costs.

(b) ELIGIBLE ACTIVITIES.—Amounts made available for assistance under this section may be used only for—

(1) the development and preservation of qualified affordable housing, including the construction of such housing;

(2) the responsible elimination or waiving of zoning requirements and other requirements that limit affordable housing development, including high density and multifamily development restrictions, off-street parking requirements, and height limitations; or

(3) any project or entity eligible for a discretionary grant provided by the Department of Transportation.

(c) LIMITATION.—With respect to amounts used pursuant to subsection (b)(2), the Secretary shall ensure that recipients of amounts provided pursuant to this section are not incentivized or otherwise rewarded for eliminating or undermining the intent of the zoning regulations or other regulations or policies that—

(1) establish fair wages for labors;

(2) ensure the health and safety of buildings for residents and the general public;

(3) protect fair housing;

(4) provide environmental protections;

(5) prevent tenant displacement; or

(6) protect any other interest that the Secretary determines is in the public interest to preserve.

(d) COMPETITION.—Amounts made available for assistance under this section shall be awarded to States, units of general local government, and Indian tribes on a competitive basis, based on the extent to which the applicant—

(1) demonstrates that the applicant is responsibly streamlining the process for development of qualified affordable housing;

(2) is eliminating or reducing impact fees for housing within boundaries of the State, unit of local government, or Indian tribe, as applicable, and other assessments by State or local governments upon the owners of new housing development projects that offset governmental capital expenditures for infrastructure required to serve or made necessary by the new housing developments, except for fees that are invested exclusively for housing; and

(3) provides assurances that the applicant will supplement assistance provided under this section with amounts from non-Federal sources for costs of the qualified affordable housing or infrastructure eligible under subsection (b) to be funded with assistance under this section, and the extent of such supplemental assistance to be provided.

(e) WATER AND ENERGY EFFICIENCY.—Not less than 10 percent of all amounts made available for assistance pursuant to this section shall be used only for eligible activities relating to water and energy efficiency and, at the Secretary's discretion, other strategies to enhance the environmental sustainability of housing production and design.

(f) QUALIFIED AFFORDABLE HOUSING.—For purposes of this section, the term ''qualified affordable housing'' means a housing development that—

(1) is either—

(A) funded in any part by assistance provided by the Department of Housing and Urban Development or the Rural Housing Service of the Department of Agriculture; or

(B) includes a qualified low income building as such term is defined in section 42 of the Internal Revenue Code of 1986; or

(2) consists of 5 or more dwelling units of which 20 percent or more are made available—

(A) for rental only by a low-income family (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)));

(B) at a monthly rent amount that does not exceed 30 percent of the monthly adjusted income (as defined in such section 3(b)) of the tenant low-income family; and

(C) maintains affordability for residents who are low-income families for a period of not less than 30 years.

SEC. 60014. INCLUSION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES.

(a) DUTY.—It shall be the duty of each relevant agency head—

(1) to consult and cooperate with grantees and recipients, when utilizing funds made available pursuant to this division, to promote the inclusion of minority and women's business enterprises, as defined in subsection (b) including to establish—

(A) special consideration to increasing grantee and recipient outreach to minority and women's business enterprises to inform such businesses of hiring opportunities created through such funds; and

(B) procurement goals for the utilization of minority and women's business enterprises; and

(2) to convene meetings with leaders and officials of State and local governments, tribal entities, and public housing authorities for the purpose of recommending and promoting funding opportunities and initiatives needed to advance the position of minority and women's business enterprises when competing for funds provided in this division.

(b) DEFINITIONS.—For the purposes of this section, the following definitions shall apply:

(1) MINORITY.—The term ''minority'' has the meaning given such term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) and also includes any indigenous person in the United States or its territories.

(2) MINORITY AND WOMEN'S BUSINESS ENTERPRISE.—The term ''minority and women's business enterprise'' means a business at least 51 percent owned and controlled by minority group members or women.

(3) RELEVANT AGENCY HEAD.—The term ''relevant agency head'' means, with respect to funds made available pursuant to any section of this division, the head of the Federal agency responsible for administering the program under which such funds are to be expended.

SEC. 60015. REPORTS ON OUTCOMES.

The Secretary of Housing and Urban Development, in coordination with the Secretary of the Treasury, the Administrator of the Federal Emergency Management Agency, and the Secretary of Agriculture shall submit a report to the Congress on an annual basis until all funds made available pursuant to this Act (but not including funds made available pursuant to section 60009) are expended, that provides a summary of outcomes for each program for which such funds were made available (but not including funds made available pursuant to section 60009), disaggregated at the census tract level, or block group level when available, that shall include, to the maximum extent possible, identification for the preceding year of—

(1) the total number of housing units produced, rehabilitated, or mitigated using such funds;

(2) the percentage of such housing units that are affordable to low-, to very low-, and to extremely low-income households;

(3) the number of such housing units that are located in high-poverty census tracts;

(4) the number of such housing units that are located in low-poverty census tracts;

(5) the number of such housing units located in areas where the percentage of households in a racial or ethnic minority group—

(A) is at least 20 percentage points higher than the percentage of that minority group for the Metropolitan Statistical Area;

(B) is at least 20 percentage points higher than the percentage of all minorities for the Metropolitan Statistical Area; or

(C) exceeds 50 percent of the population;

(6) the number of such housing units with three or more bedrooms;

(7) the number of such housing units located in qualified opportunity zones designated pursuant to section 1400Z-1 of the Internal Revenue Code of 1986;

(8) the number of such housing units that are in compliance with the design and construction requirements of the Department of Housing and Urban Development under section 100.205 of title 24 of the Code of Federal Regulations; and

(9) any other information that the Secretary of Housing and Urban Development considers appropriate to illustrate the number of housing units made available and accessible to protected classes under the Fair Housing Act (42 U.S.C. 3601 et seq.), disaggregated by protected class.

DIVISION III—REOPEN AND REBUILD AMERICA'S SCHOOLS ACT OF 2020

SEC. 70000. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Reopen and Rebuild America's Schools Act of 2020''.

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

DIVISION K—REOPEN AND REBUILD AMERICA'S SCHOOLS ACT OF 2020

Sec. 70000. Short title; table of contents.
Sec. 70001. Definitions.

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

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and reservation.
Sec. 70102. Allocation to States.

Subtitle B—Grants to Local Educational Agencies

Sec. 70111. Need-based grants to qualified local educational agencies.
Sec. 70112. Allowable uses of funds.
Sec. 70113. Prohibited uses.
Sec. 70114. Requirements for hazard-resistance, energy and water conservation, and air quality.
Sec. 70115. Green Practices.
Sec. 70116. Use of American iron, steel, and manufactured products.
Sec. 70117. Prohibition on use of funds for facilities of for-profit charter schools.
Sec. 70118. Prohibition on use of funds for certain charter schools.

Subtitle C—Annual Report and Authorization of Appropriations

Sec. 70121. Annual report on grant program.
Sec. 70122. Authorization of appropriations.

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

Sec. 70201. Comptroller general report.
Sec. 70202. Study and report physical condition of public schools.
Sec. 70203. Development of data standards.
Sec. 70204. Information clearinghouse.
Sec. 70205. Sense of Congress on Opportunity Zones.

TITLE III—IMPACT AID CONSTRUCTION

Sec. 70301. Temporary increase in funding for impact aid construction.

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

Sec. 70401. Allocations to States.
Sec. 70402. Grants to local educational agencies.
Sec. 70403. Definitions.
Sec. 70404. Authorization of appropriations.

SEC. 70001. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

(2) BUREAU-FUNDED SCHOOL.—The term ''Bureau-funded school'' has the meaning given that term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(3) COVERED FUNDS.—The term ''covered funds'' means funds received under title I of this division.

(4) ESEA TERMS.—The terms ''elementary school'', ''outlying area'', and ''secondary school'' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) except that such term does not include a Bureau-funded school.

(6) PUBLIC SCHOOL FACILITIES.—The term ''public school facilities'' means the facilities of a public elementary school or a public secondary school.

(7) QUALIFIED LOCAL EDUCATIONAL AGENCY.—The term ''qualified local educational agency'' means a local educational agency that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(9) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(10) ZERO ENERGY SCHOOL.—The term ''zero energy school'' means a public elementary school or public secondary school that—

(A) generates renewable energy on-site; and

(B) on an annual basis, exports an amount of such renewable energy that equals or exceeds the total amount of renewable energy that is delivered to the school from outside sources.

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

Subtitle A—Reservation and Allocation of Funds

SEC. 70101. PURPOSE AND RESERVATION.

(a) PURPOSE.—Funds made available under this title shall be for the purpose of supporting long-term improvements to public school facilities in accordance with this division.

(b) RESERVATION FOR OUTLYING AREAS AND BUREAU-FUNDED SCHOOLS.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2024, the Secretary shall reserve, from the amount appropriated to carry out this title—

(A) one-half of 1 percent, to make allocations to the outlying areas in accordance with paragraph (3); and

(B) one-half of 1 percent, for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—

(A) IN GENERAL.—Funds reserved under paragraph (1) shall be used in accordance with sections 70112 through 70116.

(B) SPECIAL RULES FOR BUREAU-FUNDED SCHOOLS.—

(i) APPLICABILITY.—Sections 70112 through 70116 shall apply to a Bureau-funded school that receives assistance under paragraph (1)(B) in the same manner that such sections apply to a qualified local educational agency that receives covered funds. The facilities of a Bureau-funded school shall be treated as public school facilities for purposes of the application of such sections.

(ii) TREATMENT OF TRIBALLY OPERATED SCHOOLS.—The Secretary of the Interior shall provide assistance to Bureau-funded schools under paragraph (1)(B) without regard to whether such schools are operated by the Bureau of Indian Education or by an Indian Tribe. In the case of a Bureau-funded school that is a contract or grant school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)) operated by an Indian Tribe, the Secretary of the Interior shall provide assistance under such paragraph to the Indian Tribe concerned.

(3) ALLOCATION TO OUTLYING AREAS.—From the amount reserved under paragraph (1)(A) for a fiscal year, the Secretary shall allocate to each outlying area an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all outlying areas for such previous fiscal year.

SEC. 70102. ALLOCATION TO STATES.

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) IN GENERAL.—Subject to subparagraph (B), of the amount appropriated to carry out this title for each fiscal year and not reserved under section 70101(b), each State that has a plan approved by the Secretary under subsection (b) shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all local educational agencies in every State that has a plan approved by the Secretary under subsection (b).

(B) FISCAL YEAR 2020.—Of the amount appropriated to carry out this title for fiscal year 2020 and not reserved under section 70101(b), not later than 30 days after such funds are appropriated, each State that provides an assurance to the Secretary that the State will comply with the requirements of section 70111(c)(2) shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all local educational agencies in every State that provides such an assurance to the Secretary.

(2) STATE RESERVATION.—A State may reserve not more than 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this division, which—

(A) shall include—

(i) providing technical assistance to local educational agencies, including by—

(I) identifying which State agencies have programs, resources, and expertise relevant to the activities supported by the allocation under this section; and

(II) coordinating the provision of technical assistance across such agencies;

(ii) in accordance with the guidance issued by the Secretary under section 70203, developing an online, publicly searchable database that contains an inventory of the infrastructure of all public school facilities in the State (including the facilities of Bureau-funded schools, as appropriate), including, with respect to each such facility, an identification of—

(I) the information described in subclauses (I) through (VII) of clause (vi);

(II) the age (including an identification of the date of any retrofits or recent renovations) of—

(aa) the facility;

(bb) its roof;

(cc) its lighting system;

(dd) its windows;

(ee) its ceilings;

(ff) its plumbing; and

(gg) its heating, ventilation, and air conditioning system;

(III) fire safety inspection results;

(IV) the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters, including the extent to which facilities that are vulnerable to seismic natural disasters are seismically retrofitted;

(V) any previous inspections showing the presence of toxic substances; and

(VI) any improvements to support indoor and outdoor social distancing, personal hygiene, and building hygiene (including with respect to HVAC usage and ventilation) in schools, consistent with guidance issued by the Centers for Disease Control and Prevention;

(iii) updating the database developed under clause (ii) not less frequently than once every 2 years;

(iv) ensuring that the information in the database developed under clause (ii)—

(I) is posted on a publicly accessible State website; and

(II) is regularly distributed to local educational agencies and Tribal governments in the State;

(v) issuing and reviewing regulations to ensure the health and safety of students and staff during construction or renovation projects; and

(vi) issuing or reviewing regulations to ensure safe, healthy, and high-performing school buildings, including regulations governing—

(I) indoor environmental quality and ventilation, including exposure to carbon monoxide, carbon dioxide, lead-based paint, and other combustion by-products such as oxides of nitrogen;

(II) mold, mildew, and moisture control;

(III) the safety of drinking water at the tap and water used for meal preparation, including regulations that—

(aa) address the presence of lead and other contaminants in such water; and

(bb) require the regular testing of the potability of water at the tap;

(IV) energy and water efficiency;

(V) excessive classroom noise due to activities allowable under section 70112;

(VI) the levels of maintenance work, operational spending, and capital investment needed to maintain the quality of public school facilities; and

(VII) the construction or renovation of such facilities, including applicable building codes; and

(vii) creating a plan to reduce or eliminate exposure to toxic substances, including mercury, radon, PCBs, lead, vapor intrusions, and asbestos; and

(B) may include the development of a plan to increase the number of zero energy schools in the State.

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State shall submit to the Secretary a plan that—

(A) describes how the State will use the allocation to make long-term improvements to public school facilities;

(B) explains how the State will carry out each of its responsibilities under subsection (a)(2);

(C) explains how the State will make the determinations under subsections (b) and (c) of section 70111;

(D) identifies how long, and at what levels, the State will maintain fiscal effort for the activities supported by the allocation after the State no longer receives the allocation; and

(E) includes such other information as the Secretary may require.

(2) APPROVAL AND DISAPPROVAL.—The Secretary shall have the authority to approve or disapprove a State plan submitted under paragraph (1).

(c) CONDITIONS.—As a condition of receiving an allocation under this section, a State shall agree to the following:

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—The State shall contribute, from non-Federal sources, an amount equal to 10 percent of the amount of the allocation received under this section to carry out the activities supported by the allocation.

(B) DEADLINE.—The State shall provide any contribution required under subparagraph (A) not later than September 30, 2029.

(C) CERTAIN FISCAL YEARS.—With respect to a fiscal year for which more than $7,000,000,000 are appropriated to carry out this title, subparagraph (A) shall be applied as if '', from non-Federal sources,'' were struck.

(2) MAINTENANCE OF EFFORT.—The State shall provide an assurance to the Secretary that the combined fiscal effort or the aggregate expenditures of the State with respect to the activities supported by the allocation under this section for fiscal years beginning with the fiscal year for which the allocation is received will be not less than 90 percent of the 5 year average for total capital outlay of the combined fiscal effort or aggregate expenditures by the State for the purposes for which the allocation is received.

(3) SUPPLEMENT NOT SUPPLANT.—The State shall use an allocation under this section only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

Subtitle B—Grants to Local Educational Agencies

SEC. 70111. NEED-BASED GRANTS TO QUALIFIED LOCAL EDUCATIONAL AGENCIES.

(a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), from the amounts allocated to a State under section 70102(a) and contributed by the State under section 70102(c)(1), the State shall award grants to qualified local educational agencies, on a competitive basis, to carry out the activities described in section 70112(a).

(2) ALLOWANCE FOR DIGITAL LEARNING.—A State may use up to 10 percent of the amount described in paragraph (1) to make grants to qualified local educational agencies carry out activities to improve digital learning in accordance with section 70112(b).

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section a qualified local educational agency—

(A) shall be among the local educational agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c));

(B) shall agree to prioritize the improvement of the facilities of public schools that serve the highest percentages of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) (which, in the case of a high school, may be calculated using comparable data from the schools that feed into the high school), as compared to other public schools in the jurisdiction of the agency; and

(C) may be among the local educational agencies in the State—

(i) with the greatest need to improve public school facilities, as determined by the State, which may include consideration of threats posed by the proximity of the facilities to toxic sites or brownfield sites or the vulnerability of the facilities to natural disasters; and

(ii) with the most limited capacity to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(I) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(II) whether the agency has been able to issue bonds or receive other funds to support school construction projects; and

(III) the bond rating of the agency.

(2) GEOGRAPHIC DISTRIBUTION.—The State shall ensure that grants under this section are awarded to qualified local educational agencies that represent the geographic diversity of the State.

(3) STATEWIDE THRESHOLDS.—The State shall establish reasonable thresholds for determining whether a local educational agency is among agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)) as required under paragraph (1)(A).

(c) PRIORITY OF GRANTS.—In awarding grants under this section, the State—

(1) subject to paragraph (2), shall give priority to qualified local educational agencies that—

(A) demonstrate the greatest need for such a grant, as determined by a comparison of the factors described in subsection (b)(1) and other indicators of need in the public school facilities of such local educational agencies, including—

(i) the median age of facilities;

(ii) the extent to which student enrollment exceeds physical and instructional capacity;

(iii) the condition of major building systems such as heating, ventilation, air conditioning, electrical, water, and sewer systems;

(iv) the condition of roofs, windows, and doors; and

(v) other critical health and safety conditions; and

(B) will use the grant to improve the facilities of—

(i) elementary schools or middle schools that have an enrollment of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) that constitutes not less than 40 percent of the total student enrollment at such schools; or

(ii) high schools that have an enrollment of students who are eligible for a free or reduced price lunch under such Act that constitutes not less than 30 percent of the total student enrollment at such schools (which may be calculated using comparable data from the schools that feed into the high school); and

(C) operate public school facilities that pose a severe health and safety threat to students and staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;

(2) with respect to grants awarded for fiscal year 2020, shall give priority to local educational agencies described in paragraph (1) that will use the grant to improve the facilities of schools described in paragraph (1)(B) to support indoor and outdoor social distancing, personal hygiene, and building hygiene (including with respect to HVAC usage and ventilation) in schools, consistent with guidance issued by the Centers for Disease Control and Prevention; and

(3) may give priority to qualified local educational agencies that—

(A) will use the grant to improve access to high-speed broadband sufficient to support digital learning accordance with section 70112(b);

(B) serve elementary schools or secondary schools, including rural schools, that lack such access; and

(C) meet one or more of the requirements set forth in subparagraphs (A) through (C) of paragraph (1).

(d) APPLICATION.—To be considered for a grant under this section, a qualified local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may require. Such application shall include, at minimum—

(1) the information necessary for the State to make the determinations under subsections (b) and (c);

(2) a description of the projects that the agency plans to carry out with the grant;

(3) an explanation of how such projects will reduce risks to the health and safety of staff and students at schools served by the agency; and

(4) in the case of a local educational agency that proposes to fund a repair, renovation, or construction project for a public charter school, the extent to which—

(A) the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools or local educational agencies in the State; and

(B) the charter school operator owns or has care and control of the facility that is to be repaired, renovated, or constructed.

(e) FACILITIES MASTER PLAN.—

(1) PLAN REQUIRED.—Not later than 180 days after receiving a grant under this section, a qualified local educational agency shall submit to the State a comprehensive 10-year facilities master plan.

(2) ELEMENTS.—The facilities master plan required under paragraph (1) shall include, with respect to all public school facilities of the qualified local educational agency, a description of—

(A) the extent to which public school facilities meet students' educational needs and support the agency's educational mission and vision;

(B) the physical condition of the public school facilities;

(C) the current health, safety, and environmental conditions of the public school facilities, including—

(i) indoor air quality;

(ii) the presence of toxic substances;

(iii) the safety of drinking water at the tap and water used for meal preparation, including the level of lead and other contaminants in such water;

(iv) energy and water efficiency;

(v) excessive classroom noise; and

(vi) other health, safety, and environmental conditions that would impact the health, safety, and learning ability of students;

(D) how the local educational agency will address any conditions identified under subparagraph (C);

(E) the impact of current and future student enrollment levels (as of the date of application) on the design of current and future public school facilities, as well as the financial implications of such enrollment levels;

(F) the dollar amount and percentage of funds the local educational agency will dedicate to capital construction projects for public school facilities, including—

(i) any funds in the budget of the agency that will be dedicated to such projects; and

(ii) any funds not in the budget of the agency that will be dedicated to such projects, including any funds available to the agency as the result of a bond issue; and

(G) the dollar amount and percentage of funds the local educational agency will dedicate to the maintenance and operation of public school facilities, including—

(i) any funds in the budget of the agency that will be dedicated to the maintenance and operation of such facilities; and

(ii) any funds not in the budget of the agency that will be dedicated to the maintenance and operation of such facilities.

(3) CONSULTATION.—In developing the facilities master plan required under paragraph (1)—

(A) a qualified local educational agency shall consult with teachers, principals and other school leaders, custodial and maintenance staff, emergency first responders, school facilities directors, students and families, community residents, and Indian Tribes; and

(B) in addition to the consultation required under subparagraph (A), a Bureau-funded school shall consult with the Bureau of Indian Education.

(f) SUPPLEMENT NOT SUPPLANT.—A qualified local educational agency shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

SEC. 70112. ALLOWABLE USES OF FUNDS.

(a) IN GENERAL.—Except as provided in section 70113, a local educational agency that receives covered funds may use such funds to—

(1) develop the facilities master plan required under section 70111(e);

(2) construct, modernize, renovate, or retrofit public school facilities, which may include seismic retrofitting for schools vulnerable to seismic natural disasters;

(3) carry out major repairs of public school facilities;

(4) install furniture or fixtures with at least a 10-year life in public school facilities;

(5) construct new public school facilities;

(6) acquire and prepare sites on which new public school facilities will be constructed;

(7) extend the life of basic systems and components of public school facilities;

(8) ensure current or anticipated enrollment does not exceed the physical and instructional capacity of public school facilities;

(9) ensure the building envelopes and interiors of public school facilities protect occupants from natural elements and human threats, and are structurally sound and secure;

(10) compose building design plans that strengthen the safety and security on school premises by utilizing design elements, principles, and technology that—

(A) guarantee layers of security throughout the school premises; and

(B) uphold the aesthetics of the school premises as a learning and teaching environment;

(11) improve energy and water efficiency to lower the costs of energy and water consumption in public school facilities;

(12) improve indoor air quality in public school facilities;

(13) reduce or eliminate the presence of—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos;

(B) mold and mildew; or

(C) rodents and pests;

(14) ensure the safety of drinking water at the tap and water used for meal preparation in public school facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants;

(15) bring public school facilities into compliance with applicable fire, health, and safety codes;

(16) make public school facilities accessible to people with disabilities through compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

(17) provide instructional program space improvements (including through the construction of outdoor instructional space) for programs relating to early learning (including early learning programs operated by partners of the agency), special education, science, technology, career and technical education, physical education, music, the arts, and literacy (including library programs);

(18) increase the use of public school facilities for the purpose of community-based partnerships that provide students with academic, health, and social services;

(19) ensure the health of students and staff during the construction or modernization of public school facilities; or

(20) reduce or eliminate excessive classroom noise due to activities allowable under this section.

(b) ALLOWANCE FOR DIGITAL LEARNING.—A local educational agency may use funds received under section 70111(a)(2) to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

SEC. 70113. PROHIBITED USES.

A local educational agency that receives covered funds may not use such funds for—

(1) payment of routine and predictable maintenance costs and minor repairs;

(2) any facility that is primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) vehicles; or

(4) central offices, operation centers, or other facilities that are not primarily used to educate students.

SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, ENERGY AND WATER CONSERVATION, AND AIR QUALITY.

(a) REQUIREMENTS.—A local educational agency that receives covered funds shall ensure that any new construction, modernization, or renovation project carried out with such funds meets or exceeds the requirements of the following:

(1) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based model building code.

(2) Requirements for such projects set forth in the most recent published edition of a nationally recognized, consensus-based energy conservation standard or model code.

(3) Performance criteria under the WaterSense program, established under section 324B of the Energy Policy and Conservation Act (42 U.S.C. 6294b), applicable to such projects within a nationally recognized, consensus-based model code.

(4) Indoor environmental air quality requirements applicable to such projects as set forth in the most recent published edition of a nationally-recognized, consensus-based standard.

(b) ADDITIONAL USE OF FUNDS.—A local educational agency that uses covered funds for a new construction project or renovation project may use such funds to assess vulnerabilities, risks, and hazards, to address and mitigate such vulnerabilities, risks and hazards, to enhance resilience, and to provide for passive survivability.

SEC. 70115. GREEN PRACTICES.

(a) IN GENERAL.—In a given fiscal year, a local educational agency that uses covered funds for a new construction project or renovation project shall use not less than the applicable percentage (as described in subsection (b)) of the funds used for such project for construction or renovation that is certified, verified, or consistent with the applicable provisions of—

(1) the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard (commonly known as the ''LEED Green Building Rating System'');

(2) the Living Building Challenge developed by the International Living Future Institute;

(3) a green building rating program developed by the Collaborative for High-Performance Schools (commonly known as ''CHPS'') that is CHPS-verified; or

(4) a program that—

(A) has standards that are equivalent to or more stringent than the standards of a program described in paragraphs (1) through (3);

(B) is adopted by the State or another jurisdiction with authority over the agency; and

(C) includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGE.—The applicable percentage described in this subsection is—

(1) for fiscal year 2020, 60 percent;

(2) for fiscal year 2021, 70 percent;

(3) for fiscal year 2022; 80 percent;

(4) for fiscal year 2023, 90 percent; and

(5) for fiscal year 2024, 100 percent.

SEC. 70116. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.

(a) IN GENERAL.—A local educational agency that receives covered funds shall ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive the requirement of subsection (a) if the Secretary determines that—

(A) applying subsection (a) would be inconsistent with the public interest;

(B) iron, steel, and manufactured products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent.

(2) PUBLICATION.—Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination.

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) PRODUCED IN THE UNITED STATES.—The term ''produced in the United States'' means the following:

(A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product.

(B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing processes for such iron or steel products or components, from the initial melting stage through the application of coatings, occurred in the United States, except that the term does not include—

(i) steel or iron material or products manufactured abroad from semi-finished steel or iron from the United States; and

(ii) steel or iron material or products manufactured in the United States from semi-finished steel or iron of foreign origin.

(2) MANUFACTURED PRODUCT.—The term ''manufactured product'' means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulation) that is not an iron or steel product, including—

(A) electrical components; and

(B) non-ferrous building materials, including, aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material.

SEC. 70117. PROHIBITION ON USE OF FUNDS FOR FACILITIES OF FOR-PROFIT CHARTER SCHOOLS.

No covered funds may be used for the facilities of a public charter school that is operated by a for-profit entity.

SEC. 70118. PROHIBITION ON USE OF FUNDS FOR CERTAIN CHARTER SCHOOLS.

No covered funds may be used for the facilities of a public charter school if—

(1) the school leases the facilities from an individual or private sector entity; and

(2) such individual, or an individual with a direct or indirect financial interest in such entity, has a management or governance role in such school.

Subtitle C—Annual Report and Authorization of Appropriations

SEC. 70121. ANNUAL REPORT ON GRANT PROGRAM.

(a) IN GENERAL.—Not later than September 30 of each fiscal year beginning after the date of the enactment of this division, the Secretary shall submit to the appropriate congressional committees a report on the projects carried out with funds made available under this title.

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:

(1) An identification of each local educational agency that received a grant under this title.

(2) With respect to each such agency, a description of—

(A) the demographic composition of the student population served by the agency, disaggregated by—

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(iii) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) the population density of the geographic area served by the agency;

(C) the projects for which the agency used the grant received under this title, described using measurements of school facility quality from the most recent available version of the Common Education Data Standards published by the National Center for Education Statistics;

(D) the demonstrable or expected benefits of the projects; and

(E) the estimated number of jobs created by the projects.

(3) The total dollar amount of all grants received by local educational agencies under this title.

(c) LEA INFORMATION COLLECTION.—A local educational agency that receives a grant under this title shall—

(1) annually compile the information described in subsection (b)(2);

(2) make the information available to the public, including by posting the information on a publicly accessible agency website; and

(3) submit the information to the State.

(d) STATE INFORMATION DISTRIBUTION.—A State that receives information from a local educational agency under subsection (c) shall—

(1) compile the information and report it annually to the Secretary at such time and in such manner as the Secretary may require;

(2) make the information available to the public, including by posting the information on a publicly accessible State website; and

(3) regularly distribute the information to local educational agencies and Tribal governments in the State.

SEC. 70122. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000,000 for each of fiscal years 2020 through 2024 to carry out this title. Amounts so appropriated are authorized to remain available through fiscal year 2029.

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

SEC. 70201. COMPTROLLER GENERAL REPORT.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this division, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the projects carried out with covered funds.

(b) ELEMENTS.—The report under subsection (a) shall include an assessment of—

(1) State activities, including—

(A) the types of public school facilities data collected by each State, if any;

(B) technical assistance with respect to public school facilities provided by each State, if any;

(C) future plans of each State with respect to public school facilities;

(D) criteria used by each State to determine high-need students and facilities for purposes of the projects carried out with covered funds; and

(E) whether the State issued new regulations to ensure the health and safety of students and staff during construction or renovation projects or to ensure safe, healthy, and high-performing school buildings;

(2) the types of projects carried out with covered funds, including—

(A) the square footage of the improvements made with covered funds;

(B) the total cost of each such project; and

(C) the cost described in subparagraph (B), disaggregated by, with respect to such project, the cost of planning, design, construction, site purchase, and improvements;

(3) the geographic distribution of the projects;

(4) the demographic composition of the student population served by the projects, disaggregated by—

(A) race;

(B) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(C) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(5) an assessment of the impact of the projects on the health and safety of school staff and students; and

(6) how the Secretary or States could make covered funds more accessible—

(A) to schools with the highest numbers and percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(B) to schools with fiscal challenges in raising capital for school infrastructure projects.

(c) UPDATES.—The Comptroller General shall update and resubmit the report to the appropriate congressional committees—

(1) on a date that is between 5 and 6 years after the date of the enactment of this division; and

(2) on a date that is between 10 and 11 years after such date of enactment.

SEC. 70202. STUDY AND REPORT PHYSICAL CONDITION OF PUBLIC SCHOOLS.

(a) STUDY AND REPORT.—Not less frequently than once in each 5-year period beginning after the date of the enactment of this division, the Secretary, acting through the Director of the Institute of Education Sciences, shall—

(1) carry out a comprehensive study of the physical conditions of all public schools in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(2) submit a report to the appropriate congressional committees that includes the results of the study.

(b) ELEMENTS.—Each study and report under subsection (a) shall include—

(1) an assessment of—

(A) the effect of school facility conditions on student and staff health and safety;

(B) the effect of school facility conditions on student academic outcomes;

(C) the condition of school facilities, set forth separately by geographic region;

(D) the condition of school facilities for economically disadvantaged students as well as students from major racial and ethnic subgroups;

(E) the accessibility of school facilities for students and staff with disabilities;

(F) the prevalence of school facilities at which student enrollment exceeds the physical and instructional capacity of the facility and the effect of such excess enrollment on instructional quality and delivery of school wraparound services;

(G) the condition of school facilities affected by natural disasters;

(H) the effect that projects carried out with covered funds have on the communities in which such projects are conducted, including the vitality, jobs, population, and economy of such communities; and

(I) the ability of building envelopes and interiors of public school facilities to protect occupants from natural elements and human threats;

(2) an explanation of any differences observed with respect to the factors described in subparagraphs (A) through (H) of paragraph (1); and

(3) a cost estimate for bringing school facilities to a state of good repair, as determined by the Secretary.

SEC. 70203. DEVELOPMENT OF DATA STANDARDS.

(a) DATA STANDARDS.—Not later than 120 days after the date of the enactment of this division, the Secretary, in consultation with the officials described in subsection (b), shall—

(1) identify the data that States should collect and include in the databases developed under section 70102(a)(2)(A)(ii);

(2) develop standards for the measurement of such data; and

(3) issue guidance to States concerning the collection and measurement of such data.

(b) OFFICIALS.—The officials described in this subsection are—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy;

(3) the Director of the Centers for Disease Control and Prevention; and

(4) the Director of the National Institute for Occupational Safety and Health.

SEC. 70204. INFORMATION CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this division, the Secretary shall establish a clearinghouse to disseminate information on Federal programs and financing mechanisms that may be used to assist schools in initiating, developing, and financing—

(1) energy efficiency projects;

(2) distributed generation projects; and

(3) energy retrofitting projects.

(b) ELEMENTS.—In carrying out subsection (a), the Secretary shall—

(1) consult with the officials described in section 70203(b) to develop a list of Federal programs and financing mechanisms to be included in the clearinghouse; and

(2) coordinate with such officials to develop a collaborative education and outreach effort to streamline communications and promote the Federal programs and financing mechanisms included in the clearinghouse, which may include the development and maintenance of a single online resource that includes contact information for relevant technical assistance that may be used by States, outlying areas, local educational agencies, and Bureau-funded schools effectively access and use such Federal programs and financing mechanisms.

SEC. 70205. SENSE OF CONGRESS ON OPPORTUNITY ZONES.

(a) FINDINGS.—The Congress finds as follows:

(1) Opportunity Zones were championed by prominent leaders of both parties as an innovative way to tackle longstanding challenges.

(2) As of December 2018, 8,763 low-income communities had been designated as Opportunity Zones, representing all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and American Samoa.

(3) Schools are integral parts of communities, and a key part of communities' economic and work force development efforts could be modernizing school facilities.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that opportunity zones, when combined with public infrastructure investment, can provide an innovative approach to capital financing that has the potential to unleash creativity and help local communities rebuild schools, rebuild economics, and get people back to work.

TITLE III—IMPACT AID CONSTRUCTION

SEC. 70301. TEMPORARY INCREASE IN FUNDING FOR IMPACT AID CONSTRUCTION.

Section 7014(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(d)) is amended to read as follows:

''(d) CONSTRUCTION.—For the purpose of carrying out section 7007, there are authorized to be appropriated $100,000,000 for each of fiscal years 2020 through 2024.''.

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

SEC. 70401. ALLOCATIONS TO STATES.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this division, the Secretary shall carry out a program under which the Secretary makes allocations to States to pay the Federal share of the costs of making grants to local educational agencies under section 70402.

(b) WEBSITE.—Not later than 180 days after the date of enactment of this division, the Secretary shall publish, on a publicly accessible website of the Department of Education, instructions describing how a State may receive an allocation under this section.

SEC. 70402. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—From the amounts allocated to a State under section 70401(a) and contributed by the State under subsection (e)(2), the State shall award grants to local educational agencies—

(1) to pay the future costs of repairing concrete school foundations damaged by the presence of pyrrhotite; or

(2) to reimburse such agencies for costs incurred by the agencies in making such repairs in the five-year period preceding the date of enactment of this division.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

(1) ELIGIBILITY FOR GRANTS FOR FUTURE REPAIRS.—To be eligible to receive a grant under subsection (a)(1), a local educational agency shall—

(A) with respect to each school for which the agency seeks to use grant funds, demonstrate to the State that—

(i) the school is a pyrrhotite-affected school; and

(ii) any laboratory tests, core tests, and visual inspections of the school's foundation used to determine that the school is a pyrrhotite-affected school were conducted—

(I) by a professional engineer licensed in the State in which the school is located; and

(II) in accordance with applicable State standards or standards approved by any independent, non-profit, or private entity authorized by the State to oversee construction, testing, or financial relief efforts for damaged building foundations; and

(B) provide an assurance that—

(i) the local educational agency will use the grant only for the allowable uses described in subsection (f)(1); and

(ii) all work funded with the grant will be conducted by a qualified contractor or architect licensed in the State.

(2) ELIGIBILITY FOR REIMBURSEMENT GRANTS.—To be eligible to receive a grant under subsection (a)(2), a local educational agency shall demonstrate that it met the requirements of paragraph (1) at the time it carried out the project for which the agency seeks reimbursement.

(c) APPLICATION.—

(1) IN GENERAL.—A local educational agency that seeks a grant under this section shall submit to the State an application at such time, in such manner, and containing such information as the State may require, which upon approval by the State under subsection (d)(1)(A), the State shall submit to the Secretary for approval under subsection (d)(1)(B).

(2) CONTENTS.—At minimum, each application shall include—

(A) information and documentation sufficient to enable the State to determine if the local educational agency meets the eligibility criteria under subsection (b);

(B) in the case of an agency seeking a grant under subsection (a)(1), an estimate of the costs of carrying out the activities described in subsection (f);

(C) in the case of an agency seeking a grant under subsection (a)(2)—

(i) an itemized explanation of—

(I) the costs incurred by the agency in carrying out any activities described subsection (f);

(II) any amounts contributed from other Federal, State, local, or private sources for such activities; and

(ii) the amount for which the local educational agency seeks reimbursement; and

(D) the percentage of any costs described in subparagraph (B) or (C) that are covered by an insurance policy.

(d) APPROVAL AND DISBURSEMENT.—

(1) APPROVAL.—

(A) STATE.—The State shall approve the application of each local educational agency for submission to the Secretary that—

(i) submits a complete and correct application under subsection (c); and

(ii) meets the criteria for eligibility under subsection (b).

(B) SECRETARY.—Not later than 60 days after receiving an application of a local educational agency submitted by a State under subsection (c)(1), the Secretary shall—

(i) approve such application, in a case in which the Secretary determines that such application meets the requirements of subparagraph (A); or

(ii) deny such application, in the case of an application that does not meet such requirements.

(2) DISBURSEMENT.—

(A) ALLOCATION.—The Secretary shall disburse an allocation to a State not later than 60 days after the date on which the Secretary approves an application under paragraph (1)(B).

(B) GRANT.—The State shall disburse grant funds to a local educational agency not later than 60 days after the date on which the State receives an allocation under subparagraph (A).

(e) FEDERAL AND STATE SHARE.—

(1) FEDERAL SHARE.—The Federal share of each grant under this section shall be an amount that is not more than 50 percent of the total cost of the project for which the grant is awarded.

(2) STATE SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the State share of each grant under this section shall be an amount that is not less than 40 percent of the total cost of the project for which the grant is awarded, which the State shall contribute from non-Federal sources.

(B) SPECIAL RULE FOR REIMBURSEMENT GRANTS.—In the case of a reimbursement grant made to a local educational agency under subsection (a)(2) a State shall be treated as meeting the requirement of subparagraph (A) if the State demonstrates that it contributed, from non-Federal sources, not less than 40 percent of the total cost of the project for which the reimbursement grant is awarded.

(f) USES OF FUNDS.—

(1) ALLOWABLE USES OF FUNDS.—A local educational agency that receives a grant under this section shall use such grant only for costs associated with—

(A) the repair or replacement of the concrete foundation or other affected areas of a pyrrhotite-affected school in the jurisdiction of such agency to the extent necessary—

(i) to restore the structural integrity of the school to the safety and health standards established by the professional licensed engineer or architect associated with the project; and

(ii) to restore the school to the condition it was in before the school's foundation was damaged due to the presence of pyrrhotite; and

(B) engineering reports, architectural design, core tests, and other activities directly related to the repair or replacement project.

(2) PROHIBITED USES OF FUNDS.—A local educational agency that receives a grant under this section may not use the grant for any costs associated with—

(A) work done to outbuildings, sheds, or barns, swimming pools (whether in-ground or

above-ground), playgrounds or ballfields, or any ponds or water features;

(B) the purchase of items not directly associated with the repair or replacement of the school building or its systems, including items such as desks, chairs, electronics, sports equipment, or other school supplies; or

(C) any other activities not described in paragraph (1).

(g) LIMITATION.—A local educational agency may not, for the same project, receive a grant under both—

(1) this section; and

(2) title I.

SEC. 70403. DEFINITIONS.

In this title:

(1) PYRRHOTITE-AFFECTED SCHOOL.—The term ''pyrrhotite-affected school'' means an elementary school or a secondary school that meets the following criteria:

(A) The school has a concrete foundation.

(B) Pyrrhotite is present in the school's concrete foundation, as demonstrated by a petrographic or other type of laboratory core analysis or core inspection.

(C) A visual inspection of the school's concrete foundation indicates that the presence of pyrrhotite is causing the foundation to deteriorate at an unsafe rate.

(D) A qualified engineer determined that the deterioration of the school's foundation, due to the presence of pyrrhotite—

(i) caused the school to become structurally unsound; or

(ii) will result in the school becoming structurally unsound within the next five years.

(2) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a contractor who is qualified under State law, or approved by any State agency or other State-sanctioned independent or nonprofit entity, to repair or replace residential or commercial building foundations that are deteriorating due to the presence of pyrrhotite.

SEC. 70404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2020 and each fiscal year thereafter.

DIVISION IV—PUBLIC LANDS, TRIBAL COMMUNITIES, AND RESILIENT NATURAL INFRASTRUCTURE

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(3) the additional water made available for conveyance through the project would be used primarily for groundwater recharge to assist in meeting groundwater sustainability goals defined under State law.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in this section shall not be more than 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in the section—

(A) shall be not less than 50 percent; and

(B) may be provided in cash or in-kind.

(d) RESTRICTIONS.—Funds authorized to be appropriated under this section may not be used to build new surface storage, raise existing reservoirs, or enlarge the carrying capacity of a canal beyond the project's capacity as previously constructed by the Bureau of Reclamation.

(e) ENVIRONMENTAL COMPLIANCE.—In carrying out projects under this section, the Secretary of the Interior shall comply with all applicable environmental laws, including—

(1) the National Environmental Policy Act of 1969;

(2) the Endangered Species Act of 1973; and

(3) other applicable State law.

(f) SAVINGS.—Federal funds provided under this section shall be in addition to any and all Federal funding authorized in statute for such purposes and shall be non-reimbursable.

SEC. 81103. FUNDING PARITY FOR WATER MANAGEMENT GOALS AND RESTORATION GOALS.

In addition to the funding authorized in section 10009 of Public Law 111–11, there are authorized to be appropriated an additional $200,000,000 (at October 2019 price levels) to implement the Restoration Goal of the Settlement described in section 10004 of Public Law 111–11.

Subtitle B—FUTURE Western Water Infrastructure and Drought Resiliency

SEC. 81202. DEFINITIONS.

In this subtitle:

(1) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) RECLAMATION STATE.—The term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, unless otherwise defined in a particular provision.

(4) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

CHAPTER 1—INFRASTRUCTURE DEVELOPMENT

SEC. 81211. COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.

(a) COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATER RECYCLING AND REUSE PROJECTS.—Section 1602(f) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) PRIORITY.—When funding projects under paragraph (1), the Secretary shall give funding priority to projects that meet one or more of the following criteria:

''(A) Projects that are likely to provide a more reliable water supply for States and local governments.

''(B) Projects that are likely to increase the water management flexibility and reduce impacts on environmental resources from projects operated by Federal and State agencies.

''(C) Projects that are regional in nature.

''(D) Projects with multiple stakeholders.

''(E) Projects that provide multiple benefits, including water supply reliability, eco-system benefits, groundwater management and enhancements, and water quality improvements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1602(g) of the Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) is amended—

(1) by striking ''$50,000,000'' and inserting ''$500,000,000 through fiscal year 2025''; and

(2) by striking ''if enacted appropriations legislation designates funding to them by name,''.

(c) DURATION.—Section 4013 of the WIIN Act (43 U.S.C. 390b(2)) is amended—

(1) in paragraph (1), by striking ''and'';

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) section 4009(c).''.

(d) LIMITATION ON FUNDING.—Section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended by striking ''$20,000,000 (October 1996 prices)'' and inserting ''$30,000,000 (January 2019 prices)''.

SEC. 81212. STORAGE PROJECT DEVELOPMENT REPORTS TO CONGRESS.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL INTEREST.—The term ''Non-Federal interest'' means an eligible entity or a qualified partner (as defined in section 81213(a)).

(2) PROJECT REPORT.—The term ''project report'' means the following documents prepared for a Federal storage project or major federally assisted storage project (as defined in section 81213(a)):

(A) A feasibility study carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) including any feasibility or equivalent studies prepared for a project pursuant to section 81213(c)(7)(B) or section 81213(d)(7)(B)(i) of this subtitle.

(B) The Fish and Wildlife Coordination Act report described in section 81213(g) of this subtitle prepared for a project.

(C) Any final document prepared for a project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(D) A brief description of any completed environmental permits, approvals, reviews, or studies required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(E) A description of any determinations made by the Secretary under section 81213(d)(7)(A)(ii) for each project and the basis for such determinations.

(3) PROJECT STUDY.—

(A) FEDERAL STORAGE PROJECT.—With respect to a Federal storage project (as defined in section 81213(a)), the term ''project study'' means a feasibility study carried out pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) including a feasibility study prepared pursuant to section 81213(c)(7)(B) of this subtitle.

(B) MAJOR FEDERALLY ASSISTED STORAGE PROJECT.—With respect to a major federally assisted storage project (as defined in section 81213(a)), the term ''project study'' means the feasibility or equivalent studies prepared pursuant to section 81213(d)(7)(B)(i) of this subtitle.

(b) ANNUAL REPORTS.—Not later than February 1 of each year, the Secretary shall develop and submit to the relevant committees of Congress an annual report, to be entitled ''Report to Congress on Future Storage Project Development'', that identifies the following:

(1) PROJECT REPORTS.—Each project report that meets the criteria established in subsection (d)(1)(A).

(2) PROPOSED PROJECT STUDIES.—Any proposed project study submitted to the Secretary

by a non-Federal interest pursuant to subsection (c) that meets the criteria established in subsection (d)(1)(A).

(3) PROPOSED MODIFICATIONS.—Any proposed modification to an authorized project or project study that meets the criteria established in subsection (d)(1)(A) that—

(A) is submitted to the Secretary by a non-Federal interest pursuant to subsection (c); or

(B) is identified by the Secretary for authorization.

(c) REQUESTS FOR PROPOSALS.—

(1) PUBLICATION.—Not later than May 1 of each year, the Secretary shall publish in the Federal Register a notice requesting proposals from non-Federal interests for project reports, proposed project studies, and proposed modifications to authorized projects and project studies to be included in the annual report.

(2) DEADLINE FOR REQUESTS.—The Secretary shall include in each notice required by this subsection a requirement that non-Federal interests submit to the Secretary any proposals described in paragraph (1) by not later than 120 days after the date of publication of the notice in the Federal Register in order for the proposals to be considered for inclusion in the annual report.

(3) NOTIFICATION.—On the date of publication of each notice required by this subsection, the Secretary shall—

(A) make the notice publicly available, including on the internet; and

(B) provide written notification of the publication to the relevant committees of Congress.

(d) CONTENTS.—

(1) PROJECT REPORTS, PROPOSED PROJECT STUDIES, AND PROPOSED MODIFICATIONS.—

(A) CRITERIA FOR INCLUSION IN REPORT.—The Secretary shall include in the annual report only those project reports, proposed project studies, and proposed modifications to authorized projects and project studies that—

(i) are related to the missions and authorities of the Department of the Interior;

(ii) require specific congressional authorization, including by an Act of Congress;

(iii) have not been congressionally authorized;

(iv) have not been included in any previous annual report; and

(v) if authorized, could be carried out by the Department of the Interior or a non-Federal entity eligible to carry out a major federally assisted storage project under section 81213.

(B) DESCRIPTION OF BENEFITS.—

(i) DESCRIPTION.—The Secretary shall describe in the annual report, to the extent applicable and practicable, for each proposed project study and proposed modification to an authorized project or project study included in the annual report, the benefits, as described in clause (ii), of each such study or proposed modification.

(ii) BENEFITS.—The benefits (or expected benefits, in the case of a proposed project study) described in this clause are benefits to—

(I) water supply and water management;

(II) the environment, including fish and wildlife benefits estimated under section 81213(g) for a project report or proposed modification to an authorized project;

(III) the protection of human life and property;

(IV) the national economy; or

(V) the national security interests of the United States.

(C) IDENTIFICATION OF OTHER FACTORS.—The Secretary shall identify in the annual report, to the extent practicable—

(i) for each proposed project study included in the annual report, the non-Federal interest that submitted the proposed project study pursuant to subsection (c); and

(ii) for each proposed project study and proposed modification to a project or project study included in the annual report, whether the non-Federal interest has demonstrated—

(I) that local support exists for the proposed project study or proposed modification to an authorized project or project study (including the project that is the subject of the proposed project study or the proposed modification to an authorized project study); and

(II) the financial ability to provide the required non-Federal cost share.

(2) TRANSPARENCY.—The Secretary shall include in the annual report, for each project report, proposed project study, and proposed modification to a project or project study included under paragraph (1)(A)—

(A) the name of the associated non-Federal interest, including the name of any non-Federal interest that has contributed, or is expected to contribute, a non-Federal share of the cost of—

(i) the project report;

(ii) the proposed project study;

(iii) the authorized project study for which the modification is proposed; or

(iv) construction of—

(I) the project that is the subject of—

(aa) the project report;

(bb) the proposed project study; or

(cc) the authorized project study for which a modification is proposed; or

(II) the proposed modification to a project;

(B) a letter or statement of support for the project report, proposed project study, or proposed modification to a project or project study from each associated non-Federal interest;

(C) the purpose of the project report, proposed project study, or proposed modification to a project or project study;

(D) an estimate, to the extent practicable, of the Federal, non-Federal, and total costs of—

(i) the proposed modification to an authorized project study; and

(ii) construction of—

(I) the project that is the subject of—

(aa) the project report; or

(bb) the authorized project study for which a modification is proposed, with respect to the change in costs resulting from such modification; or

(II) the proposed modification to an authorized project; and

(E) an estimate, to the extent practicable, of the monetary and nonmonetary benefits of—

(i) the project that is the subject of—

(I) the project report; or

(II) the authorized project study for which a modification is proposed, with respect to the benefits of such modification; or

(ii) the proposed modification to an authorized project.

(3) CERTIFICATION.—The Secretary shall include in the annual report a certification stating that each project report, proposed project study, and proposed modification to a project or project study included in the annual report meets the criteria established in paragraph (1)(A).

(4) APPENDIX.—The Secretary shall include in the annual report an appendix listing the proposals submitted under subsection (c) that were not included in the annual report under paragraph (1)(A) and a description of why the Secretary determined that those proposals did not meet the criteria for inclusion under such paragraph.

(e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—Notwithstanding any other deadlines required by this section, the Secretary shall—

(1) not later than 60 days after the date of the enactment of this Act, publish in the Federal Register a notice required by subsection (c)(1); and

(2) include in such notice a requirement that non-Federal interests submit to the Secretary any proposals described in subsection (c)(1) by not later than 120 days after the date of publication of such notice in the Federal Register in order for such proposals to be considered for inclusion in the first annual report developed by the Secretary under this section.

(f) PUBLICATION.—Upon submission of an annual report to Congress, the Secretary shall make the annual report publicly available, including through publication on the Internet.

(g) CONSULTATION.—The Secretary, acting through the Commissioner of Reclamation, shall confer with the relevant committees of Congress before submitting each annual report prepared under subsection (b).

(h) SUBMISSION OF INDIVIDUAL PROJECT REPORTS.—Upon completion, project reports, including all required documents and reports under subsection (b), shall—

(1) be submitted to the relevant committees of Congress; and

(2) include discussion of the following findings by the Secretary—

(A) whether the project is deemed to be feasible in accordance with the applicable feasibility standards under section 81213 and the reclamation laws;

(B) The degree to which the project will provide benefits (or expected benefits, in the case of a proposed project study) as described in subsection (d)(1)(B)(ii) and other benefits under the reclamation laws; and

(C) whether the project complies with Federal, State, and local laws.

SEC. 81213. FUNDING FOR STORAGE AND SUPPORTING PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DESIGN; STUDY.—

(A) IN GENERAL.—The terms ''design'' and ''study'' include any design, permitting, study (including a feasibility study), materials engineering or testing, surveying, or preconstruction activity relating to a Federal storage project, a major federally assisted storage project, a natural water storage project, or a standard federally assisted storage project as defined in this subsection.

(B) EXCLUSIONS.—The terms ''design'' and ''study'' do not include an appraisal study or other preliminary review intended to determine whether further study is appropriate for a Federal storage project, a major federally assisted storage project, a natural water storage project, or a standard federally assisted storage project as defined in this subsection.

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

(A) any State, political subdivision of a State, department of a State, or public agency organized pursuant to State law;

(B) an Indian Tribe or an entity controlled by an Indian Tribe;

(C) a water users' association;

(D) an agency established by an interstate compact; and

(E) an agency established under State law for the joint exercise of powers.

(3) FEDERAL STORAGE PROJECT.—The term ''Federal storage project'' means—

(A) any project in a Reclamation State that involves the construction, expansion, upgrade, or capital repair of a water storage facility or a facility conveying water to or from a surface or groundwater storage facility—

(i) to which the United States holds title; and

(ii) that was authorized to be constructed, operated, and maintained pursuant to—

(I) the reclamation laws; or

(II) the Act of August 11, 1939 (commonly known as the Water Conservation and Utilization Act (16 U.S.C. 590y et seq.)); or

(B) an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that reduces the risk of water storage loss by reducing the risk of erosion or sediment loading into a water storage facility in a Reclamation State—

(i) to which the United States holds title; and

(ii) that was authorized to be constructed, operated, and maintained pursuant to—

(I) the reclamation laws; or

(II) the Act of August 11, 1939 (commonly known as the Water Conservation and Utilization Act (16 U.S.C. 590y et seq.)).

(4) FISH AND WILDLIFE BENEFITS.—The term ''fish and wildlife benefits'' means overall benefits or improvements to aquatic ecosystems and native fish and wildlife within a Reclamation

State, including benefits for a wildlife refuge, that are in excess of—

(A) existing fish and wildlife mitigation or compliance obligations under—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(iii) the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4082);

(iv) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(vi) any other Federal law, State law or other existing requirement in regulations, permits, contracts, licenses, grants, or orders and decisions from courts or State or Federal agencies; or

(B) existing environmental mitigation or compliance obligations as defined in section 6001(a)(32) of title 23 of the California Code of Regulations, with respect to benefits and improvements to aquatic ecosystems and native fish and wildlife within the State of California, in recognition of the State of California's existing prohibitions against the use of public funds for environmental mitigation required under Federal and State law.

(5) MAJOR FEDERALLY ASSISTED STORAGE PROJECT.—The term ''major federally assisted storage project'' means any project in a Reclamation State that—

(A) involves the construction, expansion, upgrade, or capital repair by an eligible entity or qualified partner of—

(i) a surface or groundwater storage facility that is not federally owned; or

(ii) a facility that is not federally owned conveying water to or from a surface or groundwater storage facility; or

(B) is an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that reduces the risk of water storage loss by reducing the risk of erosion or sediment loading for a project described in subparagraph (A); and

(C) provides benefits described in section 81212(d)(1)(B)(ii); and

(D) has a total estimated cost of more than $250,000,000.

(6) NATURAL WATER STORAGE PROJECT.—The term ''natural water storage project'' means a single project, a number of distributed projects across a watershed, or the redesign and replacement, or removal, of built infrastructure to incorporate elements, where the project or elements have the following characteristics:

(A) Uses primarily natural materials appropriate to the specific site and landscape setting.

(B) Largely relies on natural riverine, wetland, hydrologic, or ecological processes.

(C) Results in aquifer recharge, transient floodplain water retention, or reconnection of historic floodplains to their stream channels with water retention benefits within a Reclamation State.

(D) Is designed to produce two or more of the following environmental benefits—

(i) stream flow changes beneficial to watershed health.

(ii) fish and wildlife habitat or migration corridor restoration.

(iii) floodplain reconnection and inundation.

(iv) riparian or wetland restoration and improvement.

(7) STANDARD FEDERALLY ASSISTED STORAGE PROJECT.—The term ''standard federally assisted storage project'' means any project in a Reclamation State that—

(A) involves the construction, expansion, upgrade, or capital repair by an eligible entity or qualified partner of—

(i) a surface or groundwater storage facility that is not federally owned; or

(ii) a facility that is not federally owned conveying water to or from a surface or groundwater storage facility; or

(B) is an ecosystem restoration project for watershed function, including a forest or watershed restoration project, that reduces the risk of water storage loss by reducing the risk of erosion or sediment loading for a project described in subparagraph (A); and

(C) provides benefits described in section 81212(d)(1)(B)(ii); and

(D) has a total estimated cost of $250,000,000 or less.

(8) QUALIFIED PARTNER.—The term ''qualified partner'' means a non-profit organization operating in a Reclamation State.

(9) RECLAMATION LAWS.—The term ''reclamation laws'' means Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388; chapter 1093)), and Acts supplemental to and amendatory of that Act.

(b) STORAGE PROJECT FUNDING.—There is authorized to be appropriated a total of $750 million for use by the Secretary through fiscal year 2026 to advance—

(1) Federal storage projects within a Reclamation State in accordance with subsection (c);

(2) major federally assisted storage projects within a Reclamation State in accordance with subsection (d);

(3) natural water storage projects within a Reclamation State in accordance with subsection (e);

(4) standard federally assisted storage projects within a Reclamation State in accordance with subsection (f); or

(5) grandfathered storage projects in accordance with section 81214.

(c) FEDERAL STORAGE PROJECTS.—

(1) AGREEMENTS.—On request of an eligible entity or qualified partner and in accordance with this subsection, the Secretary may negotiate and enter into an agreement on behalf of the United States for the design, study, construction, expansion, upgrade, or capital repair of a Federal storage project located in a Reclamation State.

(2) FEDERAL SHARE.—Subject to the requirements of this subsection, the Secretary may fund up to 50 percent of the design and study costs of a Federal storage project and up to 50 percent of the construction costs of a Federal storage project.

(3) CONDITIONS FOR FEDERAL DESIGN AND STUDY FUNDING.—Funding provided under this subsection may be made available for the design and study of a Federal storage project if—

(A) the Secretary secures a cost share agreement for design and study costs providing sufficient upfront funding to pay the non-Federal share of the design and study costs of the Federal storage project; and

(B) the feasibility study for the Federal storage project is congressionally authorized by reference to the annual Report to Congress on Future Storage Project Development prepared under section 81212.

(4) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—Funding provided under this subsection for the construction of a Federal storage project may be made available to a project if—

(A) the project has been authorized by name in a Federal statute;

(B) the project is a multi-benefit project that would, at a minimum, provide water supply reliability benefits (including additional storage, conveyance, or new firm yield) and fish and wildlife benefits as determined by the final estimate prepared pursuant to subsection (g);

(C) construction funding for the project is congressionally approved by reference to the annual Report to Congress on Future Storage Project Development prepared under section 81212;

(D) the Secretary secures an agreement providing sufficient upfront funding to pay the non-Federal share of the construction costs of the Federal storage project; and

(E) The Secretary determines—

(i) the project is technically and financially feasible;

(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for—

(I) fish and wildlife benefits as determined under subsection (g); or

(II) non-reimbursable expenses authorized under the reclamation laws other than fish and wildlife expenses.

(5) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary's determinations regarding the satisfaction of the requirements under paragraphs (3) and (4) by not later than 30 days after the date of the determinations.

(6) ENVIRONMENTAL LAWS.—In participating in a Federal storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) ADDITIONAL GUIDELINES FOR RESTORATION PROJECTS THAT REDUCE THE RISK OF WATER STORAGE LOSSES.—

(A) REQUIREMENTS.—A restoration project described in section 81213(a)(3)(B) that receives funding under this subsection must—

(i) have the potential to reduce the risk of water storage losses for a Federal storage project described in subsection (a)(3)(A) by reducing the risk of erosion or sediment loading; and

(ii) be designed to result in fish and wildlife benefits.

(B) DRAFT FEASIBILITY STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft requirements for feasibility studies for Federal storage projects described in section 81213(a)(3)(B).

(C) FEASIBILITY STUDY REQUIREMENTS.—The draft feasibility study requirements issued under subparagraph (B) shall be consistent with requirements for a title XVI Feasibility Study Report, including the economic analysis, contained in the Reclamation Manual Directives and Standards numbered WTR 11–01, subject to any additional requirements necessary to provide sufficient information for making determinations under this section.

(D) FINAL FEASIBILITY STUDY REQUIREMENTS.—The Secretary shall finalize the feasibility study requirements under subparagraph (C) by not later than 1 year after the date of the enactment of this Act.

(E) ELIGIBLE PARTNER.—The Secretary is authorized to participate in a restoration project described in subsection (a)(3)(B) with a partner that is—

(i) an eligible entity as defined in subsection (a)(2); or

(ii) a qualified partner as defined in subsection (a)(8).

(d) MAJOR FEDERALLY ASSISTED STORAGE PROJECTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall establish a competitive grant program to participate in the design, study, construction, expansion, upgrade, or capital repair of a major federally assisted storage project on request of an eligible entity or qualified partner. The competitive grant program established under this paragraph shall—

(A) allow any project sponsor of a major federally assisted storage project to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a major federally assisted storage project;

(B) include the issuance of annual solicitations for major federally assisted storage project sponsors to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a major federally assisted storage project; and

(C) permit the Secretary to fund up to 25 percent of the design and study costs of a major federally assisted storage project and up to 25 percent of the construction costs of a major federally assisted storage project.

(2) FUNDING PRIORITY FOR MULTI-BENEFIT PROJECTS.—In making grants under this subsection, the Secretary shall give funding priority to multi-benefit projects that provide greater—

(A) water supply reliability benefits for States and local governments; and

(B) fish and wildlife benefits.

(3) CONDITIONS FOR FEDERAL DESIGN AND STUDY FUNDING.—The Secretary may fund a design or study activity for a major federally assisted storage project under this subsection if—

(A) the Governor of the State in which the major federally assisted storage project is located provides written concurrence for the design and study activities;

(B) the Secretary secures an agreement for design and study costs providing sufficient upfront funding to pay the non-Federal share of the design and study costs of the major federally assisted storage project; and

(C) the feasibility study for the major federally assisted storage project is congressionally authorized by reference to the annual Report to Congress on Future Storage Project Development prepared under section 81212.

(4) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—Funding provided under this subsection for the construction of a major federally assisted storage project may be made available to a project if—

(A) the project has been authorized by name in a Federal statute;

(B) the project is a multi-benefit project that would, at a minimum, provide water supply reliability benefits (including additional storage, conveyance, or new firm yield) and fish and wildlife benefits as determined by the estimate prepared pursuant to subsection (g);

(C) the Governor of the State in which the major federally assisted storage project is located has requested Federal participation at the time construction is initiated;

(D) the Secretary secures an agreement committing to pay the non-Federal share of the capital costs of the major federally assisted storage project; and

(E) the Secretary determines—

(i) the project is technically and financially feasible;

(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for—

(I) fish and wildlife benefits as determined under subsection (g); or

(II) other non-reimbursable expenses authorized under the reclamation laws other than fish and wildlife expenses.

(5) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary's determinations regarding the satisfaction of the requirements under paragraphs (3) and (4) by not later than 30 days after the date of the determinations.

(6) ENVIRONMENTAL LAWS.—In participating in a major federally assisted storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) INFORMATION.—

(A) IN GENERAL.—In participating in a major federally assisted storage project under this subsection, the Secretary—

(i) may consider the use of feasibility or equivalent studies prepared by the sponsor of the major federally assisted storage project; but

(ii) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of reports prepared by the Secretary.

(B) GUIDELINES.—

(i) DRAFT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft guidelines for feasibility or equivalent studies for major federally assisted storage projects prepared by a project sponsor that shall be consistent with requirements for a title XVI Feasibility Study Report, including the economic analysis, contained in the Reclamation Manual Directives and Standards numbered WTR 11–01, subject to—

(I) any additional requirements necessary to provide sufficient information for making any determinations or assessments under paragraphs (2), (3), and (4); and

(II) the condition that the Bureau of Reclamation shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a major federally assisted storage project.

(ii) FINAL.—The Secretary shall finalize the guidelines under clause (i) by not later than 1 year after the date of the enactment of this Act.

(C) TECHNICAL ASSISTANCE FOR FEASIBILITY STUDIES.—

(i) TECHNICAL ASSISTANCE.—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by the eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) IMPARTIAL DECISIONMAKING.—In providing technical assistance under clause (i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

(iii) EFFECT OF TECHNICAL ASSISTANCE.—The provision of technical assistance by the Secretary under clause (i) shall not be considered to be an approval or endorsement of a feasibility study.

(8) ELIGIBLE PARTNER.—The Secretary is authorized to participate in a restoration project described in subsection (a)(4)(B) with a partner that is—

(A) an eligible entity as defined in subsection (a)(2); or

(B) a qualified partner as defined in subsection (a)(8).

(e) NATURAL WATER STORAGE PROJECTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall establish a competitive grant program to participate in the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project in a Reclamation State on request of an eligible entity or qualified partner. The competitive grant program established under this paragraph shall—

(A) allow any project sponsor of a natural water storage project to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project; and

(B) include the issuance of annual solicitations for natural water storage project sponsors to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project.

(2) FUNDING PRIORITY FOR MULTI-BENEFIT PROJECTS.—In making grants under this subsection, the Secretary shall give funding priority to multi-benefit projects that provide greater—

(A) water supply reliability benefits for States and local governments; and

(B) fish and wildlife benefits.

(3) FEDERAL SHARE.—Subject to the requirements of this subsection, the Secretary may provide funding to an eligible entity or qualified partner for the design, study, construction, expansion, upgrade, or capital repair of a natural water storage project in an amount equal to not more than 80 percent of the total cost of the natural water storage project.

(4) CONDITIONS FOR FEDERAL DESIGN AND STUDY FUNDING.—The Secretary may fund a design or study activity for a natural water storage project under this subsection if the Governor of the State in which the natural water storage project is located provides written concurrence for design and study activities.

(5) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—Funding provided under this subsection for the construction of a natural water storage project may be made available to a project if—

(A) the Governor of the State in which the natural water storage project is located has requested Federal participation at the time construction was initiated;

(B) the Secretary determines or the applicable non-Federal sponsor determines through the preparation of a feasibility or equivalent study prepared in accordance to paragraph (9), and the Secretary concurs, that—

(i) the project is technically and financially feasible;

(ii) the project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for non-reimbursable expenses authorized under the reclamation laws or for fish and wildlife benefits as defined in this section, which shall be considered a fully non-reimbursable Federal expenditure; and

(C) the Secretary secures an agreement committing to pay the non-Federal share of the construction costs of the project.

(6) ENVIRONMENTAL LAWS.—In participating in a natural water storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) INFORMATION.—In participating in a natural water storage project under this subsection, the Secretary—

(A) may consider the use of feasibility or equivalent studies prepared by the sponsor of the natural water storage project if the sponsor elects to prepare such reports; but

(B) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of studies prepared by the Secretary.

(8) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary's determinations regarding the satisfaction of the requirements under paragraphs (4) and (5) by not later than 30 days after the date of the determinations.

(9) GUIDELINES.—

(A) DRAFT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft guidelines for feasibility or

equivalent studies for natural water storage projects prepared by a project sponsor that shall be consistent with this subsection, provided that the Department of the Interior shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a natural water storage project.

(B) FINAL.—The Secretary shall finalize the guidelines under subparagraph (A) by not later than 1 year after the date of the enactment of this Act.

(C) TECHNICAL ASSISTANCE FOR FEASIBILITY STUDIES.—

(i) TECHNICAL ASSISTANCE.—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by an eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) IMPARTIAL DECISIONMAKING.—In providing technical assistance under clause (i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

(iii) EFFECT OF TECHNICAL ASSISTANCE.—The provision of technical assistance by the Secretary under clause (i) shall not be considered to be an approval or endorsement of a feasibility study.

(f) STANDARD FEDERALLY ASSISTED STORAGE PROJECTS.—

(1) IN GENERAL.—In accordance with this subsection, the Secretary shall establish a competitive grant program to participate in the design, study, construction, expansion, upgrade, or capital repair of a standard federally assisted storage project on request of an eligible entity or qualified partner. The competitive grant program established under this paragraph shall—

(A) allow any project sponsor of a standard federally assisted storage project to apply for funding for the design, study, construction, expansion, upgrade, or capital repair of a federally assisted storage project;

(B) include the issuance of annual solicitations for standard federally assisted storage project sponsors to apply for funding for the design, study, construction, expansion, upgrade or capital repair of a standard federally assisted storage project; and

(C) permit the Secretary to fund up to 25 percent of the total cost of a federally assisted storage project.

(2) SELECTION OF PROJECTS.—In making grants under this subsection, the Secretary shall give funding priority to projects that—

(A) provide greater water supply reliability benefits for States and local governments, including through aquifer storage and recovery wells, in-lieu recharge activities that could be effectuated or expanded through additional infrastructure investments including interties, and the establishment and use of recharge ponds, including in an urban environment;

(B) provide greater fish and wildlife benefits; and

(C) cost not more than $30,000,000 to allow greater participation and wider distribution of funds and program benefits.

(3) CONDITIONS FOR FEDERAL DESIGN AND STUDY FUNDING.—The Secretary may fund a design or study activity for a standard federally assisted storage project under this subsection if the Governor of the State in which the federally assisted storage project is located provides written concurrence for design and study activities.

(4) CONDITIONS FOR FEDERAL CONSTRUCTION FUNDING.—Funding provided under this subsection for the construction of a standard federally assisted storage project may be made available to a project if—

(A) the Governor of the State in which the federally assisted storage project is located has requested Federal participation at the time construction was initiated; and

(B) the Secretary determines or the applicable non-Federal sponsor determines through the preparation of a feasibility or equivalent study prepared in accordance with paragraph (7), and the Secretary concurs, that—

(i) the standard federally assisted storage project is technically and financially feasible;

(ii) the standard federally assisted storage project provides water supply reliability benefits for a State or local government and fish and wildlife benefits; and

(iii) in return for the Federal cost-share investment in the project, at least a proportionate share of the project benefits are for non-reimbursable expenses authorized under the reclamation laws or for fish and wildlife benefits as defined in this section, which shall be considered a fully non-reimbursable Federal expenditure; and

(C) the Secretary secures an agreement committing to pay the non-Federal share of the construction costs of the project.

(5) NOTIFICATION.—The Secretary shall submit to the relevant committees of Congress and make publicly available on the internet a written notification of the Secretary's determinations regarding the satisfaction of the requirements under paragraphs (3) and (4) by not later than 30 days after the date of the determinations.

(6) ENVIRONMENTAL LAWS.—In participating in a standard federally assisted storage project under this subsection, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(7) INFORMATION.—

(A) IN GENERAL.—In participating in a standard federally assisted storage project under this subsection, the Secretary—

(i) may consider the use of feasibility or equivalent studies prepared by the sponsor of the standard federally assisted storage project; but

(ii) shall retain responsibility for determining whether the feasibility or equivalent studies satisfy the requirements of reports prepared by the Secretary.

(B) GUIDELINES.—

(i) DRAFT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue draft guidelines for feasibility or equivalent studies for standard federally assisted storage projects prepared by a project sponsor that shall be consistent with requirements for a title XVI Feasibility Study Report, including the economic analysis, contained in the Reclamation Manual Directives and Standards numbered WTR 11–01, subject to—

(I) any additional requirements necessary to provide sufficient information for making any determinations or assessments under paragraphs (2), (3) and (4); and

(II) the condition that the Department of the Interior shall not bear responsibility for the technical adequacy of any design, cost estimate, or construction relating to a standard federally assisted storage project.

(ii) FINAL.—The Secretary shall finalize the guidelines under clause (i) by not later than 1 year after the date of the enactment of this Act.

(C) TECHNICAL ASSISTANCE FOR FEASIBILITY STUDIES.—

(i) TECHNICAL ASSISTANCE.—At the request of an eligible entity or qualified partner, the Secretary shall provide to the eligible entity or qualified partner technical assistance relating to any aspect of a feasibility study carried out by an eligible entity or qualified partner under this subsection if the eligible entity or qualified partner contracts with the Secretary to pay all costs of providing the technical assistance.

(ii) IMPARTIAL DECISIONMAKING.—In providing technical assistance under clause (i), the Secretary shall ensure that the use of funds accepted from an eligible entity or qualified partner will not affect the impartial decisionmaking responsibilities of the Secretary, either substantively or procedurally.

(iii) EFFECT OF TECHNICAL ASSISTANCE.—The provision of technical assistance by the Secretary under clause (i) shall not be considered to be an approval or endorsement of a feasibility study.

(8) COMMITTEE RESOLUTION PROCEDURE.—

(A) IN GENERAL.—No appropriation shall be made for a standard federally assisted storage project under this subsection, the total estimated cost of which exceeds $100,000,000, if such project has not been approved by a resolution adopted by the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) REQUIREMENTS FOR SECURING CONSIDERATION.—For the purposes of securing consideration of approval under subparagraph (A), the Secretary shall provide to a committee referred to in subparagraph (A) such information as the committee requests and the non-Federal sponsor shall provide to the committee information on the costs and relative needs for the federally assisted storage project.

(9) ELIGIBLE PARTNER.—The Secretary is authorized to participate in a restoration project described in subsection (a)(7)(B) with a partner that is—

(A) an eligible entity as defined in subsection (a)(2); or

(B) a qualified partner as defined in subsection (a)(8).

(g) FISH AND WILDLIFE LOSSES AND BENEFITS.—

(1) DEFINITIONS.—In this subsection—

(A) The term ''Best available scientific information and data'' means the use of the high-value information and data, specific to the decision being made and the time frame available for making that decision, to inform and assist management and policy decisions;

(B) The term ''Director'' means—

(i) the Director of the United States Fish and Wildlife Service; or

(ii) the United States Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, if a determination or fish and wildlife estimate made under this subsection is for an anadromous species or catadromous species.

(C) The term ''major water storage project'' means a major federally assisted storage project or Federal storage project as defined under section 81212.

(2) PURPOSES.—The purposes of this subsection are the following:

(A) To reverse widespread fish and wildlife species decline in the Reclamation States.

(B) To help fund and assist in the preparation of reports required under the Fish and Wildlife Coordination Act for proposed water development projects.

(C) To instruct the Director to prepare a report described in section 2(b) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) for each major water storage project that includes an estimate of fish and wildlife losses and fish and wildlife benefits derived from each such project, based on the best available scientific information and data.

(D) To direct Federal funds to major water storage projects that provide demonstrable, measurable fish and wildlife benefits and associated ecosystem services benefits for taxpayers based on objective data and the expertise of the primary Federal agency with jurisdiction over the management of fish and wildlife resources.

(E) To ensure that Federal funds provided for fish and wildlife purposes under this section are

used effectively in a manner that maximizes positive outcomes for fish and wildlife and associated ecosystem services benefits for taxpayers, including benefits related to the domestic seafood supply and the enhancement and expansion of hunting, fishing, and other fish and wildlife related outdoor recreation opportunities within the Reclamation States.

(3) ESTIMATION OF FISH AND WILDLIFE BENEFITS AND LOSSES UNDER THE FISH AND WILDLIFE COORDINATION ACT.—The Director shall prepare a report described in section 2(b) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)), for each major water storage project that—

(A) is based on the best available scientific information and data available; and

(B) includes an estimate of fish and wildlife losses and fish and wildlife benefits derived from a major water storage project determined in accordance with this subsection.

(4) DRAFT ESTIMATE.—

(A) USE OF BEST AVAILABLE SCIENTIFIC INFORMATION AND DATA AVAILABLE.—The Director shall include in the Fish and Wildlife Coordination Act report prepared under paragraph (3) a draft estimate of fish and wildlife losses and fish and wildlife benefits derived from a major water storage project.

(B) COORDINATION.—A draft estimate required under subparagraph (A) shall be prepared in coordination with the head of the State agency with jurisdiction over the fish and wildlife resources of the State in which the major water storage project is proposed to be carried out.

(C) APPLICABLE LAW; REQUIREMENTS.—The draft estimate prepared under this paragraph shall—

(i) meet all the evaluation requirements of section 2(b) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) unless otherwise specified in this subsection;

(ii) quantify and estimate the fish and wildlife benefits and any losses to native fish and wildlife from the proposed major water storage project; and

(iii) estimate whether the fish and wildlife benefits derived from the proposed major water storage project are likely to exceed the adverse fish and wildlife impacts.

(D) REVIEW; AVAILABILITY.—The Director shall ensure that any draft estimate prepared under this paragraph is—

(i) made available for peer review by an independent group of scientific experts; and

(ii) made available for a public review and comment period of not less than 30 days.

(5) FINAL ESTIMATE.—Using the best available scientific information and data, the Director shall prepare a final estimate of fish and wildlife benefits for each proposed major water storage project based on the applicable draft estimate prepared under paragraph (4), after considering the results of the independent scientific peer review and public comment processes under paragraph (4)(D).

(6) TRANSMISSION; AVAILABILITY.—A final estimate prepared under paragraph (5) shall be—

(A) transmitted to—

(i) the project applicant;

(ii) the relevant State agency; and

(B) made available to the public.

(7) RECOMMENDATIONS.—If a final estimate under paragraph (5) determines that the proposed major water storage project fails to provide fish and wildlife benefits, the final estimate may identify potential recommendations to enable the project to provide fish and wildlife benefits or to reduce the project's adverse fish and wildlife impacts.

(8) IMPORTATION OF REVIEW STANDARDS.—Sections 207(i) and 207(j) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709) shall apply to a final estimate prepared under paragraph (5), except that—

(A) any reference contained in those sections to the Secretary shall be considered to be a reference to the Director as defined in this subsection;

(B) any reference contained in those sections to determination or determinations shall be considered to be a reference to estimate or estimates described in this subsection; and

(C) any reference contained in those sections to subsections (b), (f)(1), or (g) shall be considered to be a reference to paragraph (5) of this subsection.

(D) any reference contained in those sections to ''this subsection'' shall be considered to be a reference to section 81213(g) of the Moving Forward Act.

(9) FUNDING FOR ESTIMATES.—There is authorized to be appropriated $10,000,000 through fiscal year 2026 for the United States Fish and Wildlife Service to prepare draft estimates under paragraph (4) and final estimates under paragraph (5).

(10) ADDITIONAL FUNDING FOR ESTIMATES.—The authority under section 662(e) of the Fish and Wildlife Coordination Act (16 U.S.C. 662(b)) to transfer funds from the Bureau of Reclamation to the United States Fish and Wildlife Service for Fish and Wildlife Coordination Act reports for proposed water development projects shall be deemed to extend to the preparation of a draft or final estimate prepared under paragraphs (4) or (5), provided that any transfer of funds generally adheres to the 1981 Transfer Funding Agreement between the United States Fish and Wildlife Service and the Bureau of Reclamation or any successor agreement, to the extent that any such agreement is consistent with the requirements of this subsection.

(11) AGENCY RESPONSIBILITIES.—The responsibility for preparing a draft and final estimate under this subsection shall reside with the United States Fish and Wildlife Service and may not be delegated to another entity, including another Federal agency or bureau, except for the United States Secretary of Commerce, acting through the Assistant Administrator of the National Marine Fisheries Service, for the preparation of a draft or final estimate for anadromous species or catadromous species.

(12) USE OF FISH AND WILDLIFE ESTIMATES TO INFORM FEDERAL SPENDING FOR FISH AND WILDLIFE PURPOSES.—With respect to a major water storage project considered for Federal funding under this section, the Director shall determine costs allocated to the specific purpose of providing fish and wildlife benefits, based on the fish and wildlife benefits estimate for the applicable project or the best available scientific information and data available at the time a cost allocation determination is made. In determining a cost allocation under this paragraph, the Director shall consult with the Commissioner of the Bureau of Reclamation and may make a cost allocation determination for fish and wildlife benefits in accordance with existing cost allocation procedures, to the extent that such procedures are consistent with the requirements of this subsection. Cost allocation determinations for all other non-reimbursable or reimbursable project purposes for a major water storage project advanced under this section shall be determined in accordance with existing cost allocation procedures under the reclamation laws.

(h) PRELIMINARY STUDIES.—Of the amounts made available under subsection (b), not more than 25 percent shall be provided for appraisal studies, feasibility studies, or other preliminary studies.

(i) PROVIDING GREATER FEDERAL FUNDING AND SUPPORT FOR MULTI-BENEFIT STORAGE PROJECTS.—Notwithstanding any non-Federal cost share requirement under the reclamation laws for water development projects, any cost allocated to a water storage project under this section for the sole purpose of providing fish and wildlife benefits, determined in accordance with all applicable requirements under this section, shall be considered a 100 percent non-reimbursable Federal cost.

(j) CALFED REAUTHORIZATION.—

(1) REAUTHORIZATION.—Title I of Public Law 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat. 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat. 1866) is amended by striking ''2020'' each place it appears and inserting ''2024''.

(2) CALFED DESCRIPTION OF ACTIVITIES.—Subparagraph 103(f)(1)(A) of Public Law 108–361 (118 Stat. 1694) is amended by striking '', except that'' and all that follows through the end of the subparagraph.

(k) EFFECT.—Nothing in this section is intended to authorize Federal funds made available under subsection (b) for a project led by a non-profit organization, as described in subsection (a)(7), except for a project that is a natural water storage project or forest restoration, watershed restoration or other restoration project that reduces the risk of water storage loss described in subsection (a).

SEC. 81214. EXTENSION OF EXISTING REQUIREMENTS FOR GRANDFATHERED STORAGE PROJECTS.

(a) PURPOSE; DEFINITION.—

(1) PURPOSE.—The purpose of this section is to establish an expedited project advancement process for certain water storage projects that have already received some degree of evaluation under the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) or under certain State water storage project evaluations.

(2) DEFINITION OF GRANDFATHERED STORAGE PROJECT.—In this section, the term ''grandfathered storage project'' means a storage project that has already been recommended for funding made available under section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) by the Secretary or a State governor prior to June 1, 2020, except for any project within the State of California that—

(A) has been evaluated for State storage funding awards by the California Water Commission pursuant to the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014, and failed to receive a maximum conditional eligibility determination of at least $200 million; or

(B) is an on-stream storage project that has not been evaluated for State storage funding awards by the California Water Commission pursuant to the California Water Quality, Supply, and Infrastructure Improvement Act, approved by California voters on November 4, 2014.

(b) IN GENERAL.—Notwithstanding any other requirements of this subtitle, grandfathered storage projects shall be eligible to receive funding authorized under section 81213(b) of this subtitle in accordance with this subsection.

(c) REQUIREMENTS.—

(1) IMPORTATION OF WIIN ACT REQUIREMENTS.—The following requirements shall apply to grandfathered storage projects: sections 4007(c)(1) through 4007(c)(4), section 4007(f), and section 4007(h)(2) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322), except that any reference contained in those sections to State-led storage projects shall be considered to be a reference to grandfathered storage projects.

(2) PRIORITIZATION.—The Secretary shall give funding priority among grandfathered storage projects to those that provide greater and more reliable water supply benefits to wildlife refuges, species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or to commercially harvested salmon species.

(d) APPLICABILITY OF WIIN ACT DEADLINES.—Storage project deadlines described in section 4007(i) and section 4013(2) of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322) shall not apply to any grandfathered storage project under this section.

SEC. 81215. DESALINATION PROJECT DEVELOPMENT.

(a) DESALINATION PROJECTS AUTHORIZATION.—Section 4(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law

104–298) is amended by striking the second paragraph (1) (relating to projects) and inserting the following:

''(2) PROJECTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE DESALINATION PROJECT.—The term 'eligible desalination project' means any project located in a Reclamation State that—

''(I) involves an ocean or brackish water desalination facility—

''(aa) constructed, operated, and maintained by a State, Indian Tribe, municipality, irrigation district, water district, or other organization with water or power delivery authority; or

''(bb) sponsored or funded by a State, department of a State, political subdivision of a State, municipality or public agency organized pursuant to State law, including through—

''(AA) direct sponsorship or funding; or

''(BB) indirect sponsorship or funding, such as by paying for the water provided by the facility; and

''(II) provides a Federal benefit in accordance with the reclamation laws.

''(ii) RURAL DESALINATION PROJECT.—The term 'rural desalination project' means an eligible desalination project that is designed to serve a community or group of communities, each of which has a population of not more than 40,000 inhabitants.

''(iii) DESIGNATED DESALINATION PROJECT.—The term 'designated desalination project' means an eligible desalination project that—

''(I) is an ocean desalination project that uses a subsurface intake;

''(II) has a total estimated cost of $80,000,000 or less; and

''(III) is designed to serve a community or group of communities that collectively import more than 75 percent of their water supplies.

''(B) COST-SHARING REQUIREMENT.—

''(i) IN GENERAL.—Subject to the requirements of this subsection and notwithstanding section 7, the Federal share of an eligible desalination project carried out under this subsection shall be—

''(I) not more than 25 percent of the total cost of the eligible desalination project; or

''(II) in the case of a rural desalination project or a designated desalination project, the applicable percentage determined in accordance with clause (ii).

''(ii) RURAL DESALINATION PROJECTS AND DESIGNATED DESALINATION PROJECTS.—

''(I) COST-SHARING REQUIREMENT FOR APPRAISAL STUDIES.—In the case of a rural desalination project carried out under this subsection, the Federal share of the cost of appraisal studies for the rural desalination project shall be—

''(aa) 100 percent of the total costs of the appraisal studies, up to $200,000; and

''(bb) if the total costs of the appraisal studies are more than $200,000, 50 percent of any amounts over $200,000.

''(II) COST-SHARING REQUIREMENT FOR FEASIBILITY STUDIES.—In the case of a rural desalination project carried out under this subsection, the Federal share of the cost of feasibility studies for the rural desalination project shall be not more than 50 percent.

''(III) COST-SHARING REQUIREMENT FOR CONSTRUCTION COSTS.—In the case of a rural desalination project or a designated desalination project carried out under this subsection, the Federal share of the cost of construction of the rural desalination project shall not exceed the greater of—

''(aa) 35 percent of the total cost of construction, up to a Federal cost of $20,000,000; or

''(bb) 25 percent of the total cost of construction.

''(C) STATE ROLE.—Participation by the Secretary in an eligible desalination project under this paragraph shall not occur unless—

''(i)(I) the eligible desalination project is included in a State-approved plan; or

''(II) the participation has been requested by the Governor of the State in which the eligible desalination project is located; and

''(ii) the State or local sponsor of the eligible desalination project determines, and the Secretary concurs, that—

''(I) the eligible desalination project—

''(aa) is technically and financially feasible;

''(bb) provides a Federal benefit in accordance with the reclamation laws; and

''(cc) is consistent with applicable State laws, State regulations, State coastal zone management plans and other State plans such as California's Water Quality Control Plan for the Ocean Waters in California;

''(II) sufficient non-Federal funding is available to complete the eligible desalination project; and

''(III) the eligible desalination project sponsors are financially solvent; and

''(iii) the Secretary submits to Congress a written notification of the determinations under clause (ii) by not later than 30 days after the date of the determinations.

''(D) ENVIRONMENTAL LAWS.—In participating in an eligible desalination project under this paragraph, the Secretary shall comply with all applicable environmental laws, including, but not limited to, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State laws implementing the Coastal Zone Management Act.

''(E) INFORMATION.—In participating in an eligible desalination project under this subsection, the Secretary—

''(i) may consider the use of reports prepared by the sponsor of the eligible desalination project, including feasibility or equivalent studies, environmental analyses, and other pertinent reports and analyses; but

''(ii) shall retain responsibility for making the independent determinations described in subparagraph (C).

''(F) FUNDING.—

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $260,000,000 for the period of fiscal years 2021 through 2025, to remain available until expended, of which not less than $15,000,000 shall be made available during that period for rural desalination projects.

''(ii) CONGRESSIONAL APPROVAL INITIALLY REQUIRED.—

''(I) IN GENERAL.—Each initial award under this paragraph for design and study or for construction of an eligible desalination project shall be approved by an Act of Congress.

''(II) RECLAMATION RECOMMENDATIONS.—The Commissioner of Reclamation shall submit recommendations regarding the initial award of preconstruction and construction funding for consideration under subclause (I) to—

''(aa) the Committee on Appropriations of the Senate;

''(bb) the Committee on Energy and Natural Resources of the Senate;

''(cc) the Committee on Appropriations of the House of Representatives; and

''(dd) the Committee on Natural Resources of the House of Representatives.

''(iii) SUBSEQUENT FUNDING AWARDS.—After approval by Congress of an initial award of preconstruction or construction funding for an eligible desalination project under clause (ii), the Commissioner of Reclamation may award additional preconstruction or construction funding, respectively, for the eligible desalination project without further congressional approval.

''(G) TOTAL DOLLAR CAP.—The Secretary shall not impose a total dollar cap on Federal contributions for individual desalination projects receiving funding under this paragraph.''.

(b) PRIORITIZATION FOR PROJECTS.—Section 4 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended by striking subsection (c) and inserting the following:

''(c) PRIORITIZATION.—In carrying out demonstration and development activities under this section, the Secretary and the Commissioner of Reclamation shall each prioritize projects—

''(1) for the benefit of drought-stricken States and communities;

''(2) for the benefit of States that have authorized funding for research and development of desalination technologies and projects;

''(3) that demonstrably reduce a reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

''(4) that, in a measurable and verifiable manner, reduce a reliance on imported water supplies from imperiled ecosystems such as the Sacramento-San Joaquin River Delta;

''(5) that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the state of Israel;

''(6) that maximize use of renewable energy to power desalination facilities;

''(7) that maximize energy efficiency so that the lifecycle energy demands of desalination are minimized;

''(8) located in regions that have employed strategies to increase water conservation and the capture and recycling of wastewater and stormwater; and

''(9) that meet the following criteria if they are ocean desalination facilities—

''(A) utilize a subsurface intake or, if a subsurface intake is not technologically feasible, an intake that uses the best available site, design, technology, and mitigation measures to minimize the mortality of all forms of marine life and impacts to coastal dependent resources;

''(B) are sited and designed to ensure that the disposal of wastewaters including brine from the desalination process—

''(i) are not discharged in a manner that increases salinity levels in impaired bodies of water, or State or Federal Marine Protected Areas; and

''(ii) achieve ambient salinity levels within a reasonable distance from the discharge point;

''(C) are sited, designed, and operated in a manner that maintains indigenous marine life and a healthy and diverse marine community;

''(D) do not cause significant unmitigated harm to aquatic life; and

''(E) include a construction and operation plan designed to minimize loss of coastal habitat as well as aesthetic, noise, and air quality impacts.''.

(c) RECOMMENDATIONS TO CONGRESS.—In determining project recommendations to Congress under section 4(a)(2)(F)(ii)(II) of the Water Desalination Act of 1996, the Commissioner of Reclamation shall establish a priority scoring system that assigns priority scores to each project evaluated based on the prioritization criteria of section 4(c) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298).

SEC. 81216. ASSISTANCE FOR DISADVANTAGED COMMUNITIES WITHOUT ADEQUATE DRINKING WATER.

(a) IN GENERAL.—The Secretary shall provide grants within the Reclamation States to assist eligible applicants in planning, designing, or carrying out projects to help disadvantaged communities address a significant decline in the quantity or quality of drinking water.

(b) ELIGIBLE APPLICANTS.—To be eligible to receive a grant under this section, an applicant shall submit an application to the Secretary that includes a proposal of the project or activity in subsection (c) to be planned, designed, constructed, or implemented, the service area of which—

(1) shall not be located in any city or town with a population of more than 60,000 residents; and

(2) has a median household income of less than 100 percent of the nonmetropolitan median household income of the State.

(c) ELIGIBLE PROJECTS.—Projects eligible for grants under this program may be used for—

(1) emergency water supplies;

(2) distributed treatment facilities;

(3) construction of new wells and connections to existing water source systems;

(4) water distribution facilities;
(5) connection fees to existing systems;
(6) assistance to households to connect to water facilities;
(7) local resource sharing, including voluntary agreements between water systems to jointly contract for services or equipment, or to study or implement the physical consolidation of 2 or more water systems;
(8) technical assistance, planning, and design for any of the activities described in paragraph (1) through (8); or
(9) any combination of activities described in paragraphs (1) through (9).

(d) PRIORITIZATION.—In determining priorities for funding projects, the Secretary shall take into consideration—
(1) where the decline in the quantity or quality of water poses the greatest threat to public health and safety;
(2) the degree to which the project provides a long-term solution to the water needs of the community; and
(3) whether the applicant has the ability to qualify for alternative funding sources.

(e) MAXIMUM AMOUNT.—The amount of a grant provided under this section may be up to 100 percent of costs, including—
(1) initial operation costs incurred for startup and testing of project facilities;
(2) costs of components to ensure such facilities and components are properly operational; and
(3) costs of operation or maintenance incurred subsequent to placing the facilities or components into service.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000, to remain available until expended.

(g) COORDINATION REQUIRED.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency to identify opportunities to improve the efficiency, effectiveness, and impact of activities carried out under this section to help disadvantaged communities address a significant decline in the quantity or quality of drinking water .

CHAPTER 2—IMPROVED TECHNOLOGY AND DATA

SEC. 81221. REAUTHORIZATION OF WATER AVAILABILITY AND USE ASSESSMENT PROGRAM.

Section 9508 of Public Law 111–11 (42 U.S.C. 10368) is amended—
(1) in subsection (b)—
(A) by striking ''and'' at the end of paragraph (2)(A)(ii)(VII);
(B) in paragraph (2)(A)(iii), by adding ''and'' at the end;
(C) by adding at the end of paragraph (2)(A) the following:
''(iv) water supplies made available through water reuse and seawater and brackish desalination;''; and
(D) by adding at the end the following:
''(3) DATA INTEGRATION.—In carrying out the assessment program, the Secretary shall, to the greatest extent practicable—
''(A) integrate available data from new technologies where appropriate including data made available from drones and emerging remote sensing technologies; and
''(B) coordinate with relevant Federal agencies and bureaus to develop common data requirements for—
''(i) Federal water data programs and efforts; and
''(ii) geospatial data programs that can inform assessments of water availability and use under the assessment program.'';
(2) in subsection (c)—
(A) in paragraph (1), by striking ''State water resource'' each place it appears and inserting ''State or Tribal water resource'';
(B) in the heading of paragraph (2), by striking ''CRITERIA'' and inserting ''STATE CRITERIA'';
(C) by inserting after paragraph (2) the following (and redesignating the succeeding paragraph accordingly):
''(3) TRIBAL CRITERIA.—To be eligible to receive a grant under paragraph (1), a Tribal water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the Tribal water resource agency—
''(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and
''(B) will enhance the ability of the officials of the Tribe or the Tribal water resource agency to carry out water management responsibilities.
''(4) TRIBAL WATER RESOURCE AGENCY DEFINITION.—For the purposes of this subsection, the term 'Tribal water resource agency' means any agency of an Indian Tribe responsible for water resource planning and management.''; and
(D) in paragraph (5) (as so redesignated)—
(i) by inserting ''or Tribal water resource agency'' after ''State water resource agency''; and
(ii) by inserting ''within any 5-year period'' after ''$250,000''; and
(3) in subsection (e)(2), by striking ''2009 through 2013'' and inserting ''2021 through 2026''.

SEC. 81222. RENEWAL OF ADVISORY COMMITTEE ON WATER INFORMATION.

(a) ADVISORY COMMITTEE RENEWED.—Not later than 30 days after the date of the enactment of this paragraph, the Secretary shall renew the Advisory Committee on Water Information established by the Office of Management and Budget Memorandum No. M–92–01, the charter for which was renewed by the Secretary on June 29, 2018.

(b) TERMINATION.—The Advisory Committee renewed under this section shall not terminate except as provided by an Act of Congress.

SEC. 81223. DESALINATION TECHNOLOGY DEVELOPMENT.

The Water Desalination Act of 1996 (Public Law 104–298; 42 U.S.C. 10301 note) is amended—
(1) in section 4(a)(1), by inserting '', including modules specifically designed for brine management'' after ''and concepts''; and
(2) in section 8(b)—
(A) by striking ''3,000,000'' and inserting ''20,000,000''; and
(B) by striking ''2017 through 2021'' and inserting ''2021 through 2026, in addition to the authorization of appropriations for projects in section 4(a)(2)(F)''.

SEC. 81224. X-PRIZE FOR WATER TECHNOLOGY BREAKTHROUGHS.

(a) WATER TECHNOLOGY AWARD PROGRAM ESTABLISHED.—The Secretary, working through the Bureau of Reclamation, shall establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of water technology:
(1) Demonstration of wastewater and industrial process water purification for reuse or desalination of brackish water or seawater with significantly less energy than current municipally and commercially adopted technologies.
(2) Demonstration of portable or modular desalination units that can process 1 to 5,000,000 gallons per day that could be deployed for temporary emergency uses in coastal communities or communities with brackish groundwater supplies.
(3) Demonstration of significant advantages over current municipally and commercially adopted reverse osmosis technologies as determined by the board established under subsection (c).
(4) Demonstration of significant improvements in the recovery of residual or waste energy from the desalination process.
(5) Reducing open water evaporation.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—
(1) an individual who is—
(A) a citizen or legal resident of the United States; or
(B) a member of a group that includes citizens or legal residents of the United States;
(2) an entity that is incorporated and maintains its primary place of business in the United States; or
(3) a public water agency.

(c) ESTABLISHMENT OF BOARD.—
(1) IN GENERAL.—The Secretary shall establish a board to administer the program established under subsection (a).
(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the Secretary, of whom not less than 2 shall—
(A) be a representative of the interests of public water districts or other public organizations with water delivery authority;
(B) be a representative of the interests of academic organizations with expertise in the field of water technology, including desalination or water reuse;
(C) be representative of a non-profit conservation organization;
(D) have expertise in administering award competitions; and
(E) be a representative of the Bureau of Reclamation of the Department of the Interior with expertise in the deployment of desalination or water reuse.

(d) AWARDS.—Subject to the availability of appropriations, the board established under subsection (c) may make awards under the program established under subsection (a) as follows:
(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.
(2) RECOGNITION PRIZE.—
(A) IN GENERAL.—The board may recognize an eligible person for superlative achievement in 1 or more applications described in subsection (a).
(B) NO FINANCIAL REMUNERATION.—An award under this paragraph shall not include any financial remuneration.

(e) ADMINISTRATION.—
(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).
(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit gifts from private and public entities to be used for a financial award under subsection (d)(1).
(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.
(4) NO ADVANTAGE FOR DONATION.—A donor who is a private person described in paragraph (3) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) LIABILITY.—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to the relevant committees of Congress a report on the program established under subsection (a).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(A) For administration of prize competitions under subsection (d), $750,000 for each fiscal year through fiscal year 2026.

(B) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), $5,000,000 for each fiscal year through fiscal year 2026.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(j) WATER TECHNOLOGY INVESTMENT PROGRAM ESTABLISHED.—The Secretary, acting through the Bureau of Reclamation, shall establish a program, pursuant to the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI), the Water Desalination Act of 1996 (Public Law 104–298), and other applicable laws, to promote the expanded use of technology for improving availability and resiliency of water supplies and power deliveries, which shall include—

(1) investments to enable expanded and accelerated deployment of desalination technology; and

(2) investments to enable expanded and accelerated use of recycled water.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each fiscal year through fiscal year 2026 for the Secretary to carry out the purposes and provisions of subsection (j).

SEC. 81225. STUDY EXAMINING SEDIMENT TRANSPORT.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall make appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') under which the National Academies shall conduct a study that—

(1) examines existing science and management guidance related to methods for managing sediment transport from dam removal;

(2) includes case studies where diverse interests, including hydroelectric, agricultural, conservation, and industry stakeholders work jointly with Tribal, State, and Federal government agencies to implement collaborative projects requiring sediment transport; and

(3) identifies future research opportunities, requirements, and recommendations related to the science and management guidance examined under paragraph (1), including research opportunities, requirements, and recommendations related to modeling and quantifying sediment flows.

(b) REPORT.—In entering into an arrangement under subsection (a), the Secretary shall request that the National Academies transmit to the Secretary and to Congress a report not later than 36 months after the date of the enactment of this Act that—

(1) includes the results of the study and relevant interpretations of the results;

(2) provides recommendations for applying science in management and mitigation decisions relating to dam removal; and

(3) provides recommendations for improving future research on the beneficial and adverse environmental impacts of sediment transport from dam removal and appropriate actions to mitigate such impacts.

SEC. 81226. DETERMINATION OF WATER SUPPLY ALLOCATIONS.

(a) SNOWPACK MEASUREMENT DATA.—When determining water supply allocations, the Secretary, acting through the Commissioner of the Bureau of Reclamation, shall incorporate to the greatest extent practicable information from emerging technologies for snowpack measurement such as—

(1) synthetic aperture radar;

(2) laser altimetry; or

(3) any other emerging technologies that can provide more accurate or timely snowpack measurement data as determined by the Secretary.

(b) COORDINATION.—In carrying out subsection (a), the Secretary may coordinate data use and collection efforts with other Federal agencies and bureaus that currently use or may benefit from the use of emerging technologies for snowpack measurement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

(d) REPORT.—Not later than October 1, 2022, the Secretary shall submit to Congress a report summarizing the use of emerging technologies pursuant to this section and describe any benefits derived from the use of such technologies related to the environment and increased water supply reliability.

SEC. 81227. FEDERAL PRIORITY STREAMGAGES.

(a) FEDERAL PRIORITY STREAMGAGES.—The Secretary shall make every reasonable effort to make operational all streamgages identified as Federal Priority Streamgages by the United States Geological Survey not later than 10 years after the date of the enactment of this Act.

(b) COLLABORATION WITH STATES.—The Secretary shall, to the maximum extent practicable, seek to leverage Federal investments in Federal Priority Streamgages through collaborative partnerships with States and local agencies that invest non-Federal funds to maintain and enhance gage networks to improve both environmental quality and water supply reliability.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 to carry out this section for each fiscal year through fiscal year 2026.

SEC. 81228. STUDY EXAMINING CLIMATE VULNERABILITIES AT FEDERAL DAMS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall make appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') under which the National Academies shall conduct an independent study to—

(1) examine the projected impact of climate change on the safety of Bureau of Reclamation dams; and

(2) evaluate and list the Bureau of Reclamation dams that are most vulnerable to climate change related safety risks based on an assessment of climate change related impacts on—

(A) the frequency of heavy precipitation events; and

(B) other factors that influence the magnitude and severity of flooding events including snow cover and snowmelt, vegetation, and soil moisture.

(b) REPORT.—In entering into an arrangement under subsection (a), the Secretary shall request that the National Academies—

(1) transmit to the Secretary and to the relevant committees of Congress a report not later than 24 months after the date of the enactment of this Act that includes the results of the study; and

(2) consider any previous studies or evaluations conducted or completed by the Bureau of Reclamation or local water agencies on climate change impacts to dams, facilities, and watersheds as a reference and source of information during the development of the independent study.

SEC. 81229. INNOVATIVE TECHNOLOGY ADOPTION.

The Secretary is directed to include as a priority for grants authorized under section 9504 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364), the Water Conservation Field Services Program, and other water conservation grant programs, as appropriate, that help foster the adoption of technologies that can—

(1) identify losses from water conveyance facilities in a non-destructive manner that—

(A) does not disrupt the conveyance of water supplies; and

(B) provides comprehensive data on pipeline integrity, including leak and gas pocket detection, for all pipeline materials;

(2) provide real-time monitoring of weather patterns and reservoir operations to improve flexibility, protect natural resources, increase resiliency, maintain temperature control, and ensure water supply reliability;

(3) provide real-time data acquisition and analysis to improve predictive aquifer management, including the improvement of recharge, storage, and stormwater management capabilities;

(4) implement the use of real time sensors and forecast data to improve the management of other water infrastructure assets, including the identification and prevention of impairments from inadequately treated agricultural or municipal wastewaters or stormwater; or

(5) improve water use efficiency and conservation, including through behavioral water efficiency, supervisory control and data acquisition systems, or other system modernizations.

CHAPTER 3—ECOSYSTEM PROTECTION AND RESTORATION

SEC. 81231. WATERBIRD HABITAT CREATION PROGRAM.

(a) AUTHORIZATION OF HABITAT CREATION PROGRAM.—The Secretary shall establish a program to incentivize farmers to keep fields flooded during appropriate time periods for the purposes of waterbird habitat creation and maintenance, including waterfowl and shorebird habitat creation and maintenance, provided that—

(1) such incentives may not exceed $3,500,000 annually, either directly or through credits against other contractual payment obligations;

(2) the holder of a water contract receiving payments under this section pass such payments through to farmers participating in the program, less reasonable contractor costs, if any; and

(3) the Secretary determines that habitat creation activities receiving financial support under this section will create new habitat that is not likely to be created without the financial incentives provided under this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,500,000 for each fiscal year through fiscal year 2026 to carry out this section, to remain available until expended.

(c) REPORT.—Not later than October 1, 2021, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the environmental performance of activities that are receiving, or have received, assistance under the program authorized by this section.

SEC. 81232. COOPERATIVE WATERSHED MANAGEMENT PROGRAM.

The Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.) is amended—

(1) in section 6001—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following:

''(2) DISADVANTAGED COMMUNITIES.—The term 'disadvantaged communities' means communities, including cities, towns, or counties, or reasonably isolated and divisible segments of larger municipalities, with an annual median household income that is less than 100 percent of the statewide annual median household income, as determined by the latest available decennial census.'';

(C) in paragraph (6)(B)(i) (as so redesignated)—

(i) in subclause (VIII), by striking ''and'' at the end;

(ii) in subclause (IX), by inserting ''; and'' at the end; and

(iii) by adding at the end the following:

''(X) disadvantaged communities;''; and

(D) in subparagraph (C) of paragraph (7) (as so redesignated), by inserting '', including benefits to fisheries, wildlife, and habitat river or stream'';

(2) in section 6002—

(A) by amending subsection (b) to read as follows:

''(b) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than March 30, 2021, the Secretary shall update—

''(1) the application process for the program; and

''(2) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.''.

SEC. 81233. COMPETITIVE GRANT PROGRAM FOR THE FUNDING OF WATERSHED HEALTH PROJECTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and in accordance with this section, the Secretary, in consultation with the heads of relevant agencies, shall establish a competitive grant program to award grants to an eligible entity for habitat restoration projects that improve watershed health in a Reclamation State and accomplish 1 or more of the following benefits:

(1) Ecosystem benefits.

(2) Restoration of native species beyond existing or planned measures necessary to meet State or Federal laws for species recovery.

(3) Protection against invasive species.

(4) Restoration of aspects of the natural ecosystem.

(5) Enhancement of commercial and recreational fishing.

(6) Enhancement of river-based recreation such as kayaking, canoeing, and rafting.

(7) Mitigate against the impacts of climate change to fish and wildlife habitats.

(b) REQUIREMENTS.—

(1) IN GENERAL.—In awarding a grant under subsection (a), the Secretary—

(A) shall give priority to a project that achieves more than 1 of the benefits listed in subsection (a); and

(B) may not provide a grant for a project that is for the purpose of meeting existing environmental mitigation or compliance obligations under State or Federal law.

(2) COMPLIANCE.—A project awarded a grant under subsection (a) shall comply with all applicable Federal and State laws.

(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means a State, Indian Tribe, nonprofit conservation organization operating in a Reclamation State, irrigation district, water district, or other organization with water or power delivery authority.

(d) PUBLIC PARTICIPATION.—Before the establishment of the program under subsection (a), the Secretary shall—

(1) provide notice of and, for a period of not less than 90 days, an opportunity for public comment on, any draft or proposed version of the program requirements in accordance with this section; and

(2) consider public comments received in developing the final program requirements.

(e) REPORT.—Not later than October 1, 2022, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the environmental performance of activities that are receiving, or have received, assistance under the program authorized by this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for each fiscal year through fiscal year 2026, to remain available until expended.

SEC. 81234. SUPPORT FOR REFUGE WATER DELIVERIES.

(a) REPORT ON HISTORIC REFUGE WATER DELIVERIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the relevant committees of Congress and make publicly available a report that describes the following:

(1) Compliance with section 3406(d)(1) and section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575) in each of years 1992 through 2018, including an indication of the amount of water identified as the Level 2 amount and incremental Level 4 amount for each wetland area.

(2) The difference between the mandated quantity of water to be delivered to each wetland habitat area described in section 3406(d)(2) and the actual quantity of water delivered since October 30, 1992, including a listing of every year in which the full delivery of water to wetland habitat areas was achieved in accordance with level 4 of the ''Dependable Water Supply Needs'' table, described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(3) Which of the authorities granted to the Secretary under Public Law 102–575 to achieve the full level 4 deliveries of water to wetland habitat areas was employed in achieving the increment of water delivery above the Level 2 amount for each wetland habitat area, including whether water conservation, conjunctive use, water purchases, water leases, donations, water banking, or other authorized activities have been used and the extent to which such authorities have been used.

(4) An assessment of the degree to which the elimination of water transaction fees for the donation of water rights to wildlife refuges would help advance the goals of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(b) PRIORITY CONSTRUCTION LIST.—The Secretary shall establish, through a public process and in consultation with the Interagency Refuge Water Management Team, a priority list for the completion of the conveyance construction projects at the wildlife habitat areas described in section 3406(d)(2) of the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575), including the Mendota Wildlife Area, Pixley National Wildlife Refuge and Sutter National Wildlife Refuge.

(c) ECOLOGICAL MONITORING AND EVALUATION PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary, acting through the Director of the United States Fish and Wildlife Service, shall design and implement an ecological monitoring and evaluation program, for all Central Valley wildlife refuges, that produces an annual report based on existing and newly collected information, including—

(1) the United States Fish and Wildlife Service Animal Health Lab disease reports;

(2) mid-winter waterfowl inventories;

(3) nesting and brood surveys;

(4) additional data collected regularly by the refuges, such as herptile distribution and abundance;

(5) a new coordinated systemwide monitoring effort for at least 1 key migrant species and 2 resident species listed as threatened and endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (including one warm-blooded and one cold-blooded), that identifies population numbers and survival rates for the 3 previous years; and

(6) an estimate of the bioenergetic food production benefits to migrant waterfowl, consistent with the methodology used by the Central Valley Joint Venture, to compliment and inform the Central Valley Joint Venture implementation plan.

(d) ADEQUATE STAFFING FOR REFUGE WATER DELIVERY OBJECTIVES.—The Secretary shall ensure that adequate staffing is provided to advance the refuge water supply delivery objectives under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

(e) FUNDING.—There is authorized to be appropriated $25,000,000 to carry out subsections (a) through (d), which shall remain available until expended.

(f) EFFECT ON OTHER FUNDS.—Amounts authorized under this section shall be in addition to amounts collected or appropriated under the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575).

SEC. 81235. DROUGHT PLANNING AND PREPAREDNESS FOR CRITICALLY IMPORTANT FISHERIES.

(a) DEFINITIONS.—In this section:

(1) CRITICALLY IMPORTANT FISHERIES.—The term ''critically important fisheries'' means—

(A) commercially and recreationally important fisheries located within the Reclamation States;

(B) fisheries containing fish species that are listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) within the Reclamation States; or

(C) fisheries used by Indian Tribes within the Reclamation States for ceremonial, subsistence, or commercial purposes.

(2) QUALIFIED TRIBAL GOVERNMENT.—The term ''qualified Tribal Government'' means any government of an Indian Tribe that the Secretary determines—

(A) is involved in fishery management and recovery activities including under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) has the management and organizational capability to maximize the benefits of assistance provided under this section.

(b) DROUGHT PLAN FOR CRITICALLY IMPORTANT FISHERIES.—Not later than January 1, 2021 and every three years thereafter, the Secretary, acting through the Director of the United States Fish and Wildlife Service shall, in consultation with the National Marine Fisheries Service, the Bureau of Reclamation, the Army Corps of Engineers, State fish and wildlife agencies, and affected Indian Tribes, prepare a plan to sustain the survival of critically important fisheries within the Reclamation States during future periods of extended drought. The plan shall focus on actions that can aid the survival of critically important fisheries during the driest years. In preparing such plan, the Director shall consider—

(1) habitat restoration efforts designed to provide drought refugia and increased fisheries resilience during droughts;

(2) relocating the release location and timing of hatchery fish to avoid predation and temperature impacts;

(3) barging of hatchery release fish to improve survival and reduce straying;

(4) coordination with water users, the Bureau of Reclamation, State fish and wildlife agencies, and interested public water agencies regarding voluntary water transfers, including through groundwater substitution activities, to determine if water releases can be collaboratively managed in a way that provides additional benefits for critically important fisheries without negatively impacting wildlife habitat;

(5) hatchery management modifications, such as expanding hatchery production of fish during the driest years, if appropriate for a particular river basin;

(6) hatchery retrofit projects, such as the installation and operation of filtration equipment and chillers, to reduce disease outbreaks, egg mortality and other impacts of droughts and high water temperatures;

(7) increasing rescue operations of upstream migrating fish;

(8) improving temperature modeling and related forecasted information to predict water management impacts to the habitat of critically important fisheries with a higher degree of accuracy than current models;

(9) testing the potential for parentage-based tagging and other genetic testing technologies to improve the management of hatcheries;

(10) programs to reduce predation losses at artificially created predation hot spots; and

(11) retrofitting existing water facilities to provide improved temperature conditions for fish.

(c) PUBLIC COMMENT.—The Director of the United States Fish and Wildlife Service shall provide for a public comment period of not less than 90 days before finalizing a plan under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISH RECOVERY EFFORTS.—There is authorized to be appropriated $25,000,000 for the United States Fish and Wildlife Service for fiscal year 2021 for fish, stream, and hatchery activities related to fish recovery efforts, including work with the National Marine Fisheries Service, the Bureau of Reclamation, the Army Corps of Engineers, State fish and wildlife agencies, or a qualified Tribal Government.

(e) EFFECT.—Nothing in this section is intended to expand, diminish, or affect any obligation under Federal or State environmental law.

SEC. 81236. AQUATIC ECOSYSTEM RESTORATION.

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, on request of any eligible entity the Secretary may negotiate and enter into an agreement on behalf of the United States to fund the design, study, and construction of an aquatic ecosystem restoration and protection project if the Secretary determines that the project is likely to improve the quality of the environment in a Reclamation State by improving fish passage through the removal or bypass of barriers to fish passage.

(b) REQUIREMENTS.—Construction of a project under this section shall be a voluntary project initiated only after—

(1) an eligible entity has entered into an agreement with the Secretary to pay no less than 35 percent of the costs of project construction; and

(2) the Secretary determines the proposed project—

(A) will not result in an unmitigated adverse impact on fulfillment of existing water delivery obligations consistent with historical operations and applicable contracts;

(B) will not result in an unmitigated adverse effect on the environment;

(C) is consistent with the responsibilities of the Secretary—

(i) in the role as trustee for federally recognized Indian Tribes; and

(ii) to ensure compliance with any applicable international and Tribal treaties and agreements and interstate compacts and agreements;

(D) is in the financial interest of the United States based on a determination that the project advances Federal objectives including environmental enhancement objectives in a Reclamation State; and

(E) protects the public aspects of the eligible facility, including water rights managed for public purposes, such as flood control or fish and wildlife.

(c) ENVIRONMENTAL LAWS.—In participating in a project under this section, the Secretary shall comply with all applicable Federal environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and all State environmental laws of the Reclamation State in which the project is located involving the construction, expansion or operation of a water storage project or fish and wildlife protection, provided that no law or regulation of a State or political subdivision of a State relieve the Secretary of any Federal requirement otherwise applicable under this section.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year through fiscal year 2026, to remain available until expended.

(e) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means any Reclamation State, any department, agency, or subdivision of a Reclamation State, any public agency organized pursuant to the laws of a Reclamation State, an Indian Tribe, or a non-profit organization operating in a Reclamation State.

(f) PRIORITY FOR PROJECTS PROVIDING PUBLIC SAFETY AND REGIONAL BENEFITS.—When funding projects under this section, the Secretary shall prioritize projects that—

(1) are likely to provide public safety benefits; and

(2) are regional in nature, including projects that span two or more river basins.

SEC. 81237. REAUTHORIZATION OF THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

Section 10(a) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking ''$15 million through 2021'' and inserting ''$25,000,000 through 2027''.

CHAPTER 4—WATER JOB TRAINING AND EDUCATION

SEC. 81241. WATER RESOURCE EDUCATION.

(a) GENERAL AUTHORITY.—In accordance with this section, the Secretary may enter into a cooperative agreement or contract or provide financial assistance in the form of a grant, to support activities related to education on water resources.

(b) ELIGIBLE ACTIVITIES.—The Secretary may enter into a cooperative agreement or contract or provide financial assistance for activities that improve water resources education, including through tours, publications or other activities that—

(1) disseminate information on water resources via educational tools, materials or programs;

(2) publish relevant information on water resource issues, including environmental and ecological conditions;

(3) advance projects that improve public understanding of water resource issues or management challenges, including education on drought, drought awareness, and drought resiliency;

(4) provide training or related education for teachers, faculty, or related personnel, including in a specific geographic area or region; or

(5) enable tours, conferences, or other activities to foster cooperation in addressing water resources or management challenges, including cooperation relating to water resources shared by the United States and Canada or Mexico.

(c) GRANT PRIORITY.—In making grants under this section, the Secretary shall give priority to activities that—

(1) provide training for the professional development of legal and technical experts in the field of water resources management; or

(2) help educate the public, teachers or key stakeholders on—

(A) a new or significantly improved water resource management practice, method, or technique;

(B) the existence of a water resource management practice, method, or technique that may have wide application;

(C) a water resource management practice, method, or technique related to a scientific field or skill identified as a priority by the Secretary; or

(D) general water resource issues or management challenges, including as part of a science curricula in elementary or secondary education setting.

CHAPTER 5—MISCELLANEOUS

SEC. 81251. OFFSET.

(a) PURPOSE; DEFINITION.—

(1) PURPOSE.—The purpose of this section is to establish an efficient and transparent 1-time process for deauthorizing Bureau of Reclamation projects that have failed—

(A) to receive a minimum level of Federal investment; or

(B) to initiate construction.

(2) DEFINITION OF RECLAMATION PROJECT.—In this section, the term ''Reclamation project'' means a surface water storage project or project under the purview of title XVI of Public Law 102–575 that is to be carried out, funded or operated in whole or in part by the Secretary pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(b) BACKLOG LIST.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and make available on a publicly accessible internet website in a manner that is downloadable, searchable, and sortable, a list of—

(1) Reclamation projects—

(A) that are authorized; and

(B) for which, during the fiscal year in which this Act is enacted and each of the preceding 10 fiscal years—

(i) no application for Federal funding has been received; and

(ii) no construction has occurred; and

(2) for each Reclamation project listed under paragraph (1)—

(A) the date of authorization of the Reclamation project, including any subsequent modifications to the original authorization;

(B) a brief description of the Reclamation project; and

(C) any amounts appropriated for the Reclamation project that remain unobligated.

(c) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop and make publicly available an interim deauthorization list that identifies each Reclamation project described in subsection (b)(1).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit and accept, for a period of not less than 90 days, comments relating to the interim deauthorization list under paragraph (1) from—

(i) the public; and

(ii) the Governor of each applicable State.

(B) PROJECT SPONSORS.—As part of the public comment period under subparagraph (A), the Secretary shall provide to project sponsors the opportunity to provide to the Secretary a notice of the intent to initiate construction of the project by not later than the date that is 2 years after the date of publication of the preliminary final deauthorization list under subsection (d).

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of submission of the backlog list under subsection (b), the Secretary shall—

(A) submit the interim deauthorization list under paragraph (1) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; and

(B) publish the interim deauthorization list in the Federal Register.

(d) PRELIMINARY FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a preliminary final deauthorization list that includes each project identified pursuant to paragraph (2).

(2) IDENTIFICATION OF PROJECTS.—

(A) EXCLUSIONS.—The Secretary may identify a Reclamation project described in subsection (b)(1) for exclusion from the preliminary final deauthorization list if the Secretary determines, on a case-by-case basis following receipt of public comments, that the project is critical for interests of the United States, based on the practicable impact of the project on—

(i) public health and safety;

(ii) the national economy; or

(iii) the environment.

(B) SUBJECT TO DEAUTHORIZATION DESIGNATION.—Any Reclamation project the sponsor of which has provided to the Secretary a notice of the intent to initiate construction by not later than 2 years after the date of publication of the preliminary final deauthorization list under this subsection shall be designated on that list as ''subject to deauthorization''.

(C) APPENDIX.—The Secretary shall include as part of the preliminary final deauthorization list under this subsection an appendix that—

(i) identifies each Reclamation project included on the interim deauthorization list under subsection (c) that is not included on the preliminary final deauthorization list; and

(ii) describes the reasons why each Reclamation project identified under clause (i) is not included on the preliminary final deauthorization list.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of expiration of the public comment period under subsection (c)(2)(A), the Secretary shall—

(A) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives the preliminary final deauthorization list and the appendix required under this subsection; and

(B) publish the preliminary final deauthorization list and appendix in the Federal Register.

(e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—Effective beginning on the date that is 180 days after the date of submission to Congress of the preliminary final deauthorization list under subsection (d)(3)(A), each Reclamation project included on that list is deauthorized, unless—

(1) the Reclamation project is designated as ''subject to deauthorization'' pursuant to subsection (d)(2)(B); or

(2) Congress has enacted a joint resolution disapproving the preliminary final deauthorization list.

(f) UPDATED FINAL DEAUTHORIZATION LIST.—

(1) PUBLICATION.—Not later than the date that is 2 years after the date of publication of the preliminary final deauthorization list under subsection (d)(3)(B), the Secretary shall publish an updated final deauthorization list.

(2) PROJECTS SUBJECT TO DEAUTHORIZATION.—On the updated final deauthorization list under this subsection, the Secretary shall describe any Reclamation project designated as ''subject to deauthorization'' on the preliminary final deauthorization list pursuant to subsection (d)(2)(B) as—

(A) authorized, if the Secretary has received evidence that the sponsor of the Reclamation project has substantially initiated construction on the Reclamation project; or

(B) deauthorized, if the Secretary has not received the evidence described in subparagraph (A).

(3) DEAUTHORIZATION.—Any project described as deauthorized pursuant to paragraph (2)(B) shall be deauthorized on the date that is 180 days after the date of submission of the updated final deauthorization list under paragraph (1), unless Congress has enacted a joint resolution disapproving that list.

(g) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized Reclamation project has been modified by an Act of Congress, the date of authorization of the project shall be considered to be the date of the most recent modification.

SEC. 81252. DELAYED WATER PROJECT RECOMMENDATIONS.

The Secretary shall, not later than 30 days after the date of enactment of this Act, transmit recommendations to the appropriate committees of Congress for the use of funds made available for fiscal year 2019 to advance—

(1) water storage projects in accordance with section 4007 of Public Law 114–322;

(2) title XVI water reuse projects in accordance with section 4009(c) of Public Law 114–322; and

(3) water desalination projects in accordance with section 4009(a) of Public Law 114–322.

Subtitle C—Western Water Security

SEC. 81301. DEFINITIONS.

In this subtitle:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of New Mexico.

CHAPTER 1—INFRASTRUCTURE AND WATER MANAGEMENT IMPROVEMENT

SEC. 81311. WATERSMART EXTENSION AND EXPANSION.

(a) DEFINITION OF ELIGIBLE APPLICANT.—Section 9502 of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10362) is amended—

(1) in the matter preceding paragraph (1), by striking ''section'' and inserting ''subtitle'';

(2) by striking paragraph (7) and inserting the following:

''(7) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(A) any State, Indian tribe, irrigation district, or water district;

''(B) any State, regional, or local authority, the members of which include one or more organizations with water or power delivery authority;

''(C) any other organization with water or power delivery authority; or

''(D) any nonprofit conservation organization.'';

(3) by redesignating paragraphs (13) through (17) as paragraphs (14) through (18), respectively; and

(4) by inserting after paragraph (12) the following:

''(13) NATURAL WATER RECHARGE INFRASTRUCTURE.—The term 'natural water recharge infrastructure' means a single project, a number of distributed projects across a watershed, or the redesign and replacement, or removal, of built infrastructure to incorporate natural aquatic elements, in which the project—

''(A) uses natural materials appropriate to the specific site and landscape setting;

''(B) mimics natural riverine, floodplain, riparian, wetland, hydrologic, or other ecological processes; and

''(C) results in aquifer recharge, transient floodplain water retention, or restoration of water in the landscape such that the water returns to a wetland, riparian area, or surface water channel.''.

(b) RESEARCH AGREEMENTS.—Section 9504(b)(1) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''nonprofit conservation organization,'' before ''or organization'';

(2) in subparagraph (B), by striking ''or'' at the end;

(3) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) to increase natural water recharge infrastructure; or''.

(c) WATER MANAGEMENT IMPROVEMENT.—Section 9504(e) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(e)) is amended by striking ''$530,000,000'' and inserting ''$700,000,000, subject to the condition that $50,000,000 of that amount shall be used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriations Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)''.

(d) CONFORMING AMENDMENT.—Section 4009(d) of Public Law 114–322 (42 U.S.C. 10364 note) is amended by striking ''on the condition that of that amount, $50,000,000 of it is used to carry out section 206 of the Energy and Water Development and Related Agencies Appropriation Act, 2015 (43 U.S.C. 620 note; Public Law 113–235)''.

SEC. 81312. EMERGENCY DROUGHT FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended—

(1) by striking ''120,000,000'' and inserting ''180,000,000''; and

(2) by striking ''2020'' and inserting ''2025, of which not more than $30,000,000 shall be made available during that period for the conduct of actions authorized under title I of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2211 et seq.) to benefit imperiled fish and wildlife''.

(b) APPLICABLE PERIOD OF DROUGHT PROGRAM.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The programs and authorities established under this title shall become operative in any Reclamation State and in the State of Hawaii only—

''(1) after the Governor or Governors of the affected State or States, or the governing body of an affected Indian Tribe with respect to a reservation, has made a request for temporary drought assistance and the Secretary has determined that the temporary assistance is merited;

''(2) after a drought emergency has been declared by the Governor or Governors of the affected State or States; or

''(3) on approval of a drought contingency plan as provided in title II.''.

(c) REAUTHORIZATION.—Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''2020'' and inserting ''2030''.

SEC. 81313. RIO GRANDE PUEBLO IRRIGATION INFRASTRUCTURE REAUTHORIZATION.

Section 9106 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1304) is amended—

(1) in subsection (c)(4), by striking ''2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources'' and inserting ''December 31, 2020, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources''; and

(2) in subsection (g)(2)—

(A) by striking ''$6,000,000'' and inserting ''such sums as may be necessary''; and

(B) by striking ''2010 through 2019'' and inserting ''2020 through 2029''.

CHAPTER 2—GROUNDWATER MANAGEMENT

SEC. 81321. REAUTHORIZATION AND EXPANSION OF THE TRANSBOUNDARY AQUIFER ASSESSMENT PROGRAM.

(a) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—Section 4(c)(2) of the United States-Mexico Transboundary Aquifer Assessment Act (42 U.S.C. 1962 note; Public Law 109–448) is amended by striking ''New Mexico or Texas'' and inserting ''New Mexico, Texas, or Arizona (other than an aquifer underlying Arizona and Sonora, Mexico, that is partially within the Yuma groundwater basin designated by the order of the Director of the Arizona Department of Water Resources dated June 21, 1984)''.

(b) REAUTHORIZATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of the United States-Mexico Transboundary Aquifer Assessment Act (42 U.S.C. 1962 note; Public Law 109–448) is amended by striking ''fiscal years 2007 through 2016'' and inserting ''fiscal years 2021 through 2029''.

(2) SUNSET OF AUTHORITY.—Section 9 of the United States-Mexico Transboundary Aquifer Assessment Act (42 U.S.C. 1962 note; Public Law 109–448) is amended by striking ''enactment of this Act'' and inserting ''enactment of the Moving Forward Act''.

SEC. 81322. GROUNDWATER MANAGEMENT ASSESSMENT AND IMPROVEMENT.

Section 9504(a) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10364(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ''or carrying out any activity'' after ''any improvement'';

(B) by striking subparagraphs (A) through (E);

(C) by redesignating subparagraphs (F) through (H) as subparagraphs (B) through (D), respectively;

(D) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) to assist States and water users in complying with interstate compacts through temporary, voluntary, and compensated transactions that decrease consumptive water use at a regional or watershed scale;'';

(E) in subparagraph (B) (as so redesignated), by striking ''to prevent'' and inserting ''to achieve the prevention of'';

(F) in subparagraph (C) (as so redesignated), by striking ''to accelerate'' and inserting ''to achieve the acceleration of''; and

(G) in subparagraph (D) (as so redesignated)—

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

''(i) to increase ecological resilience to climate change, including by enhancing natural water recharge infrastructure within a floodplain or riparian wetland, by addressing climate-related impacts or vulnerability to the water supply of the United States;'';

(ii) in clause (ii), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) to plan for or address the impacts of drought.'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) ELIGIBLE PROJECTS.—The improvements or activities eligible for assistance under paragraph (1) may include improvements or activities—

''(A) using an approach—

''(i) to conserve water;

''(ii) to increase water use efficiency;

''(iii) to facilitate water markets; or

''(iv) to enhance water management, including increasing the use of renewable energy in the management and delivery of water or increasing natural water recharge infrastructure;

''(B) to improve the condition of natural water recharge infrastructure; or

''(C) to achieve the acceleration of the adoption and use of advanced water treatment technologies to increase water supply.''; and

(4) in paragraph (4) (as so redesignated)—

(A) in subparagraph (B)(i), by striking subclause (II) and inserting the following:

''(II) to use the assistance provided under a grant or agreement to increase the consumptive use of water for agricultural operations above the pre-project levels, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.''; and

(B) in subparagraph (E)—

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

''(i) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

''(II) INCREASED FEDERAL SHARE FOR CERTAIN INFRASTRUCTURE IMPROVEMENTS AND ACTIVITIES.—

''(aa) IN GENERAL.—The Federal share of the cost of an infrastructure improvement or activity described in item (bb) shall not exceed 75 percent of the cost of the infrastructure improvement or activity.

''(bb) INFRASTRUCTURE IMPROVEMENTS AND ACTIVITIES DESCRIBED.—An infrastructure improvement or activity referred to in item (aa) is an infrastructure improvement or activity that provides benefits to consumptive water users and nonconsumptive ecological or recreational values in which—

''(AA) in the case of an infrastructure improvement or activity that conserves water, the conserved water is returned to a surface water source with ecological or recreational benefits; or

''(BB) in the case of other infrastructure improvements or activities, the majority of the benefits are nonconsumptive ecological or recreational benefits.''; and

(ii) in clause (ii), in the matter preceding subclause (I), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

SEC. 81323. SURFACE AND GROUNDWATER WATER AVAILABILITY AND THE ENERGY NEXUS.

Section 9508(d)(3) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10368(d)(3)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the semicolon and inserting ''; and''; and

(3) by adding at the end the following:

''(F) oil, gas, and mineral development under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Act of May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), sections 2319 through 2344 of the Revised Statutes (commonly known as the 'Mining Law of 1872') (30 U.S.C. 22 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);''.

CHAPTER 3—WATER CONSERVATION AND ENVIRONMENTAL RESTORATION

SEC. 81331. DEFINITIONS.

In this chapter:

(1) BASIN.—The term ''Basin''—

(A) is limited to areas within the State; and

(B) means each of—

(i) the Upper Rio Grande Basin;

(ii) the Middle Rio Grande Basin;

(iii) the Lower Rio Grande Basin;

(iv) the Lower Pecos River Basin;

(v) the Gila River Basin;

(vi) the Canadian River Basin;

(vii) the San Francisco River Basin; and

(viii) the San Juan River Basin.

(2) DISTRICT.—The term ''District'' means—

(A) the Middle Rio Grande Conservancy District;

(B) the Elephant Butte Irrigation District;

(C) the Carlsbad Irrigation District;

(D) the Arch Hurley Conservancy District;

(E) the Pecos Valley Artesian Conservation District; or

(F) the San Juan Water Commission.

(3) PUEBLO.—The term ''Pueblo'' means each of the following pueblos in the State:

(A) Cochiti.

(B) Santo Domingo.

(C) San Felipe.

(D) Santa Ana.

(E) Sandia.

(F) Isleta.

SEC. 81332. WATER ACQUISITION PROGRAM.

(a) AUTHORIZATION.—The Secretary, acting through the Commissioner of Reclamation, shall carry out in the Basins a water acquisition program in coordination with the other appropriate Federal agencies, State agencies, and non-Federal stakeholders, under which the Secretary shall—

(1) make acquisitions, or assist the State or a District in making acquisitions, of water in the Basins by lease or purchase of water rights or contractual entitlements from willing lessors or sellers, consistent with section 8 of the Act of June 17, 1902 (43 U.S.C. 383), the Rio Grande Compact, and applicable State law relating to the acquisition and administration of water rights; and

(2) take any other actions, consistent with section 8 of the Act of June 17, 1902 (43 U.S.C. 383), the Rio Grande Compact, and applicable State law, that the Secretary determines would achieve the purposes of the water acquisition program described in subsection (b).

(b) PURPOSES.—The purposes of the water acquisition program are—

(1) to enhance stream flow to benefit fish and wildlife (including endangered species), water quality, and river ecosystem restoration in the Basins;

(2) to enhance stewardship and conservation of working land, water, and watersheds in the Basins, consistent with the purpose described in paragraph (1); and

(3) to address water supply-demand imbalances in the Basins, consistent with State law and the purpose described in paragraph (1).

(c) COORDINATION.—To assist in developing and administering the program, the Secretary may provide funds to the State, a District, or a federally established nonprofit entity with particular expertise in western water transactions.

(d) DISTRICT PROJECTS.—Subject to the Rio Grande Compact and applicable State law, the Secretary may develop programs to provide—

(1) cost-share assistance to a District to reduce water depletions by agricultural producers and irrigators in that District by making irrigation system improvements and increasing system efficiency;

(2) incentives to a District for the establishment of a water leasing program from willing lessors for agricultural producers and irrigators in that District to temporarily lease pre-1907 water rights (instead of permanent severance from irrigable land) for the purpose of providing benefits to species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other river ecosystem benefits; and

(3) cost-share assistance to a District to implement infrastructure or operational changes that will allow for effective management of a leasing program, while maintaining adequate water deliveries to other agricultural producers and irrigators.

SEC. 81333. MIDDLE RIO GRANDE WATER CONSERVATION.

(a) IN GENERAL.—The Secretary, in cooperation with a District and in consultation with the Pueblos, may provide funding and technical assistance for the installation of metering and measurement devices and the construction of check structures on irrigation diversions, canals, laterals, ditches, and drains—

(1) to ensure the conservation and efficient use of water within that District by—

(A) reducing actual consumptive use; or

(B) not increasing the use of water; and

(2) to improve the measurement and allocation of water, including water acquired through the water acquisition program established under section 81332.

(b) RIO GRANDE, SAN ACACIA, AND ISLETA REACHES.—

(1) IN GENERAL.—The Secretary shall provide for the development of a comprehensive plan for the San Acacia and Isleta reaches to plan, design, permit, construct, and prioritize projects that balance river maintenance, water availability, use, and delivery, and ecosystem benefits, including—

(A) planning, permitting, and construction of a pumping station at Bosque del Apache National Wildlife Refuge for the purpose of more efficiently using water to provide—

(i) a stable supply for the Refuge; and

(ii) an efficient and reliable supply of water to the Rio Grande for the benefit of the endangered silvery minnow and Southwestern willow flycatcher;

(B) planning, permitting, and construction of a river channel realignment project near the Rio Grande mile-83 for the purpose of conveying water and sediment through the reach to Elephant Butte Reservoir and addressing river channel aggradation while maintaining floodplain connectivity during the snowmelt runoff;

(C) planning, permitting, and construction of a controlled outlet for the low flow conveyance channel to the Rio Grande between Fort Craig, New Mexico, and Rio Grande mile-60 for the purpose of water use and delivery, enhancement and development of habitat areas, and possible creation of a single-channel river ecosystem; and

(D) development of a Lower Reach plan—

(i) to identify additional projects and maintenance activities with water use, sediment management, and delivery and ecosystem benefits; and

(ii) to prioritize implementation of all projects and activities.

(2) PUBLIC PARTICIPATION.—In carrying out this subsection, the Secretary shall provide a process for public participation and comment during plan development and alternative analysis.

SEC. 81334. SUSTAINING BIODIVERSITY DURING DROUGHTS.

Section 9503(b) of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10363(b)) is amended—

(1) in paragraph (3)(D), by inserting ''and native biodiversity'' after ''wildlife habitat''; and

(2) in paragraph (4)(B), by inserting ''and drought biodiversity plans to address sustaining native biodiversity during periods of drought'' after ''restoration plans''.

SEC. 81335. REAUTHORIZATION OF COOPERATIVE WATERSHED MANAGEMENT PROGRAM.

Section 6002(g)(4) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015a(g)(4)) is amended by striking ''2020'' and inserting ''2031''.

CHAPTER 4—EFFECT ON EXISTING LAW

SEC. 81341. EFFECT ON EXISTING LAW.

(a) IN GENERAL.—An action taken by the Secretary or another entity under this subtitle or an amendment made by this subtitle shall comply with applicable State laws in effect on the date of enactment of this Act.

(b) STATE LAW.—Nothing in this subtitle or an amendment made by this subtitle affects, is intended to affect, or interferes with a law of the State relating to the control, appropriation, use, or distribution of water, or any vested right acquired under the law.

(c) RIO GRANDE COMPACT.—Nothing in this subtitle or an amendment made by this subtitle affects or is intended to affect or interfere with any obligation of a State under the Rio Grande Compact or any litigation relating to the Rio Grande Compact.

Subtitle D—Water Resources Research Amendments

SEC. 81411. WATER RESOURCES RESEARCH ACT AMENDMENTS.

(a) CLARIFICATION OF RESEARCH ACTIVITIES.—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''water-related phenomena'' and inserting ''water resources''; and

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''.

(b) COMPLIANCE REPORT.—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) GRANTS.—

''(1) IN GENERAL.—From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than 1 non-Federal dollar for every 1 Federal dollar.''; and

(2) by adding at the end the following:

''(2) REPORT.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.''.

(c) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

''(e) EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

''(A) the quality and relevance of the water resources research of the institute;

''(B) the effectiveness of the institute at producing measured results and applied water supply research; and

''(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

''(2) PROHIBITION ON FURTHER SUPPORT.—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking ''$12,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$8,250,000 for each fiscal years 2020 through 2023''.

(e) ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first sentence by striking ''$6,000,000 for each of fiscal years 2007 through 2011'' and inserting ''$1,750,000 for each of fiscal years 2020 through 2023''.

Subtitle E—Ground Water Recharge Planning

SEC. 81511. GROUND WATER RECHARGE PLANNING.

(a) DEFINITIONS.—In this section:

(1) CRITICALLY OVERDRAFTED BASINS.—The term ''Critically Overdrafted Basins'' means those basins identified by the California Department of Water Resources pursuant to part 2.74 of the California Water Code (commonly known as the ''California's Sustainable Groundwater Management Act'').

(2) RECLAMATION STATE.—The term ''Reclamation State'' means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093; 43 U.S.C. 391).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(b) EVALUATION AND REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall complete an evaluation and report to Congress that identifies potential ground water storage and recharge opportunities in each Reclamation State including recharge opportunities in critically overdrafted basins to help inform future Federal, State, local, and other investment in ground water storage projects.

(2) REPORT.—The report to Congress shall include—

(A) an assessment of potentially beneficial storage and recharge locations based on the Secretary's assessment of—

(i) hydrologic attributes;

(ii) geologic attributes;

(iii) engineering attributes;

(iv) water supply benefits;

(v) environmental benefits;

(vi) infrastructure benefits related to mitigation of subsidence-related infrastructure damage; and

(vii) sustainability benefits for critically overdrafted basins; and

(B) an assessment of potential conveyance infrastructure needs to move excess runoff to the recharge locations identified by the Secretary under this section.

(3) COORDINATION.—To the maximum extent practicable, the Secretary shall coordinate research activities with Reclamation State agencies, ground water sustainability agencies, universities and non-profit organizations in a manner designed to assist with implementation of State-led initiatives such as part 2.74 of the California Water Code (commonly known as the ''Sustainable Groundwater Management Act'').

Subtitle F—Tribal Water Infrastructure

SEC. 81611. FINDING.

The COVID–19 crisis has highlighted the lack of infrastructure and sanitation available in native communities. Addressing the Indian Health Service's Sanitation Facilities Deficiency List, as included in the 2018 report titled ''Annual Report to the Congress of the United States on Sanitation Deficiency Levels for Indian Homes and Communities'', will make investments in the necessary water infrastructure and, in turn, improve health outcomes.

SEC. 81612. INDIAN HEALTH SERVICES SANITATION FACILITIES CONSTRUCTION PROGRAM FUNDING.

(a) ADDITIONAL FUNDING.—For the purpose described in subsection (b), in addition to any other funds available for such purpose, there is authorized to be appropriated to the Secretary of Health and Human Services a total of $2,670,000,000 for each of fiscal years 2020 through 2024.

(b) PURPOSE.—The purpose described in this subsection is the planning, design, construction, modernization, improvement, and renovation of water, sewer, and solid waste sanitation facilities that are funded, in whole or part, by the Indian Health Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

(c) PRIORITY FOR FUNDING.—When awarding funding under this section, the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall address the highest needs first as established in the 2018 report titled ''Annual Report to the Congress of the United States on Sanitation Deficiency Levels for Indian Homes and Communities''.

Subtitle G—Navajo Utah Water Rights Settlement

SEC. 81711. PURPOSES.

The purposes of this subtitle are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Utah for—

(A) the Navajo Nation; and

(B) the United States, for the benefit of the Nation;

(2) to authorize, ratify, and confirm the Agreement entered into by the Nation and the State, to the extent that the Agreement is consistent with this subtitle;

(3) to authorize and direct the Secretary—

(A) to execute the Agreement; and

(B) to take any actions necessary to carry out the agreement in accordance with this subtitle; and

(4) to authorize funds necessary for the implementation of the Agreement and this subtitle.

SEC. 81712. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''agreement'' means—

(A) the document entitled ''Navajo Utah Water Rights Settlement Agreement'' dated December 14, 2015, and the exhibits attached thereto; and

(B) any amendment or exhibit to the document or exhibits referenced in subparagraph (A) to make the document or exhibits consistent with this subtitle.

(2) ALLOTMENT.—The term ''allotment'' means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 634511 in San Juan County, Utah, consisting of 160 acres located in Township 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the allotting document as a Navajo Indian; and

(B) held in trust by the United States—

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) ALLOTTEE.—The term ''allottee'' means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date on which the Secretary publishes in the Federal Register the statement of findings described in section 81717(a).

(5) GENERAL STREAM ADJUDICATION.—The term ''general stream adjudication'' means the adjudication pending, as of the date of enactment, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the ''Southeastern Colorado River General Adjudication'', Civil No. 810704477, conducted pursuant to State law.

(6) INJURY TO WATER RIGHTS.—The term ''injury to water rights'' means an interference with, diminution of, or deprivation of water rights under Federal or State law, excluding injuries to water quality.

(7) MEMBER.—The term ''member'' means any person who is a duly enrolled member of the Navajo Nation.

(8) NAVAJO NATION OR NATION.—The term ''Navajo Nation'' or ''Nation'' means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the ''Navajo Nation'', the ''Navajo Nation of Arizona, New Mexico, & Utah'', and the ''Navajo Nation of Indians'' and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, officers, and agents thereof.

(9) NAVAJO WATER DEVELOPMENT PROJECTS.—The term ''Navajo water development projects'' means projects for domestic municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects Account.

(10) NAVAJO WATER RIGHTS.—The term ''Navajo water rights'' means the Nation's water rights in Utah described in the agreement and this subtitle.

(11) OM&R.—The term ''OM&R'' means operation, maintenance, and replacement.

(12) PARTIES.—The term ''parties'' means the Navajo Nation, the State, and the United States.

(13) RESERVATION.—The term ''Reservation'' means, for purposes of the agreement and this subtitle, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, including any parcel of land granted out of the public domain and held in trust by the United States entirely for the benefit of the Navajo Nation as of the enforceability date.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the United States Department of the Interior or a duly authorized representative thereof.

(15) STATE.—The term ''State'' means the State of Utah and all officers, agents, departments, and political subdivisions thereof.

(16) UNITED STATES.—The term ''United States'' means the United States of America and all departments, agencies, bureaus, officers, and agents thereof.

(17) UNITED STATES ACTING IN ITS TRUST CAPACITY.—The term ''United States acting in its trust capacity'' means the United States acting for the benefit of the Navajo Nation or for the benefit of allottees.

SEC. 81713. RATIFICATION OF AGREEMENT.

(a) APPROVAL BY CONGRESS.—Except to the extent that any provision of the agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the agreement (including any amendments to the agreement that are executed to make the agreement consistent with this subtitle).

(b) EXECUTION BY SECRETARY.—The Secretary is authorized and directed to promptly execute the agreement to the extent that the agreement does not conflict with this subtitle, including—

(1) any exhibits to the agreement requiring the signature of the Secretary; and

(2) any amendments to the agreement necessary to make the agreement consistent with this subtitle.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the agreement and this subtitle, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) all other applicable environmental laws and regulations.

(2) EXECUTION OF THE AGREEMENT.—Execution of the agreement by the Secretary as provided for in this subtitle shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 81714. NAVAJO WATER RIGHTS.

(a) CONFIRMATION OF NAVAJO WATER RIGHTS.—

(1) QUANTIFICATION.—The Navajo Nation shall have the right to use water from water sources located within Utah and adjacent to or encompassed within the boundaries of the Reservation resulting in depletions not to exceed 81,500 acre-feet annually as described in the agreement and as confirmed in the decree entered by the general stream adjudication court.

(2) SATISFACTION OF ALLOTTEE RIGHTS.—Depletions resulting from the use of water on an allotment shall be accounted for as a depletion by the Navajo Nation for purposes of depletion accounting under the agreement, including recognition of—

(A) any water use existing on an allotment as of the date of enactment of this subtitle and as subsequently reflected in the hydrographic survey report referenced in section 81716(b);

(B) reasonable domestic and stock water uses put into use on an allotment; and

(C) any allotment water rights that may be decreed in the general stream adjudication or other appropriate forum.

(3) SATISFACTION OF ON-RESERVATION STATE LAW-BASED WATER RIGHTS.—Depletions resulting from the use of water on the Reservation pursuant to State law-based water rights existing as of the date of enactment of this Act shall be accounted for as depletions by the Navajo Nation for purposes of depletion accounting under the agreement.

(4) IN GENERAL.—The Navajo water rights are ratified, confirmed, and declared to be valid.

(5) USE.—Any use of the Navajo water rights shall be subject to the terms and conditions of the agreement and this subtitle.

(6) CONFLICT.—In the event of a conflict between the agreement and this subtitle, the provisions of this subtitle shall control.

(b) TRUST STATUS OF NAVAJO WATER RIGHTS.—The Navajo water rights—

(1) shall be held in trust by the United States for the use and benefit of the Nation in accordance with the agreement and this subtitle; and

(2) shall not be subject to forfeiture or abandonment.

(c) AUTHORITY OF THE NATION.—

(1) IN GENERAL.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for any use on the Reservation in accordance with the agreement, this subtitle, and applicable Tribal and Federal law.

(2) OFF-RESERVATION USE.—The Nation may allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the approval of the Secretary.

(3) ALLOTTEE WATER RIGHTS.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(A) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in section 81716(b);

(B) reasonable domestic and stock water uses on an allotment; and

(C) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(d) EFFECT.—Except as otherwise expressly provided in this section, nothing in this subtitle—

(1) authorizes any action by the Nation against the United States under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

SEC. 81715. NAVAJO TRUST ACCOUNTS.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund, to be known as the ''Navajo Utah Settlement Trust Fund'' (referred to in this subtitle as the ''Trust Fund''), to be managed, invested, and distributed by the Secretary and to remain available until expended, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any interest earned on those amounts, for the purpose of carrying out this subtitle.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following Accounts:

(1) The Navajo Water Development Projects Account.

(2) The Navajo OM&R Account.

(c) DEPOSITS.—The Secretary shall deposit in the Trust Fund Accounts—

(1) in the Navajo Water Development Projects Account, the amounts made available pursuant to section 81716(a)(1); and

(2) in the Navajo OM&R Account, the amount made available pursuant to section 81716(a)(2).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—Upon receipt and deposit of the funds into the Trust Fund Accounts, the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in a manner that is consistent with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the deposits under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (h).

(e) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Trust Fund,

including any investment earnings, shall be made available to the Nation by the Secretary beginning on the enforceability date and subject to the uses and restrictions set forth in this section.

(f) WITHDRAWALS.—

(1) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—The Nation may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a tribal management plan submitted by the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(A) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Nation shall spend all amounts withdrawn from the Trust Fund and any investment earnings accrued through the investments under the Tribal management plan in accordance with this subtitle.

(B) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Nation from the Trust Fund under this paragraph are used in accordance with this subtitle.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—The Nation may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(A) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this paragraph, the Nation shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Nation elects to withdraw pursuant to this paragraph, subject to the condition that the funds shall be used for the purposes described in this subtitle.

(B) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with subsections (c) and (h).

(C) APPROVAL.—On receipt of an expenditure plan under this paragraph, the Secretary shall approve the plan, if the Secretary determines that the plan—

(i) is reasonable;

(ii) is consistent with, and will be used for, the purposes of this subtitle; and

(iii) contains a schedule which described that tasks will be completed within 18 months of receipt of withdrawn amounts.

(D) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this subtitle.

(g) EFFECT OF ACT.—Nothing in this subtitle gives the Nation the right to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan or an expenditure plan except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(h) USES.—Amounts from the Trust Fund shall be used by the Nation for the following purposes:

(1) The Navajo Water Development Projects Account shall be used to plan, design, and construct the Navajo water development projects and for the conduct of related activities, including to comply with Federal environmental laws.

(2) The Navajo OM&R Account shall be used for the operation, maintenance, and replacement of the Navajo water development projects.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation under subsection (f).

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of the Trust Fund shall be distributed on a per capita basis to any member of the Nation.

(k) EXPENDITURE REPORTS.—The Navajo Nation shall submit to the Secretary annually an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan as described in this subtitle.

SEC. 81716. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary—

(1) for deposit in the Navajo Water Development Projects Account of the Trust Fund established under section 81715(b)(1), $198,300,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(2) for deposit in the Navajo OM&R Account of the Trust Fund established under section 81715(b)(2), $11,100,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(b) IMPLEMENTATION COSTS.—There is authorized to be appropriated non-trust funds in the amount of $1,000,000 to assist the United States with costs associated with the implementation of the subtitle, including the preparation of a hydrographic survey of historic and existing water uses on the Reservation and on allotments.

(c) STATE COST SHARE.—The State shall contribute $8,000,000 payable to the Secretary for deposit into the Navajo Water Development Projects Account of the Trust Fund established under section 81715(b)(1) in installments in each of the 3 years following the execution of the agreement by the Secretary as provided for in subsection (b) of section 81713.

(d) FLUCTUATION IN COSTS.—The amount authorized to be appropriated under subsection (a) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend.

(1) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

(2) PERIOD OF INDEXING.—The period of indexing adjustment for any increment of funding shall end on the date on which funds are deposited into the Trust Fund.

SEC. 81717. CONDITIONS PRECEDENT.

(a) IN GENERAL.—The waivers and release contained in section 81718 of this subtitle shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) to the extent that the agreement conflicts with the Act, the agreement has been revised to conform with this subtitle;

(2) the agreement, so revised, including waivers and releases of claims set forth in section 81718, has been executed by the parties, including the United States;

(3) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized under subsection (a) of section 81716;

(4) the State has enacted any necessary legislation and provided the funding required under the agreement and subsection (c) of section 81716; and

(5) the court has entered a final or interlocutory decree that—

(A) confirms the Navajo water rights consistent with the agreement and this subtitle; and

(B) with respect to the Navajo water rights, is final and nonappealable.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a) have not been fulfilled to allow the Secretary's statement of findings to be published in the Federal Register by October 31, 2030—

(1) the agreement and this subtitle, including waivers and releases of claims described in those documents, shall no longer be effective;

(2) any funds that have been appropriated pursuant to section 81716 but not expended, including any investment earnings on funds that have been appropriated pursuant to such section, shall immediately revert to the general fund of the Treasury; and

(3) any funds contributed by the State pursuant to subsection (c) of section 81716 but not expended shall be returned immediately to the State.

(c) EXTENSION.—The expiration date set forth in subsection (b) may be extended if the Navajo Nation, the State, and the United States (acting through the Secretary) agree that an extension is reasonably necessary.

SEC. 81718. WAIVERS AND RELEASES.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE NATION AND THE UNITED STATES ACTING IN ITS CAPACITY AS TRUSTEE FOR THE NATION.—Subject to the retention of rights set forth in subsection (c), in return for confirmation of the Navajo water rights and other benefits set forth in the agreement and this subtitle, the Nation, on behalf of itself and the members of the Nation (other than members in their capacity as allottees), and the United States, acting as trustee for the Nation and members of the Nation (other than members in their capacity as allottees), are authorized and directed to execute a waiver and release of—

(A) all claims for water rights within Utah based on any and all legal theories that the Navajo Nation or the United States acting in its trust capacity for the Nation, asserted, or could have asserted, at any time in any proceeding, including to the general stream adjudication, up to and including the enforceability date, except to the extent that such rights are recognized in the agreement and this subtitle; and

(B) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within Utah against the State, or any person, entity, corporation, or municipality, that accrued at any time up to and including the enforceability date.

(b) CLAIMS BY THE NAVAJO NATION AGAINST THE UNITED STATES.—The Navajo Nation, on behalf of itself (including in its capacity as allottee) and its members (other than members in their capacity as allottees), shall execute a waiver and release of—

(1) all claims the Navajo Nation may have against the United States relating in any manner to claims for water rights in, or water of, Utah that the United States acting in its trust capacity for the Nation asserted, or could have asserted, in any proceeding, including the general stream adjudication;

(2) all claims the Navajo Nation may have against the United States relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water; or claims relating to failure to protect, acquire, replace, or develop water or water rights) within Utah that first accrued at any time up to and including the enforceability date;

(3) all claims the Nation may have against the United States relating in any manner to the litigation of claims relating to the Nation's water rights in proceedings in Utah; and

(4) all claims the Nation may have against the United States relating in any manner to the negotiation, execution, or adoption of the agreement or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY THE NAVAJO NATION AND THE UNITED STATES.—Notwithstanding the waivers and releases authorized in this subtitle, the Navajo Nation, and the United States acting in its trust capacity for the Nation, retain—

(1) all claims for injuries to and the enforcement of the agreement and the final or interlocutory decree entered in the general stream adjudication, through such legal and equitable remedies as may be available in the decree court or the Federal District Court for the District of Utah;

(2) all rights to use and protect water rights acquired after the enforceability date;

(3) all claims relating to activities affecting the quality of water, including any claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq. (including claims for damages to natural resources)), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the regulations implementing those Acts, and the common law;

(4) all claims for water rights, and claims for injury to water rights, in states other than the State of Utah;

(5) all claims, including environmental claims, under any laws (including regulations and common law) relating to human health, safety, or the environment; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this subtitle.

(d) EFFECT.—Nothing in the agreement or this subtitle—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions in its capacity as trustee for any other Indian Tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; and

(B) conduct judicial review of Federal agency action; or

(4) modifies, conflicts with, preempts, or otherwise affects—

(A) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(B) the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.);

(C) the Act of April 11, 1956 (commonly known as the ''Colorado River Storage Project Act'') (43 U.S.C. 620 et seq.);

(D) the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.);

(E) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(F) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000); and

(G) the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim waived by the Navajo Nation described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

SEC. 81719. MISCELLANEOUS PROVISIONS.

(a) PRECEDENT.—Nothing in this subtitle establishes any standard for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian Tribe in any other judicial or administrative proceeding.

(b) OTHER INDIAN TRIBES.—Nothing in the agreement or this subtitle shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian Tribe, band, or community, other than the Navajo Nation.

SEC. 81720. RELATION TO ALLOTTEES.

(a) NO EFFECT ON CLAIMS OF ALLOTTEES.—Nothing in this subtitle or the agreement shall affect the rights or claims of allottees, or the United States, acting in its capacity as trustee for or on behalf of allottees, for water rights or damages related to lands allotted by the United States to allottees, except as provided in section 81714(a)(2).

(b) RELATIONSHIP OF DECREE TO ALLOTTEES.—Allottees, or the United States, acting in its capacity as trustee for allottees, are not bound by any decree entered in the general stream adjudication confirming the Navajo water rights and shall not be precluded from making claims to water rights in the general stream adjudication. Allottees, or the United States, acting in its capacity as trustee for allottees, may make claims and such claims may be adjudicated as individual water rights in the general stream adjudication.

SEC. 81721. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this subtitle (including any obligation or activity under the agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this subtitle.

TITLE II—NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

Subtitle A—Public Lands Telecommunications

SEC. 82101. DEFINITIONS.

In this Act:

(1) COMMUNICATIONS SITE.—The term ''communications site'' means an area of Federal lands designated for telecommunications uses.

(2) COMMUNICATIONS USE.—The term ''communications use'' means the placement and operation of infrastructure for wireline or wireless telecommunications, including cable television, television, and radio communications, regardless of whether such placement and operation is pursuant to a license issued by the Federal Communications Commission or on an unlicensed basis in accordance with the regulations of the Commission. The term includes ancillary activities, uses, or facilities directly related to such placement and operation.

(3) COMMUNICATIONS USE AUTHORIZATION.—The term ''communications use authorization'' means a right-of-way, permit, or lease granted, issued, or executed by a Federal land management agency for the primary purpose of authorizing the occupancy and use of Federal lands for communications use.

(4) FEDERAL LAND MANAGEMENT AGENCY.—The term ''Federal land management agency'' means the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Reclamation.

(5) FEDERAL LANDS.—The term ''Federal lands'' means lands under the jurisdiction and management of a Federal land management agency.

(6) RENTAL FEE.—The term ''rental fee'' means the fee collected by a Federal land management agency for the occupancy and use authorized by a communications use authorization pursuant to and consistent with authorizing law.

SEC. 82102. COLLECTION AND RETENTION OF RENTAL FEES ASSOCIATED WITH COMMUNICATIONS USE AUTHORIZATIONS ON FEDERAL LANDS AND FEDERAL LAND MANAGEMENT AGENCY SUPPORT FOR COMMUNICATION SITE PROGRAMS.

(a) SPECIAL ACCOUNT REQUIRED.—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency for the deposit of rental fees received by the Federal land management agency for communications use authorizations on Federal lands granted, issued, or executed by the Federal land management agency.

(b) COMPETITIVELY NEUTRAL.—Notwithstanding any other provision of law, any rental fees collected pursuant to this Act shall be competitively neutral, technology neutral, and nondiscriminatory with respect to other uses of the communication site.

(c) RENTAL FEES.—

(1) LIMITATION ON AMOUNT OF RENTAL FEES.—Rental fees shall not exceed the fee schedules published by the Secretary of the Interior for communication use rights-of-way.

(2) REVISION OF RENTAL FEE SCHEDULES FOR COMMUNICATION SITES RIGHTS OF WAY.—Not later than 1 year after the date of the enactment of this Act, through a public process that includes consideration of industry comments, the Secretary of the Interior shall revise the communication sites rights-of-way rental fee schedule to reflect current communication technologies, including the physical footprint of such technologies.

(d) DEPOSIT AND RETENTION OF RENTAL FEES.—Rental fees received by a Federal land management agency shall—

(1) be deposited in the special account established for that Federal land management agency; and

(2) remain available for expenditure under subsection (e), to the extent and in such amounts as are provided in advance in appropriation Acts.

(e) EXPENDITURE OF RETAINED FEES.—Amounts deposited in the special account for a Federal land management agency shall be used solely for Federal land management agency activities related to communications sites, including the following:

(1) Administering communications use authorizations, including cooperative agreements under section 4.

(2) Preparing needs assessments or other programmatic analyses necessary to establish communications sites and authorize communications uses on or adjacent to Federal lands.

(3) Developing management plans for communications sites on or adjacent to Federal lands on a competitively neutral, technology neutral, nondiscriminatory basis.

(4) Training for management of communications sites on or adjacent to Federal lands.

(5) Obtaining, improving access to, or establishing communications sites on or adjacent to Federal lands.

(f) NO EFFECT ON OTHER FEE RETENTION AUTHORITIES.—This Act shall not limit or otherwise affect fee retention by a Federal land management agency under any other authority.

SEC. 82103. COOPERATIVE AGREEMENT AUTHORITY.

The Secretary of the Interior may enter into cooperative agreements to carry out the activities described in section 3(e).

Subtitle B—Outdoors for All

SEC. 82201. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term ''eligible entity'' means—

(i) a State;

(ii) a political subdivision of a State, including—

(I) a city; and

(II) a county;

(iii) a special purpose district, including park districts; and

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

(B) POLITICAL SUBDIVISIONS AND INDIAN TRIBES.—A political subdivision of a State or an Indian tribe shall be considered an eligible entity only if the political subdivision or Indian tribe represents or otherwise serves a qualifying urban area.

(2) OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT PROGRAM.—The term ''Outdoor Recreation Legacy Partnership Grant Program'' means the program established under section 3(a).

(3) QUALIFYING URBAN AREA.—The term ''qualifying urban area'' means an area identified by the Census Bureau as an ''urban area'' in the most recent census.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 82202. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary shall establish an outdoor recreation legacy partnership grant program under which the Secretary may award grants to eligible entities for projects—

(1) to acquire land and water for parks and other outdoor recreation purposes; and

(2) to develop new or renovate existing outdoor recreation facilities.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—As a condition of receiving a grant under subsection (a), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to not less than 100 percent of the amounts made available under the grant.

(2) SOURCES.—The matching amounts referred to in paragraph (1) may include amounts made available from State, local, nongovernmental, or private sources.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement under paragraph (1) if the Secretary determines that—

(A) no reasonable means are available through which an applicant can meet the matching requirement; and

(B) the probable benefit of such project outweighs the public interest in such matching requirement.

SEC. 82203. ELIGIBLE USES.

(a) IN GENERAL.—A grant recipient may use a grant awarded under this Act—

(1) to acquire land or water that provides outdoor recreation opportunities to the public; and

(2) to develop or renovate outdoor recreational facilities that provide outdoor recreation opportunities to the public, with priority given to projects that—

(A) create or significantly enhance access to park and recreational opportunities in an urban neighborhood or community;

(B) engage and empower underserved communities and youth;

(C) provide opportunities for youth employment or job training;

(D) establish or expand public-private partnerships, with a focus on leveraging resources; and

(E) take advantage of coordination among various levels of government.

(b) LIMITATIONS ON USE.—A grant recipient may not use grant funds for—

(1) grant administration costs;

(2) incidental costs related to land acquisition, including appraisal and titling;

(3) operation and maintenance activities;

(4) facilities that support semiprofessional or professional athletics;

(5) indoor facilities such as recreation centers or facilities that support primarily non-outdoor purposes; or

(6) acquisition of land or interests in land that restrict access to specific persons.

SEC. 82204. NATIONAL PARK SERVICE REQUIREMENTS.

In carrying out the Outdoor Recreation Legacy Partnership Grant Program, the Secretary shall—

(1) conduct an initial screening and technical review of applications received; and

(2) evaluate and score all qualifying applications.

SEC. 82205. REPORTING.

(a) ANNUAL REPORTS.—Not later than 30 days after the last day of each report period, each State lead agency that receives a grant under this Act shall annually submit to the Secretary performance and financial reports that—

(1) summarize project activities conducted during the report period; and

(2) provide the status of the project.

(b) FINAL REPORTS.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State lead agency that receives a grant under this Act shall submit to the Secretary a final report containing such information as the Secretary may require.

SEC. 82206. REVENUE SHARING.

Section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by inserting before the period at the end '', of which 20 percent for each of fiscal years 2020 through 2058 shall be used by the Secretary of the Interior to provide grants under the Outdoor Recreation Legacy Partnership Grant Program Act''.

Subtitle C—Updated Borrowing Authority

SEC. 82301. PRESIDIO TRUST BORROWING AUTHORITY.

Section 104(d)(2) of Public Law 104–333 is amended by striking the first sentence and inserting the following: ''The Trust shall also have the authority to issue obligations to the Secretary of the Treasury and the Secretary of the Treasury shall purchase such obligations.''.

Subtitle D—Forest Service Legacy Roads and Trails Remediation Program

SEC. 82401. FOREST SERVICE LEGACY ROADS AND TRAILS REMEDIATION PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall establish and maintain a Forest Service Legacy Roads and Trails Remediation Program (referred to in this section as the ''Program'') within the National Forest System—

(1) to restore fish and other aquatic organism passage by removing or replacing unnatural barriers to the passage of fish and other aquatic organisms;

(2) to decommission unneeded roads and trails; and

(3) to carry out associated activities.

(b) PRIORITY.—In implementing the Program, the Secretary shall give priority to projects that protect or restore—

(1) water quality;

(2) watersheds that feed public drinking water systems; or

(3) habitat for threatened, endangered, and sensitive fish and wildlife species.

(c) NATIONAL PROGRAM STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Chief of the Forest Service shall develop a national strategy for implementing the Program and share the national strategy with the Committee on Natural Resources, Committee on Agriculture, and Committee on Appropriations of the House of Representatives, and the Committee on Appropriations, Committee on Agriculture, Nutrition, and Forestry, and the Committee on Energy and Natural Resources of the Senate.

(d) AUTHORIZATION OF APPROPRAITIONS.—There is authorized to be appropriated to the Secretary to carry out this section $50,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

Subtitle E—Long Bridge

SEC. 82501. AUTHORIZATION OF NATIONAL PARK SERVICE CONVEYANCES.

(a) On request of the State of Virginia or the District of Columbia, as applicable, the Secretary of the Interior (acting through the Director of the National Park Service) (referred to in this section as the ''Secretary'') may, subject to any terms and conditions that the Secretary determines to be necessary, convey to the State of Virginia or the District of Columbia, as applicable, any Federal land or interest in Federal land under the jurisdiction of the Secretary that is identified by the State of Virginia or the District of Columbia, as applicable, as necessary for the Long Bridge Project, which is a project consisting of improvements to the Long Bridge and related railroad infrastructure between Rossyln (RO) Interlocking in Arlington, Virginia, and L'Enfant (LE) Interlocking near 10th Street SW in Washington, DC, the purpose of which is to expand commuter and regional passenger rail service and provide bicycle and pedestrian access crossings over the Potomac River.

(b) If any portion of the Federal land or interest in Federal land conveyed under subsection (a) is no longer being used for railroad purposes or recreational use, the portion of the Federal land or interest in the portion of the land shall revert to the Secretary, on a determination by the Secretary that the portion of the Federal land has been remediated and restored to a condition determined to be satisfactory by the Secretary.

(c) The Secretary may permit the temporary use of any Federal land under the jurisdiction of the Secretary that is identified by the State of Virginia or the District of Columbia, as applicable, as necessary for the construction of the project described in subsection (a), subject to any terms and conditions determined to be necessary by the Secretary.

(d) Notwithstanding any other provision of law, the Secretary may recover from the State of Virginia or the District of Columbia, as applicable, all costs incurred by the Secretary in providing or procuring necessary services associated with a conveyance under subsection (a) or use authorized under subsection (c), with such amounts to remain available to the Secretary until expended, without further appropriation.

TITLE III—OCEANS AND WILDLIFE

Subtitle A—Coastal and Great Lakes Resiliency and Restoration

SEC. 83101. SHOVEL-READY RESTORATION AND RESILIENCY GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a grant program to provide funding and technical assistance to eligible entities for purposes of carrying out a project described in subsection (d).

(b) PROJECT PROPOSAL.—To be considered for a grant under this section, an eligible entity shall submit a grant proposal to the Secretary in a time, place, and manner determined by the Secretary. Such proposal shall include monitoring, data collection, and measurable performance criteria with respect to the project.

(c) DEVELOPMENT OF CRITERIA.—The Secretary shall select eligible entities to receive grants under this section based on criteria developed by the Secretary, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation and the Office for Coastal Management.

(d) ELIGIBLE PROJECTS.—A project is described in this section if—

(1) the purpose of the project is to restore a marine, estuarine, coastal, or Great Lake habitat, including—

(A) restoration of habitat to protect or recover a species that is threatened, endangered, or a

species of concern under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) through the removal or remediation of marine debris, including derelict vessels and fishing gear, in coastal and marine habitats; and

(C) for the benefit of—

(i) shellfish;

(ii) fish, including diadromous fish; or

(iii) coral reefs; or

(2) the project provides adaptation to climate change, including—

(A) by constructing or protecting ecological features or green infrastructure that protects coastal communities from sea level rise, coastal storms, or flooding; and

(B) blue carbon projects.

(e) PRIORITY.—In determining which projects to fund under this section, the Secretary shall give priority to a proposed project—

(1) that would stimulate the economy;

(2) for which the applicant can demonstrate that the grant will fund work that will begin not more than 90 days after the date of the award;

(3) for which the applicant can demonstrate that the grant will fund work that will employ fishermen who have been negatively impacted by the COVID–19 pandemic or pay a fisherman for the use of a fishing vessel;

(4) for which the applicant can demonstrate that any preliminary study or permit required before the project can begin has been completed or can be completed shortly after an award is made; or

(5) that includes communities that may not have adequate resources, including low-income communities, communities of color, Tribal communities, and rural communities.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000,000 for fiscal year 2020 to the Secretary of Commerce to carry out this section, to remain available until expended.

(g) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a nonprofit, a for-profit business, an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), a State, local, Tribal, or territorial government, or, with respect to a project described in subsection (d)(3).

(2) FISHERMAN.—The term ''fisherman'' means a commercial or for-hire fisherman or an oyster farmer.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 83102. LIVING SHORELINE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall make grants to eligible entities for purposes of—

(1) designing and implementing large- and small-scale, climate-resilient living shoreline projects; and

(2) applying innovative uses of natural materials and systems to protect coastal communities, habitats, and natural system functions.

(b) PROJECT PROPOSALS.—To be eligible to receive a grant under this section, an eligible entity shall—

(1) submit to the Administrator a proposal for a living shoreline project, including monitoring, data collection, and measurable performance criteria with respect to the project;

(2) demonstrate to the Administrator that the entity has any permits or other authorizations from local, State, and Federal government agencies necessary to carry out the living shoreline project or provide evidence demonstrating general support from such agencies; and

(3) include an outreach or education component that seeks and solicits feedback from the local or regional community most directly affected by the proposal.

(c) PROJECT SELECTION.—

(1) DEVELOPMENT OF CRITERIA.—The Administrator shall select eligible entities to receive grants under this section based on criteria developed by the Administrator, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation, the Office for Coastal Management, and the Restoration Center.

(2) CONSIDERATIONS.—In developing criteria under paragraph (1) to evaluate a proposed living shoreline project, the Administrator shall take into account—

(A) the potential of the project to protect the community and maintain the viability of the environment, such as through protection of ecosystem functions, environmental benefits, or habitat types, in the area where the project is to be carried out;

(B) the historic and future environmental conditions of the project site, particularly those environmental conditions affected by climate change;

(C) the ecological benefits of the project;

(D) the ability of the entity proposing the project to demonstrate the potential of the project to protect the coastal community where the project is to be carried out, including through—

(i) mitigating the effects of erosion;

(ii) attenuating the impact of coastal storms and storm surge;

(iii) mitigating shoreline flooding;

(iv) mitigating the effects of sea level rise, accelerated land loss, and extreme tides;

(v) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(vi) such other forms of coastal protection as the Administrator considers appropriate; and

(E) the potential of the project to support resiliency at a military installation or community infrastructure supportive of a military installation (as such terms are defined in section 2391 of title 10, United States Code).

(3) PRIORITY.—In selecting living shoreline projects to receive grants under this section, the Administrator shall give priority consideration to a proposed project to be conducted in an area—

(A) for which the President has declared, during the 10-year period preceding the submission of the proposal for the project under subsection (b), that a major disaster exists pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) because of a hurricane, tropical storm, coastal storm, or flooding;

(B) that has a documented history of coastal erosion or frequent coastal inundation during that 10-year period; or

(C) which include communities that may not have adequate resources to prepare for or respond to coastal hazards, including low income communities, communities of color, Tribal communities, and rural communities.

(4) MINIMUM STANDARDS.—

(A) IN GENERAL.—The Administrator shall develop minimum standards to be used in selecting eligible entities to receive grants under this section, taking into account—

(i) the considerations described in paragraph (2);

(ii) the need for such standards to be general enough to accommodate concerns relating to specific project sites; and

(iii) the consideration of an established eligible entity program with systems to disburse funding from a single grant to support multiple small-scale projects.

(B) CONSULTATIONS.—In developing standards under subparagraph (A), the Administrator—

(i) shall consult with relevant offices of the National Oceanic and Atmospheric Administration, such as the Office of Habitat Conservation, the Office for Coastal Management, and the Restoration Center; and

(ii) may consult with—

(I) relevant interagency councils, such as the Estuary Habitat Restoration Council;

(II) Tribes and Tribal organizations;

(III) State coastal management agencies; and

(IV) relevant nongovernmental organizations.

(d) USE OF FUNDS.—A grant awarded under this section to an eligible entity to carry out a living shoreline project may be used by the eligible entity only—

(1) to carry out the project, including administration, design, permitting, entry into negotiated indirect cost rate agreements, and construction;

(2) to monitor, collect, and report data on the performance (including performance over time) of the project, in accordance with standards issued by the Administrator under subsection (f)(2); and

(3) to incentivize landowners to engage in living shoreline projects.

(e) COST-SHARING.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity that receives a grant under this section to carry out a living shoreline project shall provide, from non-Federal sources, funds or other resources (such as land or conservation easements or in-kind matching from private entities) valued at not less than 50 percent of the total cost, including administrative costs, of the project.

(2) REDUCED MATCHING REQUIREMENT FOR CERTAIN COMMUNITIES.—The Administrator may reduce or waive the matching requirement under paragraph (1) for an eligible entity representing a community or nonprofit organization if—

(A) the eligible entity submits to the Administrator in writing—

(i) a request for such a reduction and the amount of the reduction; and

(ii) a justification for why the entity cannot meet the matching requirement; and

(B) the Administrator agrees with the justification.

(f) MONITORING AND REPORTING.—

(1) IN GENERAL.—The Administrator shall require each eligible entity receiving a grant under this section (or a representative of the entity) to carry out a living shoreline project—

(A) to transmit to the Administrator data collected under the project;

(B) to monitor the project and to collect data on—

(i) the ecological benefits of the project and the protection provided by the project for the coastal community where the project is carried out, including through—

(I) mitigating the effects of erosion;

(II) attenuating the impact of coastal storms and storm surge;

(III) mitigating shoreline flooding;

(IV) mitigating the effects of sea level rise, accelerated land loss, and extreme tides;

(V) sustaining, protecting, or restoring the functions and habitats of coastal ecosystems; or

(VI) such other forms of coastal protection as the Administrator considers appropriate; and

(ii) the performance of the project in providing such protection;

(C) to make data collected under the project available on a publicly accessible internet website of the National Oceanic and Atmospheric Administration; and

(D) not later than 1 year after the entity receives the grant, and annually thereafter until the completion of the project, to submit to the Administrator a report on—

(i) the measures described in subparagraph (B); and

(ii) the effectiveness of the project in increasing protection of the coastal community where the project is carried out through living shorelines techniques, including—

(I) a description of—

(aa) the project;

(bb) the activities carried out under the project; and

(cc) the techniques and materials used in carrying out the project; and

(II) data on the performance of the project in providing protection to that coastal community.

(2) GUIDELINES.—In developing guidelines relating to paragraph (1)(C), the Administrator

shall consider how additional data could safely be collected before and after major disasters or severe weather events to measure project performance and project recovery.

(3) STANDARDS.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall, in consultation with relevant offices of the National Oceanic and Atmospheric Administration, relevant interagency councils, and relevant nongovernmental organizations, issue standards for the monitoring, collection, and reporting under subsection (d)(2) of data regarding the performance of living shoreline projects for which grants are awarded under this section.

(B) REPORTING.—The standards issued under subparagraph (A) shall require an eligible entity receiving a grant under this section to report the data described in that subparagraph to the Administrator on a regular basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 to the Administrator for each of fiscal years 2020 through 2025 for purposes of carrying out this section.

(h) MINIMUM REQUIRED FUNDS FOR SHORELINE PROJECTS LOCATED WITHIN THE GREAT LAKES.—The Secretary shall make not less than 10 percent of the funds awarded under this section to projects located in the Great Lakes.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any of the following:

(A) A unit of a State or local government.

(B) An organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code.

(C) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(3) LIVING SHORELINE PROJECT.—The term ''living shoreline project''—

(A) means a project that—

(i) restores or stabilizes a shoreline, including marshes, wetlands, and other vegetated areas that are part of the shoreline ecosystem, by using natural materials and systems to create buffers to attenuate the impact of coastal storms, currents, flooding, and wave energy and to prevent or minimize shoreline erosion while supporting coastal ecosystems and habitats;

(ii) incorporates as many natural elements as possible, such as native wetlands, submerged aquatic plants, corals, oyster shells, native grasses, shrubs, or trees;

(iii) utilizes techniques that incorporate ecological and coastal engineering principles in shoreline stabilization; and

(iv) to the extent possible, maintains or restores existing natural slopes and connections between uplands and adjacent wetlands or surface waters;

(B) may include the use of—

(i) natural elements, such as sand, wetland plants, logs, oysters or other shellfish, submerged aquatic vegetation, corals, native grasses, shrubs, trees, or coir fiber logs;

(ii) project elements that provide ecological benefits to coastal ecosystems and habitats in addition to shoreline protection; and

(iii) structural materials, such as stone, concrete, wood, vinyl, oyster domes, or other approved engineered structures in combination with natural materials; and

(C) may include a project that expands upon or restores natural living shorelines or existing living shoreline projects.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subtitle B—Wildlife Corridors Conservation Act

SEC. 83201. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Energy and Natural Resources of the Senate;

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

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Committee on Natural Resources of the House of Representatives;

(F) the Committee on Appropriations of the House of Representatives; and

(G) in the case of impacts to military installations—

(i) the Committee on Armed Services of the House of Representatives; and

(ii) the Committee on Armed Services of the Senate.

(2) CONNECTIVITY.—The term ''connectivity'' means the degree to which the landscape or seascape facilitates native species movement.

(3) CORRIDOR.—The term ''corridor'' means a feature of the landscape or seascape that—

(A) provides habitat or ecological connectivity; and

(B) allows for native species movement or dispersal.

(4) DATABASE.—The term ''Database'' means the National Wildlife Corridors Database established under section 83341(a).

(5) FEDERAL LAND OR WATER.—The term ''Federal land or water'' means any land or water, or interest in land or water, owned by the United States.

(6) FUND.—The term ''Fund'' means the Wildlife Corridors Stewardship Fund established by section 83401(a).

(7) HABITAT.—The term ''habitat'' means land, water, and substrate occupied at any time during the life cycle of a native species that is necessary, with respect to the native species, for spawning, breeding, feeding, growth to maturity, or migration.

(8) INDIAN LAND.—The term ''Indian land'' means land of an Indian Tribe, or an Indian individual, that is—

(A) held in trust by the United States; or

(B) subject to a restriction against alienation imposed by the United States.

(9) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) NATIONAL COORDINATION COMMITTEE.—The term ''National Coordination Committee'' means the National Coordination Committee established under section 83332(a).

(11) NATIONAL WILDLIFE CORRIDOR.—The term ''National Wildlife Corridor'' means any Federal land or water designated as a National Wildlife Corridor under section 83211(a).

(12) NATIONAL WILDLIFE CORRIDOR SYSTEM.—The term ''National Wildlife Corridor System'' means the system of National Wildlife Corridors established by section 83211(a).

(13) NATIVE SPECIES.—The term ''native species'' means—

(A) a fish, wildlife, or plant species that is or was historically present in a particular ecosystem as a result of natural migratory or evolutionary processes, including subspecies and plant varieties; or

(B) a migratory bird species that is native to the United States or its territories (as defined in section 2(b) of the Migratory Bird Treaty Act (16 U.S.C. 703(b))).

(14) REGIONAL OCEAN PARTNERSHIP.—The term ''regional ocean partnership'' means a regional organization of coastal or Great Lakes States, territories, or possessions voluntarily convened by Governors to address cross-jurisdictional ocean matters, or the functional equivalent of such a regional ocean organization designated by the Governor or Governors of a State or States.

(15) REGIONAL WILDLIFE MOVEMENT COUNCIL.—The term ''regional wildlife movement council'' means a regional wildlife movement council established under section 83333(a).

(16) SECRETARIES.—The term ''Secretaries'' means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, concerning land contained within the National Forest System;

(B) the Secretary of Commerce;

(C) the Secretary of Defense;

(D) the Secretary of the Interior; and

(E) the Secretary of Transportation.

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(18) TRIBAL WILDLIFE CORRIDOR.—The term ''Tribal Wildlife Corridor'' means a corridor established by the Secretary under section 83321(a)(1)(C).

(19) UNITED STATES.—The term ''United States'', when used in a geographical sense, means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau;

(J) the United States Virgin Islands; and

(K) the territorial sea (within the meaning of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)) and the exclusive economic zone (as defined in section 3 of that Act (16 U.S.C. 1802)) within the jurisdiction or sovereignty of the Federal Government.

(20) WILDLIFE MOVEMENT.—The term ''wildlife movement'' means the passage of individual members or populations of a fish, wildlife, or plant species across a landscape or seascape.

(21) MILITARY INSTALLATION.—The term ''military installation'' has the meaning given the term in section 100 of the Sikes Act (16 U.S.C. 670), and also includes military off-shore range complexes and off-shore operating areas.

CHAPTER 1—NATIONAL WILDLIFE CORRIDOR SYSTEM ON FEDERAL LAND AND WATER

SEC. 83211. NATIONAL WILDLIFE CORRIDORS.

(a) ESTABLISHMENT.—There is established a system of corridors on Federal land and water, to be known as the ''National Wildlife Corridor System'', which shall consist of National Wildlife Corridors designated as part of the National Wildlife Corridor System by—

(1) statute;

(2) rulemaking under section 83212; or

(3) a land management plan developed or revised under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a strategy for the effective development of the National Wildlife Corridor System—

(1) to support the fulfillment of the purposes described in section 83212(b);

(2) to ensure coordination and consistency across Federal agencies in the development, implementation, and management of National Wildlife Corridors; and

(3) to develop a timeline for the implementation of National Wildlife Corridors.

SEC. 83212. ADMINISTRATIVE DESIGNATION OF NATIONAL WILDLIFE CORRIDORS.

(a) RULEMAKING.—

(1) NATIONAL WILDLIFE CORRIDORS.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Secretaries, pursuant to the land, water, and resource management planning and conservation authorities of the Secretaries, shall establish a process, by regulation, for the designation and management of National Wildlife Corridors on Federal land or water under the respective jurisdictions of the Secretaries. Where a National Wildlife Corridor crosses federal land or water under the jurisdiction of several secretaries, then the Secretary must obtain concurrence from the applicable Secretaries before a National Wildlife Corridor may be designated.

(2) FEDERAL LAND AND WATER MANAGEMENT.—The Secretaries shall consider the designation of National Wildlife Corridors in any process relating to the issuance, revision, or modification of a management plan for land or water under the respective jurisdiction of the Secretaries insofar as a corridor is consistent with the purpose of the plan.

(b) CRITERIA FOR DESIGNATION.—The regulations promulgated by the Secretary under subsection (a)(1) shall ensure that, in designating a National Wildlife Corridor, the Secretaries—

(1) base the designation of the National Wildlife Corridor on—

(A) coordination with existing—

(i) National Wildlife Corridors;

(ii) corridors established by States; and

(iii) Tribal Wildlife Corridors; and

(B) the best available science of—

(i) existing native species habitat; and

(ii) likely future native species habitats;

(2) determine that the National Wildlife Corridor supports the connectivity, persistence, resilience, and adaptability of the native species for which it has been designated by providing for—

(A) dispersal and genetic exchange between populations;

(B) range shifting, range expansion, or range restoration, such as in response to climate change;

(C) seasonal movement or migration; or

(D) succession, movement, or recolonization following—

(i) a disturbance, such as fire, flood, drought, or infestation; or

(ii) population decline or previous extirpation;

(3) consult the Database; and

(4) consider recommendations from the National Coordination Committee under section 83332(e)(2)(C).

(c) DESIGNATION OF FEDERAL LAND OR WATER REQUIRING RESTORATION OR CONNECTION OF HABITAT.—The Secretaries may designate as a National Wildlife Corridor land or water that—

(1) is necessary for the natural movements of 1 or more native species;

(2) requires restoration, including—

(A) land or water that is degraded; and

(B) land or water from which a species is currently absent—

(i) but may be colonized or recolonized by the species naturally; or

(ii) to which the species may be reintroduced or restored based on habitat changes; and

(3) is fragmented or consists of only a portion of the habitat required for the connectivity needs of 1 or more native species.

(d) NOMINATION FOR DESIGNATION.—

(1) IN GENERAL.—In establishing the process for designation under subsection (a)(1), the Secretary shall include procedures under which—

(A) any State, Tribal, or local government, or a nongovernmental organization engaged in the conservation of native species and the improvement of the habitats of native species, may submit to the Secretaries a nomination to designate as a National Wildlife Corridor an area under the respective jurisdiction of the Secretaries; and

(B) the Secretaries shall consider and, not later than 1 year after the date on which the nomination was submitted under subparagraph (A), respond to any nomination submitted under that subparagraph.

(2) SUPPORTING DOCUMENTATION.—A nomination for designation under paragraph (1)(A) shall include supporting documentation, including—

(A) the native species for which the National Wildlife Corridor would be designated;

(B) summaries and references of, with respect to the designation of a National Wildlife Corridor—

(i) the best science available at the time of the submission of the nomination for designation documenting why the corridor is needed; and

(ii) the most current scientific reports available at the time of the submission of the nomination for designation;

(C) information with respect to how the nomination was coordinated with potential partners;

(D) a description of supporting stakeholders, such as States, Indian Tribes, local governments, scientific organizations, nongovernmental organizations, and affected voluntary private landowners; and

(E) any additional information the Secretaries, in consultation with the National Coordination Committee, determine is relevant to the nomination.

(e) DESIGNATION ON MILITARY LAND.—

(1) IN GENERAL.—Any designation of a National Wildlife Corridor on a military installation—

(A) shall be consistent with the use of military installations and State-owned National Guard installations to ensure the preparedness of the Armed Forces; and

(B) may not result in a net loss in the capability of military installation lands to support the military mission of the installation.

(2) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary of Defense may suspend or terminate the designation of any National Wildlife Corridor on a military installation if the Secretary of Defense considers the suspension or termination to be necessary for military purposes, after public notice of the suspension or termination.

SEC. 83213. MANAGEMENT OF NATIONAL WILDLIFE CORRIDORS.

(a) IN GENERAL.—The Secretaries shall, consistent with other applicable Federal land and water management requirements, laws, and regulations, manage each National Wildlife Corridor under the respective administrative jurisdiction of the Secretaries in a manner that contributes to the long-term connectivity, persistence, resilience, and adaptability of native species for which the National Wildlife Corridor is identified, including through—

(1) the maintenance and improvement of habitat connectivity within the National Wildlife Corridor;

(2) the implementation of strategies and activities that enhance the ability of native species to respond to climate change and other environmental factors;

(3) the maintenance or restoration of the integrity and functionality of the National Wildlife Corridor;

(4) the mitigation or removal of human infrastructure that obstructs the natural movement of native species; and

(5) the use of existing conservation programs, including Tribal Wildlife Corridors, under the respective jurisdiction of the Secretaries to contribute to the connectivity, persistence, resilience, and adaptability of native species.

(b) NATIONAL WILDLIFE CORRIDORS SPANNING MULTIPLE JURISDICTIONS.—In the case of a National Wildlife Corridor that spans the administrative jurisdiction of 2 or more of the Secretaries, the relevant Secretaries shall coordinate management of the National Wildlife Corridor in accordance with section 83311(b) to advance the purposes described in section 83211(b).

(c) ROAD MITIGATION.—In the case of a National Wildlife Corridor that intersects, adjoins, or crosses a new or existing State, Tribal, or local road or highway, the relevant Secretaries shall coordinate with the Secretary of Transportation and State, Tribal, and local transportation agencies, as appropriate, to identify and implement voluntary environmental mitigation measures—

(1) to improve public safety and reduce vehicle caused native species mortality while maintaining habitat connectivity; and

(2) to mitigate damage to the natural movements of native species through strategies such as— (A) the construction, maintenance, or replacement of native species underpasses, overpasses, and culverts; and

(B) the maintenance, replacement, or removal of dams, bridges, culverts, and other hydrological obstructions.

(d) COMPATIBLE USES.—A use of Federal land or water that was authorized before the date on which the Federal land or water is designated as a National Wildlife Corridor may continue if the applicable Secretaries determine that the use is compatible with the wildlife movements of the species for which the National Wildlife Corridor was designated, consistent with applicable Federal laws and regulations.

CHAPTER 2—WILDLIFE CORRIDORS CONSERVATION

Subchapter A—National Wildlife Corridor System on Federal Land and Water

SEC. 83311. COLLABORATION AND COORDINATION.

(a) COLLABORATION.—The Secretaries may partner with and provide funds to States, local governments, Indian Tribes, the National Coordination Committee, voluntary private landowners, and the regional wildlife movement councils to support the purposes described in section 83211(b).

(b) COORDINATION.—To the maximum extent practicable and consistent with applicable law, the Secretary or Secretaries, as applicable, shall develop the strategy under section 83211(b), designate National Wildlife Corridors under section 83212, and manage National Wildlife Corridors under section 83213—

(1) in consultation and coordination with—

(A) other relevant Federal agencies;

(B) States, including—

(i) State fish and wildlife agencies; and

(ii) other State agencies responsible for managing the natural resources and wildlife;

(C) Indian Tribes;

(D) units of local government;

(E) other interested stakeholders identified by the Secretary, including applicable voluntary private landowners;

(F) landscape- and seascape-scale partnerships, including—

(i) the National Fish Habitat Partnership;

(ii) the National Marine Fisheries Service;

(iii) regional fishery management councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a));

(iv) relevant regional ocean partnerships;

(v) the Climate Science Centers of the Department of the Interior; and

(vi) the Landscape Conservation Cooperative Network;

(G) the National Coordination Committee; and

(H) the regional wildlife movement councils.

SEC. 83312. EFFECT.

(a) RELATIONSHIP TO OTHER CONSERVATION LAWS.—Nothing in this chapter amends or otherwise affects any other law (including regulations) relating to the conservation of native species.

(b) JURISDICTION OF STATES AND INDIAN TRIBES.—Nothing in this chapter or an amendment made by this chapter affects the jurisdiction of a State or an Indian Tribe with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in a National Wildlife Corridor or a Tribal Wildlife Corridor.

Subchapter B—Tribal Wildlife Corridors

SEC. 83321. TRIBAL WILDLIFE CORRIDORS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—

(A) NOMINATIONS.—An Indian Tribe may nominate a corridor within Indian land of the Indian Tribe as a Tribal Wildlife Corridor by submitting to the Secretary, in consultation with the Director of the Bureau of Indian Affairs (referred to in this section as the ''Secretary''), an application at such time, in such manner, and containing such information as the Secretary may require.

(B) DETERMINATION.—Not later than 90 days after the date on which the Secretary receives an application under subparagraph (A), the Secretary shall determine whether the nominated Tribal Wildlife Corridor described in the application meets the criteria established under paragraph (2).

(C) PUBLICATION.—On approval of an application under subparagraph (B), the Secretary shall publish in the Federal Register a notice of the establishment of the Tribal Wildlife Corridor, which shall include a map and legal description of the land designated as a Tribal Wildlife Corridor.

(2) CRITERIA.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish criteria for determining whether a corridor nominated by an Indian Tribe under paragraph (1)(A) qualifies as a Tribal Wildlife Corridor.

(B) INCLUSIONS.—The criteria established under subparagraph (A) shall include, at a minimum, the following:

(i) The restoration of historical habitat for the purposes of facilitating connectivity.

(ii) The management of land for the purposes of facilitating connectivity.

(iii) The management of land to prevent the imposition of barriers that may hinder current or future connectivity.

(3) REMOVAL.—

(A) IN GENERAL.—An Indian Tribe may elect to remove the designation of a Tribal Wildlife Corridor on the Indian land of the Indian Tribe by notifying the Secretary.

(B) EFFECT OF REMOVAL.—An Indian Tribe that elects to remove a designation under subparagraph (A) may not receive assistance under subsection (c) or (d)(1) or section 83331.

(b) COORDINATION OF LAND USE PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended—

(1) in subsection (b)—

(A) by striking ''Indian tribes by'' and inserting the following: ''Indian tribes—

''(1) by'';

(B) in paragraph (1) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) for the purposes of determining whether the land use plans for land in the National Forest System would provide additional connectivity to benefit the purposes of a Tribal Wildlife Corridor established under section 83321(a)(1) of the Wildlife Corridors Conservation Act of 2020.''; and

(2) by adding at the end the following:

''(g) TRIBAL WILDLIFE CORRIDORS.—On the establishment of a Tribal Wildlife Corridor under section 83321(a)(1) of the Wildlife Corridors Conservation Act of 2020, the Secretary shall conduct a meaningful consultation with the Indian tribe that administers the Tribal Wildlife Corridor to determine whether, through the revision of 1 or more existing land use plans, the Tribal Wildlife Corridor can—

''(1) be expanded into public lands; or

''(2) otherwise benefit connectivity (as defined in section 83201 of that Act) between public lands and the Tribal Wildlife Corridor.''.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide to Indian Tribes technical assistance relating to the establishment, management, and expansion of a Tribal Wildlife Corridor, including assistance with accessing wildlife data and working with voluntary private landowners to access Federal and State programs to improve wildlife habitat and connectivity on non-Federal land.

(d) AVAILABILITY OF ASSISTANCE.—An Indian Tribe that has a Tribal Wildlife Corridor established on the Indian land of the Indian Tribe shall be eligible for a grant under the wildlife movements grant program under section 83331, subject to other applicable requirements of that grant program.

(e) SAVINGS CLAUSE.—Nothing in this section authorizes or affects the use of private property or Indian land.

SEC. 83322. PROTECTION OF INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this chapter amends, alters, or waives the Federal trust responsibility to Indian Tribes.

(b) FREEDOM OF INFORMATION ACT.—

(1) EXEMPTION.—Information described in paragraph (2) shall not be subject to disclosure under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), if the head of the agency that receives the information, in consultation with the Secretary and the affected Indian Tribe, determines that disclosure may—

(A) cause a significant invasion of privacy;

(B) risk harm to human remains or resources, cultural items, uses, or activities; or

(C) impede the use of a traditional religious site by practitioners.

(2) INFORMATION DESCRIBED.—Information referred to in paragraph (1) is information received by a Federal agency—

(A) pursuant to this chapter relating to—

(i) the location, character, or ownership of human remains of a person of Indian ancestry; or

(ii) resources, cultural items, uses, or activities identified by an Indian Tribe as traditional or cultural because of the long-established significance or ceremonial nature to the Indian Tribe; or

(B) pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

Subchapter C—Wildlife Movement Grant Program on Non-Federal Land and Water

SEC. 83331. WILDLIFE MOVEMENTS GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a wildlife movements grant program (referred to in this section as the ''grant program'') to encourage wildlife movement in accordance with this subsection.

(b) GRANTS.—Beginning not later than 2 years after the date of enactment of this Act, the Secretary, based on recommendations from the National Coordination Committee under section 83332(e)(2)(C), shall make grants to 1 or more projects that—

(1) are a regional priority project identified by a regional wildlife movement council;

(2) satisfy the purposes described in section 83211(b); and

(3) increase connectivity for native species.

(c) ELIGIBLE RECIPIENTS.—A person that is eligible to receive a grant under the grant program is—

(1) a voluntary private landowner or group of landowners;

(2) a State fish and wildlife agency or other State agency responsible for managing natural resources and wildlife;

(3) an Indian Tribe;

(4) a unit of local government;

(5) an agricultural cooperative;

(6) water, irrigation, or rural water districts or associations, or other organizations with water delivery authority (including acequias and land grant communities in the State of New Mexico);

(7) institutions of higher education;

(8) an entity approved for a grant by a regional wildlife movement council; and

(9) any group of entities described in paragraphs (1) through (8).

(d) REQUIREMENTS.—In administering the grant program, the Secretary shall use the criteria, guidelines, contracts, reporting requirements, and evaluation metrics developed by the National Coordination Committee under subparagraphs (A) and (B) of section 83332(e)(2).

SEC. 83332. NATIONAL COORDINATION COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the ''National Coordination Committee''.

(b) ADMINISTRATIVE SUPPORT.—The Secretary shall provide administrative support for the National Coordination Committee.

(c) MEMBERSHIP.—The National Coordination Committee shall be composed of—

(1) the Secretary (or a designee);

(2) the Secretary of Transportation (or a designee);

(3) the Secretary of Agriculture (or a designee);

(4) the Secretary of Commerce (or a designee);

(5) the Secretary of Defense (or a designee);

(6) the Director of the Bureau of Indian Affairs (or a designee);

(7) the Executive Director of the Association of Fish and Wildlife Agencies (or a designee);

(8) 2 representatives of intertribal organizations, to be appointed by the Secretary;

(9) the chairperson of each regional wildlife movement council (or a designee); and

(10) not more than 3 representatives of nongovernmental, science, or academic organizations with expertise in wildlife conservation and habitat connectivity, to be appointed by the Secretary in a manner that ensures that the membership of the National Coordination Committee is fair and balanced.

(d) CHAIRPERSON.—The National Coordination Committee shall select a Chairperson and Vice Chairperson from among the members of the National Coordination Committee.

(e) DUTIES.—The National Coordination Committee—

(1) shall establish standards for regional wildlife movement plans to allow for better cross-regional collaboration; and

(2) shall, with respect to the wildlife movements grant program under section 83331—

(A) establish criteria and develop guidelines for the solicitation of applications for grants by regional wildlife movement councils;

(B) develop standardized contracts, reporting requirements, and evaluation metrics for grant recipients; and

(C) make recommendations annually to the Secretary for the selection of grant recipients on the basis of the ranked lists of regional priority projects received from the regional wildlife movement councils under section 83333(c)(4) that are consistent with the purposes described in section 83211(b).

(f) APPLICABILITY OF FACA.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the National Coordination Committee.

SEC. 83333. REGIONAL WILDLIFE MOVEMENT COUNCILS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish not less than 4 regional wildlife movement councils with separate geographic jurisdictions that encompass the entire United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—Each regional wildlife movement council shall be composed of—

(A) the director of each State fish and wildlife agency within the jurisdiction of the regional wildlife movement council (or a designee);

(B) balanced representation from Tribal governments within the jurisdiction of the regional wildlife movement council;

(C) to serve as a Federal agency liaison and nonvoting, ex officio member—

(i) the Director of the United States Fish and Wildlife Service (or a designee); or

(ii) the director of any applicable regional office of the United States Fish and Wildlife Service (or a designee);

(D) not more than 3 representatives of nongovernmental, science, or academic organizations with expertise in native species conservation and the habitat connectivity needs of the region covered by the regional wildlife movement council; and

(E) not more than 3 voluntary representatives of private landowners with property in the applicable region, not less than 1 of whom shall be a farmer or rancher.

(2) REQUIREMENTS.—

(A) MEMBERSHIP.—The Secretary shall ensure that the membership of each regional wildlife movement council is fair and balanced in terms of expertise and perspectives represented.

(B) EXPERTISE.—Each regional wildlife movement council shall include experts in ecological connectivity, native species ecology, and ecological adaptation.

(3) CHAIRPERSON.—Each regional wildlife movement council shall select a Chairperson from among the members of the regional wildlife movement council.

(c) DUTIES.—Each regional wildlife movement council shall—

(1) not later than 2 years after the date of establishment of the regional wildlife movement council and in accordance with any standards established by the National Coordination Committee, prepare and submit to the Secretary and the National Coordination Committee a regional wildlife movement plan that maintains natural wildlife movement by identifying research priorities and data needs for the Database that is revised, amended, or updated not less frequently than once every 5 years;

(2) provide for public engagement, including engagement of Indian Tribes, at appropriate times and in appropriate locations in the region covered by the regional wildlife movement council, to allow all interested persons an opportunity to be heard in the development and implementation of a regional wildlife movement plan under paragraph (1);

(3) solicit applications for wildlife movement grants under section 83331 in accordance with the criteria and guidelines established by the National Coordination Council under section 83332(e)(2)(A);

(4) in accordance with the criteria and guidelines established under section 83332(e)(2)(A), submit to the National Coordination Committee an annual list of regional priority projects, in ranked order, for wildlife movements grants under section 83331 to maintain wildlife movements in the area under the jurisdiction of the regional wildlife movement council; and

(5) submit to the Secretary and the National Coordination Committee, and make publicly available, an annual report describing the activities of the regional wildlife movement council.

(d) COORDINATION.—If applicable, to increase habitat connectivity between designated Federal land and water and non-Federal land and water, a regional wildlife movement council shall coordinate with—

(1) Federal agencies;

(2) Indian Tribes;

(3) regional fishery management councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a));

(4) migratory bird joint ventures partnerships recognized by the United States Fish and Wildlife Service with respect to migratory bird species;

(5) State fish and wildlife agencies;

(6) regional associations of fish and wildlife agencies;

(7) nongovernmental organizations;

(8) applicable voluntary private landowners;

(9) the National Coordination Committee;

(10) fish habitat partnerships;

(11) other regional wildlife movement councils with respect to crossregional projects;

(12) international wildlife management entities with respect to transboundary species in accordance with trade policies of the United States; and

(13) Federal and State transportation agencies.

(e) APPLICABILITY OF FACA.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the regional wildlife movement councils.

Subchapter D—National Wildlife Corridors Database

SEC. 83341. NATIONAL WILDLIFE CORRIDORS DATABASE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the United States Geological Survey (referred to in this section as the ''Director''), in consultation with the National Coordination Committee and the regional wildlife movement councils, shall establish a database, to be known as the ''National Wildlife Corridors Database''.

(b) CONTENTS.—

(1) IN GENERAL.—The Database shall—

(A) include maps, data, models, surveys, and descriptions of native species habitats, wildlife movements, and corridors that have been developed by Federal agencies that pertain to Federal land and water;

(B) include maps, models, analyses, and descriptions of projected shifts in habitats, wildlife movements, and corridors of native species in response to climate change or other environmental factors;

(C) reflect the best scientific data and information available; and

(D) in accordance with the requirements of the Geospatial Data Act of 2018 (Public Law 115–254), have the data, models, and analyses included in the Database available at scales useful to State, Tribal, local, and Federal agency decisionmakers and the public.

(c) REQUIREMENTS.—Subject to subsection (d), the Director, in collaboration with the National Coordination Committee, the regional wildlife movement councils, and the Administrator of the National Oceanic and Atmospheric Administration, shall—

(1) design the Database to support State, Tribal, local, voluntary private landowner, and Federal agency decisionmakers and the public with data that will allow those entities—

(A) to prioritize and target natural resource adaptation strategies and enhance existing State and Tribal corridor protections;

(B) to assess the impacts of proposed energy, water, transportation, and transmission projects, and other development activities, and to avoid, minimize, and mitigate the impacts of those projects and activities on National Wildlife Corridors;

(C) to assess the impact of new and existing development on native species habitats and National Wildlife Corridors; and

(D) to develop strategies that promote habitat connectivity to allow native species to move—

(i) to meet biological and ecological needs;

(ii) to adjust to shifts in habitat; and

(iii) to adapt to climate change;

(2) establish a coordination process among Federal agencies to update maps and other information with respect to landscapes, seascapes, native species habitats and ranges, habitat connectivity, National Wildlife Corridors, and wildlife movement changes as information based on new scientific data becomes available; and

(3) not later than 5 years after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, develop, submit a report to the Secretary and the appropriate committees of Congress, and make publicly available a report, that, with respect to the Database—

(A) outlines the categories for data that may be included in the Database;

(B) outlines the data protocols and standards for each category of data in the Database;

(C) identifies gaps in native species habitat and National Wildlife Corridor information;

(D) prioritizes research and future data collection activities for use in updating the Database; and

(E) evaluates and quantifies the efficacy of the Database to meet the needs of the entities described in paragraph (1).

(d) PROPRIETARY INTERESTS AND PROTECTED INFORMATION.—In developing the Database, the Director shall—

(1) as applicable, protect proprietary interests with respect to any licensed information, licensed data, and other items contained in the Database; and

(2) protect information in the Database with respect to the habitats and ranges of specific native species to prevent poaching, illegal taking and trapping, and other related threats to native species.

CHAPTER 3—FUNDING

SEC. 83401. WILDLIFE CORRIDORS STEWARDSHIP FUND.

(a) ESTABLISHMENT AND CONTENTS.—There is established in the Treasury a fund, to be known as the ''Wildlife Corridors Stewardship Fund'', that consists of donations of amounts accepted under subsection (c).

(b) USE.—The Fund—

(1) shall be administered by the Secretary and the National Fish and Wildlife Foundation, acting jointly; and

(2) may be used by the National Fish and Wildlife Foundation to enhance the management and protection of National Wildlife Corridors by providing financial assistance to the Federal Government, Indian Tribes, and nongovernmental, science, and academic organizations.

(c) DONATIONS.—The National Fish and Wildlife Foundation may solicit and accept donations of amounts for deposit into the Fund.

(d) COORDINATION.—In administering the Fund, the Secretary and the National Fish and Wildlife Foundation may coordinate with regional wildlife movement councils, regional ocean partnerships, and the National Coordination Committee to the maximum extent practicable.

(e) DISCLOSURE OF USE.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary and the National Fish and Wildlife Foundation shall make publicly available a description of usage of the Fund during the preceding calendar year.

SEC. 83402. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—There are authorized to be appropriated to carry out title I for fiscal year 2020 and each fiscal year thereafter—

(1) to the Secretary, $7,500,000;

(2) to the Secretary of Agriculture, $3,000,000;

(3) to the Secretary of Defense, $1,500,000;

(4) to the Secretary of Commerce, $3,000,000; and

(5) to the Secretary of Transportation, $3,000,000.

(b) TRIBAL WILDLIFE CORRIDORS.—There is authorized to be appropriated to carry out title II $5,000,000 for fiscal year 2020 and each fiscal year thereafter.

(c) WILDLIFE MOVEMENTS GRANT PROGRAM AND REGIONAL WILDLIFE MOVEMENT COUNCILS.—

(1) WILDLIFE MOVEMENT GRANT PROGRAM.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out the wildlife movements grant program under section 83331 $50,000,000 for fiscal year 2022 and each fiscal year thereafter.

(B) REQUIREMENTS.—Amounts appropriated under subparagraph (A) may be used to complement or match other Federal or non-Federal

funding received by the projects funded by those grants.

(C) ADMINISTRATIVE SUPPORT.—Not more than 5 percent of amounts appropriated under subparagraph (A) may be used for administrative support.

(2) REGIONAL WILDLIFE MOVEMENT COUNCILS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to provide support for the regional wildlife movement councils to carry out section 83333 $1,000,000 for fiscal year 2020 and each fiscal year thereafter.

(B) EQUAL DIVISION.—Amounts appropriated under subparagraph (A) shall be proportionally divided between each regional wildlife movement council.

(d) NATIONAL WILDLIFE CORRIDORS DATABASE.—There are authorized to be appropriated to the Secretary to carry out section 83341—

(1) $3,000,000 for fiscal year 2020; and

(2) $1,500,000 for fiscal year 2021 and each fiscal year thereafter.

TITLE IV—ENERGY

Subtitle A—Establishment of Federal Orphaned Well Remediation Program

SEC. 84101. ESTABLISHMENT OF FEDERAL ORPHANED WELL REMEDIATION PROGRAM.

Section 349 of the Energy Policy Act of 2005 (Public Law 109–58; 42 U.S.C. 15907) is amended—

(1) by striking the section title and inserting with ''**ORPHANED WELL REMEDIATION PROGRAM**''*; and*

(2) by striking subsections (a) through (i) and replacing with the following—

''(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a program not later than 90 days after the date of enactment of this section to remediate, reclaim, and close orphaned oil and gas wells located on land administered by the land management agencies within the Department of the Interior and the Department of Agriculture.

''(b) ACTIVITIES.—The program under subsection (a) shall—

''(1) include a means of ranking orphaned well sites for priority in remediation, reclamation, and closure, based on public health and safety, potential environmental harm, and other land use priorities;

''(2) distribute funding according to the priorities identified under paragraph (1) of this subsection for—

''(A) reclaiming, remediating, and closing orphaned wells;

''(B) reclaiming and remediating well pads and access roads associated with orphaned wells; and

''(C) restoring native species habitat that has been degraded due to the presence of orphaned wells;

''(3) provide a public accounting of the costs of remediation, reclamation, and closure for each orphaned well site; and

''(4) seek to determine the identities of potentially responsible parties associated with the orphaned well sites, or their sureties or guarantors, to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable.

''(c) COOPERATION AND CONSULTATIONS.—In carrying out the program under subsection (a), the Secretary shall—

''(1) work cooperatively with the Secretary of Agriculture and the States within which Federal land is located; and

''(2) consult with affected Tribes, the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

''(d) STATE AND TRIBAL ORPHANED WELLS.—

''(1) IN GENERAL.—The Secretary shall establish a program not later than 90 days after the date of enactment of this section to provide grants to States and Tribes to remediate, reclaim, and close orphaned oil and gas wells located on State, Tribal, or private lands.

''(2) ACTIVITIES.—Funds distributed under this subsection may be used by States and Tribes for the activities described in subsection (b), and in addition for—

''(A) identification and characterization of undocumented orphaned wells on State, Tribal, and private lands;

''(B) ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

''(C) administration of a State or Tribal orphaned well closure program, provided that no more than 10 percent of the funds received by a State or Tribe under this subsection may be used for this purpose; and

''(D) making information regarding the use of funds under this subsection available to the public.

''(3) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to—

''(A) States and Tribes that have an established State or Tribal program for the remediation, reclamation, or closure of abandoned, idled, or orphaned oil and gas wells; and

''(B) States and Tribes that require companies to provide financial assurances prior to drilling a well equal to the estimated full cost of well closure and land remediation.

''(4) APPLICATION.—States and Tribes shall be eligible for grants under this subsection upon application to the Secretary of the Interior. Such application shall include—

''(A) a prioritized list of the wells, well sites, and affected areas that will be remediated, reclaimed, or closed;

''(B) a description of the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of remediating, reclaiming, or closing each well, well site, or affected area;

''(C) an estimate of the cost of each proposed project;

''(D) an estimate of the number of jobs that will be created or saved through the projects to be funded under this subsection;

''(E) an estimate of the funds to be spent on administrative costs; and

''(F) a description of how the information regarding the State's or Tribe's activities under this subsection will be made available to the public.

''(5) ALLOCATION.—The Secretary shall, in consultation with States, affected Tribes, and the Interstate Oil and Gas Compact Commission, develop a formula for the amount of grant funding each State or Tribe is eligible for under this subsection, taking into account—

''(A) the number of documented orphaned wells within the State or on each Tribe's lands;

''(B) the estimated number of undocumented orphaned wells within the State or on each Tribe's lands; and

''(C) the amount of oil and gas activity within the State or on Tribal lands in the previous 10 years.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary of Energy, in cooperation with the Secretary, shall establish a program to provide technical assistance to oil and gas producing States and Tribes to ensure practical and economical remedies for environmental problems caused by orphaned or abandoned oil and gas well sites on State, Tribal, or private land.

''(2) ASSISTANCE.—The Secretary of Energy shall work with the States, through the Interstate Oil and Gas Compact Commission, to assist the States in quantifying and mitigating environmental risks of onshore orphaned or abandoned oil or gas wells on State and private land.

''(3) ACTIVITIES.—The program under paragraph (1) shall include—

''(A) mechanisms to facilitate identification, if feasible, of the persons currently providing a bond or other form of financial assurance required under State or Federal law for an oil or gas well that is orphaned or abandoned;

''(B) criteria for ranking orphaned or abandoned well sites based on factors such as public health and safety, potential environmental harm, and other land use priorities;

''(C) information and training programs on best practices for remediation of different types of sites; and

''(D) funding of State mitigation efforts on a cost-shared basis.

''(f) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and every year thereafter, the Secretary shall submit to Congress a report on the programs established under this section.

''(g) DEFINITIONS.—As used in this subsection—

''(1) ORPHANED WELL.—The term 'orphaned well' means any well not in operation for which there is no responsible party known to the Secretary to reclaim and remediate or close the well site; and

''(2) RESPONSIBLE PARTY.—The term 'responsible party' includes any person, association, corporation, subsidiary, or affiliate that directly or indirectly, controls, manages, directs, or undertakes the activities with respect to an oil and gas lease or any person or entity controlled by, or under common control with, such person or entity.

''(h) APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior for each of fiscal years 2020 through 2024—

''(1) $50,000,000 to carry out the program under subsection (a); and

''(2) $350,000,000 to carry out the program under subsection (d).''.

SEC. 84102. FEDERAL BONDING REFORM.

Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended to read as follows:

''(g) BONDING REQUIREMENTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) INTERIM RECLAMATION PLAN.—The term 'Interim Reclamation Plan' means an ongoing plan specifying reclamation steps to be taken on all disturbed areas covered by any lease issued under this Act that are not needed for active operations.

''(B) FINAL RECLAMATION PLAN.—The term 'Final Reclamation Plan' means a plan describing all reclamation activity to be conducted for all disturbed areas, including locations, facilities, trenches, rights-of-way, roads, and any other surface disturbance covered by a lease issued under this Act prior to final abandonment.

''(2) IN GENERAL.—The Secretary of the Interior, or with respect to National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine reclamation and other actions as required in the interest of conservation of surface resources.

''(3) RECLAMATION PLANS REQUIRED.—

''(A) ANALYSIS AND APPROVAL REQUIRED.—No permit to drill on an oil and gas lease issued under this Act may be granted without the analysis and approval by the Secretary concerned of both an interim reclamation plan and a final reclamation plan covering proposed surface-disturbing activities within the lease area.

''(B) PLANS OF OPERATIONS.—All Plans of Operations submitted and approved pursuant to this Act shall include an Interim Reclamation Plan.

''(C) SECRETARIAL REVIEW.—The relevant Secretary shall review each Interim Reclamation Plan at regular intervals and shall require such plans to be amended as warranted, subject to the approval of such Secretary.

''(4) BONDING.—

''(A) IN GENERAL.—The Secretary concerned shall, by regulation, require that an adequate bond, surety, or other financial arrangement

will be established prior to the commencement of surface-disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease.

''(B) PROHIBITION.—The Secretary shall not issue or approve the assignment of any lease under the terms of this section to any person, association, corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation, during any period in which, as determined by the relevant Secretary, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established under this section for any prior lease to which such requirements and standards applied.

''(C) NOTICE AND OPPORTUNITY FOR COMPLIANCE.—Prior to making such determination with respect to any such entity the concerned Secretary shall provide such entity with adequate notification and an opportunity to comply with such reclamation requirements and other standards and shall consider whether any administrative or judicial appeal is pending. Once the entity has complied with the reclamation requirement or other standard concerned an oil or gas lease may be issued to such entity under this Act.

''(D) LIMITATION ON BONDS.—A bond, surety, or other financial arrangement described in subparagraph (A) shall not be adequate if it is less than—

''(i) $50,000 in the case of an arrangement for an individual surface-disturbing activity of an entity;

''(ii) $250,000 in the case of an arrangement for all surface-disturbing activities of an entity in a State; or

''(iii) $1,000,000 in the case of an arrangement for all surface-disturbing activities of an entity in the United States.

''(E) ADJUSTMENTS FOR INFLATION.—In the application of subparagraph (B), the Secretaries concerned shall jointly at least once every three years adjust the dollar amounts in subparagraph (B) to account for inflation based on the Consumer Price Index for all urban consumer published by the Department of Labor.

''(5) STANDARDS.—The Secretary of the Interior and the Secretary of Agriculture shall, by regulation, establish uniform standards for all Interim and Final Reclamation Plans. The goal of such plans shall be the restoration of the affected ecosystem to a condition approximating or equal to that which existed prior to the surface disturbance. Such standards shall include restoration of natural vegetation and hydrology, habitat restoration, salvage, storage and reuse of topsoils, erosion control, control of invasive species and noxious weeds and natural contouring.

''(6) MONITORING.—The Secretary concerned shall not approve final abandonment and shall not release any bond required by this Act until the standards and requirement for final reclamation established pursuant to this Act have been met.''.

Subtitle B—Surface Mining Control and Reclamation Act Amendments

SEC. 84201. ABANDONED MINE LAND RECLAMATION FUND.

Section 401(f)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by striking ''2022'' and inserting ''2037''; and

(B) by striking ''2022'' and inserting ''2037''; and

(2) in subparagraph (B)—

(A) in the heading, by striking ''2023'' and inserting ''2038'';

(B) by striking ''2023'' and inserting ''2038''; and

(C) by striking ''2022'' and inserting ''2037''.

SEC. 84202. EMERGENCY POWERS.

(a) STATE RECLAMATION PROGRAM.—Section 405(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1235(d)) is amended by striking ''sections 402 and 410 excepted'' and inserting ''section 402 excepted''.

(b) DELEGATION.—Section 410 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240) is amended—

(1) in subsection (a), by inserting '', including through reimbursement to a State or Tribal Government described in subsection (c),'' after ''moneys''; and

(2) by adding at the end the following:

''(c) STATE OR TRIBAL GOVERNMENT.—A State or Tribal Government is eligible to receive reimbursement from the Secretary under subsection (a) if such State or Tribal Government has submitted, and the Secretary has approved, an Abandoned Mine Land Emergency Program as part of an approved State or Tribal Reclamation Plan under section 405.''.

SEC. 84203. RECLAMATION FEE.

(a) DURATION.—Effective 90 days after the date of enactment of this Act, section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''September 30, 2021'' and inserting ''September 30, 2036''.

(b) ALLOCATION OF FUNDS.—Effective September 30, 2020, section 402(g) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amended—

(1) in paragraph (6)(A), by striking ''paragraphs (1) and (5)'' inserting ''paragraphs (1), (5), and (8)'';

(2) in paragraph (8)(A), by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(3) by adding at the end the following:

''(9) From amounts withheld pursuant to the Budget Control Act of 2011 (2 U.S.C. 901(a)) from payments to States under title IV of the Surface Mining Control and Reclamation Act (30 U.S.C. 1232(g)) during fiscal years 2013 through 2018, the Secretary shall distribute for fiscal year 2020 an amount to each State equal to the total amount so withheld.''.

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

SEC. 84301. ECONOMIC REVITALIZATION FOR COAL COUNTRY.

(a) IN GENERAL.—Title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) is amended by adding at the end the following:

''SEC. 416. ABANDONED MINE LAND ECONOMIC REVITALIZATION.

''(a) PURPOSE.—The purpose of this section is to promote economic revitalization, diversification, and development in economically distressed mining communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977.

''(b) IN GENERAL.—From amounts deposited into the fund under section 401(b) before October 1, 2007, $200,000,000 shall be made available to the Secretary, subject to appropriation, for each of fiscal years 2021 through 2025 for distribution to States and Indian tribes in accordance with this section for reclamation and restoration projects at sites identified as priorities under section 403(a).

''(c) USE OF FUNDS.—Funds distributed to a State or Indian tribe under subsection (d) shall be used only for projects classified under the priorities of section 403(a) that meet the following criteria:

''(1) CONTRIBUTION TO FUTURE ECONOMIC OR COMMUNITY DEVELOPMENT.—

''(A) IN GENERAL.—The project, upon completion of reclamation, is intended to create favorable conditions for the economic development of the project site or create favorable conditions that promote the general welfare through economic and community development of the area in which the project is conducted.

''(B) DEMONSTRATION OF CONDITIONS.—Such conditions are demonstrated by—

''(i) documentation of the role of the project in such area's economic development strategy or other economic and community development planning process;

''(ii) any other documentation of the planned economic and community use of the project site after the primary reclamation activities are completed, which may include contracts, agreements in principle, or other evidence that, once reclaimed, the site is reasonably anticipated to be used for one or more industrial, commercial, residential, agricultural, or recreational purposes; or

''(iii) any other documentation agreed to by the State or Indian tribe that demonstrates the project will meet the criteria set forth in this subsection.

''(2) LOCATION IN ECONOMICALLY DISTRESSED COMMUNITY AFFECTED BY RECENT DECLINE IN MINING.—

''(A) IN GENERAL.—The project will be conducted in a community—

''(i) that has been adversely affected economically by a recent reduction in coal mining related activity, as demonstrated by employment data, per capita income, or other indicators of economic distress; or

''(ii)(I) that has historically relied on coal mining for a substantial portion of its economy; and

''(II) in which the economic contribution of coal mining has significantly declined.

''(B) SUBMISSION AND PUBLICATION OF EVIDENCE OR ANALYSIS.—Any evidence or analysis relied upon in selecting the location of a project under this subparagraph shall be submitted to the Secretary for publication. The Secretary shall publish such evidence or analysis in the Federal Register within 30 days after receiving such submission.

''(3) STAKEHOLDER COLLABORATION.—

''(A) IN GENERAL.—The project has been the subject of project planning under subsection (g) and has been the focus of collaboration, including partnerships, as appropriate, with interested persons or local organizations.

''(B) PUBLIC NOTICE.—As part of project planning—

''(i) the public has been notified of the project at minimum 30 days prior to submission to Office of Surface Mining Reclamation and Enforcement and has been given an opportunity to request a public meeting convened in a community near the proposed project site; and

''(ii) the State or Indian tribe published notice of the proposed project 30 days prior to submission to Office of Surface Mining Reclamation and Enforcement and published notice of requested public meetings in local newspapers of general circulation, on the Internet, and by any other means considered desirable by the Secretary.

''(C) ELECTRONIC NOTIFICATION.—The State or Indian tribe established a way for interested persons to receive electronically all public notices issued under subparagraph (B) and any written declarations submitted to the Secretary under paragraph (5).

''(4) ELIGIBLE APPLICANTS.—The project has been proposed by entities of State, local, county, or tribal governments, or local organizations, and will be approved and executed by State or tribal programs, approved under section 405 or referred to in section 402(g)(8)(B), which may include subcontracting project-related activities, as appropriate.

''(5) WAIVER.—If the State or Indian tribe—

''(A) cannot provide documentation described in paragraph (1)(B) for a project conducted under a priority stated in paragraph (1) or (2) of section 403(a), or

''(B) is unable to meet the requirements under paragraph (2),

the State or Indian tribe shall submit a written declaration to the Secretary requesting an exemption from the requirements of those subparagraphs. The declaration must explain why achieving favorable conditions for economic or community development at the project site is not practicable, or why the requirements of paragraph (2) cannot be met, and that sufficient funds distributed annually under section 401 are not available to implement the project. Such request for an exemption is deemed to be approved, except the Secretary shall deny such request if the Secretary determines the declaration to be substantially inadequate. Any denial of such request shall be resolved at the State's or Indian tribe's request through the procedures described in subsection (e).

''(d) DISTRIBUTION OF FUNDS.—

''(1) UNCERTIFIED STATES.—

''(A) IN GENERAL.—From the amount made available in subsection (b), the Secretary shall distribute 97.5 percent annually for each of fiscal years 2021 through 2025 to States and Indian tribes that have a State or tribal program approved under section 405 or are referred to in section 402(g)(8)(B), and have not made a certification under section 411(a) in which the Secretary has concurred, as follows:

''(i) Four-fifths of such amount shall be distributed based on the proportion of the amount of coal historically produced in each State or from the lands of each Indian tribe concerned before August 3, 1977.

''(ii) One-fifth of such amount shall be distributed based on the proportion of reclamation fees paid during the period of fiscal years 2012 through 2016 for lands in each State or lands of each Indian tribe concerned.

''(B) SUPPLEMENTAL FUNDS.—Funds distributed under this section—

''(i) shall be in addition to, and shall not affect, the amount of funds distributed—

''(I) to States and Indian tribes under section 401(f); and

''(II) to States and Indian tribes that have made a certification under section 411(a) in which the Secretary has concurred, subject to the cap described in section 402(i)(3); and

''(ii) shall not reduce any funds distributed to a State or Indian tribe by reason of the application of section 402(g)(8).

''(2) ADDITIONAL FUNDING TO CERTAIN STATES AND INDIAN TRIBES.—

''(A) ELIGIBILITY.—From the amount made available in subsection (b), the Secretary shall distribute 2.5 percent annually for each of the five fiscal years beginning with fiscal year 2021 to States and Indian tribes that have a State program approved under section 405 and have made a certification under section 411(a) in which the Secretary has concurred.

''(B) APPLICATION FOR FUNDS.—Using the process in section 405(f), any State or Indian tribe described in subparagraph (A) may submit a grant application to the Secretary for funds under this paragraph. The Secretary shall review each grant application to confirm that the projects identified in the application for funding are eligible under subsection (c).

''(C) DISTRIBUTION OF FUNDS.—The amount of funds distributed to each State or Indian tribe under this paragraph shall be determined by the Secretary based on the demonstrated need for the funding to accomplish the purpose of this section.

''(3) REALLOCATION OF UNCOMMITTED FUNDS.—

''(A) COMMITTED DEFINED.—For purposes of this paragraph the term 'committed'—

''(i) means that funds received by the State or Indian tribe—

''(I) have been exclusively applied to or reserved for a specific project and therefore are not available for any other purpose; or

''(II) have been expended or designated by the State or Indian tribe for the completion of a project;

''(ii) includes use of any amount for project planning under subsection (g); and

''(iii) reflects an acknowledgment by Congress that, based on the documentation required under subsection (c)(2)(B), any unanticipated delays to commit such funds that are outside the control of the State or Indian tribe concerned shall not affect its allocations under this section.

''(B) FISCAL YEARS 2024 AND 2025.—For each of fiscal years 2024 and 2025, the Secretary shall reallocate in accordance with subparagraph (D) any amount available for distribution under this subsection that has not been committed to eligible projects in the preceding 2 fiscal years, among the States and Indian tribes that have committed to eligible projects the full amount of their annual allocation for the preceding fiscal year.

''(C) FISCAL YEAR 2026.—For fiscal year 2026, the Secretary shall reallocate in accordance with subparagraph (D) any amount available for distribution under this subsection that has not been committed to eligible projects or distributed under paragraph (1)(A), among the States and Indian tribes that have committed to eligible projects the full amount of their annual allocation for the preceding fiscal years.

''(D) AMOUNT OF REALLOCATION.—The amount reallocated to each State or Indian tribe under each of subparagraphs (B) and (C) shall be determined by the Secretary to reflect, to the extent practicable—

''(i) the proportion of unreclaimed eligible lands and waters the State or Indian tribe has in the inventory maintained under section 403(c);

''(ii) the average of the proportion of reclamation fees paid for lands in each State or lands of each Indian tribe concerned; and

''(iii) the proportion of coal mining employment loss incurred in the State or on lands of the Indian tribe, respectively, as determined by the Mine Safety and Health Administration, over the 5-year period preceding the fiscal year for which the reallocation is made.

''(e) RESOLUTION OF SECRETARY'S CONCERNS; CONGRESSIONAL NOTIFICATION.—If the Secretary does not agree with a State or Indian tribe that a proposed project meets the criteria set forth in subsection (c)—

''(1) the Secretary and the State or tribe shall meet and confer for a period of not more than 45 days to resolve the Secretary's concerns, except that such period may be shortened by the Secretary if the Secretary's concerns are resolved;

''(2) during that period, at the State's or Indian tribe's request, the Secretary may consult with any appropriate Federal agency; and

''(3) at the end of that period, if the Secretary's concerns are not resolved the Secretary shall provide to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an explanation of the concerns and such project proposal shall not be eligible for funds distributed under this section.

''(f) ACID MINE DRAINAGE TREATMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a State or Indian tribe that receives funds under this section may use up to 30 percent of such funds as necessary to supplement the State's or tribe's acid mine drainage abatement and treatment fund established under section 402(g)(6)(A), for future operation and maintenance costs for the treatment of acid mine drainage associated with the individual projects funded under this section. A State or Indian tribe shall specify the total funds allotted for such costs in its application submitted under subsection (d)(2)(B).

''(2) CONDITION.—A State or Indian tribe may use funds under this subsection only if the State or tribe can demonstrate that the annual grant distributed to the State or tribe pursuant to section 401(f), including any interest from the State's or tribe's acid mine drainage abatement and treatment fund that is not used for the operation or maintenance of preexisting acid mine drainage treatment systems, is insufficient to fund the operation and maintenance of any acid mine drainage treatment system associated with an individual project funded under this section.

''(g) PROJECT PLANNING AND ADMINISTRATION.—

''(1) STATES AND INDIAN TRIBES.—A State or Indian tribe may use up to 10 percent of its annual distribution under this section for the costs of administering this section consistent with existing practice under sections 401(c)(7) and 402(g)(1)(C) of the Surface Mining Control and Reclamation Act of 1977 and the Office of Surface Mining Reclamation and Enforcement Federal Assistance Manual.

''(2) SECRETARY.—The Secretary may expend, from amounts made available to the Secretary under section 402(g)(3)(D), not more than $3,000,000 during the fiscal years for which distributions occur under subsection (b) for staffing and other administrative expenses necessary to carry out this section.

''(h) REGULATIONS AND GUIDELINES.—To the extent necessary to implement the provisions of this Act, the Secretary shall propose rules and/or develop guidelines not later than 90 days following enactment of the Act and shall publish them as final rules and/or guidelines not later than 90 days thereafter. Within 60 days following the adoption of any such final rules and/or guidelines, the Secretary shall distribute the funds under subsection (d). Furthermore, project proposals under this Act shall be initially reviewed, vetted and approved by OSMRE Field Offices within 45 days of receipt and authorizations to proceed shall be issued by the Field Office within 45 days of request by the State or Tribe.

''(i) REPORT TO CONGRESS.—The Secretary shall provide to the Committee on Natural Resources of the House of Representatives, the Committees on Appropriations of the House of Representatives and the Senate, and the Committee on Energy and Natural Resources of the Senate at the end of each fiscal year for which such funds are distributed a detailed report—

''(1) on the various projects that have been undertaken with such funds;

''(2) the extent and degree of reclamation using such funds that achieved the priorities described in paragraph (1) or (2) of section 403(a);

''(3) the community and economic benefits that are resulting from, or are expected to result from, the use of the funds that achieved the priorities described in paragraph (3) of section 403(a); and

''(4) the reduction since the previous report in the inventory referred to in section 403(c).

''(j) PROHIBITION ON CERTAIN USE OF FUNDS.—Any State or Indian tribe that uses the funds distributed under this section for purposes other than reclamation or drainage abatement expenditures, as made eligible by section 404, and for the purposes authorized under subsections (f) and (g), shall be barred from receiving any subsequent funding under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Surface Mining Control and Reclamation Act of 1977 is amended by adding at the end of the items relating to title IV the following:

''Sec. 416. Abandoned mine land economic revitalization.''.

SEC. 84302. TECHNICAL AND CONFORMING AMENDMENTS.

The Surface Mining Control and Reclamation Act of 1977 is amended—

(1) in section 401(c) (30 U.S.C. 1231(c)), by striking ''and'' after the semicolon at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

''(11) to implement section 416; and'';

(2) in section 401(d)(3) (30 U.S.C. 1231(d)(3)), by striking ''subsection (f)'' and inserting ''subsection (f) and section 416(a)'';

(3) in section 402(g) (30 U.S.C. 1232(g))—

(A) in paragraph (1), by inserting ''and section 416'' after ''subsection (h)''; and

(B) by adding at the end of paragraph (3) the following:

''(F) For the purpose of section 416(d)(2)(A).''; and

(4) in section 403(c) (30 U.S.C. 1233(c)), by inserting after the second sentence the following: ''As practicable, States and Indian tribes shall offer such amendments based on the use of remote sensing, global positioning systems, and other advanced technologies.''.

SEC. 84303. MINIMUM STATE PAYMENTS.

Section 402(g)(8)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is amended by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 84304. GAO STUDY OF USE OF FUNDS.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall study and report to the Congress on uses of funds authorized by this subtitle, including regarding—

(1) the solvency of the Abandoned Mine Reclamation Fund; and

(2) the impact of such use on payments and transfers under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201) to—

(A) States for which a certification has been made under section 411 of such Act (30 U.S.C. 1241);

(B) States for which such a certification has not been made; and

(C) transfers to United Mine Workers of America Combined Benefit Fund.

SEC. 84305. PAYMENTS TO CERTIFIED STATES NOT AFFECTED.

Nothing in this subtitle shall be construed to reduce or otherwise affect payments under section 402(g) of the Surface Mining Reclamation and Control Act of 1977 (30 U.S.C. 1232(g)) to States that have made a certification under section 411(a) of such Act (30 U.S.C. 1240a(a)) in which the Secretary of the Interior has concurred.

Subtitle D—Public Land Renewable Energy Development

SEC. 84401. DEFINITIONS.

In this subtitle:

(1) COVERED LAND.—The term ''covered land'' means land that is—

(A) public lands administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term ''exclusion area'' means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) FEDERAL LAND.—The term ''Federal land'' means public lands.

(4) FUND.—The term ''Fund'' means the Renewable Energy Resource Conservation Fund established by section 84408(c)(1).

(5) PRIORITY AREA.—The term ''priority area'' means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project, including a designated leasing area (as defined in section 2801.5(b) of title 43, Code of Federal Regulations (or a successor regulation)) that is identified under the rule of the Bureau of Land Management entitled ''Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections'' (81 Fed. Reg. 92122 (December 19, 2016)) (or a successor regulation).

(6) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) RENEWABLE ENERGY PROJECT.—The term ''renewable energy project'' means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(9) VARIANCE AREA.—The term ''variance area'' means covered land that is—

(A) not an exclusion area;

(B) not a priority area; and

(C) identified by the Secretary as potentially available for renewable energy development and could be approved without a plan amendment, consistent with the principles of multiple use (as that term is defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)).

SEC. 84402. LAND USE PLANNING; SUPPLEMENTS TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects. Projects located in those priority areas shall be given the highest priority for review, and shall be offered the opportunity to participate in any regional mitigation plan developed for the relevant priority areas.

(2) DEADLINE.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of the enactment of this Act.

(B) SOLAR ENERGY.—For solar energy, solar Designated Leasing Areas, including the solar energy zones established by the 2012 western solar plan of the Bureau of Land Management and any subsequent land use plan amendments, shall be considered to be priority areas for solar energy projects. The Secretary shall establish additional solar priority areas as soon as practicable, but not later than 3 years, after the date of the enactment of this Act.

(C) WIND ENERGY.—For wind energy, the Secretary shall establish additional wind priority areas as soon as practicable, but not later than 3 years, after the date of the enactment of this Act.

(b) VARIANCE AREAS.—To the maximum extent practicable, variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)).

(c) REVIEW AND MODIFICATION.—Not less than once every 5 years, the Secretary shall—

(1) review the adequacy of land allocations for geothermal, solar, and wind energy priority and variance areas for the purpose of encouraging new renewable energy development opportunities; and

(2) based on the review carried out under paragraph (1), add, modify, or eliminate priority, variance, and exclusion areas.

(d) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by supplementing the October 2008 final programmatic environmental impact statement for geothermal leasing in the Western United States and incorporating any additional regional analyses that have been completed by Federal agencies since the programmatic environmental impact statement was finalized;

(2) for solar energy, by supplementing the July 2012 final programmatic environmental impact statement for solar energy development and incorporating any additional regional analyses that have been completed by Federal agencies since the programmatic environmental impact statement was finalized; and

(3) for wind energy, by supplementing the July 2005 final programmatic environmental impact statement for wind energy development and incorporating any additional regional analyses that have been completed by Federal agencies since the programmatic environmental impact statement was finalized.

(e) NO EFFECT ON PROCESSING APPLICATIONS.—Any requirements to prepare a supplement to a programmatic environmental impact statement under this section shall not result in any delay in processing a pending application for a renewable energy project.

(f) COORDINATION.—In developing a supplement required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, Tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to existing and/or planned transmission lines);

(2) likely to avoid or minimize impacts to habitat for animals and plants, recreation, cultural resources, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section (43 U.S.C. 1712(c)(9)).

SEC. 84403. ENVIRONMENTAL REVIEW ON COVERED LAND.

(a) IN GENERAL.—If the Secretary determines that a proposed renewable energy project has been sufficiently analyzed by a programmatic environmental impact statement conducted under section 84402(d), the Secretary shall not require any additional review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall publish any such project determinations on a publicly available website.

(b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the Secretary determines that additional environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is necessary for a proposed renewable energy project, the Secretary shall rely on the analysis in the programmatic environmental impact statement conducted under section 84402(d), to the maximum extent practicable when analyzing the potential impacts of the project.

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section modifies or supersedes any requirement under applicable law.

SEC. 84404. PROGRAM TO IMPROVE RENEWABLE ENERGY PROJECT PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary shall establish a national Renewable Energy Coordination Office and State, district, or field offices with responsibility to establish and implement a program to improve Federal permit coordination with respect to renewable energy projects on covered land and other activities deemed necessary by the Secretary. In carrying out the program, the Secretary may temporarily assign qualified staff to Renewable Energy Coordination Offices to expedite the permitting of renewable energy projects.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section, including to specifically expedite the environmental analysis of applications for projects proposed in a variance area or a priority area, with the Secretary of Defense.

(2) STATE AND TRIBAL PARTICIPATION.—The Secretary may request the Governor of any interested State or any Tribal leader of any interested Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) to be a signatory to the memorandum of understanding under paragraph (1).

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date on which the memorandum of understanding under subsection (b) is executed, all Federal signatories, as appropriate, shall identify for each of the Bureau of Land Management Renewable Energy Coordination Offices one or more employees who have expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) consultation regarding, and preparation of, biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(G) implementation of the requirements of section 306108 of title 54, United States Code (formerly known as section 106 of the National Historic Preservation Act);

(H) the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d); and

(I) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753 and 102101 of title 54 , United States Code (previously known as the ''National Park Service Organic Act'').

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) be responsible for addressing all issues relating to the jurisdiction of the home office or agency of the employee; and

(B) participate as part of the team of personnel working on proposed energy projects, planning, monitoring, inspection, enforcement, and environmental analyses.

(d) ADDITIONAL PERSONNEL.—The Secretary may assign such additional personnel for the Bureau of Land Management Renewable Energy Coordination Offices as are necessary to ensure the effective implementation of any programs administered by the offices in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) CLARIFICATION OF EXISTING AUTHORITY.—Under section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737), the Bureau of Land Management may—

(1) accept donations for the purposes of public lands management; and

(2) accept donations from renewable energy companies working on public lands to help cover the costs of environmental reviews.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than February 1 of the first fiscal year beginning after the date of the enactment of this Act, and each February 1 thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the progress made under the program established under subsection (a) during the preceding year.

(2) INCLUSIONS.—Each report under this subsection shall include—

(A) projections for renewable energy production and capacity installations; and

(B) a description of any problems relating to leasing, permitting, siting, or production.

SEC. 84405. INCREASING ECONOMIC CERTAINTY.

(a) CONSIDERATIONS.—The Secretary is authorized to and shall consider acreage rental rates, capacity fees, and other recurring annual fees in total when evaluating existing rates paid for the use of Federal land by renewable energy projects.

(b) INCREASES IN BASE RENTAL RATES.—Once a base rental rate is established upon the issuance of a right-of-way authorization, increases in the base rent shall be limited to the Implicit Price Deflator–Gross Domestic Product (IPD–GDP) index for the entire term of the right-of-way authorization.

(c) REDUCTIONS IN BASE RENTAL RATES.—The Secretary is authorized to reduce acreage rental rates and capacity fees, or both, for existing and new wind and solar authorizations if the Secretary determines—

(1) that the existing rates—

(A) exceed fair market value;

(B) impose economic hardships;

(C) limit commercial interest in a competitive lease sale or right-of-way grant; or

(D) are not competitively priced compared to other available land; or

(2) that a reduced rental rate or capacity fee is necessary to promote the greatest use of wind and solar energy resources, especially those resources inside priority areas. Rental rates and capacity fees for projects that are within the boundaries of a Designated Leasing Area but not formally recognized as being in such an area shall be equivalent to rents and fees for new leases inside of a Designated Leasing Area.

SEC. 84406. LIMITED GRANDFATHERING.

(a) DEFINITION OF PROJECT.—In this section, the term ''project'' means a system described in section 2801.9(a)(4) of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) REQUIREMENT TO PAY RENTS AND FEES.—Unless otherwise agreed to by the owner of a project, the owner of a project that applied for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) on or before December 19, 2016, shall be obligated to pay with respect to the right-of-way all rents and fees in effect before the effective date of the rule of the Bureau of Land Management entitled ''Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections'' (81 Fed. Reg. 92122 (December 19, 2016)).

SEC. 84407. RENEWABLE ENERGY GOAL.

The Secretary shall seek to issue permits that, in total, authorize production of not less than 25 gigawatts of electricity from wind, solar, and geothermal energy projects by not later than 2025, through management of public lands and administration of Federal laws.

SEC. 84408. DISPOSITION OF REVENUES.

(a) DISPOSITION OF REVENUES.—Beginning on January 1, 2020, of the amounts collected as bonus bids, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization (other than under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g))) for the development of wind or solar energy on covered land the following shall be made available without further appropriation or fiscal year limitation as follows:

(1) Twenty-five percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the revenue is derived.

(2) Twenty-five percent shall be paid by the Secretary of the Treasury to the one or more counties within the boundaries of which the revenue is derived, to be allocated among the counties based on the percentage of land from which the revenue is derived.

(3) Fifteen percent shall be deposited in the Treasury and be made available to the Secretary to carry out the program established under this subtitle, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land, with priority given to using the amounts, to the maximum extent practicable without detrimental impacts to emerging markets, to expediting the issuance of permits required for the development of renewable energy projects in the States from which the revenues are derived.

(4) Twenty-five percent shall be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c).

(5) The remainder shall be deposited into the general fund of the Treasury for purposes of reducing the annual Federal budget deficit.

(b) PAYMENTS TO STATES AND COUNTIES.—

(1) IN GENERAL.—Amounts paid to States and counties under subsection (a) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) PAYMENTS IN LIEU OF TAXES.—A payment to a county under paragraph (1) shall be in addition to a payment in lieu of taxes received by the county under chapter 69 of title 31, United States Code.

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund to be known as the Renewable Energy Resource Conservation Fund, which shall be administered by the Secretary.

(2) USE OF FUNDS.—The Secretary may make amounts in the Fund available to Federal, State, local, and Tribal agencies to be distributed in regions in which renewable energy projects are located on Federal land, for the purposes of—

(A) restoring and protecting—

(i) fish and wildlife habitat for affected species;

(ii) fish and wildlife corridors for affected species; and

(iii) wetlands, streams, rivers, and other natural water bodies in areas affected by wind, geothermal, or solar energy development; and

(B) preserving and improving recreational access to Federal land and water in an affected region through an easement, right-of-way, or other instrument from willing landowners for the purpose of enhancing public access to existing Federal land and water that is inaccessible or restricted.

(3) RESTRICTION ON USE OF FUNDS.—No funds made available under this subsection may be used for the purchase of real property unless in fulfillment of paragraph (2)(B).

(4) PARTNERSHIPS.—The Secretary may enter into cooperative agreements with State and Tribal agencies, nonprofit organizations, and other appropriate entities to carry out the activities described in subparagraphs (A) and (B) of paragraph (2).

(5) INVESTMENT OF FUND.—

(A) IN GENERAL.—Any amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) USE.—Any interest earned under subparagraph (A) may be expended in accordance with this subsection.

(6) REPORT TO CONGRESS.—At the end of each fiscal year, the Secretary shall report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(A) the amount collected as described in subsection (a), by source, during that fiscal year;

(B) the amount and purpose of payments during that fiscal year to each Federal, State, local, and Tribal agency under paragraph (2); and

(C) the amount remaining in the Fund at the end of the fiscal year.

(7) INTENT OF CONGRESS.—It is the intent of Congress that the revenues deposited and used in the Fund shall supplement (and not supplant) annual appropriations for activities described in subparagraphs (A) and (B) of paragraph (2).

SEC. 84409. PROMOTING AND ENHANCING DEVELOPMENT OF GEOTHERMAL ENERGY.

(a) IN GENERAL.—Section 234(a) of the Energy Policy Act of 2005 (42 U.S.C. 15873(a)) is amended by striking ''in the first 5 fiscal years beginning after the date of enactment of this Act'' and inserting ''through fiscal year 2022''.

(b) AUTHORIZATION.—Section 234(b) of the Energy Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

(1) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(2) by adding at the end the following:

''(2) AUTHORIZATION.—Effective for fiscal year 2019 and each fiscal year thereafter, amounts deposited under subsection (a) shall be available to the Secretary of the Interior for expenditure, without further appropriation or fiscal year limitation, to implement the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and this Act.''.

SEC. 84410. FACILITATION OF COPRODUCTION OF GEOTHERMAL ENERGY ON OIL AND GAS LEASES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

''(4) LAND SUBJECT TO OIL AND GAS LEASE.—Land under an oil and gas lease issued pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) that is subject to an approved application for permit to drill and from which oil and gas production is occurring may be available for noncompetitive leasing under subsection (c) by the holder of the oil and gas lease—

''(A) on a determination that geothermal energy will be produced from a well producing or capable of producing oil and gas; and

''(B) in order to provide for the coproduction of geothermal energy with oil and gas.''.

SEC. 84411. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is further amended by adding at the end the following:

''(5) ADJOINING LAND.—

''(A) DEFINITIONS.—In this paragraph:

''(i) FAIR MARKET VALUE PER ACRE.—The term 'fair market value per acre' means a dollar amount per acre that—

''(I) except as provided in this clause, shall be equal to the market value per acre (taking into account the determination under subparagraph (B)(iii) regarding a valid discovery on the adjoining land) as determined by the Secretary under regulations issued under this paragraph;

''(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 180-day period beginning on the date the Secretary receives an application for the lease; and

''(III) shall be not less than the greater of—

''(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

''(bb) $50.

''(ii) INDUSTRY STANDARDS.—The term 'industry standards' means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

''(iii) QUALIFIED FEDERAL LAND.—The term 'qualified Federal land' means land that is otherwise available for leasing under this Act.

''(iv) QUALIFIED GEOTHERMAL PROFESSIONAL.—The term 'qualified geothermal professional' means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

''(v) QUALIFIED LESSEE.—The term 'qualified lessee' means a person who may hold a geothermal lease under this Act (including applicable regulations).

''(vi) VALID DISCOVERY.—The term 'valid discovery' means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

''(B) AUTHORITY.—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

''(i) the area of qualified Federal land—

''(I) consists of not less than 1 acre and not more than 640 acres; and

''(II) is not already leased under this Act or nominated to be leased under subsection (a);

''(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

''(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

''(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

''(II) that geothermal feature extends into the adjoining areas.

''(C) DETERMINATION OF FAIR MARKET VALUE.—

''(i) IN GENERAL.—The Secretary shall—

''(I) publish a notice of any request to lease land under this paragraph;

''(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

''(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

''(IV) provide to the qualified lessee and any adversely affected party the opportunity to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

''(ii) LIMITATION ON NOMINATION.—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

''(iii) ANNUAL RENTAL.—For purposes of section 5(a)(3), a lease awarded under this paragraph shall be considered a lease awarded in a competitive lease sale.

''(D) REGULATIONS.—Not later than 270 days after the date of the enactment of this paragraph, the Secretary shall issue regulations to carry out this paragraph.''.

SEC. 84412. SAVINGS CLAUSE.

Notwithstanding any other provision of this subtitle, the Secretary shall continue to manage public lands under the principles of multiple use and sustained yield in accordance with title I of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), including due consideration of mineral and nonrenewable energy-related projects and other nonrenewable energy uses, for the purposes of land use planning, permit processing, and conducting environmental reviews.

Subtitle E—Offshore Wind Jobs and Opportunity

SEC. 84501. OFFSHORE WIND CAREER TRAINING GRANT PROGRAM.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

''SEC. 33. OFFSHORE WIND CAREER TRAINING GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—Beginning 180 days after the date of the enactment of this section, the Secretary may award offshore wind career training grants to eligible entities for the purpose of establishing or expanding educational or career training programs that provide individuals in such programs skills and competencies necessary for employment in the offshore wind industry.

''(b) ALLOCATION OF GRANTS.—

''(1) LIMITATION ON GRANT QUANTITY AND SIZE.—An eligible entity may not be awarded—

''(A) more than one grant under this section for which the eligible entity is the lead applicant; or

''(B) a grant under this section in excess of $2,500,000.

''(2) ALLOCATION TO COMMUNITY COLLEGES.—Not less than 25 percent of the total amount awarded under this section for a fiscal year shall be awarded to eligible entities that are community colleges.

''(c) PARTNERSHIPS.—An eligible entity seeking to receive a grant under this section shall establish or partner with one or more of the following:

''(1) Another eligible entity (including an eligible entity that is a community college).

''(2) A State or local government agency responsible for education, workforce development or offshore wind energy activities

''(3) A qualified intermediary.

''(d) USE OF GRANT.—An eligible entity may use a grant awarded under this section for the following activities:

''(1) Occupational skills training, including curriculum development and class-room instruction.

''(2) Safety and health training.

''(3) The provision of English language acquisition and employability skills.

''(4) Individual referral and tuition assistance for a community college training program.

''(5) Career pathway development or expansion for offshore wind industry occupations;

''(6) the development or expansion of work-based learning or incumbent worker training programs aligned with career pathways in a field related to the offshore wind industry, such as paid internships, registered apprenticeships and programs articulating to an apprenticeship program, customized training, or transitional jobs.

''(7) Curriculum development at the undergraduate and postgraduate levels.

''(8) Development and support of offshore wind energy major, minor, or certificate programs.

''(9) Such other activities, as determined by the Secretary, to meet the purposes of this section.

''(e) GRANT PROPOSALS.—

''(1) SUBMISSION PROCEDURE FOR GRANT PROPOSALS.—An eligible entity seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENT OF GRANT PROPOSALS.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

''(A) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that will provide individuals in such program the skills and competencies necessary for employment in the offshore wind industry;

''(B) any previous experience of the eligible entity in providing such educational or career training programs;

''(C) the extent to which such project will meet the educational or career training needs;

''(D) the quantitative data that demonstrates the demand for employment for such program in the geographic area served by the eligible entity,

including wages and benefits for such employment;

''(E) a description of the entities involved in the industry or sector partnership; and

''(F) a description of the activities the eligible entity will carry out.

''(f) CRITERIA FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—Subject to appropriations, the Secretary shall award grants under this section based on an evaluation of—

''(A) the merits of the grant proposal;

''(B) the available or projected employment opportunities, including the projected wages and benefits, available to individuals who complete the educational or career training program that the eligible entity proposes to develop, offer, or improve; and

''(C) the availability and capacity of existing educational or career training programs in the community to meet future demand for such programs.

''(2) PRIORITY.—Priority in awarding grants under this section shall be given to an eligible entity that—

''(A) is—

''(i) an institute of higher education that has formed a partnership with a labor organization or joint-labor management organization; or

''(ii) a labor organization or joint-labor management organization that has formed a partnership with an institute of higher education;

''(B) has entered into a memorandum of understanding with one or more employers in the offshore wind industry to partner on the establishment or expansion of programs funded under this Act;

''(C) is located in an economically distressed area;

''(D) serves a high number or high percentage of individuals who are—

''(i) dislocated workers (particularly workers dislocated from the offshore oil and gas, onshore fossil fuel, nuclear energy, or fishing industries);

''(ii) veterans, members of the reserve components of the Armed Forces, or former members of such reserve components;

''(iii) unemployed, underemployed, or disconnected;

''(iv) individuals with barriers to employment;

''(v) in-school and out-of-school youth; or

''(vi) formerly incarcerated, adjudicated, nonviolent offenders;

''(E) an eligible entity that proposes to serve a high percentage or number of low-income or minority students; or

''(F) demonstration of or established plans for the eligible entity to be included on the list of eligible providers of training services described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

''(3) GEOGRAPHIC DISTRIBUTION.—The Secretary shall, to the extent practicable, award grants under this section in a manner that provides for a reasonable geographic distribution, except that the Secretary shall not be required to award grants equally among different regions of the United States.

''(g) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any non-Federal funds matching requirement under any other provision of law.

''(h) GRANTEE DATA COLLECTION.—

''(1) IN GENERAL.—A grantee, with respect to the educational or career training program for which the grantee received a grant under this section, shall collect and report to the Secretary on an annual basis the following:

''(A) The number of participants enrolled in the educational or career training program.

''(B) The number of participants that have completed the educational or career training programing the last twelve months.

''(C) The services received by such participants, including a description of training, education, and supportive services.

''(D) The amount spent by the grantee per participant.

''(E) The percentage of job placement of participants in the offshore wind industry or related fields.

''(F) The percentage of employment retention—

''(i) if the eligible entity is not an institution of higher education, 1 year after completion of the educational or career training program; or

''(ii) if the eligible entity is an institution of higher education, 1 year after completion of the educational or career training program or 1 year after the participant is no longer enrolled in such institution of higher education, whichever is later.

''(G) The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit from the program;

''(2) DISAGGREGATION OF DATA.—The data collected and reported under this subsection shall be disaggregated by each population specified in section 3(24) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(24)) and by race, ethnicity, sex, and age.

''(3) ASSISTANCE FROM SECRETARY.—The Secretary shall assist grantees in the collection of data under this subsection by making available, where practicable, low-cost means of tracking the labor market outcomes of participants (including through coordination with the Secretary of Labor) and by providing standardized reporting forms, where appropriate. The Secretary shall provide technical assistance and oversight to assist the eligible entities in applying for and administering grants.

''(j) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary shall—

''(1) promulgate guidelines for the submission of grant proposals; and

''(2) publish and maintain such guidelines on a public website of the Secretary.

''(k) REPORTING REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, and every 2 years thereafter, the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate on the grant program established by this section. The report shall include a description of the grantees and the activities for which grantees used a grant awarded under this section.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of this section $25,000,000 for each of fiscal years 2020 through 2024. The Secretary may use not more than 2 percent of the amount appropriated for each fiscal year for administrative expenses, including the expenses of providing the technical assistance and oversight activities.

''(m) DEFINITIONS.—In this section:

''(1) APPRENTICESHIP, APPRENTICESHIP PROGRAM.—The term 'apprenticeship' or 'apprenticeship program' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019. Any funds made available under this Act that are used to fund an apprenticeship or apprenticeship program shall only be used for, or provided to, an apprenticeship or apprenticeship program that meets this definition, including any funds awarded for the purposes of grants, contracts, or cooperative agreements, or the development, implementation, or administration, of an apprenticeship or an apprenticeship program.

''(2) COMMUNITY COLLEGE.—The term 'community college' has the meaning given the term 'junior or community college' in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that is—

''(A) an institution of higher education, as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

''(B) a labor organization or a joint labor management organization

''(4) GRANTEE.—The term 'grantee' means an eligible entity that has received a grant under this section.

''(5) LEAD APPLICANT.—The term 'lead applicant' means the eligible entity that is primarily responsible for the preparation, conduct, and administration of the project for which the grant was awarded.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, in consultation with the Secretary of Energy, the Secretary of Education, and the Secretary of Labor.

''(7) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT TERMS.—The terms 'area career and technical education school', 'qualified intermediary', 'Tribal educational agency', and 'work-based learning' have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''(8) WORKFORCE INNOVATION AND OPPORTUNITY ACT TERMS.—The terms 'career pathway', 'dislocated worker', 'English language acquisition', 'in-school youth', 'individuals with barriers to employment', 'industry or sector partnership', 'on-the-job training', 'out-of-school youth', 'recognized postsecondary credential', 'supportive services', have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).''.

Subtitle F—Community Reclamation Partnerships

SEC. 84601. REFERENCE.

Except as otherwise specifically provided, whenever in this subtitle an amendment is expressed in terms of an amendment to a provision, the reference shall be considered to be made to a provision of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

SEC. 84602. STATE MEMORANDA OF UNDERSTANDING FOR CERTAIN REMEDIATION.

(a) MEMORANDA AUTHORIZED.—Section 405 (30 U.S.C. 1235) is amended by inserting after subsection (l) the following:

''(m) STATE MEMORANDA OF UNDERSTANDING FOR REMEDIATION OF MINE DRAINAGE.—

''(1) IN GENERAL.—A State with a State program approved under subsection (d) may enter into a memorandum of understanding with relevant Federal or State agencies (or both) to remediate mine drainage on abandoned mine land and water impacted by abandoned mines within the State. The memorandum may be updated as necessary and resubmitted for approval under this subsection.

''(2) MEMORANDA REQUIREMENTS.—Such memorandum shall establish a strategy satisfactory to the State and Federal agencies that are parties to the memorandum, to address water pollution resulting from mine drainage at sites eligible for reclamation and mine drainage abatement expenditures under section 404, including specific procedures for—

''(A) ensuring that activities carried out to address mine drainage will result in improved water quality;

''(B) monitoring, sampling, and the reporting of collected information as necessary to achieve the condition required under subparagraph (A);

''(C) operation and maintenance of treatment systems as necessary to achieve the condition required under subparagraph (A); and

''(D) other purposes, as considered necessary by the State or Federal agencies, to achieve the condition required under subparagraph (A).

''(3) PUBLIC REVIEW AND COMMENT.—

''(A) IN GENERAL.—Before submitting a memorandum to the Secretary and the Administrator for approval, a State shall—

''(i) invite interested members of the public to comment on the memorandum; and

''(ii) hold at least one public meeting concerning the memorandum in a location or locations reasonably accessible to persons who may be affected by implementation of the memorandum.

''(B) NOTICE OF MEETING.—The State shall publish notice of each meeting not less than 15 days before the date of the meeting, in local newspapers of general circulation, on the Internet, and by any other means considered necessary or desirable by the Secretary and the Administrator.

''(4) SUBMISSION AND APPROVAL.—The State shall submit the memorandum to the Secretary and the Administrator of the Environmental Protection Agency for approval. The Secretary and the Administrator shall approve or disapprove the memorandum within 120 days after the date of its submission if the Secretary and Administrator find that the memorandum will facilitate additional activities under the State Reclamation Plan under subsection (e) that improve water quality.

''(5) TREATMENT AS PART OF STATE PLAN.—A memorandum of a State that is approved by the Secretary and the Administrator under this subsection shall be considered part of the approved abandoned mine reclamation plan of the State.

''(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

''(1) PROJECT APPROVAL.—Within 120 days after receiving such a submission, the Secretary shall approve a Community Reclaimer project to remediate abandoned mine lands if the Secretary finds that—

''(A) the proposed project will be conducted by a Community Reclaimer as defined in this subsection or approved subcontractors of the Community Reclaimer;

''(B) for any proposed project that remediates mine drainage, the proposed project is consistent with an approved State memorandum of understanding under subsection (m);

''(C) the proposed project will be conducted on a site or sites inventoried under section 403(c);

''(D) the proposed project meets all submission criteria under paragraph (2);

''(E) the relevant State has entered into an agreement with the Community Reclaimer under which the State shall assume all responsibility with respect to the project for any costs or damages resulting from any action or inaction on the part of the Community Reclaimer in carrying out the project, except for costs or damages resulting from gross negligence or intentional misconduct by the Community Reclaimer, on behalf of—

''(i) the Community Reclaimer; and

''(ii) the owner of the proposed project site,

if such Community Reclaimer or owner, respectively, did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters to become eligible for reclamation or drainage abatement expenditures under section 404;

''(F) the State has the necessary legal authority to conduct the project and will obtain all legally required authorizations, permits, licenses, and other approvals to ensure completion of the project;

''(G) the State has sufficient financial resources to ensure completion of the project, including any necessary operation and maintenance costs (including costs associated with emergency actions covered by a contingency plan under paragraph (2)(K)); and

''(H) the proposed project is not in a category of projects that would require a permit under title V.

''(2) PROJECT SUBMISSION.—The State shall submit a request for approval to the Secretary that shall include—

''(A) a description of the proposed project, including any engineering plans that must bear the seal of a professional engineer;

''(B) a description of the proposed project site or sites, including, if relevant, the nature and extent of pollution resulting from mine drainage;

''(C) identification of the past and current owners and operators of the proposed project site;

''(D) the agreement or contract between the relevant State and the Community Reclaimer to carry out the project;

''(E) a determination that the project will facilitate the activities of the State reclamation plan under subsection (e);

''(F) sufficient information to determine whether the Community Reclaimer has the technical capability and expertise to successfully conduct the proposed project;

''(G) a cost estimate for the project and evidence that the Community Reclaimer has sufficient financial resources to ensure the successful completion of the proposed project (including any operation or maintenance costs);

''(H) a schedule for completion of the project;

''(I) an agreement between the Community Reclaimer and the current owner of the site governing access to the site;

''(J) sufficient information to ensure that the Community Reclaimer meets the definition under paragraph (3);

''(K) a contingency plan designed to be used in response to unplanned adverse events that includes emergency actions, response, and notifications; and

''(L) a requirement that the State provide notice to adjacent and downstream landowners and the public and hold a public meeting near the proposed project site before the project is initiated.

''(3) COMMUNITY RECLAIMER DEFINED.—For purposes of this section, the term 'Community Reclaimer' means any person who—

''(A) seeks to voluntarily assist a State with a reclamation project under this section;

''(B) did not participate in any way in the creation of site conditions at the proposed project site or activities that caused any lands or waters to become eligible for reclamation or drainage abatement expenditures under section 404;

''(C) is not a past or current owner or operator of any site with ongoing reclamation obligations; and

''(D) is not subject to outstanding violations listed pursuant to section 510(c).''.

SEC. 84603. CLARIFYING STATE LIABILITY FOR MINE DRAINAGE PROJECTS.

Section 413(d) (30 U.S.C. 1242(d)) is amended in the second sentence by inserting ''unless such control or treatment will be conducted in accordance with a State memorandum of understanding approved under section 405(m) of this Act'' after ''Control Act'' the second place it appears.

SEC. 84604. CONFORMING AMENDMENTS.

Section 405(f) (30 U.S.C. 1235(f)) is amended—

(1) by striking the ''and'' after the semicolon in paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(3) by inserting at the end the following:

''(8) a list of projects proposed under subsection (n).''.

TITLE V—LABOR STANDARDS

SEC. 84701. LABOR STANDARDS.

Except as otherwise provided in this Act or the amendments made by this Act, and in a manner consistent with this Act or the amendments made by this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by or through the Federal Government pursuant to any provision of this division (or an amendment made by such a provision) shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and with respect to the labor standards specified in this section the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

DIVISION V—REVENUE PROVISIONS

SEC. 90001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Renewable Energy, Efficiency, and Infrastructure Tax Act of 2020''.

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

DIVISION M—REVENUE PROVISIONS

Sec. 90001. Short title; etc.

TITLE I—INFRASTRUCTURE FINANCING

Subtitle A—Bond Financing Enhancements

Sec. 90101. Credit to issuer for certain infrastructure bonds.
Sec. 90102. Advance refunding bonds.
Sec. 90103. Permanent modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions.
Sec. 90104. Volume cap on private activity bonds.
Sec. 90105. Modifications to qualified small issue bonds.
Sec. 90106. Expansion of certain exceptions to the private activity bond rules for first-time farmers.
Sec. 90107. Exempt facility bonds for zero-emission vehicle infrastructure.
Sec. 90108. Exempt-facility bonds for sewage and water supply facilities.
Sec. 90109. Qualified highway or surface freight transfer facility bonds.

Subtitle B—School Infrastructure Bonds

Sec. 90111. Restoration of certain qualified tax credit bonds.
Sec. 90112. School infrastructure bonds.
Sec. 90113. Annual report on bond program.

Subtitle C—Other Provisions Related to Infrastructure Financing

Sec. 90121. Credit for operations and maintenance costs of government-owned broadband.
Sec. 90122. Treatment of financial guaranty insurance companies as qualifying insurance corporations under passive foreign investment company rules.
Sec. 90123. Infrastructure grants to improve child care safety.

TITLE II—NEW MARKETS TAX CREDIT

Sec. 90201. Improvement and permanent extension of new markets tax credit.

TITLE III—REHABILITATION TAX CREDIT

Sec. 90301. Increase in rehabilitation credit.
Sec. 90302. Increase in the rehabilitation credit for certain small projects.
Sec. 90303. Modification of definition of substantially rehabilitated.
Sec. 90304. Temporary extension of period for completing rehabilitation.
Sec. 90305. Elimination of rehabilitation credit basis adjustment.
Sec. 90306. Modifications regarding certain tax-exempt use property.
Sec. 90307. Qualification of rehabilitation expenditures for public school buildings for rehabilitation credit.

TITLE IV—GREEN ENERGY

Sec. 90400. Short title.

Subtitle A—Renewable Electricity and Reducing Carbon Emissions

Sec. 90401. Extension of credit for electricity produced from certain renewable resources.
Sec. 90402. Extension and modification of energy credit.
Sec. 90403. Extension of credit for carbon oxide sequestration.

Sec. 90404. Elective payment for energy property and electricity produced from certain renewable resources, etc.
Sec. 90405. Extension of energy credit for offshore wind facilities.
Sec. 90406. Green energy publicly traded partnerships.
Subtitle B—Renewable Fuels
Sec. 90411. Biodiesel and renewable diesel.
Sec. 90412. Extension of excise tax credits relating to alternative fuels.
Sec. 90413. Extension of second generation biofuel incentives.
Subtitle C—Green Energy and Efficiency Incentives for Individuals
Sec. 90421. Extension, increase, and modifications of nonbusiness energy property credit.
Sec. 90422. Residential energy efficient property.
Sec. 90423. Energy efficient commercial buildings deduction.
Sec. 90424. Extension, increase, and modifications of new energy efficient home credit.
Sec. 90425. Modifications to income exclusion for conservation subsidies.
Subtitle D—Greening the Fleet and Alternative Vehicles
Sec. 90431. Modification of limitations on new qualified plug-in electric drive motor vehicle credit.
Sec. 90432. Credit for previously-owned qualified plug-in electric drive motor vehicles.
Sec. 90433. Credit for zero-emission heavy vehicles and zero-emission buses.
Sec. 90434. Qualified fuel cell motor vehicles.
Sec. 90435. Alternative fuel refueling property credit.
Sec. 90436. Modification of employer-provided fringe benefits for bicycle commuting.
Subtitle E—Investment in the Green Workforce
Sec. 90441. Extension of the advanced energy project credit.
Sec. 90442. Labor costs of installing mechanical insulation property.
Subtitle F—Environmental Justice
Sec. 90451. Qualified environmental justice program credit.
Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program
Sec. 90461. Report on Greenhouse Gas Reporting Program.
TITLE V—DISASTER AND RESILIENCY
Sec. 90501. Exclusion of amounts received from state-based catastrophe loss mitigation programs.
Sec. 90502. Repeal of temporary limitation on personal casualty losses.
TITLE VI—HOUSING
Subtitle A—Low-income Housing Tax Credit Improvements
Sec. 90601. Extension of period for rehabilitation expenditures.
Sec. 90602. Extension of basis expenditure deadline.
Sec. 90603. Tax-exempt bond financing requirement.
Sec. 90604. Minimum credit rate.
Sec. 90605. Increases in State allocations.
Sec. 90606. Increase in credit for certain projects designated to serve extremely low-income households.
Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.
Sec. 90608. Inclusion of rural areas as difficult development areas.
Sec. 90609. Increase in credit for bond-financed projects designated by housing credit agency.
Sec. 90610. Repeal of qualified contract option.
Sec. 90611. Prohibition of local approval and contribution requirements.
Sec. 90612. Adjustment of credit to provide relief during COVID–19 outbreak.
Sec. 90613. Credit for low-income housing supportive services.
Subtitle B—Neighborhood Homes Credit
Sec. 90621. Neighborhood homes credit.
TITLE VII—TRIBAL DEVELOPMENT
Sec. 90701. Treatment of Indian Tribes as States with respect to bond issuance.
Sec. 90702. Treatment of Tribal foundations and charities like charities funded and controlled by other governmental funders and sponsors.
Sec. 90703. New markets tax credit.
TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES
Sec. 90801. Extension of Highway Trust Fund expenditure authority.
Sec. 90802. Extension of highway-related taxes.
Sec. 90803. Additional transfers to Highway Trust Fund.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—INFRASTRUCTURE FINANCING

Subtitle A—Bond Financing Enhancements

SEC. 90101. CREDIT TO ISSUER FOR CERTAIN INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

''SEC. 6431A. CREDIT ALLOWED TO ISSUER FOR QUALIFIED INFRASTRUCTURE BONDS.

''(a) IN GENERAL.—In the case of a qualified infrastructure bond, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The Secretary shall pay (contemporaneously with each date on which interest is so payable) to the issuer of such bond (or to any person who makes such interest payments on behalf of such issuer) an amount equal to the applicable percentage of such interest so payable.

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, except as provided in subsection (d), the applicable percentage with respect to any bond shall be determined under the following table:

''In the case of a bond issued during calendar year:	*The applicable percentage is:*
2020 through 2024	*42%*
2025	*38%*
2026	*34%*
2027 and thereafter	*30%*

''(3) LIMITATION.—

''(A) IN GENERAL.—The amount of any interest payment taken into account under paragraph (1) with respect to a bond for any payment date shall not exceed the amount of interest which would have been payable under such bond on such date if such interest were determined at the rate which the Secretary estimates will permit the issuance of qualified infrastructure bonds with a specified maturity or redemption date without discount and without additional interest cost.

''(B) DATE OF RATE DETERMINATION WITH RESPECT TO BOND.—Such rate with respect to any qualified infrastructure bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(c) QUALIFIED INFRASTRUCTURE BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified infrastructure bond' means any bond (other than a private activity bond) issued as part of an issue if—

''(A) 100 percent of the available project proceeds of such issue are to be used for capital expenditures or operations and maintenance expenditures in connection with property the acquisition, construction, or improvement of which would be a capital expenditure,

''(B) the interest on such bond would (but for this section) be excludable from gross income under section 103,

''(C) the issue price has not more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond, and

''(D) prior to the issuance of such bond, the issuer makes an irrevocable election to have this section apply.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) NOT TREATED AS FEDERALLY GUARANTEED.—For purposes of section 149(b), a qualified infrastructure bond shall not be treated as federally guaranteed by reason of the credit allowed under this section.

''(B) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified infrastructure bond shall be reduced by the credit allowed under this section.

''(d) DEFINITION AND SPECIAL RULES.—For purposes of this section—

''(1) INTEREST INCLUDIBLE IN GROSS INCOME.—For purposes of this title, interest on any qualified infrastructure bond shall be includible in gross income.

''(2) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the sum of—

''(I) issuance costs financed by the issue (the extent that such costs do not exceed 2 percent of such proceeds), and

''(II) amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue), and

''(B) the proceeds from any investment of the excess described in clause (i).

''(3) CURRENT REFUNDINGS ALLOWED.—

''(A) IN GENERAL.—In the case of a bond issued to refund a qualified infrastructure bond, such refunding bond shall be treated as a qualified infrastructure bond for purposes of this section if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond,

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond, and

''(iv) the refunded bond was issued more than 30 days after the date of the enactment of this section.

''(B) APPLICABLE PERCENTAGE LIMITATION.—The applicable percentage with respect to any bond to which subparagraph (A) applies shall be 30 percent.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).

''(D) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO QUALIFIED INFRASTRUCTURE BONDS.—Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of qualified infrastructure bonds.

''(e) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as

may be necessary or appropriate to carry out this section.''.

(b) PAYMENTS MADE UNDER SECTION 6431A OF THE INTERNAL REVENUE CODE OF 1986.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting: ''Payments made under section 6431A of the Internal Revenue Code of 1986'' after the item related to Payment to Radiation Exposure Compensation Trust Fund.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6431'' and inserting ''6431, or 6431A''.

(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued more than 30 days after the date of the enactment of this Act.

SEC. 90102. ADVANCE REFUNDING BONDS.

(a) IN GENERAL.—Section 149(d) is amended—

(1) by striking ''to advance refund another bond.'' in paragraph (1) and inserting ''as part of an issue described in paragraph (2), (3), or (4).'',

(2) by redesignating paragraphs (2) and (3) as paragraphs (5) and (7), respectively,

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) CERTAIN PRIVATE ACTIVITY BONDS.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund a private activity bond (other than a qualified 501(c)(3) bond).

''(3) OTHER BONDS.—

''(A) IN GENERAL.—An issue is described in this paragraph if any bond (issued as part of such issue), hereinafter in this paragraph referred to as the 'refunding bond', is issued to advance refund a bond unless—

''(i) the refunding bond is only—

''(I) the 1st advance refunding of the original bond if the original bond is issued after 1985, or

''(II) the 1st or 2nd advance refunding of the original bond if the original bond was issued before 1986,

''(ii) in the case of refunded bonds issued before 1986, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed at par or at a premium of 3 percent or less,

''(iii) in the case of refunded bonds issued after 1985, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed,

''(iv) the initial temporary period under section 148(c) ends—

''(I) with respect to the proceeds of the refunding bond not later than 30 days after the date of issue of such bond, and

''(II) with respect to the proceeds of the refunded bond on the date of issue of the refunding bond, and

''(v) in the case of refunded bonds to which section 148(e) did not apply, on and after the date of issue of the refunding bond, the amount of proceeds of the refunded bond invested in higher yielding investments (as defined in section 148(b)) which are nonpurpose investments (as defined in section 148(f)(6)(A)) does not exceed—

''(I) the amount so invested as part of a reasonably required reserve or replacement fund or during an allowable temporary period, and

''(II) the amount which is equal to the lesser of 5 percent of the proceeds of the issue of which the refunded bond is a part or $100,000 (to the extent such amount is allocable to the refunded bond).

''(B) SPECIAL RULES FOR REDEMPTIONS.—

''(i) ISSUER MUST REDEEM ONLY IF DEBT SERVICE SAVINGS.—Clause (ii) and (iii) of subparagraph (A) shall apply only if the issuer may realize present value debt service savings (determined without regard to administrative expenses) in connection with the issue of which the refunding bond is a part.

''(ii) REDEMPTIONS NOT REQUIRED BEFORE 90TH DAY.—For purposes of clauses (ii) and (iii) of subparagraph (A), the earliest date referred to in such clauses shall not be earlier than the 90th day after the date of issuance of the refunding bond.

''(4) ABUSIVE TRANSACTIONS PROHIBITED.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund another bond and a device is employed in connection with the issuance of such issue to obtain a material financial advantage (based on arbitrage) apart from savings attributable to lower interest rates.'', and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (3).—For purposes of paragraph (3), bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—

''(A) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and

''(B) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986.''.

(b) CONFORMING AMENDMENT.—Section 148(f)(4)(C) is amended by redesignating clauses (xiv) through (xvi) as clauses (xv) to (xvii), respectively, and by inserting after clause (xiii) the following new clause:

''(xiv) DETERMINATION OF INITIAL TEMPORARY PERIOD.—For purposes of this subparagraph, the end of the initial section temporary period shall be determined without regard to section 149(d)(3)(A)(iv).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to advance refunding bonds issued more than 30 days after the date of the enactment of this Act.

SEC. 90103. PERMANENT MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) PERMANENT INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) are each amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) PERMANENT MODIFICATION OF OTHER SPECIAL RULES.—Section 265(b)(3) is amended—

(1) by redesignating clauses (iv), (v), and (vi) of subparagraph (G) as clauses (ii), (iii), and (iv), respectively, and moving such clauses to the end of subparagraph (H) (as added by paragraph (2)), and

(2) by striking so much of subparagraph (G) as precedes such clauses and inserting the following:

''(G) QUALIFIED 501(C)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145), this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.

''(H) SPECIAL RULE FOR QUALIFIED FINANCINGS.—

''(i) IN GENERAL.—In the case of a qualified financing issue—

''(I) subparagraph (F) shall not apply, and

''(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates).''.

(c) INFLATION ADJUSTMENT.—Section 265(b)(3), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(I) INFLATION ADJUSTMENT.—In the case of any calendar year after 2020, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

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

SEC. 90104. VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Section 146(d)(1) is amended—

(1) by striking ''$75 ($62.50 in the case of calendar year 2001)'' and inserting ''$115'', and

(2) by striking ''$225,000,000 ($187,500,000 in the case of calendar year 2001)'' and inserting ''$353,775,000''.

(b) INFLATION ADJUSTMENT.—Section 146(d)(2) is amended—

(1) by striking ''2002'' and inserting ''2020'', and

(2) by striking ''2001'' in subparagraph (B) and inserting ''2019''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2020.

SEC. 90105. MODIFICATIONS TO QUALIFIED SMALL ISSUE BONDS.

(a) MANUFACTURING FACILITIES TO INCLUDE PRODUCTION OF INTANGIBLE PROPERTY AND FUNCTIONALLY RELATED FACILITIES.—Subparagraph (C) of section 144(a)(12) is amended to read as follows:

''(C) MANUFACTURING FACILITY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'manufacturing facility' means any facility which—

''(I) is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property),

''(II) is used in the creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or

''(III) is functionally related and subordinate to a facility described in subclause (I) or (II) if such facility is located on the same site as the facility described in subclause (I) or (II).

''(ii) CERTAIN FACILITIES INCLUDED.—The term 'manufacturing facility' includes facilities that are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

''(I) those facilities are located on the same site as the manufacturing facility, and

''(II) not more than 25 percent of the net proceeds of the issue are used to provide those facilities.

''(iii) LIMITATION ON OFFICE SPACE.—A rule similar to the rule of section 142(b)(2) shall apply for purposes of clause (i).

''(iv) LIMITATION ON REFUNDINGS FOR CERTAIN PROPERTY.—Subclauses (II) and (III) of clause (i) shall not apply to any bond issued on or before the date of the enactment of the Renewable Energy, Efficiency, and Infrastructure Tax Act of 2020, or to any bond issued to refund a bond issued on or before such date (other than a bond to which clause (iii) of this subparagraph (as in effect before the date of the enactment of the Renewable Energy, Efficiency, and Infrastructure Tax Act of 2020) applies), either directly or in a series of refundings.''.

(b) INCREASE IN LIMITATIONS.—Section 144(a)(4) is amended—

(1) in subparagraph (A)(i), by striking ''$10,000,000'' and inserting ''$30,000,000'', and

(2) in the heading, by striking ''$10,000,000'' and inserting ''$30,000,000''.

(c) ADJUSTMENT FOR INFLATION.—Section 144(a)(4) is amended by adding at the end the following new subparagraph:

''(H) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2020, the $30,000,000 amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

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

SEC. 90106. EXPANSION OF CERTAIN EXCEPTIONS TO THE PRIVATE ACTIVITY BOND RULES FOR FIRST-TIME FARMERS.

(a) INCREASE IN DOLLAR LIMITATION.—

(1) IN GENERAL.—Section 147(c)(2)(A) is amended by striking ''$450,000'' and inserting ''$552,500''.

(2) REPEAL OF SEPARATE LOWER DOLLAR LIMITATION ON USED FARM EQUIPMENT.—Section 147(c)(2) is amended by striking subparagraph (F) and by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(3) QUALIFIED SMALL ISSUE BOND LIMITATION CONFORMED TO INCREASED DOLLAR LIMITATION.—Section 144(a)(11)(A) is amended by striking ''$250,000'' and inserting ''$552,500''.

(4) INFLATION ADJUSTMENT.—

(A) IN GENERAL.—Section 147(c)(2)(G), as redesignated by paragraph (2), is amended—

(i) by striking ''after 2008, the dollar amount in subparagraph (A) shall be increased'' and inserting ''after 2020, the dollar amounts in subparagraph (A) and section 144(a)(11)(A) shall each be increased'', and

(ii) in clause (ii), by striking ''2007'' and inserting ''2019''.

(B) CROSS-REFERENCE.—Section 144(a)(11) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—For inflation adjustment of dollar amount contained in subparagraph (A), see section 147(c)(2)(G).''.

(b) SUBSTANTIAL FARMLAND DETERMINED ON BASIS OF AVERAGE RATHER THAN MEDIAN FARM SIZE.—Section 147(c)(2)(E) is amended by striking ''median'' and inserting ''average''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 90107. EXEMPT FACILITY BONDS FOR ZERO-EMISSION VEHICLE INFRASTRUCTURE.

(a) IN GENERAL.—Section 142 is amended—

(1) in subsection (a)—

(A) in paragraph (14), by striking ''or'' at the end,

(B) in paragraph (15), by striking the period at the end and inserting '', or'', and

(C) by adding at the end the following new paragraph:

''(16) zero-emission vehicle infrastructure.'', and

(2) by adding at the end the following new subsection:

''(n) ZERO-EMISSION VEHICLE INFRASTRUCTURE.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'zero-emission vehicle infrastructure' means any property (not including a building and its structural components) if such property is part of a unit which—

''(A) is used to charge or fuel zero-emissions vehicles,

''(B) is located where the vehicles are charged or fueled,

''(C) is of a character subject to the allowance for depreciation (or amortization in lieu of depreciation),

''(D) is made available for use by members of the general public,

''(E) accepts payment by use of a credit card reader, and

''(F) is capable of charging or fueling vehicles produced by more than one manufacturer (within the meaning of section 30D(d)(3)).

''(2) INCLUSION OF UTILITY SERVICE CONNECTIONS, ETC.—The term 'zero-emission vehicle infrastructure' shall include any utility service connections, utility panel upgrades, line extensions and conduit, transformer upgrades, or similar property, in connection with property meeting the requirements of paragraph (1).

''(3) ZERO-EMISSIONS VEHICLE.—The term 'zero-emissions vehicle' means—

''(A) a zero-emission vehicle as defined in section 88.102–94 of title 40, Code of Federal Regulations, or

''(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes and conditions.

''(4) ZERO-EMISSIONS VEHICLE INFRASTRUCTURE LOCATED WITHIN OTHER FACILITIES OR PROJECTS.—For purposes of subsection (a), any zero-emission vehicle infrastructure located within—

''(A) a facility or project described in subsection (a), or

''(B) an area adjacent to a facility or project described in subsection (a) that primarily serves vehicles traveling to or from such facility or project,

shall be treated as described in the paragraph in which such facility or project is described.

''(5) EXCEPTION FOR REFUELING PROPERTY FOR FLEET VEHICLES.—Subparagraphs (D), (E), and (F) of paragraph (1) shall not apply to property which is part of a unit which is used exclusively by fleets of commercial or governmental vehicles.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2020.

SEC. 90108. CERTAIN WATER AND SEWAGE FACILITY BONDS EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—Section 146(g) is amended by striking ''and'' at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting '', and'', and inserting after paragraph (4) the following new paragraph:

''(5) any exempt facility bond issued as part of an issue described in paragraph (4) or (5) of section 142(a) if 95 percent or more of the net proceeds of such issue are to be used to provide facilities which—

''(A) will be used—

''(i) by a person who was, as of July 1, 2020, engaged in operation of a facility described in such paragraph, and

''(ii) to provide service within the area served by such person on such date (or within a county or city any portion of which is within such area), or

''(B) will be used by a successor in interest to such person for the same use and within the same service area as described in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 90109. QUALIFIED HIGHWAY OR SURFACE FREIGHT TRANSFER FACILITY BONDS.

(a) INCREASE IN LIMITATION.—Section 142(m)(2)(A) is amended by striking ''$15,000,000,000'' and inserting ''$18,750,000,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 90110. APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Section 142(b) is amended by adding at the end the following new paragraph:

''(3) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.—If any proceeds of any issue are used for construction, alteration, or repair of any facility otherwise described in paragraph (4), (5), (15), or (16) of subsection (a), such facility shall be treated for purposes of subsection (a) as described in such paragraph only if each entity that receives such proceeds to conduct such construction, alteration, or repair agrees to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code with respect to such construction, alteration, or repair.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

Subtitle B—School Infrastructure Bonds

SEC. 90111. RESTORATION OF CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Section 54A, as in effect before repeal by Public Law 115–97, is restored as if such repeal had not taken effect.

(2) CREDIT LIMITED TO CERTAIN BONDS.—Section 54A(d)(1), as restored by paragraph (1), is amended by striking subparagraphs (A), (B), and (C).

(b) CREDIT ALLOWED TO ISSUER.—

(1) IN GENERAL.—Section 6431, as in effect before repeal by Public Law 115–97, is restored as if such repeal had not taken effect.

(2) SCHOOL INFRASTRUCTURE BONDS.—Section 6431(f)(3), as restored by paragraph (1), is amended by inserting ''any school infrastructure bond (as defined in section 54BB) or'' before ''any qualified tax credit bond''.

(c) QUALIFIED ZONE ACADEMY BONDS.—

(1) IN GENERAL.—Section 54E, as in effect before repeal by Public Law 115–97, is restored as if such repeal had not taken effect.

(2) REMOVAL OF PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—Section 54E, as restored by paragraph (1), is amended—

(A) in subsection (a)(3), by inserting ''and'' at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B);

(B) by striking subsection (b); and

(C) in subsection (c)(1)—

(i) by striking ''and $400,000,0000'' and inserting ''$400,000,000''; and

(ii) by striking ''and, except as provided'' and all that follows through the period at the end and inserting '', and $1,400,000,000 for 2020 and each year thereafter.''.

(3) CONSTRUCTION OF A PUBLIC SCHOOL FACILITY.—Section 54E(d)(3)(A), as restored by paragraph (1), is amended by striking ''rehabilitating or repairing'' and inserting ''constructing, rehabilitating, retrofitting, or repairing''.

(d) CONFORMING AMENDMENTS.—

(1) So much of subpart I of part IV of subchapter A of chapter 1 as precedes section 54A, as in effect before repeal by Public Law 115-97, is restored as if such repeal had not taken effect.

(2) The table of sections for such subpart I, as restored by paragraph (1), is amended by striking the items relating to sections 54B, 54C, 54D, and 54F.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2020.

SEC. 90112. SCHOOL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by inserting after subpart I (as restored by section 90111) the following new subpart:

''Subpart J—School Infrastructure Bonds

''Sec. 54BB. School infrastructure bonds.

''SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.

''(a) IN GENERAL.—If a taxpayer holds a school infrastructure bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit

against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a school infrastructure bond is 100 percent of the amount of interest payable by the issuer with respect to such date.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) SCHOOL INFRASTRUCTURE BOND.—

''(1) IN GENERAL.—For purposes of this section, the term 'school infrastructure bond' means any bond issued as part of an issue if—

''(A) 100 percent of the available project proceeds of such issue are to be used for the purposes described in section 70112 of the Moving Forward Act,

''(B) the interest on such obligation would (but for this section) be excludable from gross income under section 103,

''(C) the issue meets the requirements of paragraph (3), and

''(D) the issuer designates such bond for purposes of this section.

''(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

''(A) for purposes of section 149(b), a school infrastructure bond shall not be treated as federally guaranteed by reason of the credit allowed under section 6431(a),

''(B) for purposes of section 148, the yield on a school infrastructure bond shall be determined without regard to the credit allowed under subsection (a), and

''(C) a bond shall not be treated as a school infrastructure bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

''(3) 6-YEAR EXPENDITURE PERIOD.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects 100 percent of the available project proceeds to be spent for purposes described in section 70112 of the Moving Forward Act within the 6-year period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 6 YEARS.—To the extent that less than 100 percent of the available project proceeds of the issue are expended at the close of the period described in subparagraph (A) with respect to such issue, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d) by any issuer shall not exceed the limitation amount allocated under subsection (g) for such calendar year to such issuer.

''(f) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The national qualified school infrastructure bond limitation for each calendar year is—

''(1) $10,000,000,000 for 2021,

''(2) $10,000,000,000 for 2022, and

''(3) $10,000,000,000 for 2023.

''(g) ALLOCATION OF LIMITATION.—

''(1) ALLOCATIONS.—

''(A) STATES.—After application of subparagraph (B) and paragraph (3)(A), the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts received by all local educational agencies in each State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total such amount received by all local educational agencies in for the most recent fiscal year ending before such calendar year.

''(B) CERTAIN POSSESSIONS.—One-half of 1 percent of the amount of the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary to possessions of the United States other than Puerto Rico for such calendar year.

''(2) ALLOCATIONS TO SCHOOLS.—The limitation amount allocated to a State or possession under paragraph (1) shall be allocated by the State educational agency (or such other agency as is authorized under State law to make such allocation) to issuers within such State or possession in accordance with the priorities described in section 70111(c) of the Moving Forward Act and the eligibility requirements described in section 70111(b) of such Act, except that paragraph (1)(C) of such section shall not apply to the determination of eligibility for such allocation.

''(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

''(A) IN GENERAL.—One-half of 1 percent of the amount of the limitation applicable under subsection (f) for any calendar year shall be allocated by the Secretary to the Secretary of the Interior for schools funded by the Bureau of Indian Affairs for such calendar year.

''(B) ALLOCATION TO SCHOOLS.—The limitation amount allocated to the Secretary of the Interior under paragraph (1) shall be allocated by such Secretary to issuers or schools funded as described in paragraph (2). In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

''(4) DIGITAL LEARNING.—Up to 10 percent of the limitation amount allocated under paragraph (1) or (3)(A) may be allocated by the State to issuers within such State to carry out activities to improve digital learning in accordance with section 70112(b) of the Moving Forward Act.

''(h) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the school infrastructure bond is entitled to a payment of interest under such bond.

''(i) SPECIAL RULES.—

''(1) INTEREST ON SCHOOL INFRASTRUCTURE BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any school infrastructure bond shall be includible in gross income.

''(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).''.

(b) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any school infrastructure bond (as defined in section 54BB of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

(c) APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS.—

(1) IN GENERAL.—Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(A) any school infrastructure bond (as defined in section 54BB of the Internal Revenue Code of 1986); and

(B) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009.

(2) CONFORMING AMENDMENT.—Section 1601 of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(d) CLERICAL AMENDMENTS.—The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''SUBPART J—SCHOOL INFRASTRUCTURE BONDS''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2020.

SEC. 90113. ANNUAL REPORT ON BOND PROGRAM.

(a) IN GENERAL.—Not later than September 30 of each fiscal year beginning after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the school infrastructure bond program.

(b) ELEMENTS.—The report under paragraph (1) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:

(1) An identification of—

(A) each local educational agency that received funds from a school infrastructure bond; and

(B) each local educational agency that was eligible to receive such funds—

(i) but did not receive such funds; or

(ii) received less than the maximum amount of funds for which the agency was eligible.

(2) With respect to each local educational agency described in paragraph (1)—

(A) an assessment of the capacity of the agency to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(i) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair projects for schools, including the ability of the agency to raise funds through imposition of property taxes;

(ii) whether the agency has been able to issue bonds to fund construction projects, including—

(I) qualified zone academy bonds under section 54E of the Internal Revenue Code of 1986; and

(II) school infrastructure bonds under section 54BB of the Internal Revenue Code of 1986; and

(iii) the bond rating of the agency;

(B) the demographic composition of the student population served by the agency, disaggregated by—

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(iii) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(C) the population density of the geographic area served by the agency;

(D) a description of the projects carried out with funds received from school infrastructure bonds;

(E) a description of the demonstrable or expected benefits of the projects; and

(F) the estimated number of jobs created by the projects.

(3) The total dollar amount of all funds received by local educational agencies from school infrastructure bonds.

(4) Any other factors that the Secretary of the Treasury determines to be appropriate.

(c) INFORMATION COLLECTION.—A State or local educational agency that receives funds from a school infrastructure bond shall—

(1) annually compile the information necessary for the Secretary of the Treasury to determine the elements described in subsection (b); and

(2) report the information to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.

Subtitle C—Other Provisions Related to Infrastructure Financing

SEC. 90121. CREDIT FOR OPERATIONS AND MAINTENANCE COSTS OF GOVERNMENT-OWNED BROADBAND.

(a) IN GENERAL.—Subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

''SEC. 6431B. CREDIT FOR OPERATIONS AND MAINTENANCE COSTS OF GOVERNMENT-OWNED BROADBAND.

''(a) IN GENERAL.—In the case of any eligible governmental entity, there shall be allowed a credit equal to the applicable percentage of the qualified broadband expenses paid or incurred by such entity during the taxable year which credit shall be payable by the Secretary as provided in subsection (b).

''(b) PAYMENT OF CREDIT.—Upon receipt from an eligible governmental entity of such information as the Secretary may require for purposes of carrying out this section, the Secretary shall pay to such entity the amount of the credit determined under subsection (a) for the taxable year.

''(c) LIMITATION.—The amount of qualified broadband expenses taken into account under this section for any taxable year with respect to any qualified broadband network shall not exceed the product of $400 multiplied by the number of qualified households subscribed to the qualified broadband service provided by such network (determined as of any time during such taxable year).

''(d) DEFINITIONS.—For purposes of this section—

''(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means—

''(A) in the case of any taxable year beginning in 2020 through 2025, 30 percent,

''(B) in the case of any taxable year beginning in 2026, 26 percent, and

''(C) in the case of any taxable year beginning in 2027, 24 percent.

''(2) ELIGIBLE GOVERNMENTAL ENTITY.—The term 'eligible governmental entity' means—

''(A) any State, local, or Indian tribal government,

''(B) any political subdivision or instrumentality of any government described in subparagraph (A), and

''(C) any entity wholly owned by one or more entities described in subparagraph (A) or (B).

For purposes of this paragraph, the term 'State' includes any possession of the United States.

''(3) QUALIFIED BROADBAND EXPENSES.—The term 'qualified broadband expenses' means so much of the amounts paid or incurred for the operation and maintenance of a qualified broadband network as are properly allocable to qualified households subscribed to the qualified broadband service provided by such network.

''(4) QUALIFIED HOUSEHOLD.—The term 'qualified household' means a personal residence which—

''(A) is located in a low-income community (as defined in section 45D(e)), and

''(B) did not have access to qualified broadband service from the eligible governmental entity (determined as of the beginning of the taxable year of such entity).

''(5) QUALIFIED BROADBAND NETWORK.—The term 'qualified broadband network' means property owned by an eligible governmental entity and used for the purpose of providing qualified broadband service.

''(6) QUALIFIED BROADBAND SERVICE.—The term 'qualified broadband service' means fixed, terrestrial broadband service providing downloads at a speed of at least 25 megabits per second and uploads at a speed of at least 3 megabits per second.

''(7) TAXABLE YEAR.—Except as otherwise provided by the Secretary, the term 'taxable year' means, with respect to any eligible governmental entity, the fiscal year of such entity.

''(e) SPECIAL RULES.—

''(1) ALLOCATIONS.—For purposes of subsection (d)(3), amounts shall be treated as properly allocated if allocated ratably among the subscribers of the qualified broadband service.

''(2) DENIAL OF DOUBLE BENEFIT.—Qualified broadband expenses shall not include any amount which is paid or reimbursed (directly or indirectly) by any grant from the Federal Government.

''(f) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.

''(g) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2027.''.

(b) PAYMENTS MADE UNDER SECTION 6431B(B) OF THE INTERNAL REVENUE CODE OF 1986.—Section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(h)) is amended by inserting: ''Payments made under section 6431B(b) of the Internal Revenue Code of 1986'' after the item related to Payments for Foster Care and Permanency.

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6431A'' and inserting ''6431A, or 6431B''.

(2) The table of sections for subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

''Sec. 6431B. Credit for operations and maintenance costs of government-owned broadband.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 90122. TREATMENT OF FINANCIAL GUARANTY INSURANCE COMPANIES AS QUALIFYING INSURANCE CORPORATIONS UNDER PASSIVE FOREIGN INVESTMENT COMPANY RULES.

(a) IN GENERAL.—Section 1297(f)(3) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR FINANCIAL GUARANTY INSURANCE COMPANIES.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A)(ii) and (B), the applicable insurance liabilities of a financial guaranty insurance company shall include its unearned premium reserves if—

''(I) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses with respect to a financial guaranty insurance or reinsurance contract except to the extent that such reserve amounts are expected to exceed the unearned premium reserves on the contract,

''(II) the applicable financial statement of such company reports financial guaranty exposure of at least 15-to-1, and

''(III) such company includes in its insurance liabilities only its unearned premium reserves relating to insurance written or assumed that is within the single risk limits set forth in subsection (D) of section 4 of the Financial Guaranty Insurance Guideline (modified by using total shareholder's equity as reported on the applicable financial statement of the company rather than aggregate of the surplus to policyholders and contingency reserves).

''(ii) FINANCIAL GUARANTY INSURANCE COMPANY.—For purposes of this subparagraph, the term 'financial guaranty insurance company' means any insurance company the sole business of which is writing or reinsuring financial guaranty insurance (as defined in subsection (A) of section 1 of the Financial Guaranty Insurance Guideline) which is permitted under subsection (B) of section 4 of such Guideline.

''(iii) FINANCIAL GUARANTY EXPOSURE.—For purposes of this subparagraph, the term 'financial guaranty exposure' means the ratio of—

''(I) the net debt service outstanding insured or reinsured by the company that is within the single risk limits set forth in the Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to

''(II) the company's total assets (as so reported).

''(iv) FINANCIAL GUARANTY INSURANCE GUIDELINE.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

''(II) DETERMINATIONS MADE BY SECRETARY.—The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.''.

(b) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

''(C) CLARIFICATION THAT CERTAIN ITEMS ON APPLICABLE FINANCIAL STATEMENT BE SEPARATELY REPORTED WITH RESPECT TO CORPORATION.—An amount described in paragraph (1)(B) or clause (i)(II), (i)(III), (iii)(I), or (iii)(II) of paragraph (3)(C) shall not be treated as reported on an applicable financial statement for purposes of this section unless such amount is separately reported on such statement with respect to the corporation referred to in paragraph (1).

''(D) AUTHORITY OF SECRETARY TO REQUIRE REPORTING.—

''(i) IN GENERAL.—Each United States person who owns an interest in a specified non-publicly traded foreign corporation and who takes the position that such corporation is not a passive foreign investment company shall report to the Secretary such information with respect to such corporation as the Secretary may require.

''(ii) SPECIFIED NON-PUBLICLY TRADED FOREIGN CORPORATION.—For purposes of this subparagraph, the term 'specified non-publicly traded foreign corporation' means any foreign corporation—

''(I) which would be a passive foreign investment company if subsection (b)(2)(B) did not apply, and

''(II) no interest in which is traded on an established securities market.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in section 14501 of Public Law 115–97.

(2) REPORTING.—The amendment made by subsection (b) shall apply to reports made after the date of the enactment of this Act.

SEC. 90123. INFRASTRUCTURE GRANTS TO IMPROVE CHILD CARE SAFETY.

(a) IN GENERAL.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by inserting after section 418 the following:

''SEC. 418A. INFRASTRUCTURE GRANTS TO IMPROVE CHILD CARE SAFETY.

''(a) SHORT TITLE.—This section may be cited as the 'Infrastructure Grants To Improve Child Care Safety Act of 2020'.

''(b) NEEDS ASSESSMENTS.—

''(1) IMMEDIATE NEEDS ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall conduct an immediate needs assessment of the condition of child care facilities throughout the United States (with priority given to child care facilities that receive Federal funds), that—

''(i) determines the extent to which the COVID-19 pandemic has created immediate infrastructure needs, including infrastructure-related health and safety needs, which must be addressed for child care facilities to operate in compliance with public health guidelines;

''(ii) considers the effects of the pandemic on a variety of child care centers, including home-based centers; and

''(iii) considers how the pandemic has impacted specific metrics, such as—

''(I) capacity;

''(II) investments in infrastructure changes;

''(III) the types of infrastructure changes centers need to implement and their associated costs;

''(IV) the price of tuition; and

''(V) any changes or anticipated changes in the number and demographic of children attending.

''(B) TIMING.—The immediate needs assessment should occur simultaneously with the first grant-making cycle under subsection (c).

''(C) REPORT.—Not later than 1 year after the date of the enactment of this section, the Secretary shall submit to the Congress a report containing the result of the needs assessment conducted under subparagraph (A), and make the assessment publicly available.

''(2) LONG-TERM NEEDS ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall conduct a long-term assessment of the condition of child care facilities throughout the United States (with priority given to child care facilities that receive Federal funds). The assessment may be conducted through representative random sampling.

''(B) REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report containing the results of the needs assessment conducted under subparagraph (A), and make the assessment publicly available.

''(c) CHILD CARE FACILITIES GRANTS.—

''(1) GRANTS TO STATES.—

''(A) IN GENERAL.—The Secretary may award grants to States for the purpose of acquiring, constructing, renovating, or improving child care facilities, including adapting, reconfiguring, or expanding facilities to respond to the COVID-19 pandemic.

''(B) PRIORITIZED FACILITIES.—The Secretary may not award a grant to a State under subparagraph (A) unless the State involved agrees, with respect to the use of grant funds, to prioritize—

''(i) child care facilities primarily serving low-income populations;

''(ii) child care facilities primarily serving children who have not attained the age of 5 years;

''(iii) child care facilities that closed during the COVID-19 pandemic and are unable to open without making modifications to the facility that would otherwise be required to ensure the health and safety of children and staff; and

''(iv) child care facilities that serve the children of parents classified as essential workers during the COVID-19 pandemic.

''(C) DURATION OF GRANTS.—A grant under this subsection shall be awarded for a period of not more than 5 years.

''(D) APPLICATION.—To seek a grant under this subsection, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which information shall—

''(i) be disaggregated as the Secretary may require; and

''(ii) include a plan to use a portion of the grant funds to report back to the Secretary on the impact of using the grant funds to improve child care facilities.

''(E) PRIORITY.—In selecting States for grants under this subsection, the Secretary shall prioritize States that—

''(i) plan to improve center-based and home-based child care programs, which may include a combination of child care and early Head Start or Head Start programs;

''(ii) aim to meet specific needs across urban, suburban, or rural areas as determined by the State; and

''(iii) show evidence of collaboration with—

''(I) local government officials;

''(II) other State agencies;

''(III) nongovernmental organizations, such as—

''(aa) organizations within the philanthropic community;

''(bb) certified community development financial institutions as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702) that have been certified by the Community Development Financial Institutions Fund (12 U.S.C. 4703); and

''(cc) organizations that have demonstrated experience in—

''(AA) providing technical or financial assistance for the acquisition, construction, renovation, or improvement of child care facilities;

''(BB) providing technical, financial, or managerial assistance to child care providers; and

''(CC) securing private sources of capital financing for child care facilities or other low-income community development projects; and

''(IV) local community organizations, such as—

''(aa) child care providers;

''(bb) community care agencies;

''(cc) resource and referral agencies; and

''(dd) unions.

''(F) CONSIDERATION.—In selecting States for grants under this subsection, the Secretary shall consider—

''(i) whether the applicant—

''(I) has or is developing a plan to address child care facility needs; and

''(II) demonstrates the capacity to execute such a plan; and

''(ii) after the date the report required by subsection (b)(1)(C) is submitted to the Congress, the needs of the applicants based on the results of the assessment.

''(G) DIVERSITY OF AWARDS.—In awarding grants under this section, the Secretary shall give equal consideration to States with varying capacities under subparagraph (F).

''(H) MATCHING REQUIREMENT.—

''(i) IN GENERAL.—As a condition for the receipt of a grant under subparagraph (A), a State that is not an Indian tribe shall agree to make available (directly or through donations from public or private entities) contributions with respect to the cost of the activities to be carried out pursuant to subparagraph (A), which may be provided in cash or in kind, in an amount equal to 10 percent of the funds provided through the grant.

''(ii) DETERMINATION OF AMOUNT CONTRIBUTED.—Contributions required by clause (i) may include—

''(I) amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government; or

''(II) philanthropic or private-sector funds.

''(I) REPORT.—Not later than 6 months after the last day of the grant period, a State receiving a grant under this paragraph shall submit a report to the Secretary as described in subparagraph (D)—

''(i) to determine the effects of the grant in constructing, renovating, or improving child care facilities, including any changes in response to the COVID-19 pandemic and any effects on access to and quality of child care; and

''(ii) to provide such other information as the Secretary may require.

''(J) AMOUNT LIMIT.—The annual amount of a grant under this paragraph may not exceed $35,000,000.

''(2) GRANTS TO INTERMEDIARY ORGANIZATIONS.—

''(A) IN GENERAL.—The Secretary may award grants to intermediary organizations, such as certified community development financial institutions, tribal organizations, or other organizations with demonstrated experience in child care facilities financing, for the purpose of providing technical assistance, capacity building, and financial products to develop or finance child care facilities.

''(B) APPLICATION.—A grant under this paragraph may be made only to intermediary organizations that submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) PRIORITY.—In selecting intermediary organizations for grants under this subsection, the Secretary shall prioritize intermediary organizations that—

''(i) demonstrate experience in child care facility financing or related community facility financing;

''(ii) demonstrate the capacity to assist States and local governments in developing child care facilities and programs;

''(iii) demonstrate the ability to leverage grant funding to support financing tools to build the capacity of child care providers, such as through credit enhancements;

''(iv) propose to meet a diversity of needs across States and across urban, suburban, and rural areas at varying types of center-based, home-based, and other child care settings, including early care programs located in free-standing buildings or in mixed-use properties; and

''(v) propose to focus on child care facilities primarily serving low-income populations and children who have not attained the age of 5 years.

''(D) AMOUNT LIMIT.—The amount of a grant under this paragraph may not exceed $10,000,000.

''(3) LABOR STANDARDS FOR ALL GRANTS.—The Secretary shall require that each entity, including grantees and subgrantees, that applies for an infrastructure grant for constructing, renovating, or improving child care facilities, including adapting, reconfiguring, or expanding such facilities, which is funded in whole or in part under this section, shall include in its application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act'), and with respect to the labor standards specified in such subchapter the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

''(4) REPORT.—Not later than the end of fiscal year 2024, the Secretary shall submit to the Congress a report on the effects of the grants provided under this subsection, and make the report publically accessible.

''(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there is authorized to be appropriated $10,000,000,000 for fiscal year 2020, which shall remain available through fiscal year 2024.

''(2) RESERVATIONS OF FUNDS.—

''(A) INDIAN TRIBES.—The Secretary shall reserve 3 percent of the total amount made available to carry out this section, for payments to Indian tribes.

''(B) TERRITORIES.—The Secretary shall reserve 3 percent of the total amount made available to carry out this section, for payments to territories.

''(3) GRANTS FOR INTERMEDIARY ORGANIZATIONS.—Not less than 10 percent and not more than 15 percent of the total amount made available to carry out this section may be used to carry out subsection (c)(2).

''(4) LIMITATION ON USE OF FUNDS FOR NEEDS ASSESSMENTS.—Not more than $5,000,000 of the amounts made available to carry out this section may be used to carry out subsection (b).

''(5) LABOR STANDARDS FOR ALL GRANTS.—The Secretary of Health and Human Services shall require that each entity, including grantees and subgrantees, that applies for an infrastructure grant for constructing, renovating, or improving child care facilities, including adapting, reconfiguring, or expanding such facilities, which is funded in whole or in part under this section, shall include in its application written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alternation or repair, as part of such project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act'), and with respect to the labor standards specified in such subchapter the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 FR 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

''(e) DEFINITION OF STATE.—In this section, the term 'State' has the meaning provided in section 419, except that it includes the Commonwealth of the Northern Mariana Islands and any Indian tribe.''.

(b) EXEMPTION OF TERRITORY GRANTS FROM LIMITATION ON TOTAL PAYMENTS TO THE TERRITORIES.—Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2)) is amended by inserting ''418A(c),'' after ''413(f),''.

TITLE II—NEW MARKETS TAX CREDIT

SEC. 90201. IMPROVEMENT AND PERMANENT EXTENSION OF NEW MARKETS TAX CREDIT.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—Section 45D(f)(1) is amended by striking subparagraphs (G) and (H) and inserting the following new subparagraphs:

''(G) $3,500,000,000 for each of calendar years 2010 through 2018,

''(H) $4,000,000,000 for calendar year 2019,

''(I) $7,000,000,000 for calendar year 2020,

''(J) $6,000,000,000 for calendar year 2021,

''(K) $5,000,000,000 for calendar year 2022 and each calendar year thereafter.''.

(2) INFLATION ADJUSTMENT.—Section 45D(f) is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2022, the dollar amount in paragraph (1)(I) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(B) ROUNDING RULE.—Any increase under subparagraph (A) which is not a multiple of $1,000,000 shall be rounded to the nearest multiple of $1,000,000.''.

(3) CONFORMING AMENDMENT.—Section 45D(f)(3) is amended by striking the last sentence.

(b) ALTERNATIVE MINIMUM TAX RELIEF.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (v) through (xii) as clauses (vi) through (xiii), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made after December 31, 2020,''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after 2020.

(2) ALTERNATIVE MINIMUM TAX RELIEF.—The amendments made by subsection (b) shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after December 31, 2020.

(3) SPECIAL RULE FOR ALLOCATION OF INCREASED 2019 LIMITATION.—The amount of the increase in the new market tax credit limitation for calendar year 2019 by reason of the amendments made by subsection (a) shall be allocated in accordance with section 45D(f)(2) of the Internal Revenue Code of 1986 to qualified community development entities (as defined in section 45D(c) of such Code) which—

(A) submitted an allocation application with respect to calendar year 2019, and

(B) either—

(i) did not receive an allocation for such calendar year, or

(ii) received an allocation for such calendar year in an amount less than the amount requested in the allocation application.

TITLE III—REHABILITATION TAX CREDIT

SEC. 90301. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Section 47(a)(2) is amended by striking ''20 percent'' and inserting ''the applicable percentage''.

(b) APPLICABLE PERCENTAGE.—Section 47(a) is amended by adding at the end the following new paragraph:

''(3) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

"In the case of a taxable year beginning in:	The applicable percentage is:
2020 through 2024	30 percent
2025	26 percent
2026	23 percent
2027 and thereafter	20 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 90302. INCREASE IN THE REHABILITATION CREDIT FOR CERTAIN SMALL PROJECTS.

(a) IN GENERAL.—Section 47 is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE REGARDING CERTAIN SMALLER PROJECTS.—

''(1) IN GENERAL.—In the case of any smaller project—

''(A) the applicable percentage determined under subsection (a)(3) shall not be less than 30 percent, and

''(B) the qualified rehabilitation expenditures taken into account under this section with respect to such project shall not exceed $2,500,000.

''(2) SMALLER PROJECT.—For purposes of this subsection, the term 'smaller project' means the rehabilitation of any qualified rehabilitated building if—

''(A) the qualified rehabilitation expenditures taken into account under this section (or which would be so taken into account but for paragraph (1)(B)) with respect to such rehabilitation do not exceed $3,750,000,

''(B) no credit was allowed under this section with respect to such building to any taxpayer for either of the 2 taxable years immediately preceding the first taxable year in which expenditures described in subparagraph (A) were paid or incurred, and

''(C) the taxpayer elects (at such time and manner as the Secretary may provide) to have this subsection apply with respect to such rehabilitation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 90303. MODIFICATION OF DEFINITION OF SUBSTANTIALLY REHABILITATED.

(a) IN GENERAL.—Section 47(c)(1)(B)(i)(I) is amended by inserting ''50 percent of'' before ''the adjusted basis''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations with respect to 24-month periods (referred to in clause (i) of section 47(c)(1)(B) of the Internal Revenue Code of 1986) and 60-month periods (referred to in clause (ii) of such section) which begin after the date of the enactment of this Act.

SEC. 90304. TEMPORARY EXTENSION OF PERIOD FOR COMPLETING REHABILITATION.

(a) IN GENERAL.—Section 47(c)(1)(B) is amended by adding at the end the following new clause:

''(iv) TEMPORARY EXTENSION OF PERIOD FOR COMPLETING REHABILITATION.—In the case of any period selected by a taxpayer which includes March 13, 2020 (determined without regard to this clause), this subparagraph (and section 13402(b)(2) of Public Law 115-97) shall be applied—

''(I) by substituting '36-month' for '24-month' each place it appears therein, and

''(II) by substituting '72-month' for '60-month' each place it appears therein.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods which include March 13, 2020 (determined without regard to such amendment).

SEC. 90305. ELIMINATION OF REHABILITATION CREDIT BASIS ADJUSTMENT.

(a) IN GENERAL.—Section 50(c) is amended by adding at the end the following new paragraph:

''(6) EXCEPTION FOR REHABILITATION CREDIT.—In the case of the rehabilitation credit, paragraph (1) shall not apply.''.

(b) TREATMENT IN CASE OF CREDIT ALLOWED TO LESSEE.—Section 50(d) is amended by adding at the end the following: ''In the case of the rehabilitation credit, paragraph (5)(B) of the section 48(d) referred to in paragraph (5) of this subsection shall not apply.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 90306. MODIFICATIONS REGARDING CERTAIN TAX-EXEMPT USE PROPERTY.

(a) IN GENERAL.—Section 47(c)(2)(B)(v) is amended by adding at the end the following new subclause:

''(III) DISQUALIFIED LEASE RULES TO APPLY ONLY IN CASE OF GOVERNMENT ENTITY.—For purposes of subclause (I), except in the case of a tax-exempt entity described in section 168(h)(2)(A)(i) (determined without regard to the last sentence of section 168(h)(2)(A)), the determination of whether property is tax-exempt use property shall be made under section 168(h) without regard to whether the property is leased in a disqualified lease (as defined in section 168(h)(1)(B)(ii)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to leases entered into after the date of the enactment of this Act.

SEC. 90307. QUALIFICATION OF REHABILITATION EXPENDITURES FOR PUBLIC SCHOOL BUILDINGS FOR REHABILITATION CREDIT.

(a) IN GENERAL.—Section 47(c)(2)(B)(v) is amended by adding at the end the following new subclause:

''(III) CLAUSE NOT TO APPLY TO PUBLIC SCHOOLS.—This clause shall not apply in the

case of the rehabilitation of any building which was used as a qualified public educational facility (as defined in section 142(k)(1), determined without regard to subparagraph (B) thereof) at any time during the 5-year period ending on the date that such rehabilitation begins and which is used as such a facility immediately after such rehabilitation.''.

(b) REPORT.—Not later than the date which is 5 years after the date of the enactment of this Act, the Secretary of the Treasury, after consultation with the heads of appropriate Federal agencies, shall report to Congress on the effects resulting from the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

TITLE IV—GREEN ENERGY

SEC. 90400. SHORT TITLE.

This title may be cited as the ''Growing Renewable Energy and Efficiency Now Act of 2020'' or the ''GREEN Act of 2020''.

Subtitle A—Renewable Electricity and Reducing Carbon Emissions

SEC. 90401. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—The following provisions of section 45(d) are each amended by striking ''January 1, 2021'' each place it appears and inserting ''January 1, 2026'':

(1) Paragraph (2)(A).
(2) Paragraph (3)(A).
(3) Paragraph (6).
(4) Paragraph (7).
(5) Paragraph (9).
(6) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Section 48(a)(5)(C)(ii) is amended by striking ''January 1, 2021'' and inserting ''January 1, 2026''.

(c) APPLICATION OF EXTENSION TO WIND FACILITIES.—

(1) IN GENERAL.—Section 45(d)(1) is amended by striking ''January 1, 2021'' and inserting ''January 1, 2026''.

(2) APPLICATION OF PHASEOUT PERCENTAGE.—

(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Sections 45(b)(5)(D) is amended by striking ''and before January 1, 2021,''.

(B) ENERGY CREDIT.—Section 48(a)(5)(E)(iv) is amended by striking ''and before January 1, 2021,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities the construction of which begins after December 31, 2020.

SEC. 90402. EXTENSION AND MODIFICATION OF ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—The following provisions of section 48 are each amended by striking ''January 1, 2022'' each place it appears and inserting ''January 1, 2027'':

(1) Subsection (a)(3)(A)(ii).
(2) Subsection (a)(3)(A)(vii).
(3) Subsection (c)(1)(D).
(4) Subsection (c)(2)(D).
(5) Subsection (c)(3)(A)(iv).
(6) Subsection (c)(4)(C).

(b) PHASEOUT OF CREDIT.—Section 48(a) is amended—

(1) by striking ''December 31, 2019'' in paragraphs (6)(A)(i) and (7)(A)(i) and inserting ''December 31, 2025'',

(2) by striking ''December 31, 2020'' in paragraphs (6)(A)(ii) and (7)(A)(ii) and inserting ''December 31, 2026'',

(3) by striking ''January 1, 2021'' in paragraphs (6)(A)(i) and (7)(A)(i) and inserting ''January 1, 2027'',

(4) by striking ''January 1, 2022'' each place it appears in paragraphs (6)(A), (6)(B), and (7)(A) and inserting ''January 1, 2028'', and

(5) by striking ''January 1, 2024'' in paragraphs (6)(B) and (7)(B) and inserting ''January 1, 2030''.

(c) 30 PERCENT CREDIT FOR SOLAR AND GEOTHERMAL.—

(1) EXTENSION FOR SOLAR.—Section 48(a)(2)(A)(i)(II) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2028''.

(2) APPLICATION TO GEOTHERMAL.—

(A) IN GENERAL.—Paragraphs (2)(A)(i)(II), (6)(A), and (6)(B) of section 48(a) are each amended by striking ''paragraph (3)(A)(i)'' and inserting ''clause (i) or (iii) of paragraph (3)(A)''.

(B) CONFORMING AMENDMENT.—The heading of section 48(a)(6) is amended by inserting ''AND GEOTHERMAL'' after ''SOLAR ENERGY''.

(d) ENERGY STORAGE TECHNOLOGIES; WASTE ENERGY RECOVERY PROPERTY; QUALIFIED BIOGAS PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (vi), and by adding at the end the following new clauses:

''(viii) energy storage technology,
''(ix) waste energy recovery property, or
''(x) qualified biogas property,''.

(2) APPLICATION OF 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclauses (III) and (IV) and adding at the end the following new subclauses:

''(V) energy storage technology,
''(VI) waste energy recovery property, and
''(VII) qualified biogas property, and''.

(3) APPLICATION OF PHASEOUT.—Section 48(a)(7) is amended—

(A) by inserting ''energy storage technology, waste energy recovery property, qualified biogas property,'' after ''qualified small wind property,'', and

(B) by striking ''FIBER-OPTIC SOLAR, QUALIFIED FUEL CELL, AND QUALIFIED SMALL WIND'' in the heading thereof and inserting ''CERTAIN OTHER''.

(4) DEFINITIONS.—Section 48(c) is amended by adding at the end the following new paragraphs:

''(5) ENERGY STORAGE TECHNOLOGY.—

''(A) IN GENERAL.—The term 'energy storage technology' means equipment (other than equipment primarily used in the transportation of goods or individuals and not for the production of electricity) which —

''(i) uses batteries, compressed air, pumped hydropower, hydrogen storage (including hydrolysis and electrolysis), thermal energy storage, regenerative fuel cells, flywheels, capacitors, superconducting magnets, or other technologies identified by the Secretary, after consultation with the Secretary of Energy, to store energy for conversion to electricity and has a capacity of not less than 5 kilowatt hours, or

''(ii) stores thermal energy to heat or cool (or provide hot water for use in) a structure (other than for use in a swimming pool).

''(B) TERMINATION.—The term 'energy storage technology' shall not include any property the construction of which does not begin before January 1, 2028.

''(6) WASTE ENERGY RECOVERY PROPERTY.—

''(A) IN GENERAL.—The term 'waste energy recovery property' means property that generates electricity solely from heat from buildings or equipment if the primary purpose of such building or equipment is not the generation of electricity.

''(B) CAPACITY LIMITATION.—The term 'waste energy recovery property' shall not include any property which has a capacity in excess of 50 megawatts.

''(C) NO DOUBLE BENEFIT.—Any waste energy recovery property (determined without regard to this subparagraph) which is part of a system which is a combined heat and power system property shall not be treated as waste energy recovery property for purposes of this section unless the taxpayer elects to not treat such system as a combined heat and power system property for purposes of this section.

''(D) TERMINATION.—The term 'waste energy recovery property' shall not include any property the construction of which does not begin before January 1, 2028.

''(7) QUALIFIED BIOGAS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified biogas property' means property comprising a system which—

''(i) converts biomass (as defined in section 45K(c)(3)) into a gas which—

''(I) consists of not less than 52 percent methane, or

''(II) is concentrated by such system into a gas which consists of not less than 52 percent methane, and

''(ii) captures such gas for productive use.

''(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term 'qualified biogas property' includes any property which is part of such system which cleans or conditions such gas.

''(C) TERMINATION.—The term 'qualified biogas property' shall not include any property the construction of which does not begin before January 1, 2028.''.

(5) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:

''(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term 'qualified facility' shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(7)) if a credit is determined under section 48 with respect to such property for the taxable year or any prior taxable year.''.

(e) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.—

(1) IN GENERAL.—Section 48(c)(1) is amended—

(A) in subparagraph (A)(i)—

(i) by inserting ''or electromechanical'' after ''electrochemical'', and

(ii) by inserting ''(1 kilowatts in the case of a fuel cell power plant with a linear generator assembly)'' after ''0.5 kilowatt'', and

(B) in subparagraph (C)—

(i) by inserting '', or linear generator assembly,'' after ''a fuel cell stack assembly'', and

(ii) by inserting ''or electromechanical'' after ''electrochemical''.

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) LINEAR GENERATOR ASSEMBLY.—The term 'linear generator assembly' does not include any assembly which contains rotating parts.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2020, under rules similar to the rules of section 48(m) as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990.

SEC. 90403. EXTENSION OF CREDIT FOR CARBON OXIDE SEQUESTRATION.

(a) IN GENERAL.—Section 45Q(d)(1) is amended by striking ''January 1, 2024'' and inserting ''January 1, 2026''.

(b) EFFECTIVE DATE.—The amendment made by this section applies to facilities the construction of which begins after December 31, 2023.

SEC. 90404. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

''SEC. 6431. ELECTIVE PAYMENT FOR ENERGY PROPERTY, ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC, AND CARBON OXIDE SEQUESTRATION.

''(a) ENERGY PROPERTY.—In the case of a taxpayer making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any portion of an applicable credit, such taxpayer shall be treated as making a payment against the tax imposed by subtitle A for the taxable year equal to—

''(1) in the case of an Indian tribal government, the amount of such portion, and

''(2) in the case of any other taxpayer, 85 percent of such amount.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) GOVERNMENTAL ENTITIES TREATED AS TAXPAYERS.—In the case of an election under this section—

''(A) any State or local government, or a political subdivision thereof, or

''(B) an Indian tribal government,

shall be treated as a taxpayer for purposes of this section and determining any applicable credit.

''(2) APPLICABLE CREDIT.—The term 'applicable credit' means each of the following credits that would (without regard to this section) be determined with respect to the taxpayer:

''(A) A energy credit under section 48.

''(B) A renewable electricity production credit under section 45.

''(C) A carbon oxide sequestration credit under section 45Q.

''(3) INDIAN TRIBAL GOVERNMENT.—The term 'Indian tribal government' shall have the meaning given such term by section 139E.

''(4) TIMING.—The payment described in subparagraph (A) shall be treated as made on—

''(A) in the case of any government, or political subdivision, to which paragraph (1) applies and for which no return is required under section 6011 or 6033(a), the later of the date that a return would be due under section 6033(a) if such government or subdivision were described in that section or the date on which such government or subdivision submits a claim for credit or refund (at such time and in such manner as the Secretary shall provide), and

''(B) in any other case, the later of the due date of the return of tax for the taxable year or the date on which such return is filed.

''(5) WAIVER OF SPECIAL RULES.—In the case of an election under this section, the determination of any applicable credit shall be without regard to paragraphs (3) and (4)(A)(i) of section 50(b).

''(c) EXCLUSION FROM GROSS INCOME.—Gross income of the taxpayer shall be determined without regard to this section.

''(d) DENIAL OF DOUBLE BENEFIT.—Solely for purposes of section 38, in the case of a taxpayer making an election under this section, the energy credit determined under section 45 or the renewable electricity production credit determined under section 48 shall be reduced by the amount of the portion of such credit with respect to which the taxpayer makes such election.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6431. Elective payment for energy property and electricity produced from certain renewable resources, etc.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property originally placed in service after the date of the enactment of this Act.

SEC. 90405. EXTENSION OF ENERGY CREDIT FOR OFFSHORE WIND FACILITIES.

(a) IN GENERAL.—Section 48(a)(5) is amended by adding at the end the following new subparagraph:

''(F) QUALIFIED OFFSHORE WIND FACILITIES.—

''(i) IN GENERAL.—In the case of any qualified offshore wind facility—

''(I) subparagraph (C)(ii) shall be applied by substituting 'January 1 of the applicable year (as determined under subparagraph (F)(ii))' for 'January 1, 2026',

''(II) subparagraph (E) shall not apply, and

''(III) for purposes of this paragraph, section 45(d)(1) shall be applied by substituting 'January 1 of the applicable year (as determined under section 48(a)(5)(F)(ii))'' for 'January 1, 2026'.

''(ii) APPLICABLE YEAR.—For purposes of this subparagraph, the term 'applicable year' means the later of—

''(I) calendar year 2025, or

''(II) the calendar year subsequent to the first calendar year in which the Secretary, after consultation with the Secretary of Energy, determines that the United States has increased its offshore wind capacity by not less than 3,000 megawatts as compared to such capacity on January 1, 2021.

For purposes of subclause (II), the Secretary shall not include any increase in offshore wind capacity which is attributable to any facility the construction of which began before January 1, 2021.

''(iii) QUALIFIED OFFSHORE WIND FACILITY.—For purposes of this subparagraph, the term 'qualified offshore wind facility' means a qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) (determined without regard to any date by which the construction of the facility is required to begin) which is located in the inland navigable waters of the United States or in the coastal waters of the United States.

''(iv) REPORT ON OFFSHORE WIND CAPACITY.—On January 15, 2024, and annually thereafter until the calendar year described in clause (ii)(II), the Secretary, after consultation with the Secretary of Energy, shall issue a report to be made available to the public which discloses the increase in the offshore wind capacity of the United States, as measured in total megawatts, since January 1, 2020.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after December 31, 2016, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 90406. GREEN ENERGY PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1)(E) is amended—

(1) by striking ''income and gains derived from the exploration'' and inserting ''income and gains derived from—

''(i) the exploration'',

(2) by inserting ''or'' before ''industrial source'',

(3) by striking '', or the transportation or storage'' and all that follows and inserting the following:

''(ii) the generation of electric power or thermal energy exclusively using any qualified energy resource (as defined in section 45(c)(1)),

''(iii) the operation of energy property (as defined in section 48(a)(3), determined without regard to any date by which the construction of the facility is required to begin),

''(iv) in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is required to begin), the accepting or processing of open-loop biomass or municipal solid waste,

''(v) the storage of electric power or thermal energy exclusively using energy property that is energy storage property (as defined in section 48(c)(5)),

''(vi) the generation, storage, or distribution of electric power or thermal energy exclusively using energy property that is combined heat and power system property (as defined in section 48(c)(3), determined without regard to subparagraph (B)(iii) thereof and without regard to any date by which the construction of the facility is required to begin),

''(vii) the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426,

''(viii) the conversion of renewable biomass (as defined in subparagraph (I) of section 211(o)(1) of the Clean Air Act (as in effect on the date of the enactment of this clause)) into renewable fuel (as defined in subparagraph (J) of such section as so in effect), or the storage or transportation of such fuel,

''(ix) the production, storage, or transportation of any fuel which—

''(I) uses as its primary feedstock carbon oxides captured from an anthropogenic source or the atmosphere,

''(II) does not use as its primary feedstock carbon oxide which is deliberately released from naturally occurring subsurface springs, and

''(III) is determined by the Secretary, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, to achieve a reduction of not less than a 60 percent in lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(H) of the Clean Air Act, as in effect on the date of the enactment of this clause) compared to baseline lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(C) of such Act, as so in effect),

''(x) the generation of electric power from, a qualifying gasification project (as defined in section 48B(c)(1) without regard to subparagraph (C)) that is described in section 48(d)(1)(B), or

''(xi) in the case of a qualified facility (as defined in section 45Q(d), without regard to any date by which construction of the facility is required to begin) not less than 50 percent (30 percent in the case of a facility placed in service before January 1, 2021) of the total carbon oxide production of which is qualified carbon oxide (as defined in section 45Q(c))—

''(I) the generation, availability for such generation, or storage of electric power at such facility, or

''(II) the capture of carbon dioxide by such facility,''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2020.

Subtitle B—Renewable Fuels

SEC. 90411. BIODIESEL AND RENEWABLE DIESEL.

(a) INCOME TAX CREDIT.—Section 40A(g) is amended to read as follows:

''(g) PHASE OUT; TERMINATION.—

''(1) PHASE OUT.—In the case of any sale or use after December 31, 2022, subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting for '$1.00'—

''(A) '$.75', if such sale or use is before January 1, 2024,

''(B) '$.50', if such sale or use is after December 31, 2023, and before January 1, 2025, and

''(C) '$.33', if such sale or use is after December 31, 2024, and before January 1, 2026.

''(2) TERMINATION.—This section shall not apply to any sale or use after December 31, 2025.''.

(b) EXCISE TAX INCENTIVES.—

(1) PHASE OUT.—Section 6426(c)(2) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is—

''(A) $1.00 in the case of any sale or use for any period before January 1, 2023,

''(B) $.75 in the case of any sale or use for any period after December 31, 2022, and before January 1, 2024,

''(C) $.50 in the case of any sale or use for any period after December 31, 2023, and before January 1, 2025, and

''(D) $.33 in the case of any sale or use for any period after December 31, 2024, and before January 1, 2026.''.

(2) TERMINATION.—

(A) IN GENERAL.—Section 6426(c)(6) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2025''.

(B) PAYMENTS.—Section 6427(e)(6)(B) is amended by striking ''December 31, 2022'' and inserting ''December 31, 2025''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2022.

SEC. 90412. EXTENSION OF EXCISE TAX CREDITS RELATING TO ALTERNATIVE FUELS.

(a) EXTENSION AND PHASEOUT OF ALTERNATIVE FUEL CREDIT.—

(1) IN GENERAL.—Section 6426(d)(1) is amended by striking ''50 cents'' and inserting ''the applicable amount''.

(2) APPLICABLE AMOUNT AND TERMINATION.—Section 6426(d)(5) is amended to read as follows:

''(5) PHASEOUT AND TERMINATION.—

''(A) PHASEOUT.—For purposes of this subsection, the applicable amount is—

''(i) 50 cents in the case of any sale or use for any period before January 1, 2023,

''(ii) 38 cents in the case of any sale or use for any period after December 31, 2022, and before January 1, 2024,

''(iii) 25 cents in the case of any sale or use for any period after December 31, 2023, and before January 1, 2025, and

''(iv) 17 cents in the case of any sale or use for any period after December 31, 2024, and before January 1, 2026.

''(B) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2025.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—

(1) IN GENERAL.—Section 6426(e)(3) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(2) PHASEOUT.—Section 6426(e)(1) is amended by striking ''50 cents'' and inserting ''the applicable amount (as defined in subsection (d)(5)(A))''.

(c) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2020.

SEC. 90413. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking ''2021'' and inserting ''2026''.

(b) EXTENSION OF SPECIAL ALLOWANCE FOR DEPRECIATION OF SECOND GENERATION BIOFUEL PLANT PROPERTY.—Section 168(l)(2)(D) is amended by striking ''2021'' and inserting ''2026''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2020.

(2) SECOND GENERATION BIOFUEL PLANT PROPERTY.—The amendment made by subsection (b) shall apply to property placed in service after December 31, 2020.

Subtitle C—Green Energy and Efficiency Incentives for Individuals

SEC. 90421. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(b) INCREASE IN CREDIT PERCENTAGE FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—Section 25C(a)(1) is amended by striking ''10 percent'' and inserting ''15 percent''

(c) INCREASE IN LIFETIME LIMITATION OF CREDIT.—Section 25C(b)(1) is amended—

(1) by striking ''$500'' and inserting ''$1,200'', and

(2) by striking ''December 31, 2005'' and inserting ''December 31, 2020''.

(d) LIMITATIONS.—Section 25C(b) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) LIMITATION ON QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The credit allowed under this section by reason of subsection (a)(1), with respect to costs paid or incurred by a taxpayer for a taxable year, shall not exceed—

''(A) for components described in subsection (c)(3)(A), the excess (if any) of $600 over the aggregate credits allowed under this section with respect to such components for all prior taxable years ending after December 31, 2020,

''(B) for components described in subsection (c)(3)(B),

''(i) in the case of components which are not described in clause (ii), the excess (if any) of $200 over the aggregate credits allowed under this section with respect to such components for all prior taxable years ending after December 31, 2020, and

''(ii) in the case of components which meet the standards for most efficient certification under applicable Energy Star program requirements, the excess (if any) of $600 over the aggregate credits allowed under this section with respect to such components for all prior taxable years ending after December 31, 2020, or with respect to components described in clause (i) for such taxable year,

''(C) for components described in subsection (c)(3)(C) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the lesser of—

''(i) the excess (if any) of $500 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2020, or

''(ii) $250 for each exterior door.

''(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The credit allowed under this section by reason of subsection (a)(2) shall not, with respect to an item of property, exceed—

''(A) in the case of property described in subparagraph (A), (B), or (C) of subsection (d)(3), $600, and

''(B) for the case of property described in subparagraph (D) of subsection (d)(3), $400, and

''(C) in the case of a hot water boiler, $600, and

''(D) in the case of a furnace, an amount equal to the sum of—

''(i) $300, plus

''(ii) if the taxpayer is converting from a noncondensing furnace to a condensing furnace, $300.''.

(e) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking ''meets—'' and all that follows through the period at the end and inserting the following: ''meets—

''(A) in the case of an exterior window, a skylight, or an exterior door, applicable Energy Star program requirements, and

''(B) in the case of any other component, the prescriptive criteria for such component established by the 2018 IECC (as such term is defined in section 45L(b)(5)).''.

(f) ROOFS NOT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by adding ''and'' at the end of subparagraph (B), by striking '', and'' at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(g) ADVANCED MAIN AIR CIRCULATING FANS NOT QUALIFIED ENERGY PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(2)(A) is amended by adding ''or'' at the end of clause (i), by striking '', or'' at the end of clause (ii) and inserting a period, and by striking clause (iii).

(2) CONFORMING AMENDMENT.—Section 25C(d) is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(h) INCREASE IN STANDARD FOR ELECTRIC HEAT PUMP WATER HEATER.—Section 25C(d)(3)(A) is amended by striking ''an energy factor of at least 2.0'' and inserting ''a uniform energy factor of at least 3.0''.

(i) UPDATE OF STANDARDS FOR CERTAIN ENERGY-EFFICIENT BUILDING PROPERTY.—Section 25C(d)(3) is amended—

(1) by striking ''January 1, 2009'' each place such term appears and inserting ''November 1, 2019'', and

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

''(D) a natural gas, propane, or oil water heater which, in the standard Department of Energy test procedure, yields—

''(i) in the case of a storage tank water heater—

''(I) in the case of a medium-draw water heater, a uniform energy factor of not less than 0.78, and

''(II) in the case of a high-draw water heater, a uniform energy factor of not less than 0.80, and

''(ii) in the case of a tankless water heater—

''(I) in the case of a medium-draw water heater, a uniform energy factor of not less than 0.87, and

''(II) in the case of a high-draw water heater, a uniform energy factor of not less than 0.90, and''.

(j) INCREASE IN STANDARD FOR FURNACES.—Section 25C(d)(4) is amended by striking by striking ''not less than 95.'' and inserting the following: ''not less than—

''(A) in the case of a furnace, 97 percent, and

''(B) in the case of a hot water boiler, 95 percent.''.

(k) HOME ENERGY AUDITS.—

(1) IN GENERAL.—Section 25C(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the amount paid or incurred by the taxpayer during the taxable year for home energy audits.''.

(2) LIMITATION.—Section 25C(b) is amended adding at the end the following new paragraph:

''(4) HOME ENERGY AUDITS.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.''.

(3) HOME ENERGY AUDITS.—Section 25C, as amended by subsections (a), is amended by redesignating subsections (e), (f), and (g), as subsections (f), (g), and (h), respectively, and by inserting after subsection (d) the following new subsection:

''(e) HOME ENERGY AUDITS.—For purposes of this section, the term 'home energy audit' means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121) which—

''(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement, and

''(2) is conducted and prepared by a home energy auditor that meets the certification or other requirements specified by the Secretary (after consultation with the Secretary of Energy, and not later than 180 days after the date of the enactment of this subsection) in regulations or other guidance.''.

(4) CONFORMING AMENDMENT.—Section 1016(a)(33) is amended by striking ''section 25C(f)'' and inserting ''section 25C(g)''.

(l) EFFECTIVE DATES.—

(1) INCREASE AND MODERNIZATION.—Except as otherwise provided by this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2020.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2020.

(3) HOME ENERGY AUDITS.—The amendments made by subsection (k) shall apply to amounts paid or incurred after December 31, 2020.

SEC. 90422. RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION OF CREDIT.—

(1) IN GENERAL.—Section 25D(h) is amended by striking ''December 31, 2021'' and inserting ''December 31, 2027''.

(2) APPLICATION OF PHASEOUT.—Section 25D(g) is amended—

(A) in paragraph (1), by striking ''January 1, 2020'' and inserting ''January 1, 2026'',

(B) in paragraph (2)—

(i) by striking ''December 31, 2019'' and inserting ''December 31, 2025'', and

(ii) by striking ''January 1, 2021'' and inserting ''January 1, 2027'', and

(C) in paragraph (3)—

(i) by striking ''December 31, 2020'' and inserting ''December 31, 2026'', and

(ii) by striking ''January 1, 2022'' and inserting ''January 1, 2028''.

(b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES; RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR BATTERY STORAGE TECHNOLOGY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (4) and by inserting after paragraph (5) the following new paragraphs:

''(6) the qualified biomass fuel property expenditures, and

''(7) the qualified battery storage technology expenditures,''.

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES; RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR BATTERY STORAGE TECHNOLOGY.—Section 25D(d) is amended by adding at the end the following new paragraphs:

''(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis.

''(7) QUALIFIED BATTERY STORAGE TECHNOLOGY EXPENDITURE.—The term 'qualified battery storage technology expenditure' means an expenditure for battery storage technology which—

''(A) is installed in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

''(B) has a capacity of not less than 3 kilowatt hours.''.

(3) DENIAL OF DOUBLE BENEFIT FOR BIOMASS STOVES.—

(A) IN GENERAL.—Section 25C(d)(3) is amended by adding ''and'' at the end of subparagraph (C), by striking '', and'' at the end of subparagraph (D) and inserting a period, and by striking subparagraph (E).

(B) CONFORMING AMENDMENT.—Section 25C(d), as amended by the preceding provisions of this Act, is amended by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act.

SEC. 90423. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(b) INCREASE IN THE MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Section 179D(b) is amended by striking ''$1.80'' and inserting ''$3''.

(2) INFLATION ADJUSTMENT.—Section 179D, as amended by this Act, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) INFLATION ADJUSTMENT.—In the case of a taxable year beginning after 2020, each dollar amount in subsection (b) or subsection (d)(1)(A) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.''.

(3) CONFORMING AMENDMENT.—Section 179D(d)(1)(A) is amended by striking ''by substituting '$.60' for '$1.80''' and inserting ''by substituting '$1' for '$3'''.

(c) LIMIT ON DEDUCTION LIMITED TO THREE-YEAR PERIOD.—Section 179D(b)(2) is amended by striking ''for all prior taxable years'' and inserting ''for the 3 years immediately preceding such taxable year''.

(d) UPDATE OF STANDARDS.—

(1) ASHRAE STANDARDS.—Section 179D(c) is amended—

(A) in paragraphs (1)(B)(ii) and (1)(D), by striking ''Standard 90.1–2007'' and inserting ''Reference Standard 90.1'', and

(B) by amending paragraph (2) to read as follows:

''(2) REFERENCE STANDARD 90.1.—The term 'Reference Standard 90.1' means, with respect to property, the Standard 90.1 most recently adopted (as of the date that is 2 years before the date that construction of such property begins) by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America.''.

(2) CALIFORNIA NONRESIDENTIAL ALTERNATIVE CALCULATION METHOD APPROVAL MANUAL.—Section 179D(d)(2) is amended by striking ''2005'' and inserting ''2019''.

(e) CHANGE IN EFFICIENCY STANDARDS.—Section 179D(c)(1)(D) is amended by striking ''50'' and inserting ''30''.

(f) DEADWOOD.—Section 179D, as amended by subsection (a), is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2020.

SEC. 90424. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(b) INCREASE IN CREDIT FOR CERTAIN DWELLING UNITS.—Section 45L(a)(2)(A) is amended by striking ''$2,000'' and inserting ''$2,500''.

(c) INCREASE IN STANDARD FOR HEATING AND COOLING REDUCTION FOR CERTAIN UNITS.—Section 45L(c)(1) is amended by striking ''50 percent'' each place such term appears and inserting ''60 percent''.

(d) ENERGY SAVING REQUIREMENTS MODIFICATIONS.—

(1) ALL ENERGY STAR LABELED HOMES ELIGIBLE; NO REDUCTION IN STANDARD.—Section 45L(c) is amended by amending paragraph (3) to read as follows:

''(3) a unit which meets the requirements established by the Administrator of the Environmental Protection Agency under the Energy Star Labeled Homes program and, in the case of a manufactured home, which conforms to Federal Manufactured Home Construction and Safety Standards (part 3280 of title 24, Code of Federal Regulations).''.

(2) UNITS CONSTRUCTED IN ACCORDANCE WITH 2018 IECC STANDARDS.—Section 45L(c), as amended by paragraph (1), is further amended by striking ''or'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', or'', and by adding at the end the following new paragraph:

''(4) certified—

''(A) to have a level of annual energy consumption which is at least 15 percent below the annual level of energy consumption of a comparable dwelling unit—

''(i) which is constructed in accordance with the standards of chapter 4 of the 2018 IECC (without taking into account on-site energy generation), and

''(ii) which meets the requirements described in paragraph (1)(A)(ii), and

''(B) to have building envelope component improvements account for at least 1/5 of such 15 percent.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 45L(c)(2) is amended by inserting ''or (4)'' after ''paragraph (1)''.

(B) Section 45L(a)(2)(A) is amended by striking ''or (2)'' and inserting '', (2), or (4)''.

(C) Section 45L(b) is amended by adding at the end the following:

''(5) 2018 IECC.—The term '2018 IECC' means the 2018 International Energy Conservation Code, as such Code (including supplements) is in effect on November 1, 2018.''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2020.

SEC. 90425. MODIFICATIONS TO INCOME EXCLUSION FOR CONSERVATION SUBSIDIES.

(a) IN GENERAL.—Section 136(a) is amended—

(1) by striking ''any subsidy provided'' and inserting ''any subsidy—

''(1) provided'',

(2) by striking the period at the end and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(2) provided (directly or indirectly) by a public utility to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any water conservation or efficiency measure,

''(3) provided (directly or indirectly) by a storm water management provider to a customer, or by a State or local government to a resident of such State or locality, for the purchase or installation of any storm water management measure, or

''(4) provided (directly or indirectly) by a State or local government to a resident of such State or locality for the purchase or installation of any wastewater management measure, but only if such measure is with respect to the taxpayer's principal residence.''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF WATER CONSERVATION OR EFFICIENCY MEASURE AND STORM WATER MANAGEMENT MEASURE.—Section 136(c) is amended—

(A) by striking ''ENERGY CONSERVATION MEASURE'' in the heading thereof and inserting ''DEFINITIONS'',

(B) by striking ''IN GENERAL'' in the heading of paragraph (1) and inserting ''ENERGY CONSERVATION MEASURE'', and

(C) by redesignating paragraph (2) as paragraph (5) and by inserting after paragraph (1) the following:

''(2) WATER CONSERVATION OR EFFICIENCY MEASURE.—For purposes of this section, the term 'water conservation or efficiency measure' means any evaluation of water use, or any installation or modification of property, the primary purpose of which is to reduce consumption of water or to improve the management of water demand with respect to one or more dwelling units.

''(3) STORM WATER MANAGEMENT MEASURE.—For purposes of this section, the term 'storm water management measure' means any installation or modification of property primarily designed to reduce or manage amounts of storm water with respect to one or more dwelling units.

''(4) WASTEWATER MANAGEMENT MEASURE.—For purposes of this section, the term 'wastewater management measure' means any installation or modification of property primarily designed to manage wastewater (including septic tanks and cesspools) with respect to one or more dwelling units.''.

(2) DEFINITION OF PUBLIC UTILITY.—Section 136(c)(5) (as redesignated by paragraph (1)(C)) is amended by striking subparagraph (B) and inserting the following:

''(B) PUBLIC UTILITY.—The term 'public utility' means a person engaged in the sale of electricity, natural gas, or water to residential, commercial, or industrial customers for use by such customers.

''(C) STORM WATER MANAGEMENT PROVIDER.—The term 'storm water management provider'

means a person engaged in the provision of storm water management measures to the public.

''(D) PERSON.—For purposes of subparagraphs (B) and (C), the term 'person' includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.''.

(3) CLERICAL AMENDMENTS.—

(A) The heading for section 136 is amended—

*(i) by inserting ''**AND WATER**'' after ''**ENERGY**'', and*

*(ii) by striking ''**PROVIDED BY PUBLIC UTILITIES**''.*

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 is amended—

(i) by inserting ''and water'' after ''energy'', and

(ii) by striking ''provided by public utilities''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2018.

(d) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2021.

Subtitle D—Greening the Fleet and Alternative Vehicles

SEC. 90431. MODIFICATION OF LIMITATIONS ON NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Section 30D(e) is amended to read as follows:

''(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of any new qualified plug-in electric drive motor vehicle sold after the date of the enactment of the GREEN Act of 2020—

''(A) if such vehicle is sold during the transition period, the amount determined under subsection (b)(2) shall be reduced by $500, and

''(B) if such vehicle is sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(2) TRANSITION PERIOD.—For purposes of this subsection, the transition period is the period subsequent to the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 200,000.

''(3) PHASEOUT PERIOD.—

''(A) IN GENERAL.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 600,000.

''(B) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(B), the applicable percentage is—

''(i) 50 percent for the first calendar quarter of the phaseout period, and

''(ii) 0 percent for each calendar quarter thereafter.

''(C) EXCLUSION OF SALE OF CERTAIN VEHICLES.—

''(i) IN GENERAL.—For purposes of subparagraph (A), any new qualified plug-in electric drive motor vehicle manufactured by the manufacturer of the vehicle referred to in paragraph (1) which was sold during the exclusion period shall not be included for purposes of determining the number of such vehicles sold.

''(ii) EXCLUSION PERIOD.—For purposes of this subparagraph, the exclusion period is the period—

''(I) beginning on the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 200,000, and

''(II) ending on the date of the enactment of the GREEN Act of 2020.

''(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.''.

(b) EXTENSION FOR 2- AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.—Section 30D(g)(3)(E) is amended to read as follows:

''(E) is acquired after December 31, 2020, and before January 1, 2026.''.

(c) EFFECTIVE DATE.—

(1) LIMITATION.—The amendment made by subsection (a) shall apply to vehicles sold after the date of the enactment of this Act.

(2) EXTENSION.—The amendment made by subsection (b) shall apply to vehicles sold after December 31, 2020.

SEC. 90432. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

''SEC. 25E. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—In the case of a qualified buyer who during a taxable year places in service a previously-owned qualified plug-in electric drive motor vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) $1,250, plus

''(2) in the case of a vehicle which draws propulsion energy from a battery which exceeds 4 kilowatt hours of capacity (determined at the time of sale), the lesser of—

''(A) $1,250, and

''(B) the product of $208.50 and such excess kilowatt hours.

''(b) LIMITATIONS.—

''(1) SALE PRICE.—The credit allowed under subsection (a) with respect to sale of a vehicle shall not exceed 30 percent of the sale price.

''(2) ADJUSTED GROSS INCOME.—The amount which would (but for this paragraph) be allowed as a credit under subsection (a) shall be reduced (but not below zero) by $250 for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds $30,000 (twice such amount in the case of a joint return).

''(c) DEFINITIONS.—For purposes of this section—

''(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term 'previously-owned qualified plug-in electric drive motor vehicle' means, with respect to a taxpayer, a motor vehicle—

''(A) the model year of which is at least 2 earlier than the calendar year in which the taxpayer acquires such vehicle,

''(B) the original use of which commences with a person other than the taxpayer,

''(C) which is acquired by the taxpayer in a qualified sale,

''(D) registered by the taxpayer for operation in a State or possession of the United States, and

''(E) which meets the requirements of subparagraphs (C), (D), (E), and (F) of section 30D(d)(1).

''(2) QUALIFIED SALE.—The term 'qualified sale' means a sale of a motor vehicle—

''(A) by a person who holds such vehicle in inventory (within the meaning of section 471) for sale or lease,

''(B) for a sale price of less than $25,000, and

''(C) which is the first transfer since the date of the enactment of this section to a person other than the person with whom the original use of such vehicle commenced.

''(3) QUALIFIED BUYER.—The term 'qualified buyer' means, with respect to a sale of a motor vehicle, a taxpayer—

''(A) who is an individual,

''(B) who purchases such vehicle for use and not for resale,

''(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151,

''(D) who has not been allowed a credit under this section for any sale during the 3-year period ending on the date of the sale of such vehicle, and

''(E) who possesses a certificate issued by the seller that certifies—

''(i) that the vehicle is a previously-owned qualified plug-in electric drive motor vehicle,

''(ii) the capacity of the battery at time of sale, and

''(iii) such other information as the Secretary may require.

''(4) MOTOR VEHICLE; CAPACITY.—The terms 'motor vehicle' and 'capacity' have the meaning given such terms in paragraphs (2) and (4) of section 30D(d), respectively.

''(d) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of paragraphs (1), (2), (4), (5), (6) and (7) of section 30D(f) shall apply for purposes of this section.

''(e) CERTIFICATE SUBMISSION REQUIREMENT.—The Secretary may require that the issuer of the certificate described in subsection (c)(3)(E) submit such certificate to the Secretary at the time and in the manner required by the Secretary.

''(f) TERMINATION.—No credit shall be allowed under this section with respect to sales after December 31, 2025.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Previously-owned qualified plug-in electric drive motor vehicles.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 90433. CREDIT FOR ZERO-EMISSION HEAVY VEHICLES AND ZERO-EMISSION BUSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 45U. ZERO-EMISSION HEAVY VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a manufacturer of a zero-emission heavy vehicle, the zero-emission heavy vehicle credit determined under this section for a taxable year is an amount equal to 10 percent of the sum of the sale price of each zero-emission heavy vehicle sold by such taxpayer during such taxable year.

''(b) LIMITATION.—The sale price of a zero-emission heavy vehicle may not be taken into account under subsection (a) to the extent such price exceeds $1,000,000.

''(c) ZERO-EMISSION HEAVY VEHICLE.—For purposes of this section—

''(1) IN GENERAL.—The term 'zero-emission heavy vehicle' means a motor vehicle which—

''(A) has a gross vehicle weight rating of not less than 14,000 pounds,

''(B) is not powered or charged by an internal combustion engine, and

''(C) is propelled solely by an electric motor which draws electricity from a battery or fuel cell.

''(2) MOTOR VEHICLE; MANUFACTURER.—The term 'motor vehicle' and 'manufacturer' have the meaning given such terms in paragraphs (2) and (3) of section 30D(d), respectively.

''(d) SPECIAL RULES.—

''(1) SALE PRICE.—For purposes of this section, the sale price of a zero-emission heavy vehicle shall be reduced by any rebate or other incentive given before, on, or after the date of the sale.

''(2) DOMESTIC USE.—No credit shall be allowed under subsection (a) with respect to a zero-emission heavy vehicle to a manufacturer who knows or has reason to know that such vehicle will not be used primarily in the United States or a possession of the United States.

''(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

''(e) TERMINATION.—This section shall not apply to sales after December 31, 2025.''.

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the zero-emission heavy vehicle credit determined under section 45U.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45U. Zero-emission heavy vehicle credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 90434. QUALIFIED FUEL CELL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(k)(1) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 90435. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 30C(g) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2025''.

(b) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC CHARGING PROPERTY.—

(1) IN GENERAL.—Section 30C(a) is amended—

(A) by striking ''equal to 30 percent'' and inserting the following: ''equal to the sum of—

''(1) 30 percent''.

(B) by striking the period at the end and inserting '', plus'', and

(C) by adding at the end the following new paragraph:

''(2) 20 percent of so much of such cost as exceeds the limitation under subsection (b)(1) that does not exceed the amount of cost attributable to qualified alternative vehicle refueling property (determined without regard to paragraphs (1), (2)(A), and (2)(B) of subsection (c)) which—

''(A) is intended for general public use and recharges motor vehicle batteries with no associated fee or payment arrangement,

''(B) is intended for general public use and accepts payment via a credit card reader, or

''(C) is intended for use exclusively by fleets of commercial or governmental vehicles.''.

(2) CONFORMING AMENDMENT.—Section 30C(b) is amended—

(A) by striking ''The credit allowed under subsection (a)'' and inserting ''The amount of cost taken into account under subsection (a)(1)'',

(B) by striking ''$30,000'' and inserting ''$100,000'', and

(C) by striking ''$1,000'' and inserting ''$3,333.33''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2020.

SEC. 90436. MODIFICATION OF EMPLOYER-PROVIDED FRINGE BENEFITS FOR BICYCLE COMMUTING.

(a) REPEAL OF SUSPENSION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—Section 132(f) is amended by striking paragraph (8).

(b) COMMUTING FRINGE INCLUDES BIKESHARE.—

(1) IN GENERAL.—Clause (i) of section 132(f)(5)(F) is amended by striking ''a bicycle'' and all that follows and inserting ''bikeshare, a bicycle, and bicycle improvements, repair, and storage, if the employee regularly uses such bikeshare or bicycle for travel between the employee's residence and place of employment or mass transit facility that connects an employee to their place of employment.''.

(2) BIKESHARE.—Section 132(f)(5)(F) is amended by adding at the end the following:

''(iv) BIKESHARE.—The term 'bikeshare' means a bicycle rental operation at which bicycles are made available to customers to pick up and drop off for point-to-point use within a defined geographic area.''.

(c) LOW-SPEED ELECTRIC BICYCLES.—Section 132(f)(5)(F), as amended by subsection (b)(2), is amended by adding at the end the following:

''(v) LOW-SPEED ELECTRIC BICYCLES.—The term 'bicycle' includes a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.''.

(d) MODIFICATION RELATING TO BICYCLE COMMUTING MONTH.—Clause (iii) of section 132(f)(5)(F) is amended to read as follows:

''(iii) QUALIFIED BICYCLE COMMUTING MONTH.—The term 'qualified bicycle commuting month' means, with respect to any employee, any month during which such employee regularly uses a bicycle for a portion of the travel between the employee's residence and place of employment.''.

(e) LIMITATION ON EXCLUSION.—

(1) IN GENERAL.—Subparagraph (C) of section 132(f)(2) is amended by striking ''applicable annual limitation'' and inserting ''applicable monthly limitation''.

(2) APPLICABLE MONTHLY LIMITATION DEFINED.—Clause (ii) of section 132(f)(5)(F) is amended to read as follows:

''(ii) APPLICABLE MONTHLY LIMITATION.—The term 'applicable monthly limitation', with respect to any employee for any month, means an amount equal to 20 percent of the dollar amount in effect for the month under paragraph (2)(B).''.

(3) AGGREGATE LIMITATION.—Subparagraph (B) of section 132(f)(2) is amended by inserting ''and the applicable monthly limitation in the case of any qualified bicycle commuting benefit''.

(f) NO CONSTRUCTIVE RECEIPT.—Paragraph (4) of section 132(f) is amended by striking ''(other than a qualified bicycle commuting reimbursement)''.

(g) CONFORMING AMENDMENTS.—Paragraphs (1)(D), (2)(C), and (5)(F) of section 132(f) are each amended by striking ''reimbursement'' each place it appears and inserting ''benefit''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

Subtitle E—Investment in the Green Workforce

SEC. 90441. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL ALLOCATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, after consultation with the Secretary of Energy, shall establish a program to designate amounts of qualifying advanced project credit limitation to qualifying advanced energy projects.

''(2) ANNUAL LIMITATION.—

''(A) IN GENERAL.—The amount of qualifying advanced project credit limitation that may be designated under this subsection during any calendar year shall not exceed the annual credit limitation with respect to such year.

''(B) ANNUAL CREDIT LIMITATION.—For purposes of this subsection, the term 'annual credit limitation' means $2,500,000,000 for each of calendar years 2021, 2022, 2023, 2024, and 2025, and zero thereafter.

''(C) CARRYOVER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2025.

''(3) PLACED IN SERVICE DEADLINE.—No credit shall be determined under subsection (a) with respect to any property which is placed in service after the date that is 4 years after the date of the designation under this subsection relating to such property.

''(4) SELECTION CRITERIA.—Selection criteria similar to those in subsection (d)(3) shall apply, except that in determining designations under this subsection, the Secretary, after consultation with the Secretary of Energy, shall—

''(A) require that applicants provide written assurances to the Secretary that all laborers and mechanics employed by contractors and subcontractors in the performance of construction, alteration or repair work on a qualifying advanced energy project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and

''(B) give the highest priority to projects which—

''(i) manufacture (other than primarily assembly of components) property described in a subclause of subsection (c)(1)(A)(i) (or components thereof), and

''(ii) have the greatest potential for commercial deployment of new applications.

''(5) DISCLOSURE OF DESIGNATIONS.—Rules similar to the rules of subsection (d)(5) shall apply for purposes of this subsection.''.

(b) CLARIFICATION WITH RESPECT TO ELECTROCHROMATIC GLASS.—Section 48C(c)(1)((A)(i)(V) is amended—

(1) by striking ''and smart grid'' and inserting '', smart grid'', and

(2) by inserting '', and electrochromatic glass'' before the comma at the end.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

(d) PROGRESS REPORT.—During the 30-day period ending on December 31, 2025, the Secretary of the Treasury (or the Secretary's delegate), after consultation with the Secretary of Labor, shall submit a report to Congress on the domestic job creation, wages associated with such jobs, and the amount of such wages paid as described in section 48C(e)(4)(B) of the Internal Revenue Code of 1986, attributable to the amendment made by this section.

SEC. 90442. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

''SEC. 45V. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

''(a) IN GENERAL.—For purposes of section 38, the mechanical insulation labor costs credit determined under this section for any taxable year is an amount equal to 10 percent of the mechanical insulation labor costs paid or incurred by the taxpayer during such taxable year.

''(b) MECHANICAL INSULATION LABOR COSTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'mechanical insulation labor costs' means the labor cost of installing mechanical insulation property with respect to a mechanical system referred to in paragraph (2)(A) which was originally placed in service not less than 1 year before the date on which such mechanical insulation property is installed.

''(2) MECHANICAL INSULATION PROPERTY.—The term 'mechanical insulation property' means insulation materials, and facings and accessory products installed in connection to such insulation materials—

''(A) placed in service in connection with a mechanical system which—

''(i) is located in the United States, and

''(ii) is of a character subject to an allowance for depreciation, and

''(B) which result in a reduction in energy loss from the mechanical system which is greater than the expected reduction from the installation of insulation materials which meet the minimum requirements of Reference Standard 90.1 (as defined in section 179D(c)(2)).

''(c) TERMINATION.—This section shall not apply to mechanical insulation labor costs paid or incurred after December 31, 2025.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by the preceding provisions of this Act, is further amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by adding at the end the following new paragraph:

''(35) the mechanical insulation labor costs credit determined under section 45V(a).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 280C is amended by adding at the end the following new subsection:

''(i) MECHANICAL INSULATION LABOR COSTS CREDIT.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the mechanical insulation labor costs (as defined in section 45V(b)) otherwise allowable as deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45V(a).

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

''(A) the amount of the credit determined for the taxable year under section 45V(a), exceeds

''(B) the amount of allowable as a deduction for such taxable year for mechanical insulation labor costs (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such costs shall be reduced by the amount of such excess.''.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new item:

''Sec. 45V. Labor costs of installing mechanical insulation property.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2020, in taxable years ending after such date.

SEC. 90443. LABOR STANDARDS FOR CERTAIN ENERGY JOBS.

(a) DEPARTMENT OF LABOR CERTIFICATION OF QUALIFIED ENTITIES.—

(1) DEFINITIONS.—In this subsection—

(A) APPLICABLE CONSTRUCTION PROJECT.—The term ''applicable construction project'' means, with respect to any entity—

(i) the installation of any qualified alternative fuel vehicle refueling property (as defined in section 30C(c) of the Internal Revenue Code of 1986),

(ii) the installation of any qualified energy property described in section 48D(a)(1) of such Code,

(iii) the installation of any qualified property referred to in paragraph (2) of section 48D(a) of such Code as part of any qualified investment credit facility described in such paragraph, and

(iv) the installation of any energy efficient commercial building property (as defined in section 179D(c)(1) of such Code).

(B) COVERED PROJECT LABOR AGREEMENT.—The term ''covered project labor agreement'' means a project labor agreement that—

(i) binds all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents,

(ii) allows all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise a party to a collective bargaining agreement,

(iii) contains guarantees against strikes, lockouts, and other similar job disruptions,

(iv) sets forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the covered project labor agreement, and

(v) provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(C) PROJECT LABOR AGREEMENT.—The term ''project labor agreement'' means a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is described in section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

(D) INSTALLATION INCLUDES ON-SITE CONSTRUCTION.—Any reference in this subsection to the installation of any property shall include the construction of such property if such construction is performed on the site where such property is installed.

(E) QUALIFIED ENTITY.—The term ''qualified entity'' means an entity that the Secretary of Labor certifies as a qualified entity in accordance with paragraph (2).

(F) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including any requirement, standard, or rule promulgated under such Act, as such requirement, standard, or rule was in effect on December 30, 2019.

(2) CERTIFICATION OF QUALIFIED ENTITIES.—

(A) IN GENERAL.—The Secretary of Labor shall establish a process for certifying entities that submit an application under subparagraph (B) as qualified entities with respect to applicable construction projects for purposes of the amendments made by subsections (b), (c), and (d).

(B) APPLICATION PROCESS.—

(i) IN GENERAL.—An entity seeking certification as a qualified entity under this paragraph shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may reasonably require, including information to demonstrate compliance with the requirements under subparagraph (C).

(ii) REQUESTS FOR ADDITIONAL INFORMATION.—Not later than 1 year after receiving an application from an entity under clause (i)—

(I) the Secretary of Labor may request additional information from the entity in order to determine whether the entity is in compliance with the requirements under subparagraph (C), and

(II) the entity shall provide such additional information.

(iii) DETERMINATION DEADLINE.—The Secretary of Labor shall make a determination on whether to certify an entity under this subsection not later than—

(I) in a case in which the Secretary requests additional information described in paragraph (2)(B)(ii), 1 year after the Secretary receives such additional information from the entity, or

(II) in a case that is not described in subclause (I), 1 year after the date on which the entity submits the application under clause (i).

(iv) PRECERTIFICATION REMEDIES.—The Secretary shall consider any corrective actions taken by an entity seeking certification under this paragraph to remedy an administrative merits determination, arbitral award or decision, or civil judgment identified under subparagraph (C)(iii) and shall impose as a condition of certification any additional remedies necessary to avoid further or repeated violations.

(C) LABOR STANDARDS REQUIREMENTS.—The Secretary of Labor shall require an entity, as a condition of certification under this subsection, to satisfy each of the following requirements—

(i) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of any applicable construction project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(ii) In the case of any applicable construction project the cost of which exceeds $25,000,000, the entity shall be a party to, or require contractors and subcontractors in the performance of such applicable construction project to consent to, a covered project labor agreement.

(iii) The entity, and all contractors and subcontractors in performance of any applicable construction project, shall represent in the application submitted under subparagraph (B) (and periodically thereafter during the performance of the applicable construction project as the Secretary of Labor may require) whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Secretary of Labor, rendered against the entity in the preceding 3 years (or, in the case of disclosures after the initial disclosure, during such period as the Secretary of Labor may provide) for violations of—

(I) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.),

(II) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.),

(III) the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.),

(IV) the National Labor Relations Act (29 U.S.C. 151 et seq.),

(V) subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act''),

(VI) chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act''),

(VII) Executive Order 11246 (42 U.S.C. 2000e note; relating to equal employment opportunity),

(VIII) section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793),

(IX) section 4212 of title 38, United States Code;

(X) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.),

(XI) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.),

(XII) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.),

(XIII) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.),

(XIV) Federal Government standards establishing a minimum wage for contractors, or

(XV) equivalent State laws, as defined in guidance issued by the Secretary of Labor.

(iv) The entity, and all contractors and subcontractors in the performance of any applicable construction project, shall not require mandatory arbitration for any dispute involving a worker engaged in a service for the entity unless such worker is covered by a collective bargaining agreement that provides otherwise.

(v) The entity, and all contractors and subcontractors in the performance of any applicable construction project, shall consider an individual performing any service in such performance as an employee (and not an independent contractor) of the entity, contractor, or subcontractor, respectively, unless—

(I) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of the service and in fact,

(II) the service is performed outside the usual course of the business of the entity, contractor, or subcontractor, respectively, and

(III) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in such service.

(vi) The entity shall prohibit all contractors and subcontractors in the performance of any applicable construction project from hiring employees through a temporary staffing agency unless the relevant State workforce agency certifies that temporary employees are necessary to address an acute, short-term labor demand.

(vii) The entity shall require all contractors, subcontractors, successors in interest of the entity, and other entities that may acquire the entity, in the performance or acquisition of any applicable construction project, to have an explicit neutrality policy on any issue involving the organization of employees of the entity, and all contractors and subcontractors in the performance of any applicable construction project, for purposes of collective bargaining.

(viii) The entity shall require all contractors and subcontractors to participate in a registered apprenticeship program for each skilled craft employed on any applicable construction project.

(ix) The entity, and all contractors and subcontractors in the performance of any applicable construction project, shall not request or otherwise consider the criminal history of an applicant for employment before extending a conditional offer to the applicant, unless—

(I) a background check is otherwise required by law,

(II) the position is for a Federal law enforcement officer (as defined in section 115(c)(1) of title 18, United States Code) position, or

(III) the Secretary of Labor, after consultation with the Secretary of Energy, certifies that precluding criminal history prior to the conditional offer would pose a threat to national security.

(D) DAVIS-BACON ACT.—The Secretary of Labor shall have, with respect to the labor standards described in subparagraph (C)(i), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(E) PERIOD OF VALIDITY FOR CERTIFICATIONS.—A certification made under this subsection shall be in effect for a period of 5 years. An entity may reapply to the Secretary of Labor for an additional certification under this subsection in accordance with the application process under paragraph (2)(B).

(F) REVOCATION OF QUALIFIED ENTITY STATUS.—The Secretary of Labor may revoke the certification of an entity under this subsection as a qualified entity at any time in which the Secretary reasonably determines the entity is no longer in compliance with paragraph (2)(C).

(G) CERTIFICATION MAY COVER MORE THAN 1 SUBSTANTIALLY SIMILAR PROJECT.—The Secretary of Labor may make certifications under this paragraph which apply with respect to more than 1 project if the projects to which such certification apply are substantially similar projects which meet the requirements of this subsection. Such projects shall be treated as a specific construction project for purposes of paragraph (1)(C).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2020 and each fiscal year thereafter.

(b) JOBS IN ENERGY CREDIT.—

(1) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

''SEC. 48D. JOBS IN ENERGY CREDIT.

''(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—For purposes of section 46, the jobs in energy credit for any taxable year is an amount equal to 10 percent of the basis of any qualified energy property placed in service by the taxpayer during such taxable year if the installation of such property is performed by a qualified entity with respect to such property.

''(b) QUALIFIED ENERGY PROPERTY.—For purposes of this section, the term 'qualified energy property' means—

''(1) energy property (as defined in section 48(a)(3)), or

''(2) qualified property which is part of a qualified investment credit facility (as defined in section 48(a)(5) without regard to clause (a)(5)(C)(iii)) which is originally placed in service after December 31, 2020.

''(c) QUALIFIED ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified entity' means, with respect to the installation of any qualified energy property, an entity which is certified by the Secretary of Labor as being in compliance with all of the applicable requirements under section 90443(a) of the GREEN Act of 2020 with respect to such installation at all times during the period beginning on the date on which the installation of such property begins and ending on the date on which such property is placed in service.

''(2) CERTIFICATION OF FACILITY REQUIRED.—In the case of any qualified property referred to in subsection (b)(2), an entity shall be treated as a qualified entity with respect to the installation of such property only if the Secretary of Labor has certified that the construction of the qualified investment credit facility of which such qualified property is a part as being in compliance with all of the applicable requirements under section 90443(a) of the GREEN Act of 2020 for the period referred to in paragraph (1).

''(d) SPECIAL RULES.—

''(1) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(2) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL DEVELOPMENT BONDS.—For purposes of subsection (a), rules similar to the rules of section 48(a)(4) shall apply for purposes of determining the basis of any qualified energy property.

''(3) INSTALLATION INCLUDES ON-SITE CONSTRUCTION.—Any reference in this section to the installation of any property shall include the construction of such property if such construction is performed on the site where such property is installed.

''(4) RECAPTURE.—If the Secretary of Labor revokes the certification of a qualified entity with respect to the installation of any property, the tax imposed under this chapter on the taxpayer to whom the credit determined under this section is allowed shall be increased for the taxable year which includes the date of such revocation by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under this section with respect to such property.

''(5) ELECTION NOT TO HAVE SECTION APPLY.—This section shall not apply with respect to any taxpayer for any taxable year if such taxpayer elects (at such time and in such manner as the Secretary may prescribe) not to have this section apply.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 46 of such Code is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) the jobs in energy credit.''.

(B) Section 49(a)(1)(C) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting a comma, and by adding at the end the following new clause:

''(vi) the basis of any qualified energy property under section 48D.''.

(C) Section 50(a)(2)(E) of such Code is amended by striking '' or 48C(b)(2)'' and inserting ''48C(b)(2), or 48D(d)(1)''.

(D) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Jobs in energy credit.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2020, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(c) INCREASE IN ENERGY EFFICIENT COMMERCIAL BUILDING DEDUCTION FOR INSTALLATION BY QUALIFIED ENTITIES.—

(1) IN GENERAL.—Section 179D(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(7) ADJUSTMENT FOR QUALIFIED ENTITIES.—In the case of any energy efficient commercial building property which was installed (within the meaning of section 48D(d)(3)) by an entity which is certified by the Secretary of Labor as being in compliance with all of the applicable requirements under section 90443(a) of the GREEN Act of 2020 with respect to such installation, subsection (b)(1)(A) shall be applied by substituting '$3.20' for '$3'.''.

(2) CONFORMING AMENDMENT.—Section 179D(d)(1)(A) of such Code is amended by inserting ''(or, in the case of property to which paragraph (7) applies, by substituting '$1.07' for '$3.20' in such paragraph)'' before the period at the end.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2020.

(d) INCREASE IN ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT FOR INSTALLATION BY QUALIFIED ENTITIES.—

(1) IN GENERAL.—Section 30C(a), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', plus'', and by adding at the end the following new paragraph:

''(3) in the case of any qualified alternative fuel vehicle refueling property which was installed (within the meaning of section 48D(d)(3)) by an entity which is certified by the Secretary of Labor as being in compliance with all of the applicable requirements under section 90443(a) of the GREEN Act of 2020 with respect to such installation, 10 percent of the amount of costs taken into account under paragraph (1) with respect to such property.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2020.

Subtitle F—Environmental Justice

SEC. 90451. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

''SEC. 36C. QUALIFIED ENVIRONMENTAL JUSTICE PROGRAMS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible educational institution, there shall

be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the applicable percentage of the amounts paid or incurred by such taxpayer during such taxable year which are necessary for a qualified environmental justice program.

''(b) QUALIFIED ENVIRONMENTAL JUSTICE PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified environmental justice program' means a program conducted by one or more eligible educational institutions that is designed to address, or improve data about, qualified environmental stressors for the primary purpose of improving, or facilitating the improvement of, health and economic outcomes of individuals residing in low-income areas or areas populated disproportionately by racial or ethnic minorities.

''(2) QUALIFIED ENVIRONMENTAL STRESSOR.—The term 'qualified environmental stressor' means, with respect to an area, a contamination of the air, water, soil, or food with respect to such area or a change relative to historical norms of the weather conditions of such area.

''(c) ELIGIBLE EDUCATIONAL INSTITUTION.—For purposes of this section, the term 'eligible educational institution' means an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is eligible to participate in a program under title IV of such Act.

''(d) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) in the case of a program involving material participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965, 30 percent , and

''(2) in all other cases, 20 percent.

''(e) CREDIT ALLOCATION.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—The Secretary shall allocate credit dollar amounts under this section to eligible educational institutions, for qualified environmental justice programs, that—

''(i) submit applications at such time and in such manner as the Secretary may provide, and

''(ii) are selected by the Secretary under subparagraph (B).

''(B) SELECTION CRITERIA.—The Secretary, after consultation with the Secretary of Energy, the Secretary of Education, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall select applications on the basis of the following criteria:

''(i) The extent of participation of faculty and students of an institution described in section 371(a) of the Higher Education Act of 1965.

''(ii) The extent of the expected effect on the health or economic outcomes of individuals residing in areas within the United States that are low-income areas or areas populated disproportionately by racial or ethnic minorities.

''(iii) The creation or significant expansion of qualified environmental justice programs.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The amount of the credit determined under this section for any taxable year to any eligible educational institution for any qualified environmental justice program shall not exceed the excess of—

''(i) the credit dollar amount allocated to such institution for such program under this subsection, over

''(ii) the credits previously claimed by such institution for such program under this section.

''(B) FIVE-YEAR LIMITATION.—No amounts paid or incurred after the 5-year period beginning on the date a credit dollar amount is allocated to an eligible educational institution for a qualified environmental justice program shall be taken into account under subsection (a) with respect to such institution for such program.

''(C) ALLOCATION LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed—

''(i) $1,000,000,000 for each of 2021, 2022, 2023, 2024, and 2025, and

''(ii) $0 for each subsequent year.

''(f) REQUIREMENTS.—

''(1) IN GENERAL.—An eligible educational institution that has been allocated credit dollar amounts under this section for a qualified environmental justice project for a taxable year shall—

''(A) make publicly available the application submitted to the Secretary under subsection (e) with respect to such project, and

''(B) submit an annual report to the Secretary that describes the amounts paid or incurred for, and expected impact of, such project.

''(2) FAILURE TO COMPLY.—In the case of an eligible educations institution that has failed to comply with the requirements of this subsection, the credit dollar amount allocated to such institution under this section is deemed to be $0.

''(g) PUBLIC DISCLOSURE.—The Secretary, upon making an allocation of credit dollar amounts under this section, shall publicly disclose—

''(1) the identity of the eligible educational institution receiving the allocation, and

''(2) the amount of such allocation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''36C,'' after ''36B,''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36B the following new item:

''Sec. 36C. Qualified environmental justice programs.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program

SEC. 90461. REPORT ON GREENHOUSE GAS REPORTING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury (or the Secretary's delegate) shall submit a report to Congress on the utility of the data from the Greenhouse Gas Reporting Program for determining the amount of greenhouse gases emitted by each taxpayer for the purpose of imposing a fee on such taxpayers with respect to such emissions. Such report shall include a detailed description and analysis of any administrative or other challenges associated with using such data for such purpose.

(b) GREENHOUSE GAS REPORTING PROGRAM.—For purposes of this section, the term ''Greenhouse Gas Reporting Program'' means the reporting program established by the Administrator of the Environmental Protection Agency under title II of division F of the Consolidated Appropriations Act, 2008.

TITLE V—DISASTER AND RESILIENCY

SEC. 90501. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.

(a) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.—

''(1) IN GENERAL.—Gross income shall not include any amount received by an individual as a qualified catastrophe mitigation payment under a program established by a State, or a political subdivision or instrumentality thereof, for the purpose of making such payments.

''(2) QUALIFIED CATASTROPHE MITIGATION PAYMENT.—For purposes of this section, the term 'qualified catastrophe mitigation payment' means any amount which is received by an individual to make improvements to such individual's residence for the sole purpose of reducing the damage that would be done to such residence by a windstorm, earthquake, or wildfire.

''(3) NO INCREASE IN BASIS.—Rules similar to the rules of subsection (g)(3) shall apply in the case of this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 139(d) is amended by striking ''and qualified'' and inserting '', qualified catastrophe mitigation payments, and qualified''.

(2) Section 139(i) (as redesignated by subsection (a)) is amended by striking ''or qualified'' and inserting '', qualified catastrophe mitigation payment, or qualified''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2019.

SEC. 90502. REPEAL OF TEMPORARY LIMITATION ON PERSONAL CASUALTY LOSSES.

(a) IN GENERAL.—Section 165(h) is amended by striking paragraph (5).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses incurred in taxable years beginning after December 31, 2017.

(c) REGULATIONS.—The Secretary of the Treasury, or the Secretary's designee, shall issue regulations or other guidance consistent with Revenue Procedure 2017-60 to implement the amendment made by this section.

TITLE VI—HOUSING

Subtitle A—Low-income Housing Tax Credit Improvements

SEC. 90601. EXTENSION OF PERIOD FOR REHABILITATION EXPENDITURES.

(a) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended by inserting ''(any 36-month period, in the case of buildings receiving an allocation of housing credit dollar amount before January 1, 2022)'' after ''24-month period''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 42(e)(4) is amended by inserting ''(or 36-month period, if applicable)'' after ''24-month period''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings receiving an allocation of housing credit dollar amount after December 31, 2016.

SEC. 90602. EXTENSION OF BASIS EXPENDITURE DEADLINE.

(a) IN GENERAL.—Clause (i) of section 42(h)(1)(E) is amended by inserting ''(the third calendar year, in the case of an allocation made before January 1, 2022)'' after ''second calendar year''.

(b) QUALIFIED BUILDING.—Clause (ii) of section 42(h)(1)(E) is amended—

(1) by striking ''the date which is 1 year after the date that the allocation was made'' and inserting ''the applicable date'',

(2) by inserting ''(or third, if applicable)'' after ''second'' in the first sentence,

(3) by inserting ''(or third)'' after ''second'' in the second sentence,

(4) by striking ''BUILDING.—For purposes of'' and inserting ''BUILDING.—

''(I) IN GENERAL.—For purposes of'', and

(5) by adding at the end the following new subclause:

''(II) APPLICABLE DATE.—For purposes of subclause (I), the applicable date is 1 year after the date that the allocation was made with respect to the building (2 years, in the case of allocations made before January 1, 2022).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings receiving an allocation of housing credit dollar amount after December 31, 2016.

SEC. 90603. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) IN GENERAL.—Subparagraph (B) of section 42(h)(4) is amended by adding at the end the following: ''In the case of buildings financed by an obligation issued in calendar years ending before January 1, 2022, the preceding sentence shall be applied by substituting '25 percent' for '50 percent'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2019.

SEC. 90604. MINIMUM CREDIT RATE.

(a) IN GENERAL.—Subsection (b) of section 42 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

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

''(3) MINIMUM CREDIT RATE.—In the case of any new or existing building to which paragraph (2) does not apply, the applicable percentage shall not be less than 4 percent.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings which receive allocations of housing credit dollar amount or, in the case of projects financed by tax-exempt bonds as described in section 42(h)(4) of the Internal Revenue Code of 1986, which are placed in service by the taxpayer after January 20, 2020.

SEC. 90605. INCREASES IN STATE ALLOCATIONS.

(a) IN GENERAL.—Clause (ii) of section 42(h)(3)(C) is amended—

(1) by striking ''$1.75'' in subclause (I) and inserting ''$4.56 ($3.58 in the case of calendar year 2021)'', and

(2) by striking ''$2,000,000'' in subclause (II) and inserting ''$5,214,051 ($4,097,486 in the case of calendar year 2021)''.

(b) COST-OF-LIVING ADJUSTMENT.—Subparagraph (H) of section 42(h)(3) is amended—

(1) by striking ''2002'' in clause (i) and inserting ''2020'',

(2) by striking ''the $2,000,000 and $1.75 amounts in subparagraph (C)'' in clause (i) and inserting ''the dollar amounts applicable to such calendar year under subclauses (I) and (II) of subparagraph (C)(ii)'',

(3) by striking ''2001'' in clause (i)(II) and inserting ''2019'',

(4) by striking ''$2,000,000 amount'' in clause (ii)(I) and inserting ''amount under subparagraph (C)(ii)(II)'', and

(5) by striking ''$1.75 amount'' in clause (ii)(II) and inserting ''amount under subparagraph (C)(ii)(I)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2020.

SEC. 90606. INCREASE IN CREDIT FOR CERTAIN PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.

(a) IN GENERAL.—Paragraph (5) of section 42(d) is amended by adding at the end the following new subparagraph:

''(C) INCREASE IN CREDIT FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—In the case of any building—

''(i) 20 percent or more of the residential units in which are rent-restricted (determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designated by the taxpayer for occupancy by households the aggregate household income of which does not exceed the greater of—

''(I) 30 percent of area median gross income, or

''(II) 100 percent of an amount equal to the Federal poverty line (within the meaning of section 36B(d)(3)), and

''(ii) which is designated by the housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project,

subparagraph (B) shall not apply to the portion of such building which is comprised of such units, and the eligible basis of such portion of the building shall be 150 percent of such basis determined without regard to this subparagraph.''.

(b) RESERVED STATE ALLOCATION.—Subparagraph (C) of section 42(h)(3) is amended—

(1) by striking ''plus'' at the end of clause (iii),

(2) by striking the period at the end of clause (iv) and inserting '', plus'',

(3) by inserting after clause (iv) the following new clause:

''(v) an amount equal to 10 percent of the sum of the amounts determined under clauses (i), (ii), (iii), and (iv) (if any).'', and

(4) by adding at the end the following: ''Any amount allocated pursuant to clause (v) shall be accounted for separately and shall be allocated only to buildings to which subsection (d)(5)(C) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings which receive allocations of housing credit dollar amount or, in the case of projects financed by tax-exempt bonds as described in section 42(h)(4) of the Internal Revenue Code of 1986, which receive a determination of housing credit dollar amount, after the date of the enactment of this Act.

SEC. 90607. INCLUSION OF INDIAN AREAS AS DIFFICULT DEVELOPMENT AREAS FOR PURPOSES OF CERTAIN BUILDINGS.

(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii) is amended by inserting before the period the following: '', and any Indian area''.

(b) INDIAN AREA.—Clause (iii) of section 42(d)(5)(B) is amended by redesignating subclause (II) as subclause (IV) and by inserting after subclause (I) the following new subclauses:

''(II) INDIAN AREA.—For purposes of subclause (I), the term 'Indian area' means any Indian area (as defined in section 4(11) of the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4103(11))).

''(III) SPECIAL RULE FOR BUILDINGS IN INDIAN AREAS.—In the case of an area which is a difficult development area solely because it is an Indian area, a building shall not be treated as located in such area unless such building is assisted or financed under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.) or the project sponsor is an Indian tribe (as defined in section 45A(c)(6)), a tribally designated housing entity (as defined in section 4(22) of such Act (25 U.S.C. 4103(22))), or wholly owned or controlled by such an Indian tribe or tribally designated housing entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2019.

SEC. 90608. INCLUSION OF RURAL AREAS AS DIFFICULT DEVELOPMENT AREAS.

(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii), as amended by the preceding sections of this Act, is amended by inserting '', any rural area'' after ''median gross income''.

(b) RURAL AREA.—Clause (iii) of section 42(d)(5)(B), as amended by the preceding sections of this Act, is further amended by redesignating subclause (IV) as subclause (V) and by inserting after subclause (III) the following new subclause:

''(IV) RURAL AREA.—For purposes of subclause (I), the term 'rural area' means any nonmetropolitan area, or any rural area as defined by section 520 of the Housing Act of 1949, which is identified by the qualified allocation plan under subsection (m)(1)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2019.

SEC. 90609. INCREASE IN CREDIT FOR BOND-FINANCED PROJECTS DESIGNATED BY HOUSING CREDIT AGENCY.

(a) IN GENERAL.—Clause (v) of section 42(d)(5)(B) is amended by striking the second sentence.

(b) TECHNICAL AMENDMENT.—Clause (v) of section 42(d)(5)(B), as amended by subsection (a), is further amended—

(1) by striking ''STATE'' in the heading, and

(2) by striking ''State housing credit agency'' and inserting ''housing credit agency''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings which receive a determination of housing credit dollar amount after the date of the enactment of this Act.

SEC. 90610. REPEAL OF QUALIFIED CONTRACT OPTION.

(a) TERMINATION OF OPTION FOR CERTAIN BUILDINGS.—

(1) IN GENERAL.—Subclause (II) of section 42(h)(6)(E)(i) is amended by inserting ''in the case of a building described in clause (iii),'' before ''on the last day''.

(2) BUILDINGS DESCRIBED.—Subparagraph (E) of section 42(h)(6) is amended by adding at the end the following new clause:

''(iii) BUILDINGS DESCRIBED.—A building described in this clause is a building—

''(I) which received its allocation of housing credit dollar amount before January 1, 2020, or

''(II) in the case of a building any portion of which is financed as described in paragraph (4), which received before January 1, 2020, a determination from the issuer of the tax-exempt bonds or the housing credit agency that the building is eligible to receive an allocation of housing credit dollar amount under the rules of paragraphs (1) and (2) of subsection (m).''.

(b) RULES RELATING TO EXISTING PROJECTS.—Subparagraph (F) of section 42(h)(6) is amended by striking ''the nonlow-income portion'' and all that follows and inserting ''the nonlow-income portion and the low-income portion of the building for fair market value (determined by the housing credit agency by taking into account the rent restrictions required for the low-income portion of the building to continue to meet the standards of paragraphs (1) and (2) of subsection (g)). The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (6) of section 42(h) is amended by striking subparagraph (G) and by redesignating subparagraphs (H), (I), (J), and (K) as subparagraphs (G), (H), (I), and (J), respectively.

(2) Subclause (II) of section 42(h)(6)(E)(i), as amended by subsection (a), is further amended by striking ''subparagraph (I)'' and inserting ''subparagraph (H)''.

(d) TECHNICAL AMENDMENT.—Subparagraph (I) of section 42(h)(6), as redesignated by subsection (c), is amended by striking ''agreement'' and inserting ''commitment''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings with respect to which a written request described in section 42(h)(6)(H) of the Internal Revenue Code of 1986 is submitted after the date of the enactment of this Act.

SEC. 90611. PROHIBITION OF LOCAL APPROVAL AND CONTRIBUTION REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 42(m) is amended—

(1) by striking clause (ii) of subparagraph (A) and by redesignating clauses (iii) and (iv) thereof as clauses (ii) and (iii), and

(2) by adding at the end the following new subparagraph:

''(E) LOCAL APPROVAL OR CONTRIBUTION NOT TAKEN INTO ACCOUNT.—The selection criteria under a qualified allocation plan shall not include consideration of—

''(i) any support or opposition with respect to the project from local or elected officials, or

''(ii) any local government contribution to the project, except to the extent such contribution is taken into account as part of a broader consideration of the project's ability to leverage outside funding sources, and is not prioritized over any other source of outside funding.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to allocations of housing credit dollar amounts made after December 31, 2020.

SEC. 90612. ADJUSTMENT OF CREDIT TO PROVIDE RELIEF DURING COVID–19 OUTBREAK.

(a) IN GENERAL.—At the election of a taxpayer who is an owner of an eligible low-income building—

(1) the credit determined under section 42 of the Internal Revenue Code of 1986 for the first or second taxable year of such building's credit period ending on or after July 1, 2020, shall be 150 percent of the amount which would (but for this subsection) be so allowable with respect to such building for such taxable year, and

(2) the aggregate credits allowable under such section with respect to such building shall be reduced, on a pro rata basis for each subsequent taxable year in the credit period, by the increase in the credit allowed by reason of paragraph (1) with respect to such first or second taxable year. The preceding sentence shall not be construed to affect whether any taxable year is part of the credit, compliance, or extended use periods for purposes of such section 42.

(b) ELIGIBLE LOW-INCOME BUILDING.—For purposes of this section, the term ''eligible low-income building'' means a qualified low-income building with respect to which—

(1) the first year in the credit period ends on or after July 1, 2020, and before July 1, 2022, and

(2) construction or leasing delays have occurred after January 31, 2020, due to the outbreak of coronavirus disease 2019 (COVID–19) in the United States.

(c) ELECTION.—

(1) IN GENERAL.—The election under subsection (a) shall be made at such time and in such manner as shall be prescribed by the Secretary of the Treasury (or the Secretary's delegate) and, once made, shall be irrevocable by the taxpayer and any successor in ownership.

(2) PARTNERSHIPS.—In the case of an eligible low-income building owned by a partnership or S corporation, such election shall be made at the entity level.

(3) CERTIFICATION.—An owner making such election shall provide to the housing credit agency, at the same time and in addition to such other information as may be required under section 42(l)(1) of the Internal Revenue Code of 1986 with respect to the building, a certification that the purpose of making such election is to offset any reductions in capital or additional costs arising by reason of the outbreak of coronavirus disease 2019 (COVID–19) in the United States. Such certification shall include any documentation which the housing credit agency may request.

(d) DEFINITIONS.—Any term used in this section which is also used in section 42 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section.

SEC. 90613. CREDIT FOR LOW-INCOME HOUSING SUPPORTIVE SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 42 the following new section:

''SEC. 42A. CREDIT FOR CONTRIBUTIONS TO LOW-INCOME HOUSING SUPPORTIVE SERVICES.

''(a) IN GENERAL.—For purposes of section 38, the amount of the low-income housing supportive services credit determined under this section for the applicable taxable year is an amount equal to 25 percent of the qualified supportive housing contribution made by the taxpayer.

''(b) QUALIFIED SUPPORTIVE HOUSING CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified supportive housing contribution' means the total amount contributed in cash by the taxpayer to a qualified supportive housing reserve fund with respect to a qualified low-income building, determined as of the date the building is placed in service.

''(2) QUALIFIED SUPPORTIVE HOUSING RESERVE FUND.—The term 'qualified supportive housing reserve fund' means, with respect to any qualified low-income building, a separate fund reserved exclusively for payment for qualified supportive services provided to tenants of the building pursuant to an extended supportive services commitment. The owner of such building shall designate an administrator to separately account for the amounts in the fund in such manner as the Secretary may prescribe.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No amount attributable to any governmental grant, including grants provided by the government of any State, possession, tribe, or locality, shall be taken into account under paragraph (1).

''(B) DOLLAR LIMITATION.—The total qualified supportive housing contributions taken into account under this section with respect to any qualified low-income building shall not exceed—

''(i) $120,000, multiplied by

''(ii) the number of low-income units in the building which are occupied at the close of the applicable taxable year.

''(c) APPLICABLE TAXABLE YEAR.—For purposes of this section, the term 'applicable taxable year' means the 1st taxable year in the credit period with respect to the qualified low-income building described in subsection (b)(1).

''(d) QUALIFIED SUPPORTIVE SERVICES.—For purposes of this section, the term 'qualified supportive services' means services—

''(1) provided by the owner of a qualified low-income building (directly or through contracts with a third party service provider) to tenants of the building,

''(2) which include health services (including mental health services), coordination of tenant benefits, job training, financial counseling, resident engagement services, or services the principal purpose of which is to help tenants retain permanent housing, or such other services as the Secretary may by regulation provide,

''(3) which are provided at no cost to tenants, and

''(4) usage of or participation in which is not required for tenants.

Such term includes reasonable and necessary measures for the provision of such services, including measures to engage tenants in and coordinate such services and measures required to obtain the certification described in subsection (e)(4).

''(e) EXTENDED SUPPORTIVE SERVICES COMMITMENT.—The term 'extended supportive services commitment' means any agreement between the owner of a qualified low-income building and the housing credit agency which—

''(1) requires that amounts in a qualified supportive housing reserve fund are spent exclusively on the provision of qualified supportive services to tenants of such building,

''(2) requires that the amounts in such fund be spent entirely during the extended use period, and provides for the manner in which such spending will be distributed across such period,

''(3) requires the designation of 1 or more individuals to engage tenants regarding and coordinate delivery of qualified supportive services,

''(4) requires the maintenance of an appropriate certification, as determined by the Secretary after consultation with housing credit agencies, for qualified supportive services, subject to recertification at least once every 5 years,

''(5) requires appropriate annual reporting to the housing credit agency on expenditures and outcomes, as determined by such agency, and

''(6) is binding on all successors in ownership of such building.

''(f) RECAPTURE OF QUALIFIED SUPPORTIVE HOUSING RESERVE AMOUNTS.—

''(1) IN GENERAL.—If the owner of a qualified low-income building is determined to be noncompliant with the extended supportive services commitment or extended low-income housing commitment with respect to such building, any remaining amounts in the qualified supportive housing reserve fund with respect to such building shall be transferred to the housing credit agency.

''(2) USE OF REPAYMENTS.—A housing credit agency shall use any amount received pursuant to paragraph (1) only for purposes of qualified low-income buildings.

''(g) SPECIAL RULES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, no credit shall be allowed under this section for any taxable year with respect to any qualified low-income building unless—

''(A) the building has received an allocation of the low-income housing credit under section 42 by a housing credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part,

''(B) the housing credit agency sets forth selection criteria to determine appropriate, evidence-based supportive services and provides a procedure that the agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of this section and in reporting such noncompliance to the Secretary,

''(C) an extended low-income housing commitment is in effect with respect to such building as of the end of such taxable year,

''(D) an extended supportive services commitment is in effect with respect to such building as of the end of such taxable year, and

''(E) appropriate books and records for itemized expenses and expenditures with respect to the qualified supportive housing reserve fund are maintained on an annual basis, and are available for inspection upon request by the housing credit agency.

''(2) DENIAL OF DOUBLE BENEFIT.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit allowed under this section for such taxable year.

''(h) DEFINITIONS.—Any term used in this section which is also used in section 42 shall have the same meaning as when used in such section.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by adding at the end the following new paragraph:

''(36) the low-income housing supportive services credit determined under section 42A(a).''.

(2) TREATMENT AS SPECIFIED CREDIT.—Clause (iii) of section 38(c)(4)(B) is amended by inserting '', and the credit determined under section 42A'' after ''2007''.

(c) TREATMENT FOR PURPOSES OF TAX ON BASE EROSION PAYMENTS.—Paragraph (4) of section 59A(b) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) the low-income housing supportive services credit determined under section 42A(a),''.

(d) PASSIVE ACTIVITY CREDITS.—

(1) IN GENERAL.—Section 469 is amended by striking ''42'' each place it appears in subsections (i)(3)(C), (i)(6)(B)(i), and (k)(1) and inserting ''42 or 42A''.

(2) CONFORMING AMENDMENTS.—The headings of subsections (i)(3)(C) and (i)(6)(B) of section 469 are each amended by striking ''CREDIT'' and inserting ''CREDITS''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 42 the following new item:

''Sec. 42A. Credit for contributions to low-income housing supportive services.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2020.

Subtitle B—Neighborhood Homes Credit

SEC. 90621. NEIGHBORHOOD HOMES CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 42A the following new section:

"SEC. 42B. NEIGHBORHOOD HOMES CREDIT.

''(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the amount of the neighborhood homes credit determined under this section for a taxable year for a qualified project shall be, with respect to each qualified residence that is part of such qualified project and that experiences a qualified completion event during such taxable year, an amount equal to—

''(1) in the case of an affordable sale, with respect to the seller, the excess of—

''(A) the qualified development cost incurred by such seller for such qualified residence, over

''(B) the sale price of such qualified residence, or

''(2) in the case of any other qualified completion event, with respect to a taxpayer other than the owner of the qualified residence (or a related person with respect to such owner), the excess of—

''(A) the development cost incurred by such taxpayer for such qualified residence, over

''(B) the amount received by such taxpayer as payment for such rehabilitation.

''(b) LIMITATIONS.—

''(1) AMOUNT.—The amount determined under subsection (a) with respect to a qualified residence shall not exceed 35 percent of the lesser of—

''(A) the qualified development cost, or

''(B) 80 percent of the national median sale price for new homes (as determined pursuant to the most recent census data available as of the date on which the neighborhood homes credit agency makes an allocation for the qualified project).

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—The amount determined under subsection (a) with respect to a qualified residence that is part of a qualified project and that experiences a qualified completion event shall not exceed the excess of—

''(i) the amount determined under subparagraph (B), over

''(ii) the amounts previously determined under subsection (a) with respect to such qualified project.

''(B) ALLOCATION AMOUNT.—The amount determined under this paragraph with respect to a qualified residence that is part of a qualified project and that experiences a qualified completion event is the least of—

''(i) the amount allocated to such project by the neighborhood homes credit agency under this section,

''(ii) pursuant to subparagraph (C), the amount such agency determines at the time of the qualified completion event is necessary to ensure the financial feasibility of the project, or

''(iii) in the case of a qualified completion event that occurs after the 5-year period beginning on the date of the allocation referred to in clause (i), $0.

''(C) FINANCIAL FEASABILITY.—For purposes of subparagraph (B)(ii), the neighborhood homes credit agency shall consider—

''(i) the sources and uses of funds and the total financing planned for the qualified project,

''(ii) any proceeds or receipts expected to be generated by reason of tax benefits,

''(iii) the percentage of the amount allocated to such project under this section used for project costs other than the cost of intermediaries, and

''(iv) the reasonableness of the developmental costs and fees of the qualified project.

''(c) QUALIFIED DEVELOPMENT COST.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified development cost' means, with respect to a qualified residence, so much of the allowable development cost as the neighborhood homes credit agency certifies, at the time of the completion event, meets the standards promulgated under subsection (h)(1)(C).

''(2) ALLOWABLE DEVELOPMENT COST.—The term 'allowable development cost' means—

''(A) the cost of construction, substantial rehabilitation, demolition of any structure, and environmental remediation, and

''(B) in the case of an affordable sale, so much of the cost of acquiring buildings and land as does not exceed an amount equal to 75 percent of the costs described in subparagraph (A).

''(3) CONDOMINIUM AND COOPERATIVE HOUSING UNITS.—In the case of a qualified residence described in subparagraph (B) or (C) of subsection (f)(1), the allowable development cost of such qualified residence shall be an amount equal to the total allowable development cost of the entire condominium or cooperative housing property in which such qualified residence is located, multiplied by a fraction—

''(A) the numerator of which is the total floor space of such qualified residence, and

''(B) the denominator of which is the total floor space of all residences within such property.

''(d) QUALIFIED PROJECT.—For purposes of this section, the term 'qualified project' means a project that—

''(1) a neighborhood homes credit agency certifies will build or substantially rehabilitate 1 or more qualified residences located in one or more qualified census tracts, and

''(2) is designated by such agency as a qualified project under this section and is allocated (before such building or substantial rehabilitation begins) a portion of the amount allocated to such agency under subsection (g).

''(e) QUALIFIED CENSUS TRACT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified census tract' means a census tract—

''(A) with—

''(i) a median gross income which does not exceed 80 percent of the applicable area median gross income,

''(ii) a poverty rate that is not less than 130 percent of the applicable area poverty rate, and

''(iii) a median value for owner-occupied homes that does not exceed applicable area median value for owner-occupied homes,

''(B) which is located in a city with a population of not less than 50,000 and a poverty rate that is not less than 150 percent of the applicable area poverty rate, and which has—

''(i) a median gross income which does not exceed the applicable area median gross income, and

''(ii) a median value for owner-occupied homes that does not exceed 80 percent of the applicable area median value for owner-occupied homes, or

''(C) which is located in a nonmetropolitan county and which has—

''(i) a median gross income which does not exceed the applicable area median gross income, and

''(ii) been designated by a neighborhood homes credit agency under this clause.

''(2) ADDITIONAL CENSUS TRACTS FOR SUBSTANTIAL REHABILITATION.—In the case of a qualified residence that is intended for substantial rehabilitation described in subsection (f)(5)(B), the term 'qualified census tract' includes a census tract that meets the requirements of paragraph (1)(A), without regard to clause (iii), and that is designated by the neighborhood homes credit agency under this paragraph.

''(3) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary of Housing and Urban Development shall, for each year, make publicly available a list of qualified census tracts under—

''(A) on a combined basis, subparagraphs (A) and (B) of paragraph (1),

''(B) subparagraph (C) of such paragraph, and

''(C) paragraph (2).

''(f) OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED RESIDENCE.—The term 'qualified residence' means a residence that consists of—

''(A) a single-family home containing 4 or fewer residential units,

''(B) a condominium unit, or

''(C) a house or an apartment owned by a cooperative housing corporation (as defined in section 216(b)).

''(2) AFFORDABLE SALE.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—The term 'affordable sale' means a sale to a qualified homeowner of a qualified residence that the neighborhood homes credit agency certifies as meeting the standards promulgated under subsection (h)(1)(D) for a price that does not exceed—

''(I) in the case of any qualified residence not described in subclause (II), (III), or (IV), the amount equal to the product of 4 multiplied by the applicable area median gross income,

''(II) in the case of a single-family home containing two residential units, 125 percent of the amount described in subclause (I),

''(III) in the case of a single-family home containing three residential units, 150 percent of the amount described in subclause (I), or

''(IV) in the case of a single-family home containing four residential units, 175 percent of the amount described in subclause (I).

''(ii) RELATED PERSONS.—

''(I) IN GENERAL.—A sale between related persons shall not be treated as an affordable sale.

''(II) DEFINITION.—For purposes of this section, a person (in this clause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.

''(3) APPLICABLE AREA.—The term 'applicable area' means—

''(A) in the case of a metropolitan census tract, the metropolitan area in which such census tract is located, and

''(B) in the case of a census tract other than a census tract described in subparagraph (A), the State.

''(4) SUBSTANTIAL REHABILITATION.—The term 'substantial rehabilitation' means rehabilitation efforts involving qualified development costs that are not less than the greater of—

''(A) $20,000, or

''(B) 20 percent of the cost of acquiring buildings and land.

''(5) QUALIFIED COMPLETION EVENT.—The term 'qualified completion event' means—

''(A) in the case of a qualified residence that is built or substantially rehabilitated as part of a qualified project and sold, an affordable sale, or

''(B) in the case of a qualified residence that is substantially rehabilitated as part of a qualified project and owned by the same qualified homeowner throughout such rehabilitation, the completion of such rehabilitation (as determined by the neighborhood homes credit agency) to the standards promulgated under subsection (h)(1)(D).

''(6) QUALIFIED HOMEOWNER.—

''(A) IN GENERAL.—The term 'qualified homeowner' means, with respect to a qualified residence, an individual—

''(i) who owns and uses such qualified residence as the principal residence of such individual, and

''(ii) whose income is 140 percent or less of the applicable area median gross income for the location of the qualified residence.

''(B) OWNERSHIP.—For purposes of a cooperative housing corporation (as such term is defined in section 216(b)), a tenant-stockholder

shall be treated as owning the house or apartment which such person is entitled to occupy.

''(C) INCOME.—For purposes of this paragraph, income shall be a determined in accordance with section 143(f)(2) and 143(f)(4).

''(D) TIMING.—For purposes of this paragraph, the income of a taxpayer shall be determined—

''(i) in the case of a qualified residence that is built or substantially rehabilitated as part of a qualified project and sold, at the time a binding contract for purchase is made, or

''(ii) in the case of a qualified residence that is occupied by a qualified homeowner and intended to be substantially rehabilitated as part of a qualified project, at the time a binding contract to undertake such rehabilitation is made.

''(7) NEIGHBORHOOD HOMES CREDIT AGENCY.—The term 'neighborhood homes credit agency' means the agency designated by the governor of a State as the neighborhood homes credit agency of the State.

''(g) ALLOCATION.—

''(1) STATE NEIGHBORHOOD HOMES CREDIT CEILING.—The State neighborhood homes credit amount for a State for a calendar year is an amount equal to the greater of—

''(A) the product of $6, multiplied by the State population (determined in accordance with section 146(j)), or

''(B) $8,000,000.

''(2) UNUSED AMOUNT.—The State neighborhood homes credit amount for a calendar year shall be increased by the sum of—

''(A) any amount certified by the neighborhood homes credit agency of the State as having been previously allocated to a qualified project and not used during the 5-year period described in subsection (b)(2)(B)(iii), plus

''(B) sum of the amount by which the amount determined under paragraph (1) (without application of this paragraph) exceeded the amount allocated to qualified projects in each of the three immediately preceding calendar years.

''(3) PORTION OF STATE CREDIT CEILING FOR CERTAIN PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—Rules similar to the rules of section 42(h)(5) shall apply.

''(h) RESPONSIBILITIES OF NEIGHBORHOOD HOMES CREDIT AGENCIES.—

''(1) IN GENERAL.—Notwithstanding subsection (g), the State neighborhood homes credit dollar amount shall be zero for a calendar year unless the neighborhood homes credit agency of the State—

''(A) allocates such amount pursuant to a qualified allocation plan of the neighborhood homes credit agency,

''(B) allocates not more than 20 percent of such amount for the previous year to projects with respect to qualified residences in census tracts under subsection (e)(1)(C) or (e)(2),

''(C) promulgates standards with respect to reasonable qualified development costs and fees,

''(D) promulgates standards with respect to construction quality, and

''(E) submits to the Secretary (at such time and in such manner as the Secretary may prescribe) an annual report specifying—

''(i) the amount of the neighborhood homes credits allocated to each qualified project for the previous year,

''(ii) with respect to each qualified residence completed in the preceding calendar year—

''(I) the census tract in which such qualified residence is located,

''(II) with respect to the qualified project that includes such qualified residence, the year in which such project received an allocation under this section,

''(III) whether such qualified residence was new or substantially rehabilitated,

''(IV) the eligible basis of such qualified residence,

''(V) the amount of the neighborhood homes credit with respect to such qualified residence,

''(VI) the sales price of such qualified residence or, in the case of a qualified residence that is substantially rehabilitated as part of a qualified project and is owned by the same qualified homeowner during the entirety of such rehabilitation, the cost of the substantial rehabilitation, and

''(VII) the income of the qualified homeowner (expressed as a percentage of the applicable area median gross income for the location of the qualified residence), and

''(iii) such other information as the Secretary may require.

''(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan which—

''(A) sets forth the selection criteria to be used to prioritize qualified projects for allocations of State neighborhood homes credit dollar amounts, including—

''(i) the need for new or substantially rehabilitated owner-occupied homes in the area addressed by the project,

''(ii) the expected contribution of the project to neighborhood stability and revitalization,

''(iii) the capability of the project sponsor, and

''(iv) the likelihood the project will result in long-term homeownership,

''(B) has been made available for public comment, and

''(C) provides a procedure that the neighborhood homes credit agency (or any agent or contractor of such agency) shall follow for purposes of—

''(i) identifying noncompliance with any provisions of this section, and

''(ii) notifying the Internal Revenue Service of any such noncompliance of which the agency becomes aware.

''(i) POSSESSIONS TREATED AS STATES.—For purposes of this section, the term 'State' includes the District of Columbia and a possession of the United States.

''(j) REPAYMENT.—

''(1) IN GENERAL.—

''(A) SOLD DURING 5-YEAR PERIOD.—If a qualified residence is sold during the 5-year period beginning on the date of the qualified completion event described in subsection (a) with respect to such qualified residence, the seller shall transfer an amount equal to the repayment amount from the amount realized on such sale to the relevant neighborhood homes credit agency.

''(B) USE OF REPAYMENTS.—A neighborhood homes credit agency shall use any amount received pursuant to subparagraph (A) only for purposes of qualified projects.

''(2) REPAYMENT AMOUNT.—For purposes of paragraph (1)(A), the repayment amount is an amount equal to 50 percent of the gain from such resale, reduced by 20 percent for each year of the 5-year period referred to in paragraph (1)(A) which ends before the date of the sale referred to in such paragraph.

''(3) LIEN FOR REPAYMENT AMOUNT.—A neighborhood homes credit agency receiving an allocation under this section shall place a lien on each qualified residence that is built or rehabilitated as part of a qualified project for an amount such agency deems necessary to ensure potential repayment pursuant to paragraph (1)(A).

''(4) DENIAL OF DEDUCTIONS IF CONVERTED TO RENTAL HOUSING.—If, during the 5-year period beginning on the date of the qualified completion event described in subsection (a), an individual who owns a qualified residence fails to use such qualified residence as such individual's principal residence for any period of time, no deduction shall be allowed for expenses paid or incurred by such individual with respect to renting, during such period of time, such qualified residence.

''(5) WAIVER.—The neighborhood homes credit agency may waive the repayment required under paragraph (1)(A) in the case of homeowner experiencing a hardship.

''(k) REPORT.—

''(1) IN GENERAL.—The Secretary shall annually issue a report, to be made available to the public, which contains the information submitted pursuant to subsection (h)(1)(E).

''(2) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to paragraph (1) excludes any information that would allow for the identification of qualified homeowners.

''(l) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of a calendar year after 2020, the dollar amounts in this section shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(2) ROUNDING.—

''(A) In the case of the dollar amount in subsection (f)(4), any increase under paragraph (1) which is not a multiple of $1,000 shall be rounded to the nearest multiple of $1,000.

''(B) In the case of the dollar amount in subsection (g)(1)(A)(i), any increase under paragraph (1) which is not a multiple of $0.01 shall be rounded to the nearest multiple of $0.01.

''(C) In the case of the dollar amount in subsection (g)(1)(A)(ii), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.''.

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b), as amended by the preceding provisions of this Act, is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the neighborhood homes credit determined under section 42B(a),''.

(c) CONFORMING AMENDMENTS.—Subsections (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each amended by inserting ''or 42A'' and inserting ''42A, or 42B''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after the item relating to section 42A the following new item:

''Sec. 42B. Neighborhood homes credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

TITLE VII—TRIBAL DEVELOPMENT

SEC. 90701. TREATMENT OF INDIAN TRIBES AS STATES WITH RESPECT TO BOND ISSUANCE.

(a) IN GENERAL.—Subsection (c) of section 7871 is amended to read as follows:

''(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—In applying section 146 to bonds issued by Indian Tribal Governments the Secretary shall annually—

''(A) establish a national bond volume cap based on the greater of—

''(i) the State population formula approach in section 146(d)(1)(A) (using national Tribal population estimates supplied annually by the Department of the Interior in consultation with the Census Bureau), and

''(ii) the minimum State ceiling amount in section 146(d)(1)(B) (as adjusted in accordance with the cost of living provision in section 146(d)(2)),

''(B) allocate such national bond volume cap among all Indian Tribal Governments seeking such an allocation in a particular year under regulations prescribed by the Secretary.

''(2) APPLICATION OF GEOGRAPHIC RESTRICTION.—In the case of national bond volume cap allocated under paragraph (1), section 146(k)(1) shall not apply to the extent that such cap is used with respect to financing for a facility located on qualified Indian lands.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) INDIAN TRIBAL GOVERNMENT.—The term 'Indian Tribal Government' means the governing body of an Indian Tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and also includes any agencies, instrumentalities or political subdivisions thereof.

''(B) INTERTRIBAL CONSORTIUMS, ETC.—In any case in which an Indian Tribal Government has authorized an intertribal consortium, a Tribal organization, or an Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, to plan for, coordinate or otherwise administer services, finances, functions, or activities on its behalf under this subsection, the authorized entity shall have the rights and responsibilities of the authorizing Indian Tribal Government only to the extent provided in the Authorizing resolution.

''(C) QUALIFIED INDIAN LANDS.—The term 'qualified Indian lands' shall mean an Indian reservation as defined in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), including lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and shall include lands outside a reservation where the facility is to be placed in service in connection with the active conduct of a trade or business by an Indian Tribe on or near an Indian reservation or Alaska Native village or in connection with infrastructure (including roads, power lines, water systems, railroad spurs, and communication facilities) serving an Indian reservation or Alaska Native village.''.

(b) REPEAL OF ESSENTIAL GOVERNMENTAL FUNCTION REQUIREMENTS.—Section 7871 is amended—

(1) by striking subsections (b) and (e), and

(2) by striking ''subject to subsection (b),'' in subsection (a)(2).

(c) CONFORMING AMENDMENT.—Subparagraph (B) of section 45(c)(9) is amended to read as follows:

''(B) INDIAN TRIBE.—For purposes of this paragraph, the term 'Indian tribe' has the meaning given the term 'Indian Tribal Government' by section 7871(c)(3)(A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

(2) REPEAL OF ESSENTIAL GOVERNMENTAL FUNCTION REQUIREMENTS.—The amendments made by subsection (b) shall apply to transactions after, and obligations issued in calendar years beginning after, the date of the enactment of this Act.

SEC. 90702. TREATMENT OF TRIBAL FOUNDATIONS AND CHARITIES LIKE CHARITIES FUNDED AND CONTROLLED BY OTHER GOVERNMENTAL FUNDERS AND SPONSORS.

(a) IN GENERAL.—Section 7871(a) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', and'', and by adding at the end the following new paragraph:

''(8) for purposes of—

''(A) determining support of an organization described in section 170(b)(1)(A)(vi), and

''(B) determining whether an organization is described in paragraph (1) or (2) of section 509(a) for purposes of section 509(a)(3).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 90703. NEW MARKETS TAX CREDIT.

(a) EXPANDING LOW-INCOME COMMUNITY DEFINITION TO INCLUDE TRIBAL COMMUNITIES.—

(1) IN GENERAL.—Paragraph (1) of section 45D(e) is amended to read as follows:

''(1) IN GENERAL.—The term 'low- income community' means any area—

''(A) comprising a population census tract if—

''(i) the poverty rate for such tract is at least 20 percent, or

''(ii)(I) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

''(II) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income,

''(B) comprising a Tribal Statistical Area.

Subparagraph (A)(ii) shall be applied using possession wide median family income in the case of census tracts located within a possession of the United States''.

(2) TRIBAL STATISTICAL AREA DEFINED.—Section 45D(e) is amended by adding at the end the following new paragraph:

''(6) TRIBAL STATISTICAL AREA.—For purposes of paragraph (1)(B), the term 'Tribal Statistical Area' means—

''(A) any Tribal Census Tract, Oklahoma Tribal Statistical Area, Tribal-Designated Statistical Area, or Alaska Native Village Statistical Area if—

''(i) the poverty rate for such tract or area is at least 20 percent, or

''(ii) the median family income for such tract or area does not exceed 80 percent of the statewide median family income for a State with boundaries that encompass or intersect the boundaries of such area, and

''(B) any area that will be used for the construction, reconstruction or improvement of a community facility or an infrastructure project that—

''(i) services Tribal or Alaska Native village members of any tract or area described in subparagraph (A), and

''(ii) has documented its eligibility with respect to clause (i) to the satisfaction of the relevant Indian Tribal Government (within the meaning of section 7871(c)).''.

(b) TRIBAL INVESTMENT PROPORTIONALITY GOAL.—Section 45D(i) is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting '', and'', and by adding at the end the following new paragraph:

''(7) which ensure that Tribal Statistical Areas (as defined in subsection (e)(6)) receive a proportional allocation of qualified equity investments based on the overall number of Native Americans relative to the portion of the United States population which is at or below the poverty line (as determined for purposes of determining poverty rates under subsection (e)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES

SEC. 90801. EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 is amended—

(1) by striking ''October 1, 2020'' in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting ''October 1, 2025'', and

(2) by striking ''FAST Act'' in subsections (c)(1) and (e)(3) and inserting ''Moving Forward Act''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 is amended—

(1) by striking ''FAST Act'' each place it appears in subsection (b)(2) and inserting ''Moving Forward Act'', and

(2) by striking ''October 1, 2020'' in subsection (d)(2) and inserting ''October 1, 2025''.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Section 9508(e)(2) is amended by striking ''October 1, 2020'' and inserting ''October 1, 2025''.

SEC. 90802. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2022'' and inserting ''September 30, 2027'':

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027'':

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking ''2023'' each place it appears and inserting ''2028'':

(1) Section 4481(f).

(2) Subsections (c)(4) and (d) of section 4482.

(c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) is amended—

(1) by striking ''October 1, 2022'' each place it appears and inserting ''October 1, 2027'',

(2) by striking ''March 31, 2023'' each place it appears and inserting ''March 31, 2028'', and

(3) by striking ''January 1, 2023'' and inserting ''January 1, 2028''.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—

(1) Section 4221(a) is amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(2) Section 4483(i) is amended by striking ''October 1, 2023'' and inserting ''October 1, 2028''.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 is amended—

(A) in subsection (b)—

(i) by striking ''October 1, 2022'' each place it appears in paragraphs (1) and (2) and inserting ''October 1, 2027'',

(ii) by striking ''OCTOBER 1, 2022'' in the heading of paragraph (2) and inserting ''OCTOBER 1, 2027'',

(iii) by striking ''September 30, 2022'' in paragraph (2) and inserting ''September 30, 2027'', and

(iv) by striking ''July 1, 2023'' in paragraph (2) and inserting ''July 1, 2028'', and

(B) in subsection (c)(2), by striking ''July 1, 2013'' and inserting ''July 1, 2028''.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) are each amended by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 200310 of title 54, United States Code, is amended—

(i) by striking ''October 1, 2023'' each place it appears and inserting ''October 1, 2028'', and

(ii) by striking ''October 1, 2022'' and inserting ''October 1, 2027''.

SEC. 90803. ADDITIONAL TRANSFERS TO HIGHWAY TRUST FUND.

Section 9503(f) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) ADDITIONAL TRANSFERS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $106,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund, and

''(B) $38,600,000,000 to the Mass Transit Account in the Highway Trust Fund.''.

DIVISION N—RIGHTS FOR TRANSPORTATION SECURITY OFFICERS

SEC. 91001. SHORT TITLE.

This division may be cited as the ''Rights for Transportation Security Officers Act of 2020''.

SEC. 91002. DEFINITIONS.

For purposes of this division—

(1) the term ''adjusted basic pay'' means—

(A) the rate of pay fixed by law or administrative action for the position held by a covered employee before any deductions; and

(B) any regular, fixed supplemental payment for non-overtime hours of work creditable as basic pay for retirement purposes, including any applicable locality payment and any special rate supplement;

(2) the term ''Administrator'' means the Administrator of the Transportation Security Administration;

(3) the term ''covered employee'' means an employee who holds a covered position;

(4) the term ''covered position'' means a position within the Transportation Security Administration;

(5) the term ''conversion date'' means the date as of which paragraphs (1) through (4) of section 91003(c) take effect;

(6) the term ''2019 Determination'' means the publication, entitled ''Determination on Transportation Security Officers and Collective Bargaining'', issued on July 13, 2019, by Administrator David P. Pekoske;

(7) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code;

(8) the term ''Secretary'' means the Secretary of Homeland Security; and

(9) the term ''TSA personnel management system'' means any personnel management system established or modified under—

(A) section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note); or

(B) section 114(n) of title 49, United States Code.

SEC. 91003. CONVERSION OF TSA PERSONNEL.

(a) RESTRICTIONS ON CERTAIN PERSONNEL AUTHORITIES.—Notwithstanding any other provision of law, effective as of the date of the enactment of this division—

(1) any TSA personnel management system in use for covered employees and covered positions on the day before such date of enactment, and any TSA personnel management policy, letters, guideline, or directive in effect on such day may not be modified;

(2) no TSA personnel management policy, letter, guideline, or directive that was not established before such date issued pursuant to section 111(d) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note) or section 114(n) of title 49, United States Code, may be established; and

(3) any authority to establish or adjust a human resources management system under chapter 97 of title 5, United States Code, shall terminate with respect to covered employees and covered positions.

(b) PERSONNEL AUTHORITIES DURING TRANSITION PERIOD.—Any TSA personnel management system in use for covered employees and covered positions on the day before the date of enactment of this division and any TSA personnel management policy, letter, guideline, or directive in effect on the day before the date of enactment of this division shall remain in effect until the effective date under subsection (c).

(c) TRANSITION TO GENERAL PERSONNEL MANAGEMENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOYEES.—Effective as of the date determined by the Secretary, but in no event later than 180 days after the date of the enactment of this division—

(1) each provision of law cited in section 91002(9) is repealed;

(2) any TSA personnel management policy, letter, guideline, and directive, including the 2019 Determination, shall cease to be effective;

(3) any human resources management system established or adjusted under chapter 97 of title 5, United States Code, with respect to covered employees or covered positions shall cease to be effective; and

(4) covered employees and covered positions shall be subject to the provisions of title 5, United States Code.

(d) SAFEGUARDS ON GRIEVANCES.—In carrying out this division, the Secretary shall take such actions as are necessary to provide an opportunity to each covered employee with a grievance or disciplinary action (including an adverse action) pending within TSA on the date of enactment of this division or at any time during the transition period described in subsection (c) to have such grievance removed to proceedings pursuant to title 5, United States Code, or continued within TSA.

SEC. 91004. TRANSITION RULES.

(a) NONREDUCTION IN PAY AND COMPENSATION.—Under pay conversion rules as the Secretary may prescribe to carry out this division, a covered employee converted from a TSA personnel management system to the provisions of title 5, United States Code, pursuant to section 91002(c)(4) shall not be subject to any reduction in the rate of adjusted basic pay payable, or total compensation provided, to such covered employee.

(b) PRESERVATION OF OTHER RIGHTS.—In the case of each covered employee as of the conversion date, the Secretary shall take any actions necessary to ensure that—

(1) any annual leave, sick leave, or other paid leave accrued, accumulated, or otherwise available to a covered employee immediately before the conversion date shall remain available to the employee until used; and

(2) the Government share of any premiums or other periodic charges under chapter 89 of title 5, United States Code, governing group health insurance shall remain at least the same as was the case immediately before the conversion date.

(c) GAO STUDY ON TSA PAY RATES.—Not later than the date that is 9 months after the date of enactment of this division, the Comptroller General shall submit a report to Congress on the differences in rates of pay, classified by pay system, between Transportation Security Administration employees—

(1) with duty stations in the contiguous 48 States; and

(2) with duty stations outside of such States, including those employees located in any territory or possession of the United States.

(d) RULE OF CONSTRUCTION.—During the transition period and after the conversion date, the Secretary shall ensure that the Transportation Security Administration continues to prevent the hiring of individuals who have been convicted of a sex crime, an offense involving a minor, a crime of violence, or terrorism.

SEC. 91005. CONSULTATION REQUIREMENT.

(a) EXCLUSIVE REPRESENTATIVE.—The labor organization certified by the Federal Labor Relations Authority on June 29, 2011, or successor labor organization shall be treated as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code, and shall be the exclusive representative for such personnel under chapter 71 of title 5, United States Code, with full rights under such chapter. Any collective bargaining agreement covering such personnel on the date of enactment of this division shall remain in effect, consistent with subsection (d).

(b) CONSULTATION RIGHTS.—Not later than 7 days after the date of the enactment of this division, the Secretary shall consult with the exclusive representative for the personnel described in subsection (a) under chapter 71 of title 5, United States Code, on the formulation of plans and deadlines to carry out the conversion of covered employees and covered positions under this division. Prior to the conversion date, the Secretary shall provide (in writing) to such exclusive representative the plans for how the Secretary intends to carry out the conversion of covered employees and covered positions under this division, including with respect to such matters as—

(1) the anticipated conversion date; and

(2) measures to ensure compliance with sections 91003 and 91004.

(c) REQUIRED AGENCY RESPONSE.—If any views or recommendations are presented under subsection (b) by the exclusive representative, the Secretary shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented and provide the exclusive representative a written statement of the reasons for the final actions to be taken.

(d) SUNSET PROVISION.—The provisions of this section shall cease to be effective as of the conversion date.

SEC. 91006. NO RIGHT TO STRIKE.

Nothing in this division shall be considered—

(1) to repeal or otherwise affect—

(A) section 1918 of title 18, United States Code (relating to disloyalty and asserting the right to strike against the Government); or

(B) section 7311 of title 5, United States Code (relating to loyalty and striking); or

(2) to otherwise authorize any activity which is not permitted under either provision of law cited in paragraph (1).

SEC. 91007. RULE OF CONSTRUCTION WITH RESPECT TO CERTAIN CRIMES RELATING TO TERRORISM.

Nothing in this division may be construed to contradict chapter 113B of title 18, United States Code, including with respect to—

(1) section 2332b (relating to acts of terrorism transcending national boundaries);

(2) section 2339 (relating to harboring or concealing terrorists); and

(3) section 2339A (relating to providing material support to terrorists).

SEC. 91008. REPORT BY GAO REGARDING TSA RECRUITMENT.

Not later than 1 year after the date of the enactment of this division, the Comptroller General of the United States shall submit to Congress a report on the efforts of the Transportation Security Administration regarding recruitment, including recruitment efforts relating to veterans and the dependents of veterans and members of the Armed Forces and the dependents of such members. Such report shall also include recommendations regarding how the Administration may improve such recruitment efforts.

SEC. 91009. SENSE OF CONGRESS.

It is the sense of Congress that the Transportation Security Administration's personnel system provides insufficient benefits and workplace protections to the workforce that secures the nation's transportation systems and that the Transportation Security Administration's workforce should be provided protections and benefits under title 5, United States Code.

SEC. 91010. ASSISTANCE FOR FEDERAL AIR MARSHAL SERVICE.

The Administrator of the Transportation Security Administration shall engage and consult with public and private entities associated with the Federal Air Marshal Service to address concerns regarding Federal Air Marshals related to the following:

(1) Mental health.

(2) Suicide rates.

(3) Morale and recruitment.

(4) Any other personnel issues the Administrator determines appropriate.

SEC. 91011. PROHIBITION ON CERTAIN SOCIAL MEDIA APPLICATION.

Beginning on the date of the enactment of this division, covered employees may not use or have installed on United States Government-issued mobile devices the social media video application known as ''TikTok'' or any successor application.

SEC. 91012. VETERANS HIRING.

The Secretary shall prioritize the hiring of veterans, including disabled veterans, and other preference eligible individuals, including widows and widowers of veterans, as defined in section

2108 of title 5, United States Code, for covered positions.

SEC. 91013. PREVENTION AND PROTECTION AGAINST CERTAIN ILLNESS.

The Administrator of the Transportation Security Administration, in coordination with the Director of Centers for Disease Control and Prevention and the Director of the National Institute of Allergy and Infectious Diseases, shall ensure that covered employees are provided proper guidance regarding prevention and protections against coronavirus, including appropriate resources.

DIVISION O—AGRICULTURE INFRASTRUCTURE IMPROVEMENTS

SEC. 92001. REFORESTATION TRUST FUND.

Section 303(b)(2) of Public Law 96–451 (16 U.S.C. 1606a(b)(2)) is amended by striking ''$30,000,000'' and inserting ''$60,000,000''.

DIVISION P—BUDGETARY EFFECTS

SEC. 93001. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of each division of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of each division of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Missouri (Mr. GRAVES) each will control 60 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1315

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our Nation is simultaneously confronted with multiple crises. COVID, we have passed four bills in this House to deal with COVID directly in terms of medical care, potential for vaccines, treatments, and mitigation of the incredible economic harm. The fourth bill is still lingering with an uncertain future in the Senate.

Then the murder of George Floyd brought a long-simmering crisis to a head for our Nation. Last week this House passed the Justice in Policing Act to deal with systemic racism in policing.

This bill deals with another crisis. Denied by the President and denied by most in his party is the existential threat of climate change to the world as we know it, to our Nation, to our coastal areas, to our inland areas, to everything, our crops, our future, our children's future and our grandkids' future.

So before us today is a long overdue transportation, comprehensive, 21st century—the first 21st century—transportation bill that moves beyond the Eisenhower era and just reauthorizing the same old programs all the time. It also deals with the incredibly deteriorated infrastructure in this country. There is bipartisan agreement that it needs investment. But the last bill we did in the House was status quo funding. We need to invest much more to begin to deal with that crisis.

This bill also deals with the other crises. It deals with COVID in terms of we are going to need an economic recovery. This is going to look a lot more like—it already does—the Great Depression, and we are going to need to put people back to work. We are going to need millions of good-paying jobs. These aren't just construction jobs, they are design, they are engineering, they are small businesses, and they are manufacturing. There is a host of people—everybody will be touched by this bill, and the investments will provide returns many, many times over.

It also targets the largest single contributor to CO_2 pollution in this country. Now, Mr. Speaker, if you don't believe in climate change and you don't believe CO_2 is the problem, then you don't want to deal with it in a transportation bill. In fact, an alternative was offered by my Republican colleagues in committee where we considered 300 amendments. They had one that was a substitute. It wouldn't reduce carbon pollution by 1 ounce.

There is no crisis, there is no climate change. Donald Trump said so, and you can't cross the guy.

So we wove the climate change provisions throughout this bill. They complained: Well, it is not bipartisan. But we have a disagreement in principle, and you can't compromise on principle.

We are going to deal with the largest source of carbon pollution in the United States of America here and now, today, this week. We are starting. We have delayed too long. We are already at dangerous levels.

It also is going to deal with systemic racism and discrimination in the parts of the bill that deal with education, housing, and access to transportation, but in one particular provision that is critical to the Transportation and Infrastructure Committee, the disadvantaged business enterprise program. The committee has for years accumulated evidence and testimony attesting to systemic discrimination faced by women and minorities in their attempts to establish, grow, and operate businesses all across the country.

The challenges are daunting. Discrimination affects minority and women entrepreneurs at every stage of the process from access to investment, to credit, to biased treatment from customers, suppliers, and regulators, to acute vulnerability to sudden economic downturns as we have seen with the COVID crisis.

Unfortunately, even with the existing DBE program, discrimination still haunts us in the market to construct and maintain our Federal transportation system. We have documented this in testimony, and today we have and will provide mounds of statistical evidence documenting this.

Mr. Speaker, I include in the RECORD a list of 30 cities.

DISPARITY STUDY REPORTS SUBMITTED TO THE CONGRESSIONAL RECORD DURING GENERAL DEBATE ON H.R. 2, SUBMITTED ON THE HOUSE FLOOR JUNE 30, 2020

(The full text of each report is held on file electronically with the Committee on Transportation and Infrastructure.)

Texas Department of Transportation Disparity Study 2019, Colette Holt & Associates, 2019.

City of Columbus Disparity Study, Mason Tillman Associates, Ltd., July 2019.

2018 Disparity Study City of Virginia Beach, BBC Research & Consulting, January, 2019.

City of Tacoma Disparity Study, Final Report, Griffin and Strong, P.C., August, 2018.

Metro Nashville Tennessee Disparity Study Final Report, Griffin and Strong, P.C., August, 2018.

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Mr. DEFAZIO. Finally, Mr. Speaker, we get to the issue at hand, the INVEST in America Act which is the core of this infrastructure package. It is the biggest part, but there are many other very important things.

The President, as a candidate, campaigned on infrastructure. That gave us some bipartisan hope. We met with him a year ago last March at the White House:

He asked the Speaker: Well, NANCY, what are you thinking?

She said: Well, $1 trillion to $1.3 trillion.

The President said: No. No. $2 trillion.

Okay. He bid us up.

We said: Good. We could spend that money productively.

Then we said: Okay, what do we define as infrastructure?

Here is what the list was: highways, bridges, transit, rail, wastewater, drinking water and broadband.

Those things are in this package at near the level that he asked because his number was a 10-year number for $2 trillion. We are close to $1 trillion with those things in this package.

So there have been seven infrastructure weeks under the Trump administration. The only product they have produced that directly addresses transportation infrastructure are their annual budgets, each of which has proposed dramatic cuts in investment in transportation infrastructure. Never, never—we have heard they are on the cusp for producing a $1 trillion bill, now it is a $2 trillion bill.

Where is it?

Where is the alternative?

If it is their alternative, then it is status quo funding and nothing that deals with climate change. I don't know where it is. This is the beginning of the real infrastructure week.

Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act.

America's infrastructure is in crisis. As Chair of the Transportation and Infrastructure Committee, I've been sounding the alarm for some time now about the need to make massive investments in our crumbling infrastructure so we create jobs and safer, smarter transportation systems, and so we can cut the carbon pollution that is taking an enormous toll on the public health of our families and our planet.

Given what we've seen over the past few months—from a global pandemic and the resulting economic collapse, to the urgent need to address generations of structural and systematic racism—it has never been so apparent that we need bold action to rebuild America.

I'd like to take a moment to discuss one reason why this Moving Forward Act is so important. This bill once again reauthorizes the urgently needed Disadvantaged Business Enterprise, or DBE, program at the Department of Transportation.

In case it's not obvious to the casual observer, discrimination is alive and well in this country. The death of George Floyd at the hands of Minneapolis police, the ensuing protests, and the police response—these events have all shed more light on the large disparities minorities face in our criminal justice system.

Unfortunately, those disparities are not limited to the criminal justice system. For many years this Committee, and other Members of Congress, have gathered evidence and testimony attesting to systemic discrimination faced by women and minorities in their attempts to establish, grow and operate businesses all across the country. The challenges are daunting, and discrimination affects minority and women entrepreneurs at every stage of the process, from access to investment dollars and credit, to biased treatment from customers, suppliers and regulators, to acute vulnerability to sudden economic downturns such as we've seen in the face of Covid–19.

Unfortunately, even with the DBE Program, discrimination still haunts us in the market to construct and maintain our federal surface transportation system. We hear about it from constituents and others who work as contractors in the transportation industry. We've read about it in personal statements submitted by women- and minority- small business owners from across the country. And we see it reflected in mounds of statistical evidence compiled by my Committee. This evidence includes many thousands of pages of rigorous statistical analysis demonstrating clear disparities between the capacity of minority- and women-owned businesses to compete for Federal dollars, and the utilization of that capacity by Federal contractors.

Today, I'd like to submit just a sample of this evidence to the CONGRESSIONAL RECORD in support of the reauthorization of this essential program.

The Moving Forward Act is a game-changer—because it's an investment in workers, families, and communities.

As Chair of the Transportation and Infrastructure Committee, I'm particularly focused on investing in our roads, bridges, transit, rail, and water systems.

In the Moving Forward Act, we do that by modernizing the crumbling roads and bridges we already have.

We address bottlenecks and gridlock, while building out the infrastructure for low- and zero-emission vehicles and encourage transit-oriented housing.

We give people better and more reliable public transit options, whether you're trying to get across town on a bus or on light-rail, or going hundreds or even thousands of miles on Amtrak.

We encourage smarter road designs to bring down the sharp rise in pedestrian and cyclist deaths, and make sure our roads are safer in rural areas and for kids who need safe routes to school.

We invest in new technologies, projects, and construction materials that are efficient and resilient—so that when we build a new bridge, we know it will last for decades, not just until the next extreme weather event.

In summary, the INVEST in America Act, which is the centerpiece of the Moving Forward framework, provides nearly $500 billion over five years to bring our nation's crumbling infrastructure to a state of good repair, improve resiliency, address climate change, improve safety and provide investments in both rural and low-income communities who need it most.

Add to that the $1 trillion in additional investment in schools, housing, broadband access, drinking and wastewater infrastructure, airports, ports and more, and you have a package that will make a huge impact on our economy.

This is exactly the kind of investment we need to help our economy recover from the current pandemic. I hope my colleagues will join me in supporting this legislation.

Mr. Speaker, as I mentioned previously, H.R. 2 once again reauthorizes the urgently needed Disadvantaged Business Enterprise, or DBE, program at the Department of Transportation.

Unfortunately, even with the DBE Program, discrimination still haunts us in the market to construct and maintain our federal surface transportation system. We hear about it from constituents and others who work as contractors in the transportation industry. We've read about it in personal statements submitted by women- and minority- small business owners from across the country. And we see it reflected in mounds of statistical evidence compiled by my Committee. This evidence includes many thousands of pages of rigorous statistical analysis demonstrating clear disparities between the capacity of minority- and women-owned businesses to compete for Federal dollars, and the utilization of that capacity by Federal contractors.

These studies represent thousands of pages of complex rigorous analysis by many different authors in every region of our nation. And while the findings are better than in the early days of the DBE program, we still have a long way to go. I'd like to just highlight a tiny fraction of the information found in these studies:

Just so my colleagues don't think I am picking on their states, let me start with Oregon. The 2016 ODOT Disparity Study found that women- and minority-owned firms only won 61 cents on the dollar of what we would expect given their availability on state and federally funded highway contracts. Non-minority women, African Americans and Native Americans did even worse at 52 cents, 58 cents and 49 cents respectively. (Oregon Department of Transportation 2016 Availability and Disparity Study, Keen Independent Research, June, 2016, at 7–12.)

In Texas DOT spending, women and minority own firms as a group won only 60 cents on

the dollar of what we might have expected for state-funded transportation projects given their availability in the market. Non-minority women, African Americans, Hispanic Americans and Native Americans all did worse. Indeed, African Americans won only 22 cents on the dollar and Native Americans won only 18 cents on the dollar. The numbers were even worse when considering only federal funds—32 cents on the dollar when considering FHWA contracts alone. Texas Department of Transportation Disparity Study 2019, Colette Holt & Associates, 2019, at 94, 126.

For Maryland, which has had one of the more robust and continuously operated DBE programs in the nation, DBEs still get only 70 cents on the dollar of combined federal and state transportation funding. For African Americans, the number is 50 cents, for Native Americans it's 43 cents and for non-minority women, the number is 56 cents. Disadvantaged Business Enterprise Disparity Study, Volumes 1–3, Prepared for the State of Maryland, NERA Economic Consulting, June 25, 2018, at Vol. 1, p. 224.

Sadly, in the transit industry, things are not much better. For instance, a recent analysis of contracting for the Los Angeles, California Metropolitan Transportation Authority, found that firms owned by women and minorities make about 74 cents on the dollar of what we would expect given their representation in the marketplace. For non-minority women, the number was 59 cents and for African Americans it was 51 cents. 2017 Disparity Study LA Metro, prepared for the Los Angeles County Metropolitan Transportation Authority (LA Metro), BBC Research & Consulting, January, 2018, at 7–6.

These same troubling statistics are repeated in cities and states that spend some of their budgets on surface transportation and similar construction and architecture and engineering projects. For instance, the 2018 study for the Nashville, Tennessee area found that M/WBEs got 54 cents of every one dollar in construction prime contracting that we would expect given their availability in the market. Asian American firms were at 25 cents on the dollar. Firms owned by Hispanic Americans earned only 1 cent of every dollar we would expect for them receive given their marketplace availability. Metro Nashville Tennessee Disparity Study Final Report, Griffin and Strong, P.C., August, 2018, at 83.

There's no doubt that things are better today than before the DBE Program—more firms owned by women and minorities get work than they did forty years ago. But the progress has been slow, halting and exceedingly fragile. One of the powerful things about the disparity study evidence we have collected is the diversity of approaches and analyses these documents provide. Some studies, for instance, not only study disparities and in the public and private surface transportation markets, but they also attempt to analyze what might occur if the DBE program no longer existed. One interesting example is found in the LA Metro study where they compared the participation of minority- and women-owned firms on contracts that had goals to encourage diverse participation and those that did not. The results are stunning: on contracts with goals, participation occurred at almost the level we would expect given the presence of minority- and women-owned firms in the marketplace; on contracts with goals, firms owned by minorities and women earned 96 cents on the dollar—on contracts without goals, they earned 53 cents on the dollar. The numbers are even more startling for certain subgroups: on contracts with goals, non-minority women actually exceeded parity (something that regularly occurs for firms owned by non-minority males, but rarely happens for firms owned by women and minorities). But on contracts without goals, firms owned by nonminority women earned only 37 cents on the dollar. Firms owned by Hispanic Americans approached parity on contracts with goals (98 cents on the dollar) but on contracts without goals, they earned only 59 cents on the dollar. African American owned firms earned only 64 cents on the dollar even on contracts with goals, and on contracts without goals the number plummeted to 30 cents on the dollar. 2017 Disparity Study LA Metro, prepared for the Los Angeles County Metropolitan Transportation Authority (LA Metro), BBC Research & Consulting, January, 2018, at 7–7.

The DBE program, and the businesses it assists, are so important that we planned to hold a hearing on this program before the Covid–19 pandemic swept the country and shut down Congressional operations for a time. We will still hold that hearing at a later date to collect even more evidence and discuss the possibility of updating this program. But sadly, the pandemic that prevented us from doing so only underscores the need. Current data on the pandemic's economic devastation shows a massively disproportionate impact on small businesses in minority communities. A very recent article by Dr. Robert Fairlie published by the Stanford Institute for Economic Policy Research, uses statistics from the Census Bureau's Current Population Survey to illustrate just how devastating the Covid pandemic has already been for firms owned by minorities and women. His analysis examines the drop in ''active businesses'' comparing the numbers from mid-February, just before the effects of the pandemic became clear in the United States, to mid-April when the economy in much of the country had shut down. During that time, all businesses experienced economic devastation—but because of discrimination, the devastation was far greater for businesses owned by women and minorities. For instance, during this period the number of active businesses owned by whites dropped a staggering 17 percent, but the number of businesses owned by African Americans dropped an almost unimaginable 41 percent. For Latinx businesses, the number was 32 percent and for firms owned by Asian Americans the drop was 26 percent. These numbers are not just troubling, they are catastrophic, and the pandemic is far from over. The Impact of Covid–19 on Small Business Owners: Evidence of Early State Losses from the April 2020 Current Population Survey, Robert Fairlie, Stanford Institute for Economic Policy Research, Working Paper 20–022, May 23, 2020, at 3–5.

Now, more than ever, as we prepare to spend billions of federal dollars on transportation projects, it is urgent that we ensure the process of awarding federal transportation contract dollars is not discriminatory, and that minorities and women are allowed to compete on an equal playing field for those dollars.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are here to talk about improving America's infrastructure, something that we all agree needs to be done. If we were serious about doing that, we would be taking up a bipartisan bill to fix our highways, our bridges, and our transit systems.

Let me remind everyone that 3 months from now highway and transit programs are going to shut down if we do not act. Every Democrat and every Republican participating today knows that a bipartisan agreement is the only way that we are going to get this done. That is why H.R. 2, which is nothing more than an enormous partisan wish list, is going nowhere. If this were a serious effort, then we wouldn't be talking about passing a $1.5 trillion debt to future generations. We would be talking about real proposals to fix the finances of the highway trust fund.

Instead, the majority is pointing fingers at the President and Republicans despite the fact that they wrote the entire partisan proposal in the Speaker's Office. But they want the American people to believe that it is Republicans' fault that they couldn't figure out to how to pay for their bill.

If this were a serious effort, we wouldn't be talking about tacking on a multitude of unreasonable Green New Deal mandates onto our transportation programs. We would be talking about bipartisan climate solutions that address resiliency and actual, identifiable, and serious solutions like those contained in the Republican alternative bill, H.R. 7248.

If this were a serious proposal, we wouldn't be talking about creating more uncertainty and instability for States, transportation businesses, workers, and our economy when everyone is crying out for certainty and relief right now.

But that is exactly what we are considering today in H.R. 2. This is a bill that was formed by the Speaker's partisan agenda from the beginning and continued to balloon from there. Just over a week ago the Transportation and Infrastructure Committee approved the majority's $500 billion my-way-or-the-highway bill along party lines. Afterwards the Speaker airdropped in enough new and unvetted proposals and provisions to triple the size of the bill before rushing it to the floor.

I am going to highlight just a few of the concerns with this bill.

First, 2 out of every 5 surface transportation dollars—that is $200 billion—is spent on heavy-handed Green New Deal requirements. This bill widens the gulf between rural and urban infrastructure by putting programs and policies that benefit urban areas ahead of rural communities. If you follow the money in the bill, this is made very clear. H.R. 2 directs the largest funding percentage increases to those programs. This bill also puts restrictions

on building new roads, which further hamstrings small communities that are looking to grow.

How can a bill that prevents States from building the roads that they need be called an infrastructure bill?

These are just some of the ways this bill limits State and local flexibility to make decisions that best fit their own priorities. This bill fails to provide commonsense streamlining reforms widely supported by transportation businesses and workers, including reforms that were unanimously approved by the Senate Environment and Public Works Committee. Projects that take years and even decades to get approved cost more the longer they are delayed, so that means reducing delays has the same impact as additional funding. But this bill does nothing to make reviews more efficient.

Finally, this bill relies on yet another general fund bailout, and with the irresponsible spending proposal that is in this bill, the trust fund bailout would cost more than every extension and bill combined since 2008, and it doesn't even attempt to fix the solvency issues with the highway trust fund. This is completely irresponsible. If this messaging bill passes the House, that is as far as it is going to go. It won't do a single thing to improve America's infrastructure.

There has been so much uncertainty and unpredictability created by the COVID–19 pandemic across our Nation. What transportation businesses and workers need right now is stability. But this partisan process and seismic upheaval of our Federal transportation programs robs them of that.

This bill does nothing to move us forward, and it is truly a shame. It really is. I will go on more later, Mr. Speaker, and I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, America's infrastructure is in woeful disrepair. Our roads and bridges are crumbling; many areas still lack reliable internet service; and there are even places in the United States where the tap water is unsafe to drink.

We need these major investments. With more than 40 million Americans out of work, the pandemic crisis has had a devastating impact, and the consequences for our Nation are apparent.

The Democrats' Moving Forward Act will create jobs, reinvigorate our economy, and also modernize our infrastructure. All corners of the Nation will benefit from this package, including my home State in western and central Massachusetts.

Bold investments in broadband and the rail system are particularly good news for our region's economy, workers, and students. Rail, $19 billion—perhaps we will see our long-held vision of rail transportation from Boston to Worcester to Springfield on to Pittsfield occur as well.

This is smart and responsible. The Ways and Means Committee contributed the largest tax investment in combating climate change that Congress has ever made, and it is in legislative form and in legislative language.

This legislation promotes investments in clean energy technologies, incentivizes the greening of the fleet, rewards renewable energy projects, and engages in responsible labor practices with priorities on workers' rights and well-being. We are going to keep working to make sure that we can have more green jobs that are good jobs, not only in the space of renewable energy production but in the production of zero emission vehicles as well. Prioritizing green jobs will also mean prioritizing manufacturers whose raw materials will power the green economy.

This is a unique opportunity for all of us, for our investments in our communities, our businesses, and in our workers to come out on the other side of this crisis stronger than ever.

Mr. Speaker, I urge support for this legislation.

PARLIAMENTARY INQUIRY

Mr. GRAVES of Missouri. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GRAVES of Missouri. The mace indicates we are in session. Are we in session or in the Committee of the Whole?

The SPEAKER pro tempore. We are in the House.

□ 1330

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), who is the ranking member of the Highways and Transit Subcommittee.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank Ranking Member GRAVES for yielding and for leading the charge on this committee and the fight against this partisan bill.

Mr. Speaker, it is a shame that we stand before you today debating a partisan surface transportation bill which includes $1 trillion worth of airdropped provisions, many of which do not even fall under the jurisdiction of our Committee on Transportation and Infrastructure.

In years past, surface reauthorization has been a very bipartisan affair. This is because we knew then, as we know now, that a partisan bill will lead to failure. Over the past year, in every conversation I have had with transportation stakeholders, the resounding message was: Please, pass a long-term bill and avoid an extension.

Unfortunately, the process that has played out ever since the Democrats introduced their surface transportation bill has pointed to only one conclusion: We are being set up for an extension.

This is unacceptable, as an extension doesn't provide the clarity and certainty a long-term reauthorization provides to our States and to our local communities.

Mr. Speaker, today, you are going to hear from Democrats that they couldn't negotiate with us because our party wouldn't engage on climate issues. Let's be clear: This isn't a case of Republicans rejecting outreach from Democrats. I have had conversations with the chairman months ago, expressing my willingness to work on every issue. So instead of saying that Republicans wouldn't engage on climate issues, let's get it straight, as it was Democrats who wouldn't engage with Republicans.

Now, I know, just like every other bill that comes through this House, obviously, a partisan reauthorization bill clearly is President Trump's fault. President Trump wanted to do infrastructure. Well, now is our chance. Instead of actually following the partisan processes that the majority criticizes that the White House does, they implement their own partisan process. And when you talk about climate, the United States of America is the only country that has actually reached our emission standards in the Paris climate accord.

We are doing our job as America, but let's stop sacrificing our roads and our crumbling bridges to the Green New Deal activists who don't want to talk about what America has done successfully to attack climate change already. Let's stop with the climate change issue, where $2 of every $5 of this bill goes to Green New Deal priorities. Let's start talking about roads and bridges, how to solidify our highway trust fund, how to make sure that we have a long-term approach to a stable and less-volatile highway trust fund.

If we are going to have another infrastructure week, unfortunately, this infrastructure week is going to turn out just like the ones before: It is going to be a failure. Because of this partisan bill, we are going to come up to the September 30 deadline for this current bill. Instead of moving forward in a bipartisan way, this infrastructure week is going to turn out like the rest of them.

Let's go back to the drawing board. Let's negotiate a bipartisan bill. It is the only chance we have to avoid costly extensions.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), the chairman of the Committee of Energy and Commerce.

Mr. PALLONE. Mr. Speaker, I thank Chairman DEFAZIO for all he has done with this Moving Forward Act, and I rise in strong support of this legislation.

Mr. Speaker, there is no better way to jump-start our economy and create millions of good-paying jobs than to modernize our badly aging infrastructure. It will also help us significantly to combat climate change.

COVID–19 has wiped out more than 600,000 clean energy jobs, stifling both our economy and our fight against climate change. This bill would help us

rebuild our economy with a $70 billion investment in clean energy. This sweeping investment will upgrade the electric grid to accommodate more renewable energy and make the grid more resilient.

We also invest in energy efficiency, which will help homeowners save money on their energy bills. We make a major investment in the development of electric vehicle charging networks, stimulating job growth in the EV industry and addressing the need to lower greenhouse gas pollution coming from our cars and trucks.

The COVID–19 pandemic has also put a spotlight on just how critical it is to have access to clean and safe water. That is why this bill invests over $25 billion in drinking water programs, and it also provides $2.7 billion for the brownfields programs so local communities can transform former factories, abandoned lots, and other vacant facilities into community centers, parks, and new businesses.

Mr. Speaker, the pandemic has also starkly demonstrated the need to ensure families all across the Nation have access to high-speed internet. The Moving Forward Act provides over $100 billion to fund broadband-related programs, which will get us to 100 percent internet coverage.

Kids all around the Nation need access to broadband to participate in their classes online, and this bill provides $5 billion for mobile hotspots and connected devices to make sure students who don't have access to these resources at home can effectively engage with remote learning.

We also authorized $12 billion to upgrade our frail 911 infrastructure for the next generation.

Mr. Speaker, finally, the COVID–19 pandemic has exposed an alarming number of preexisting weaknesses in our Nation's healthcare infrastructure, so we invest $30 billion to upgrade our Nation's health infrastructure. That is for hospitals, community centers, and other healthcare facilities.

Mr. Speaker, I urge our Members to vote for the Moving Forward Act to move our Nation forward during these unprecedented times.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. CRAWFORD), who is the ranking member of the Subcommittee on Railroads, Pipelines, and Hazardous Materials.

Mr. CRAWFORD. Mr. Speaker, a well-crafted infrastructure bill could put millions of Americans back to work and reinvigorate the American economy. Unfortunately, today, we are not here to debate a well-crafted infrastructure bill.

This is a radical departure from MAP–21 and the FAST Act, both in terms of content and process. This bill ignores the economic realities of COVID–19, embraces environmental radicalism, and weaves Green New Deal mandates throughout its core programs. In fact, approximately 40 percent of this bill's allocation will be spent on Green New Deal programs.

When the GOP controlled the majority, we consulted the minority on both MAP–21 and the FAST Act. We, in this effort, were ignored in the name of climate, despite the Senate having a bipartisan climate title in their bill.

To quantify how starkly partisan this bill is, the FAST Act had 115 amendments; this bill, 388. While we know this bill stands no chance of being enacted, the rail title will be disastrous if it was.

Despite spending $60 billion over 5 years on rail—none of which is paid for, by the way—no one in the rail industry supports any provisions in this rail title. At a time when demand for all modes of public transportation is in doubt, this bill increases funding to Amtrak. It spends 13 times what FAST Act allocated to the Northeast Corridor. It spends 160 times what FAST Act allocated to Amtrak's national network. This bill guts programs to help our regional and short-line railways to give more money to—you guessed it—Amtrak.

Mr. Speaker, our intermodal freight system saved this country from the worst of COVID–19, and this bill aims to drive that system to the ground in the name of environmental extremism.

This is the first surface reauthorization I will be voting against, and that is a sad decision I have to make with a heavy heart.

I am glad that some of my bipartisan Buy American amendments made it into this bill in markup, and that offers a glimpse of what could have been if the majority had come to us and we had worked together to create a serious bill.

Mr. DEFAZIO. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, to the gentleman, I would have him recognize that, actually, the Northeast Corridor is a shared corridor, freight and rail. When the Baltimore tunnel goes or when the Portal Bridge goes or, up around New York, when the Gateway tunnels go, it is a 20 percent hit to the national economy.

So, yes, we are going to invest some money there. That stop is about to fail and fail big.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the chair of the Committee on Education and Labor.

Mr. SCOTT of Virginia. Mr. Speaker, today, I rise in support of H.R. 2, the Moving Forward Act, and I focus on the fact that this infrastructure package includes our Nation's schools.

For decades, underserved students and educators have spent nearly every day in school facilities with outdated air filtration, air-conditioning, and roofing systems that endanger their health. A GAO report just this year confirmed that more than half the school districts need to repair unsafe and outdated systems in heating, ventilation, and air-conditioning in most of their school buildings.

These issues are not about comfort. They are about equal access to education.

Mr. Speaker, we all want to reopen our schools as soon as possible, but we cannot take this step when the Centers for Disease Control guidance requires functioning ventilation systems to prevent the spread of COVID–19.

The Reopen and Rebuild America's Schools Act provisions and infrastructure package offer the solutions our schools need. This legislation will invest construction funds targeted at high-poverty school facilities that put the health of our students and staff most at risk.

Of course, the schools will also benefit from the improvements in broadband that are also found in the bill.

The school provisions in this bill will create more than 2 million good-paying jobs over the next 5 years at a time when we face historic unemployment rates.

The Moving Forward Act is critical to our Nation's economic recovery, and it is critical for our efforts to achieve equity in education.

Mr. Speaker, I urge my colleagues to pass this bill so that all students will have access to safe and high-quality schools during the pandemic and for years to come.

Finally, Mr. Speaker, I include in the RECORD a letter from the Rebuild America's Schools coalition to Speaker PELOSI and Leader MCCARTHY in support of both the legislation and the Reopen and Rebuild America's Schools Act.

REBUILD AMERICA'S SCHOOLS,
Washington, DC, June 29, 2020.

Re H.R. Moving Forward Act: Reopen and Rebuild America's Schools

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MADAME SPEAKER AND MINORITY LEADER MCCARTHY: Rebuild America's Schools appreciates and supports your efforts to address the impact of COVID–19 on our nation. As Congress addresses economic recovery, Rebuild America's Schools supports H.R. 2 The Moving Forward Act to invest in our nation's infrastructure including grants and bonds to modernize, renovate and repair local school facilities.

The Government Accounting Office (GAO) June 2020 report estimates more than half of America's public school districts need significant repairs to their school facilities. Fifty four percent of school districts across the country must replace or update major systems in more than half their buildings. Grants and infrastructure bonds will assist communities respond to necessary school facility modifications, renovations, and repairs to re-open safely for students, teachers, and staff in the changing COVID–19 environment.

Moving Forward Act: Reopen and Rebuild America's Schools Act infrastructure grants and bonds will generate economic activity in every state creating over 100,000 construction services jobs accomplishing two objectives:

Local communities will use recovery financing to build, renovate and repair schools

providing safer, healthier, more modem and more technologically, energy efficient school facilities advancing student achievement.

School construction projects in local communities will generate thousands of construction and building trades jobs including architects engineers, roofing contractors, and suppliers who design, build and maintain our nation's schools.

As COVID–19 profoundly impacts national and state economies, federal investment in school infrastructure and safety will have both long- and short-term benefits to the nation's economic recovery and stability advancing student achievement.

We look forward to working with you as the House of Representatives considers The Moving Forward Act to invest in the infrastructure of local communities helping modernize schools in every state to support student safety, achievement and success.

Thank you.

Sincerely,

BOB CANAVAN,
Chair.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. GRAVES), ranking member of the Subcommittee on Aviation.

Mr. GRAVES of Louisiana. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I thank my friend from Oregon, and I do consider him a friend because, oftentimes, over the past few years since I have been here, we have had the opportunity to sit down and engage on constructive policy discussions. I know my friend does like to have those discussions, which is why I like him.

Mr. Speaker, I don't like to devolve into partisan fighting, but to listen to the description of this bill and to actually participate in this process, there are a lot of things that need to be addressed, and the Record needs to be set straight.

Mr. Speaker, this committee, the Transportation and Infrastructure Committee, has a long history of being a bipartisan committee. As you heard, there were nearly 390 amendments filed on this bill. Twenty-two Republican amendments are going to be accepted or voted on, and most of them are going to fail. They are designed to fail. Meanwhile, 148 Democrat amendments are being accepted and are going to be allowed to move forward—148 to 22.

Mr. Speaker, each one of us represents somewhere around 750,000 people. Why should only certain people be able to be represented?

Then, because of this crazy process we have here, we are going to take all of those amendments and combine them into about seven votes where they can take great policy, throw in one poison pill, and the whole thing dies.

Mr. Speaker, this is not how you build legislation. I don't think I have to remind anybody here that we have a Republican President and a Republican Senate. This bill has always been bipartisan, and we should be working on this bill because everyone supports infrastructure.

Now, on climate, let's talk about climate for just a minute because the United States has reduced emissions more than the next 12 countries combined. The United States has. As my friend from Illinois noted, we are the only country that is in line with our Paris accord, at this point.

Number two, there has been this little thing called the coronavirus that has resulted in the largest reduction in history in emissions that is going on right now, which should cause us to reset and not impose more costs on the poor among us, those who cannot afford it, those who have lost their jobs.

Mr. Speaker, the committee doesn't even have jurisdiction over climate. And you can't go out there and try and electrify all these cars and not address the fact that you are going to take three to four times the electricity to even power them. Where is the electricity coming from? We are just going to make it up? This bill doesn't address the problems.

Mr. Speaker, just today, the bipartisan climate committee that was created by Speaker PELOSI issued their report. They were supposed to be providing the comprehensive plan for climate change. It was a partisan staff report. Was the committee clairvoyant, knew it was going to be in there and just pasted the climate committee's recommendation in this bill? No.

This is completely disjointed. It is partisan. It ignores the fact that we had 390 amendments and tries to condense it down to seven votes. Our constitutional Republic is being hijacked right now, and we are not being allowed to represent the people who we were sent here to represent.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentleman for his extraordinary leadership on H.R. 2, the Moving Forward Act, and I support it.

Mr. Speaker, this is landmark legislation that would make investments not only in highways, transit, and bridges but also for schools and housing. Importantly, it would set America on a path toward a greener future by encouraging investment into zero-emission technologies.

The bill would authorize $25 billion for the Postal Service, which has bipartisan support to modernize their aging fleet. It is critical that the Postal Service begin replacing its fleet of small trucks, most of which are now over 25 years old, and the bill includes $6 billion for this. The bill would require the Postal Service to purchase zero-emission vehicles and to install publicly accessible electric charging stations at Post Offices to help expand the infrastructure needed for electric vehicles.

Mr. Speaker, these measures will help the Postal Service meet its mission and advance sound environmental policy, and I urge a strong ''yes'' vote on H.R. 2.

□ 1345

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Speaker, I rise in opposition to this infrastructure boondoggle bill, which is focused on advancing the Green New Deal agenda.

Instead of focusing on roads, bridges, and highways that keep the economy moving and Americans employed, my colleagues on the other side of the aisle want to divert funding streams through nonroadway infrastructure and leave rural surface transportation in the dust.

One of the major roadblocks to successfully reinvigorating our national infrastructure is the mountains of red tape, paperwork, and bureaucracy involved with surface transportation infrastructure. This bill does nothing to reform the permitting process. It leaves in place a broken permitting regime that slows projects down to a dead stop.

Contrary to what some may say, bureaucratic red tape has a direct impact on infrastructure investment. Project delays cost nearly $4 trillion in economic impact, according to the Associated General Contractors of America.

We can point to nations like Canada, Germany, and Australia, who provide a robust and responsible environmental review process in just 2 years. Compare that to ours, the 3½ to 5 years it takes just one Federal agency, not including other Federal agencies that even add more time in the process.

Finally, I oppose H.R. 2 for its lack of bipartisan participation. My colleagues on the other side of the aisle may try to point to an amendment here and there and call it bipartisan, but I have worked on true bipartisan legislation that doesn't just tick off the boxes of partisan talking points. I have fought to pass legislation that gets the hard work of infrastructure investment and permitting reform done while working with my Democratic colleagues in the past. I can tell you from experience, H.R. 2 is not that.

Republicans were prevented from offering real input on this bill, one that has broad application and diverse impact across every type of community in this country. Instead, Republicans were shut out of the process. This is purely a leftwing messaging bill with their grandiose nonsense that is far from reality in addressing the real-world infrastructure concerns.

For these reasons, I urge my colleagues to vote ''no'' on H.R. 2.

Mr. DEFAZIO. Mr. Speaker, resiliency, which they keep talking about on that side, is a reactive policy to help our transportation system survive with rising sea levels and extreme weather events. Mitigation, dealing with climate change, is proactive and will prevent us from having to spend a lot more money in the future on infrastructure.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington, D.C.

(Ms. NORTON), the chair of the Surface Transportation Subcommittee.

Ms. NORTON. Mr. Speaker, this is one of the very few bills that is moving forward during this pandemic, and it is named H.R. 2, which means it was of great importance even before the pandemic.

The transportation bills we have been filing have been essentially flat funded. It is time we put some money into our transportation system. The last bill was no mere extension. Our last bill was essentially that. There was no new funding on it. In fact, this bill breaks new ground.

I have been on this committee ever since coming to Congress. Each transportation bill looked essentially the same as the last. However, with climate change, we can't write these bills in the same way.

You see attention to climate change throughout this bill. You see a fund for greenhouse emissions. We have in this bill discretionary grants for electric vehicles. That was unknown and unseen in the last bill.

We are paying special attention to disadvantaged business enterprises. We remember the George Floyd killing. We have not done a good job with these enterprises in my own region. We found that minority and women-owned firms were unlikely to receive contracts, even if they seemed fully qualified.

And, of course, in this district, which staff and Members use to get to the House, we have funding money for the Metropolitan Transit Authority. Almost half of Federal employees in this region use Metro to get to this very House.

Mr. Speaker, this bill breaks new ground, and this Congress should indicate that it is ready for a 21st century bill.

Mr. GRAVES of Missouri. Mr. Speaker, I might point out that, yes, there are discretionary grants in here for electrical vehicles. What is interesting is electric vehicles don't pay for the use of that road either, because the highway trust fund still has yet to be addressed, has yet to be determined how we are even going to move forward, which is a huge frustration in this bill. There are absolutely no payfors.

Mr. Speaker, I yield to 2 minutes to the gentleman from Pennsylvania (Mr. PERRY).

Mr. PERRY. Mr. Speaker, an efficient and effective infrastructure system is vital to our Nation's economic well-being. It is vital to every citizen. They realize it. That is why they are willing to pay for it, as long as we do the responsible thing here.

But for years, Mr. Speaker, Federal policies have diverted funding away from the core projects and created a system that incentivizes waste, and, as a result—you can figure it out—our infrastructure is crumbling.

The need for reform is acknowledged across the aisle, across the spectrum. Both sides know there is an opportunity right here, especially with this President.

Unfortunately, the majority has now squandered that opportunity for bipartisan reform. Instead, they propose H.R. 2, which is a leftist wish list that doubles down on the policies that brought our infrastructure to its current deteriorated state.

In fact, the majority of the $1.5 trillion in spending under this bill, 1,400 pages, is unrelated to the repair and build-out of our Nation's infrastructure. Two-thirds of this spending, $1 trillion, was created out of thin air in the 2 weeks since we had the discussion in the Transportation Committee. It was just dropped on us. We didn't even discuss it. After we left and marked up the bill, they added the money and added the policy.

Moreover, the majority has failed to even propose a way to pay for this liberal wish list, instead stating it will be paid for by deficit spending.

We don't always get it right, but at least make an attempt.

Our Nation is $26.3 trillion in debt, $3.5 trillion of that occurring just in the last couple of months. The majority's plan to bankroll their liberal wish list by imperilling future generations is reckless and threatens the very future of our Nation.

I sincerely hope this political theater will conclude shortly, Mr. Speaker, and the majority will get serious about a serious infrastructure package.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. THOMPSON), the chairman of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 2, the Moving Forward Act. As amended by the manager's amendment, this bill includes language identical to my bill, H.R. 1140, the Rights for Transportation Security Officers Act of 2020.

For over a decade, Representative NITA LOWEY and I have worked to provide TSA frontline security workers the basic rights and civil service protections they deserve.

On March 5 of this year, this body passed H.R. 1140 with 230 ''yes'' votes, including all Democratic Members present and 14 Republican Members.

Transportation Security Officers remain among the lowest paid Federal workers, and they do not receive regular salaries or basic civil service protections afforded to most other Federal employees.

In recent years, TSOs have faced government shutdowns, staff shortages, increased passenger volumes, and increasingly difficult job responsibilities.

Mr. Speaker, this is a good deal. I thank Chairman DEFAZIO for including this critical language in the manager's amendment. I urge support of the bill.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. BOST).

Mr. BOST. Mr. Speaker, many of you do know, and maybe some of you don't know, that I grew up in a family trucking business. I know how important transportation workers are and how important they are to the American people.

In the past few months, we have seen our Nation's truck drivers, maintenance crews, public transit workers, and other essential employees step up and deliver the goods. It is our duty to support them and ensure that, while they do their jobs, they are kept safe and they can do their jobs effectively. Unfortunately, this legislation falls far short on that goal.

Instead of adequately investing in our Nation's roads and bridges, or better conditions for our truckers and motorists, the Speaker and her allies chose to double down on their liberal Green New Deal wish list.

And instead of working together in a bipartisan manner, which has always been done—at least over the last 15 to 20 years, from what I understand—they forced it through the Transportation and Infrastructure Committee on a party-line vote.

With this legislation, my colleagues on the other side are saying that, when it comes to our Nation's infrastructure, it is quite literally my way or the highway. That, I believe, is a dangerous route to take, and I think that the American people will wake up to the fact, with these continuing partisan games on something that is so important that has been done in a bipartisan manner before, that, finally, they will speak up and say that they have had enough, because many of us have.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), chair of the Railroads, Pipelines, and Hazardous Materials Subcommittee.

Mr. LIPINSKI. Mr. Speaker, as chair of the Railroads, Pipelines, and Hazardous Materials Subcommittee and coauthor of H.R. 2, I am proud that we have the robust road, rail, and transit bill that our country needs to start fixing our transportation system and put Americans back to work.

I want to thank Chairman DEFAZIO for his strong leadership on this bill.

H.R. 2 is a historic bill for rail infrastructure, containing a record $60 billion investment, a 400 percent increase. It was a priority for me to include, for the first time ever, in a surface reauthorization, a commuter rail policy section.

In addition to the 57 percent increase in funding for public transit, commuter railroads are made eligible for the significantly increased $7 billion CRISI grant program, and the top Amtrak stations used by commuter railroads have special access to these funds.

In another first, we established a grade separation funding program at $2.5 billion, which will help alleviate the problem of blocked rail crossings across our Nation. For Amtrak, we are making a record investment of almost $30 billion.

In the highway and transit division, I want to highlight the 37 percent increase in funding to our States for

roads, a greater focus on improving safety for bicyclists and pedestrians, and an increase in funding for University Transportation Centers, including one on autonomous and connected vehicles.

In addition, a $9 billion grant program focused on advancing projects of national and regional significance is included, which can help bring the CREATE rail modernization program in northeastern Illinois to completion, significantly improving the flow of freight across our Nation.

Mr. Speaker, H.R. 2 will put hundreds of thousands of Americans to work, make American businesses and workers more efficient, cut down delays on our roads and rails, increase safety, and improve our environment.

Let's get this done for the American people.

□ 1400

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, of the many problems with this hyperpartisan bill, one of the most troublesome is the price tag: $1.5 trillion. Yet it completely ignores the need for how we are going to pay for it.

So the majority has decided the President must come up with a way to pay for it, like: Hey, here is our shopping list right here. We are going to send it out of the House and maybe out of the Senate without a way to pay for it. You find it, Mr. President. You figure it out.

But it has never been the President's job to decide how we pay for our highways. No member of the administration or Cabinet is charged with that responsibility.

Constitutionally, it is assigned to us here at the House of Representatives. If the Democrats are serious about fixing our infrastructure, they would find a way to finance it by working with us, the Republicans.

Now, there are going to be some hard ways to figure it out. Is it to raise the gas tax? Is it making people pay for every mile they drive or some other mechanism, or, especially in my home State of California with the highest cost of doing anything, adding yet more taxes? A new one kicks in tomorrow on Californians.

That said, we are supposed to be here to discuss it. We are supposed to have a little interaction. This bill, unfortunately, has not.

So we push another partisan wish list onto this floor, make the President figure it out. Unfortunately, it doesn't have much chance to work this way.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SIRES), a member of the committee.

Mr. SIRES. Mr. Speaker, I want to thank Chairman DEFAZIO for including a provision in this bill that is a triumph in national transportation financing.

Our States are riddled with bridges that are too old, roads that are in disrepair, and passenger rail that is falling apart. Regionally and nationally significant projects, projects that everyone can agree are important and need to be built, have languished for years because of no Federal help. This bill changes that.

I am proud to say that this bill's provision on projects of national and regional significance is a victory for the Gateway Project. New Jersey knows how important it is to get the project done. The whole region knows how important the project is to its economy. This bill puts $9 billion into the pot.

The bill provides money for clean energy investments to keep our air clean, money for resiliency projects to protect us from stronger storms, and more money for public transit to keep cars off the road.

There is no reason why we can't have a modern, efficient, clean national infrastructure. This bill puts us on our way, and I am proud to have been involved in the development since the beginning. I am proud to cosponsor, and I ask everyone to support this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SMUCKER).

Mr. SMUCKER. Mr. Speaker, I rise today in opposition to this partisan infrastructure bill.

This House can work together and can accomplish things for the American people. It wasn't long ago that Members from both parties came together in the face of an unprecedented pandemic to pass the CARES Act. That act of bipartisanship saved thousands and thousands of jobs—millions of jobs—and preserved the livelihoods of small business owners all across this country.

Now, in the face of a new challenge, repairing our infrastructure, Democrats have chosen a different path. They have chosen to go it alone with a messaging bill that is not a serious effort to improve our roads, bridges, and railroads.

I offered a number of amendments to improve the underlying bill, including some bipartisan proposals, which I offered with my colleagues on the other side of the aisle. While I appreciate that one of those was adopted, the fact is this legislation was drafted with no consultation with Republicans.

This bill will cost taxpayers an astounding $1.5 trillion, disproportionately favoring urban centers at the expense of rural America. But the real cost of this bill is the missed opportunity. What better time to address our infrastructure needs, when interest rates are as low as they are now and when we want to see the economy begin to boom again.

Mr. Speaker, I remain committed to supporting legislation which would effectively invest in improving our transportation infrastructure in a way that would provide States additional flexibility to meet their unique needs without onerous mandates. Yet this bill doesn't do that. This bill kicks the can down the road rather than advancing those badly needed priorities.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

Mr. SABLAN. Mr. Speaker, as chairman of the Subcommittee on Early Childhood, Elementary and Secondary Education, I want to highlight how H.R. 2 helps America's schools.

Schools began the coronavirus crisis already in significant need of repair, but revenue shortfalls caused by the virus are causing local governments to cut teaching staff. They cannot afford to invest in facilities. So H.R. 2 includes the Reopen and Rebuild America's Schools Act, a $100 billion plan of Federal investment from the Education and Labor Committee.

Funds are front-loaded to address emergency needs to reconfigure schools to meet CDC guidelines. Our bill also helps the 16 million students nationwide without online access gain reliable, high-speed internet for digital instructions. And there is a special $500 million set aside for insular area schools, which are particularly challenged.

Mr. Speaker, I thank Chairman DEFAZIO for this time to speak and also for adding the Marianas to the AMBER Alert system, which I asked for and is included in H.R. 2.

I urge my colleagues to vote ''yes'' for H.R. 2, and the Reopen and Rebuild America's Schools Act.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SPANO).

Mr. SPANO. Mr. Speaker, I rise to express my strong disappointment in this legislation.

For months, we have been discussing a bipartisan transportation package. Both President Trump and leaders in Congress from both parties expressed their hope that a deal could be struck to repair our crumbling infrastructure.

Given the rise in unemployment due to COVID–19, now is the perfect time to invest in infrastructure and create American jobs. But, sadly, this bill missed this once-in-a-generation opportunity. The Democrats presented their bill to committee without any input from Republicans whatsoever, which is clear from the price tag.

Coming out of committee, the bill had a $500 billion price tag without any way to pay for it, but Democrat leadership has now added an extra $1 trillion to it. Forty percent of all the money in this package goes to Green New Deal priorities and fails to include deregulatory provisions that could easily stimulate the economy and make the government work for the American people rather than against them.

I offered multiple amendments to make permanent one of the most efficient Trump policies: the One Federal

Decision policy for NEPA authorizations.

Currently, major infrastructure projects need to be approved by multiple agencies and, on average, take 4½ years to complete. Experts estimate this costs more than $3.7 trillion in lost employment and lost economic gain.

Just yesterday, President Trump stated that unnecessary permitting delays are ''one of the most significant impediments to improving our infrastructure.'' My amendments would streamline this process by allowing applicants to deal with one lead agency, rather than several, and would require NEPA authorizations to be finalized within 2 years.

As we look to recover from COVID–19 and pay off the debt incurred in responding to the crisis, these are inefficiencies we simply can't afford to ignore. I urge the House to recommit the bill back to committee until we can come together and draft a solution that implements these policies and will provide real relief for the American people.

Mr. Speaker, Americans are sick and tired of messaging bills.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response to the gentleman, 93 percent of Federal aid, highway projects, go forward under categorical exclusion; 4 percent have an environmental analysis, a simple process; and, yes, 3 percent go through a NEPA process. Huge construction projects in urban areas are often controversial, gives the public and everybody a chance to have input into that.

And, by the way, all the studies say the biggest barrier to transportation investment is lack of funding. And I would note that the FAST bill froze funding, and the bill before that froze funding. The last time we increased funding was when the Democrats were in charge in 1994.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act. This transformative legislation will revitalize our Nation's infrastructure, including our most vulnerable communities.

The last several weeks have, once again, brought attention to the legacy of vulnerability Black Americans and other minorities suffer at the hands of a global health crisis, a shuttering economy, and systemic racism.

With this backdrop, people of color should not assume that this massive infrastructure bill has little to do with them. In fact, there are many aspects of H.R. 2 that are intended to assist people who have routinely been left out and left behind.

One of the most powerful is the Disadvantaged Business Enterprise program. This program, when properly administered and enforced, ensures that businesses owned by women and minorities have a fair chance to compete for federally assisted transportation projects and contracts.

A 2016 report, in my home State of Georgia, found that women- and minority-owned construction prime contracting businesses earned about 7 cents on the dollar, and women- and minority-owned subcontracting businesses made about 39 cents on the dollar.

This is unfair, and this evidence abounds. And it is not limited to any one region. The data underscores the continued need for the DBE program. I am proud to see it reauthorized in this bill, and I am proud to have been a part of its reauthorization.

We must right the wrongs of business inequity in this country, and programs like the DBE, the Disadvantaged Business Enterprise program, will help us do just that.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Mr. Speaker, I rise in opposition to H.R. 2 because we need to put an end to the highway robbery before us.

The Transportation and Infrastructure Committee has a long history of bipartisan cooperation, rising above the political games to strengthen the backbone of our country. However, after the Democrats' power grab in this year's highway funding bill, that is sadly no longer the case.

When drafting this legislation, my colleagues across the aisle neither asked for nor accepted input from me or any of my Republican colleagues. They steamrolled a bill through the committee with so many irredeemable qualities, you would think they wanted it to fail. After it passed committee, the bill was gutted of bipartisan amendments solely because they were introduced by our party.

And it is expensive. At the outset, this legislation cost nearly $500 billion over 5 years, and then they tacked on another trillion in the last week. It cuts money from where we need it and throws taxpayer dollars at problems that don't exist.

Our roads and bridges are failing, and projects, many like Corridor H in West Virginia, are underfunded. This bill hamstrings our State government and adds red tape instead of flexibility. Rather than bridging America's urban-rural divide, my Democrat colleagues want to put the big cities first and ignore our rural communities but still stick us with the bill.

We need all of America to thrive, from Appalachia to the heartland, the Rockies to the Rust Belt. We need to build up our entire country to create a modern economy that offers success to everyone. But here we are, debating a bill that gives $2 of every $5 to the Green New Deal.

This is partisan messaging, not meaningful policy.

I am disheartened. I am disappointed. And I am disgusted that politics continue to take precedence over the needs of our country. Our people want and need better roads. For these reasons and many more my time will not allow, I urge my colleagues to vote against this bill.

□ 1415

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS), a member of the committee.

Ms. TITUS. Mr. Speaker, I thank the chairman for yielding.

The Moving Forward Act is transformative legislation that will help revive and strengthen our economy for years to come.

In Las Vegas we welcome nearly 43 million visitors from all over the world every year, and it is vital that we make smart investments in our infrastructure to help travelers get there easily and then move them around safely and efficiently once they arrive.

As a member of the committee, I am proud of the provisions I secured in this bill to:

Prioritize the completion of I–11 between Las Vegas and Phoenix;

Promote projects related to the movement of travelers to destinations, not just the movement of freight;

And to ensure that there is dedicated funding in every State for child passenger safety programs for underserved populations.

I urge my colleagues to support this legislation, which also takes significant action to address global climate change by investing in renewable energy, resilient housing and schools, green transit, and more efficient road infrastructure.

I thank the chairman for his leadership.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition of H.R. 2, an ultra-partisan bill that puts urban centers above my rural communities.

I was frankly stunned at how few people showed up here in Washington, D.C., for the markup of a $500 billion bill. My colleagues who were physically able and did not show up gives new meaning to the phrase ''phoning it in'' and now we can call it ''Zooming it in.'' They Zoomed it in in T-shirts, shorts, on golf carts, and now we will continue to Zoom it in for 45 more days.

Mr. Speaker, I authored 12 amendments at the markup of this bill. While many of them were bipartisan, they were still rejected along party lines.

My amendment to keep rail safety grants merit-based and open to all, failed.

My amendment to improve government efficiency and bring internet connection to rural communities, failed.

Mr. Speaker, commonsense bipartisan proposals fail because this is not a serious effort.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield an additional 1 minute to the gentleman from Indiana.

Mr. PENCE. Mr. Speaker, this is a NANCY PELOSI power grab again.

I remind my colleagues that there is no challenge too great when we unite as Americans, yet here we are. House Democrats choose to bring this bill which is nothing more than the latest progressive wish list to the floor without any Republican input again.

I urge my colleagues to oppose H.R. 2.

Mr. DEFAZIO. Mr. Speaker, I yield myself 1 minute.

I didn't see anybody in golf carts or T-shirts. They were on the screen, virtually. And it is not a great time to be flying back and forth across the country. I am not really comfortable doing it.

I yield 1 minute to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Speaker, I thank the gentleman for yielding.

I am excited, Mr. Speaker, because the people's House is at work this month. I wish I had more than 1 minute to talk about it all. Police reform, equal justice, lowering healthcare costs, protecting renters and homeowners from eviction. That is just in the last few days.

This morning I joined Speaker PELOSI and chair KATHY CASTOR and our select committee members to unveil a comprehensive climate action plan to save the planet and to build a more healthy, just, and resilient America. And now I have the honor of supporting Mr. DEFAZIO's H.R. 2.

The Transportation and Infrastructure provisions in this bill are an historic investment in our Nation's infrastructure that will strengthen our economy, improve safety, and cut gridlock and pollution, but there is so much more in this bill.

I am also proud of modernizing the postal service's clunky old fleet and electrifying it.

I am proud of encouraging responsible broadband deployment on or near public lands and building more resilient western water infrastructure.

Colleagues, after years of people in this body talking about infrastructure, we are finally doing it. I urge an ''aye'' vote.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), the ranking member of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Speaker, I thank Mr. GRAVES for yielding and for his work trying to get this bill in a better place. And I thank Chairman DEFAZIO for working with me on an amendment that will come up tomorrow that will allow the Port of Cascade Locks to compete for funds to add a path on the Bridge of the Gods to provide a safer place for hikers and horseback riders on Pacific Crest Trail to cross the Columbia River. It is nice when we can work together for the best interests of our citizens.

I wish we had been able to work on all the infrastructure issues in this bill in the same spirit. I won't waste my time dwelling on the partisan process fouls that encumber this bill. Building better American infrastructure is a public policy that has almost always brought us together as a Congress and a country. Until this week and until this legislation.

Republicans have proposals to make American energy infrastructure more resilient and safeguard it from cyberattack.

Republicans have proposed more than two dozen policies, Mr. Speaker, to help get high speed broadband to all Americans.

We have legislation to put America in the driver's seat of autonomous vehicle innovation and production.

We could find common ground to remove unneeded but costly regulatory barriers that stand in the way of important infrastructure improvements and the jobs that come with them. But unfortunately, the work and ideas of Republicans on the Energy and Commerce Committee were not included. Heck, we weren't even consulted. What could be a bipartisan bill destined to become law will instead likely never get to the President's desk and never become law.

So I urge my Democratic friends and colleagues to work with us on a bipartisan legislative package on infrastructure that can become law and that will improve our Nation's infrastructure.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I have been listening to this debate in my office on television. Virtually, in other words, I have been watching. I thought everybody would be interested to know I didn't have a T-shirt on, and I wasn't in a golf cart. I was in my office. But it was virtual, Mr. Chairman.

First of all, there is an aspersion on this bill for dealing with climate change. We are here in the midst of a pandemic. It is a terrible scourge on our country and on our people and on our economy. And our President called it a hoax. Our President has also called climate change a hoax. Mr. Speaker, if we are put to sleep by the assertion of the challenge being a hoax, we will not act.

We acted very late on this pandemic. This bill seeks not to act too late for the pandemic that we call climate change that all the scientists, the overwhelming majority of scientists, say will have a catastrophic effect on our global environment and the support of life itself.

And so, yes, this bill deals a lot with climate change because we have a vision of trying to solve the problem before it becomes the pandemic that kills 125,000 people in America, and, of course, according to science, that will be in the millions not the 125,000s.

And there has been a lot of discussion, Mr. Speaker, about this is not bipartisan. In the 2016 election we had a lot of bipartisanship in terms of infrastructure. We said we needed infrastructure. The President said we needed infrastructure. Republicans said we needed infrastructure. Democrats said we needed infrastructure.

Mr. Speaker, in 2019 Mr. DEFAZIO, Mr. NEAL, myself and others went down to the White House, including the Speaker, and we sat with the President of the United States who said he wanted to put $1 trillion into infrastructure. I heard Mr. DEFAZIO say it earlier; we said $1 trillion.

He said, Oh, no, that is not enough. We need $2 trillion.

Now that is from the President of the United States that then sent an infrastructure bill down here for $200 billion, one-tenth of what he said was needed. The engineers say, of course, $4½ trillion is needed to fix our infrastructure.

And we said to the President, Mr. President, we will try to support you. We will work together in a bipartisan fashion. Now, tell us how we ought to pay for this.

Frankly, I was sitting not too far from the director of the National Economic Council, Mr. Kudlow. Mr. Kudlow sort of looked down and shook his head, not wanting the President to come up with how he was going pay for $2 trillion.

Mr. DEFAZIO, you saw that.

Mr. Speaker, Mr. NEAL looked across the table and said to the President, Mr. President, you tell us how you think we ought to pay for this, and we will work with you. That was bipartisanship.

We went down there some weeks later—frankly, later than we had planned, but it was later—and we were there to hear the President tell us how we were going to pay for a $2 trillion investment. And he frankly made up some spurious reason that NANCY PELOSI, the Speaker of the House, had criticized him—and very frankly, we would never have any discussions if he didn't want to talk to people who criticize him because we criticize him all the time. But he returns the favor; he criticizes us all the time. So we would never talk, we would never have any bipartisan discussions—and he walked out on us. There was no markup. There was no discussion. There was no what are your ideas. He walked out on us.

So, yes, we are here with a bill less than the President says is necessary. But we are here to do what he said we needed to do and what we said we needed to do, and we all said it in a bipartisan fashion.

Mr. Speaker, 10 years ago I first launched the House Democrats Make It In America plan for jobs and opportunity, and from the very start, investing in infrastructure has been a key component of that agenda.

Over the years, we have adapted that plan to meet changing needs and new challenges. Democrats ran on jobs, higher wages, making healthcare more accessible and less expensive, and investing in infrastructure. And we picked up 40 seats. We have 63 new Members of the Congress of the United States, so apparently our message resonated in 2018. In my view, it is resonating now.

We were handed an overwhelming mandate to use our House majority to pass a big and bold infrastructure package that will help create good jobs and spur economic growth. That is what the President promised in 2016.

I will wait for a minute if somebody wants to tell me what they thought of the bill that the President sent us to spend $1 trillion on infrastructure.

There is silence in the Chamber, Mr. Speaker, because the President hasn't sent a bill to do that. He hasn't sent a bill to fulfill his promise. Don't blame it on us. He hasn't sent us a bill and so many more of what he promised the American people.

But that is what this legislation will do. Will it do it exactly as the President wanted to do? We don't know because he hasn't told us exactly.

The Moving America Forward Act is the product of years of work by multiple committees with input from many Members, including a lot of our freshmen Members.

I thank Chairman DEFAZIO. I thank Chairman PALLONE. I thank Chairman NEAL. I thank all of those who worked with us, including Ms. WATERS and Mr. SCOTT.

□ 1430

They came together to craft an infrastructure package that will truly move America forward.

This bill lays out House Democrats' proposals for the kind of big and bold investments in infrastructure that everyone agrees we need to move America forward.

It would—and I know it has been discussed, but just briefly—authorize new highway, rail, transit, and airport projects. We need them.

Fund clean drinking water and clean energy: If anybody thinks that Flint was a unique happenstance in America, they are wrong. We need substantial investment, in every city and every rural area in this country, on water.

Extend key clean energy tax provisions by 5 years: Now, if you want dirty energy only—and I am an all-of-the-above needs to be used, certainly, in my lifetime.

Invests in new hospital infrastructure, public schools, and affordable housing: We have seen how they are stretched.

I am also proud that the Moving America Forward Act brings back one of the most popular programs, which was, unfortunately, allowed to lapse under the Republican-controlled Congress of 2011. State and local governments issued more than $181 billion in Build America bonds to support nearly 2,300 local infrastructure projects, I dare say in almost every district represented by anybody in this body. We are bringing them back.

Moving America forward with major investments in infrastructure is part of the Democrats' plan to help businesses and workers in our country Make It In America.

The American Society of Civil Engineers that I spoke of just a little while ago gave our country's infrastructure a D-plus and estimated that we need trillions of dollars by 2025 to keep pace with our needs, and that was before the COVID–19 epidemic hit.

This bill is about competing in the 21st century with our competitors all over the world. They are investing in infrastructure. Now, the pandemic's economic impacts make it even more necessary that we invest in infrastructure projects that will help put Americans back to work and get our economy back on track and moving forward.

Infrastructure, Mr. Speaker, is an area where Democrats and Republicans have been largely in agreement. I regret this is not a bipartisan bill, but no one is surprised. The last Congress that the Republicans were in charge of was the most closed Congress in history, and by that, I mean the most closed rules, no amendments, no participation. They passed a tax bill that was $1.5 trillion—no contact with Democrats.

So, don't cry crocodile tears that you are not included when you haven't included us and, more importantly, the Senate doesn't include the Democratic Party.

It is a shame. We ought to get back to more bipartisanship. I agree with that. But I remind you of the meeting with the President: Mr. President, we will support you. We will work with you. We will try to get the job done. We will try to help you carry out your promise to America.

And the President walked out.

Let's move America forward together. Together, let us help our people Make It In America.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX), the ranking member of the Education and Labor Committee.

Ms. FOXX of North Carolina. Mr. Speaker, I thank my colleague from Missouri for yielding me time.

Mr. Speaker, I rise today in strong opposition to H.R. 2.

The Democrats' school construction provisions in H.R. 2 will result in increased costs to taxpayers, increased costs to States and school districts, and crushing new requirements for the entire education community, all in exchange for limited grants to a handful of school districts.

What is worse, Democrats have inserted provisions of their radical Green New Deal in this bill to appease their far-left Members. Schools will be forced to comply with burdensome green requirements. The costs to comply with these requirements could exceed the funding schools are being offered.

This ill-advised bill also unnecessarily limits access to funds by charter schools, continuing Democrats' relentless assault on any educational option that provides families a lifeline out of a failing school.

H.R. 2 spends taxpayer dollars recklessly to advance bad ideas. This partisan bill is the wrong answer for students, teachers, and their communities.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH), a member of the committee.

Mr. LYNCH. Mr. Speaker, I thank Chairman DEFAZIO for yielding. I also thank the committee's amazing staff for the great work they have done in putting together really a remarkable and powerful surface transportation bill.

Mr. Speaker, I also thank Chairman DEFAZIO for including several pieces of legislation that I had put forward. One is to provide $1.7 billion for zero-emission buses.

My legislation earmarks 10 percent of that amount, 10 percent of those zero-emission buses, for low-income communities, oftentimes, majority-minority communities that have major health disparities within their communities, such as lung disease, asthma, and other respiratory diseases.

These zero-emission buses will make a big difference in cities like Brockton, Massachusetts, that I represent. We have gotten a fair number of zero-emission buses for them in the past, and this will really help us rebuild our fleet.

Mr. Speaker, I also want to thank the chairman for including a measure that I had put in to protect bicyclists and pedestrians in urban areas and other suburban areas where we have had repeated accidents. It requires the Department of Transportation to do a survey on those areas that have had high numbers of accidents.

Lastly, Mr. Speaker, I want to thank the chairman for including my bill on establishing an aviation task force to make it safer for the public to fly during this pandemic period.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS), the ranking member of the Science, Space, and Technology Committee.

Mr. LUCAS. Mr. Speaker, I thank the chairman for yielding.

I rise not only in opposition to this bill but to the entire process of writing it.

We are in the middle of a pandemic, the likes of which we haven't seen for over a century. If there was ever a time for Congress to set aside partisanship and work together to create thoughtful legislation, it is now. Yet, here we are, debating a $1.5 trillion Green New Deal

wish list instead of a smart infrastructure bill.

That is a problem because we need solid infrastructure to transport goods and materials to stay economically competitive.

China has listed transportation R&D as one of the target areas to surpass the U.S. We are letting them take the lead. That is what happens when you draft legislation without consulting the minority or even the committees of jurisdiction over a bill. The Science Committee worked together to produce a bipartisan research title, but it was never even considered as part of this legislation.

Furthermore, provisions relating to aviation R&D and space were airdropped into the package without consulting us. This process has shut out Members of both parties. It is no wonder this bill is flawed.

What is more, when combined with the last bill, Democrats have proposed $4.5 trillion in partisan spending, yet they haven't addressed one single area of the most important things that we need to do to fight COVID–19 and fuel America's economic growth: investing in scientific research.

I have introduced a bill to double spending on basic research and keep us at the forefront of scientific development. I have also cosponsored the bipartisan RISE Act to restart American research. Taken together, these bills will turn the engine of American research back on and fuel a long-term plan for our success.

That is the kind of legislation we should be considering today, bipartisan bills that provide immediate relief and long-term strategy.

This is a missed opportunity and no way to run a railroad. Our country needs smart policies, not empty performances right now.

Mr. Speaker, I urge my colleagues to vote against this bill so we can go back to the drawing board and do it right. Americans deserve no less.

Mr. DEFAZIO. Mr. Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Oregon has 31¼ minutes remaining. The gentleman from Missouri has 28 minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the majority whip.

Mr. CLYBURN. Mr. Speaker, I thank the gentleman, my friend, for yielding the time.

Mr. Speaker, I rise in strong support of H.R. 2, the Moving Forward Act.

My overarching mission in Congress is to make America's greatness accessible and affordable for all Americans, and the primary means by which we connect all Americans to our country's greatness is our infrastructure. The Moving Forward Act will do just that.

For too long, many American communities have been left behind. As we invest in infrastructure, we must restructure our priorities to fulfill our Nation's vision of liberty and justice for all.

My 10–20–30 initiative targets investment in these persistent poverty areas. I am pleased that this legislation includes several provisions to accomplish this goal, including prioritizing areas of persistent poverty in awarding funds for transportation projects of national and regional significance.

These funds will help connect persistent poverty areas to economic opportunities. Mr. Speaker, I thank Chairman DEFAZIO for including these important provisions.

Federally qualified community health centers are essential for the success of rural and high-poverty communities, and I am pleased that H.R. 2 includes $10 billion for community health center capital project grants.

H.R. 2 includes significant investments to make long-overdue repairs and upgrades to public housing.

Mr. Speaker, I commend Chairwoman MAXINE WATERS for her determined advocacy for these measures.

The bill also recognizes the essential link between housing and transportation. If you can't afford to live anywhere near economic opportunity, the best highways and transit systems in the world won't meet your needs.

Recognizing this reality, this bill includes language from a bill that I introduced with Senator BOOKER, the HOME Act, directing State and local transportation planners to consider projects and strategies that will support inclusive zoning and land-use planning practices.

H.R. 2 includes $100 billion for the Accessible, Affordable Internet for All Act, legislation I introduced last week with the Rural Broadband Task Force and members of the Energy and Commerce Committee led by Chairman PALLONE.

Mr. Speaker, the Moving America Forward Act won't simply connect Americans to opportunities through the infrastructure it builds; it will connect Americans to opportunities through the jobs created to build it.

I strongly support the extension of the Disadvantaged Business Enterprise program at the Department of Transportation.

Our country is facing difficult circumstances. The burden is falling disproportionately on those for whom America's greatness has not always been accessible and affordable even in better times.

I urge the passage of the Moving Forward Act.

□ 1445

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. Speaker, we all here agree, as do the American people, that our Nation's infrastructure is in dire need of upgrades and modernization. Yet our House Democrats have brought forth a transportation bill unfortunately destined to go nowhere.

First of all, any bill prepared in such a partisan manner has no chance of becoming law. Why is it that it is done this way? Why is it? I don't want to speculate.

In this Democratic bill, nearly $2 out of every $5 goes to unproven Green New Deal mandates, which, right out of the gate, absolutely puts a seemingly political agenda ahead of creating tangible projects.

We must offer the American people a transportation bill that puts, first and foremost, a focus on safer roads, modern highways, and improved infrastructure projects that are so important to our States and communities.

We also cannot put the burden completely on the taxpayers, which this bill does.

Representative WEBSTER and I recently introduced the Infrastructure Bank for America Act, which would create a mechanism to create public-private partnerships. Other countries, like China, are reaping the benefits of U.S. private investment in their infrastructure, while we fall way behind.

These are serious times. It is time for us to get serious.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Mr. Speaker, I first thank my chairs, Mr. DEFAZIO and Ms. NORTON, for their leadership.

I rise today in support of the Moving Forward Act, an investment in America's infrastructure now that will secure America's future today, an infrastructure that supports America's growing communities and invests in America's local economies. This is an investment that will create millions of jobs, an investment in a smart system of infrastructure equal to the needs of the 21st century.

Today, we make a $6.2 billion investment in Maryland's roads and transits. We increase investments in safety and reliability on Washington's Metro transit system. We reauthorize the Disadvantaged Business Enterprise program to ensure greater opportunities for women- and minority-owned small businesses that want to compete for Federal transportation contract dollars.

Mr. Speaker, rebuilding America shouldn't be a partisan issue. The Moving Forward Act is an equal opportunity investment in America.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BURCHETT).

Mr. BURCHETT. Mr. Speaker, I rise today to encourage my colleagues to vote ''no'' on H.R. 2, the INVEST in America Act.

There is no doubt America's roads need repair. The proposal before us, unfortunately, consists of empty promises and wasteful spending.

During my tenure as a local elected official, I saw firsthand that large public works projects can happen without exploding deficits. While mayor of Knox County in Tennessee, my office leveraged resources to increase our paving capacity fivefold. It made significant progress on the largest public works project in county history, all while continuing to pay down our debt.

These improvements didn't just happen. They required difficult discussions with a range of local stakeholders, while ensuring fiscal responsibility.

At almost $1.5 trillion, Mr. Speaker, in spending, this bill doesn't attempt to find long-term solutions to our highway transportation needs. Instead, it increases bureaucratic red tape and explodes costs in a thinly veiled attempt to implement the partisan Green New Deal.

Congress has spent $3 trillion on the COVID–19 virus in recent months. Simply put, this is unsustainable and is fiscally reckless at a time like this.

I serve on the House Budget Committee, in which we haven't passed a budget in quite some time up here, and I am willing to work across the aisle to find some solutions that put people to work meeting our Nation's infrastructure needs without crippling future generations with mounds of debt. That is why this Congress needs to pass a real budget, Mr. Speaker, instead of piecemeal spending plans and election year messaging bills like this one.

I encourage my colleagues to vote ''no'' on H.R. 2 and to get back to work doing real legislating in committees and on this hallowed House floor.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ESPAILLAT), a member of the committee.

Mr. ESPAILLAT. Mr. Speaker, I want to thank Chairman DEFAZIO, and I rise in strong support of the Moving Forward Act. It will make critical investment in all kinds of infrastructure.

I am delighted that it includes the Transportation Alternatives Enhancements Act, a piece of legislation which will provide funding for biking and walking infrastructure—and that is an initiative that I presented—as well as investments in the Capital Investment Grants, which will provide funding for the extension of the great Second Avenue Subway from East Harlem right in to 125th Street in Harlem, a transportation desert.

Also, I would like to see, in the future, how more funding goes to New York City. We put more in the coffers and deserve a lot more.

Finally, Mr. Speaker, I want to thank our chairman for also including housing as infrastructure. We are the landlords. The Federal Government is the landlord of public housing. That is part of our infrastructure, and we need funding for that as well as broadband internet services in rural and urban communities alike.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MALINOWSKI), a member of the committee.

Mr. MALINOWSKI. Mr. Speaker, this week 64 years ago, Dwight Eisenhower signed the interstate highway bill; and as our chairman keeps reminding us, we have been living off of that ever since.

Actually, in New Jersey, we consider ourselves lucky to get to work on something built as late as the 1950s. Many of our bridges and tunnels are over 100 years old and falling apart.

This bill will repair and replace that infrastructure. It invests in projects important to the whole country, including our Gateway tunnel, and includes provisions I wrote to ensure that those funds cannot be held up for political reasons.

And, yes, it is a different infrastructure bill. It is something new, and that is a good thing. We are encouraging smart highways and materials. We are building mass transit that more people will want to use, modernizing our electrical grid, deploying national infrastructure, all of which will help us win the race with China to build the clean energy economy of the future.

And we are doing all of this with the first true economic stimulus bill of the coronavirus era, one that actually creates jobs rather than simply preserving them.

I urge my colleagues to embrace the future and support this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. STANTON), a member of the committee.

Mr. STANTON. Mr. Speaker, I rise today in support of the Moving Forward Act, a historic investment of more than $1.5 trillion in the American people, in the American economy.

I thank Chairman DEFAZIO and Chairman PALLONE for their extraordinary leadership.

This bill includes long-delayed investments in Arizona's roads, bridges, transit, airports, broadband, clean water, and so much more. Arizona will receive more than $5 billion for highway and nearly $1 billion for transit.

Importantly, it supports major Arizona projects like I–11, public transit in cities big and small, and support for our long-overlooked Tribal communities. It addresses urgent infrastructure needs in my State, including increased investments through the Clean Water State Revolving Fund, and support for workforce development initiatives.

It includes $100 billion to make sure every American, whether in urban, rural, or Tribal areas, has access to affordable high-speed internet, and it leads the way in tackling climate change, including my bill, the Energy Efficiency and Conservation Block Grant Program. This will create jobs, help families save on energy bills, and reduce carbon pollution.

Mr. Speaker, the time for action is now.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. MUCARSEL-POWELL), who is also a member of the committee.

Ms. MUCARSEL-POWELL. Mr. Speaker, I thank Chairman DEFAZIO for this transformational bill. I stand in strong support of the Moving Forward Act.

I have to tell you, Mr. Speaker, people in south Florida are so tired of being stuck in traffic for hours and dealing with terrible public transit options. This is one of the top concerns that I get from my constituents.

What they have asked for is rail, better buses, and a reasonable commute to and from work. This bill would make investments to make that a reality and create good-paying jobs.

South Florida also needs a solution to climate change and to know that their roads, bridges, and streets will be able to withstand sea level rise. This bill does just that.

This is a transformational bill. It is what people from South Dade to Florida City have been waiting for.

I have fought to include funding for energy-efficient wastewater infrastructure projects that reduce our environmental footprint and monthly bills for families.

This also includes one of the bills that I introduced, the Shovel-Ready Restoration Grants for Coastlines and Fisheries Act, which creates jobs for fisheries and tourism-dependent communities hit by the COVID–19 pandemic. It protects our coastal communities from sea level rise and stronger and more frequent storms.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. GARCÍA).

Mr. GARCÍA of Illinois. Mr. Speaker, as a Member from the heart of America's transportation network, Chicago, I rise in strong support of H.R. 2, the Moving Forward Act, and I thank our chairman for a great job.

This bill produces needed investment in our Nation's infrastructure, from housing to broadband to transportation.

As a founding member of the Future of Transportation Caucus, I am fighting to ensure that we make bold reforms to the status quo and ensure that we recognize transportation policy as the social justice issue that it is.

For too long, we have starved Black and Latino communities from opportunities and segregated communities with train tracks, boulevards, and highways. This bill promotes equity by

adopting sustainable technologies, prioritizing maintenance and repair, and investing in transit, pedestrian, and bike access.

This bill includes my top priorities. It makes transit-oriented development more equitable. It improves access to jobs and services and increases training for our frontline transit workers.

Congress must pass H.R. 2 and give Americans the 21st century infrastructure that we need.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. PAPPAS), a member of the committee.

Mr. PAPPAS. Mr. Speaker, I thank the chairman for yielding.

While we fight the COVID–19 pandemic, we must continue to focus on economic relief and recovery for our workers, businesses, and communities. A major investment in infrastructure can get America up and running again.

This bill is transformational and supports not only the roads, rails, and waterways across our country, but also the schools, housing, and broadband that connects our communities.

This package will invest $1.3 billion in transportation dollars into my home State of New Hampshire over the next 5 years, creating good, high-paying jobs and making long-overdue improvement.

This bill reflects the priorities I have heard about from Granite Staters, including the expansion of active transportation networks, increased funding for computer rail programs, provisions for climate resiliency, and helpful wastewater treatment plants to manage PFAS contamination.

This comprehensive approach to infrastructure is critical to pave the way for our Nation's recovery. I urge my colleagues to come together to support this legislation and a stronger future for all Americans.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

□ 1500

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewomen from Minnesota (Ms. CRAIG), who is a member of the committee.

Ms. CRAIG. Mr. Speaker, I thank Chairman DEFAZIO for yielding and for all his work on this important legislation.

Mr. Speaker, we must fix our crumbling roads and bridges, expand broadband—which is the infrastructure of the 21st century—and give our communities the tools to build resilience against natural disasters.

This is something my communities across Minnesota's Second Congressional District are united on. They partnered with me to help shape the surface transportation provisions in this bill, which include investments in our infrastructure that would put Minnesotans to work on critical infrastructure needs like:

Adding a lane on I–35 in Lakeville;

Improving Highway 52 in Goodhue County; and

Completing outstanding projects on Trunk Highway 13 in Savage.

I am proud that today's legislation includes two bills that I have authored guided by mayors, small business owners, and farmers across my District—the Local Water Protection Act and the Resilience Revolving Loan Fund Act—to keep pollutants out of our snow and storm runoff. This bill will give our communities the resilience they need before those natural disasters hit.

Mr. Speaker, I urge my colleagues to set partisan politics aside and stand up for the infrastructure investment for our communities.

Mr. GRAVES of Missouri. I continue to reserve the balance of my time, Mr. Speaker.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), who is the chair of the Financial Services Committee and who has a major section of the bill before us.

Ms. WATERS. Mr. Speaker, I thank Chairman DEFAZIO for his tremendous leadership and work on this legislation.

Mr. Speaker, I rise in strong support of H.R. 2, the Moving Forward Act, which includes $100 billion in critical funding for our Nation's affordable housing infrastructure to create or preserve approximately 1.8 million affordable homes. While we need stronger and better roads and bridges, they mean nothing for families who don't have a roof over their head or who are forced to live in substandard housing.

This country is in the midst of an affordable housing crisis. It is a crisis of tragic proportions that has resulted in over 550,000 people experiencing homelessness and nearly 38 million renter households paying unaffordable rent even before this crisis began.

The public health crisis that we are currently experiencing has exacerbated matters with millions of Americans across the country having lost their jobs and struggling to afford housing costs. Communities of color continue to suffer disproportionately, both from the virus and the resulting economic damage. The investments into affordable housing through this bill will not only increase and improve the supply of affordable housing, but it will also create jobs throughout the country and generate revenue for State and local governments which will go a long way to help our economy recover from the pandemic.

So I want to thank Speaker PELOSI and, of course, again, Chairman DEFAZIO for their work putting together this legislative package.

Mr. Speaker, I urge my colleagues to support this important piece of legislation.

Mr. GRAVES of Missouri. I continue to reserve the balance of my time, Mr. Speaker.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. LAMB), who is a member of the committee.

Mr. LAMB. Mr. Speaker, I know a steel company in western Pennsylvania that makes compressors and turbines. They compete against General Electric, but they have found a way to survive as a hometown company that pays a union wage. Yet we tax this company. We tax them with our poor infrastructure. They ship their goods out of the Port of Philadelphia which should only be a 300-mile drive from their location, but it is a 900-mile trip for their trucks to find roads and bridges that can withstand the weight of their loads.

So this company that builds American, that hires American, and that has stayed with us when so many have left pays three times what they should just to get their goods to market.

For how long?

How long until GE simply outlasts them?

Or how long until they have to cut jobs because they simply cannot cut these trucking costs?

So we can pay now by saving these jobs and create new ones building things, or we can pay later with more unemployment and the damage done by bad roads. That is the choice we are presenting with today's bill.

Does it cost money?

Yes. It is money that will go into the hands of people with jackhammers, shovels, and trucks. That is money well spent. I urge my colleagues to support this bill.

Mr. GRAVES of Missouri. I continue to reserve the balance of my time, Mr. Speaker.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI). NANCY D'ALESANDRO PELOSI is the Speaker of the United States House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and acknowledging my maiden name, D'Alesandro.

In any event, Mr. Speaker, this is a special day. In the election, the Democrats said that we were going to increase paychecks by building the infrastructure of America with green, resilient, modern and job-creating infrastructure. Building infrastructure has always been a nonpartisan issue, a bipartisan issue. We have all taken great pride in the regions we represent and the great effort to meet the needs of those communities.

Today, House Democrats are proud to bring to the floor H.R. 2, the Moving Forward Act, to deliver on our promise. Moving forward, that is exactly what this legislation will enable our country to do.

H.R. 2 takes bold, broad, and transformational action to rebuild our infrastructure and make it smarter, safe, and built to last while addressing key injustices in America which have been laid bare in the COVID–19 crisis.

Across the country day in and day out, the American people have been

shining a light on those disparities and are demanding justice, racial justice, and also environmental justice, healthcare justice, justice in financial security, justice in transportation and more, which target communities of color.

Transportation justice, people don't think of that as an injustice, but in many cases it is, and we can give you examples, Mr. Speaker.

So here we are today with H.R. 2, an all-caucus effort strengthened by the intellectual resources brought by so many Members from across the country.

The chair of the Transportation and Infrastructure Committee has been our maestro in all of this. For decades he has served on the Transportation and Infrastructure Committee, but he has also chaired the Natural Resources Committee. So the combination of infrastructure and environmental protection, preserving our planet as we promote commerce, comes naturally to him. We are really blessed by his years of experience, knowledge, and strategic thinking on this subject.

I thank Mr. DEFAZIO for being this person at this time so needed by our country. He is always thinking of when we build our infrastructure how we create jobs in the building, how we promote commerce and preserve jobs in the meantime, and how we save time in getting product to market, especially our agricultural products, which are so, shall we say, perishable and where time is important, how we clean the air by having more mass transit, bicycle lanes, and the rest. One way or another, this is a health issue, an environmental justice issue, a commercial issue, and in every way an important day for us.

Again, he had a 24-hour marathon markup of the bill—that itself is a sign of the stamina it takes to build the infrastructure—following nearly 20 committee hearings on the transportation pillar of this project.

Also part of all of this is Mr. PALLONE of the Energy and Commerce Committee which has made a strong down payment on a clean energy future and upgrading hospitals, community health centers, and healthcare infrastructure to increase capacity and strengthen care during COVID–19, and, of course, into future public health emergencies and the ongoing health needs of our country.

Mr. PALLONE was also instrumental in the infrastructure for building broadband for our country, another injustice that we want to rectify so that all children and all families in America have access to broadband in this time of distance learning, telemarketing, telemedicine, and the rest.

Mr. CLYBURN, our distinguished whip, is very much a part of addressing that issue as well. BOBBY SCOTT is the chair of the Education and Labor Committee. I name these chairmen and it gives me an opportunity to use their names to praise them, but also to talk about what this bill does.

We tell children that education is so important to their own self-fulfillment, to their communities, and to the competitiveness of America. Yet we send those children to school which gives them a different message about the importance of education if those schools are not up to par for these children to learn. They are not wired for the future, and they have contamination that is dangerous to their health. They are just not meeting their educational needs. So let's respect our children, as we tell them to study, to give them the tools to do so, increasing capacity and strengthening their ability to learn. Again, COVID–19 points out some of those disparities in our system as well.

RICHIE NEAL on the Ways and Means Committee was very much a part of some of the initiatives because the tax code is so important when we are trying to increase energy efficiency, increase climate resilience, and create many millions of good paying jobs. He was able to accommodate so many excellent ideas from our Members, including our distinguished chair of the Select Committee on the Climate Crisis, KATHY CASTOR of Florida. Many of her proposals in her report are manifested in this bill, H.R. 2, some of them by way of the Ways and Means Committee.

MAXINE WATERS we just heard from, Madam Chair of the Financial Services Committee, who is advancing justice and equality in housing in our country and expanding affordable housing across the country whether it is public housing or addressing issues that relate to homelessness and issues that relate in so many different ways. She has been a leader in all of this, and this infrastructure bill has a substantial infrastructure piece for housing.

So whether we are talking about roads and bridges and the safety of all of that, whether we are talking about broadband or hospitals, whether we are talking about education and schools, whether we are talking about housing, whether we are talking about our labs, Mr. BEN RAY LUJÁN, who is assistant speaker, member of the leadership, Congressman LUJÁN is with that, also joining EDDIE BERNICE JOHNSON of the Science, Space, and Technology Committee in advancing that.

Mr. PETERSON brought some things from the Agriculture Committee. Chairman BENNIE THOMPSON brought so much from Homeland Security. CAROLYN MALONEY is protecting our Postal Service from her position on the Oversight Committee. The list goes on and on, including Mr. GRIJALVA in terms of the green infrastructure of America.

So this is the product of so much knowledge, experience, and the intellectual resources of people outside with their magnificent mobilization at the grass-roots level for all of these things.

I think that if there is any bill that comes together in the Congress it is this bill that shows that everything in our country is connected, from the education of our children to the technologies of the future, to the roadmap to get there.

So I thank Mr. DEFAZIO for making this important occasion possible. I say to him sometimes in jest but always sincerely: Our hopes, Mr. DEFAZIO, are riding on you with this important transportation bill for the people, the Moving Forward Act. As Americans across the country demand justice, equality, and change, Congress must join them by taking bold action to deliver progress in their lives.

Mr. Speaker, I urge a strong bipartisan vote for the people on H.R. 2.

I see Mr. BLUMENAUER there who has been a champion on infrastructure for so many years in the Congress and his many years on this committee, Transportation and Infrastructure, and now the Ways and Means Committee, but so many people, the intellectual resources of the entire Congress are manifested in this bill, and I urge a very strong vote on H.R. 2 as it moves our country forward.

□ 1515

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WALTZ).

Mr. WALTZ. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to highlight a glaring deficiency in this bill and a missed opportunity to improve America's clean water infrastructure.

The infrastructure package before us today, unfortunately, fails to modernize the Clean Water State Revolving Fund, or the Clean Water SRF. This program allocates Federal money to States and to communities through the States for clean water initiatives.

Mr. Speaker, this bill, H.R. 2, finally reauthorizes the program for the first time since 1987. For that reason, a debate on improving the program, creating efficiencies, and investing more in clean water infrastructure is certainly warranted. Unfortunately, that debate has not occurred in this bill.

What this bill does do is increase spending for the program fivefold, from the $1.6 billion appropriated in fiscal year 2020 to an $8 billion authorization for fiscal year 2021. However, we have not done any evaluation of how that money has been distributed to States through a formula that EPA calls the allotment.

The allotment determines how much funding each State receives on an annual basis, and that hasn't changed since 1987. Frankly, no one really knows all the components that make up this formula.

So let me reiterate: The bill before us this week increases spending for the program by five times without even a discussion or a debate at the committee or on the House floor about how that money should then be provided to the States.

Mr. Speaker, I offered a bipartisan amendment with Representative BROWN of Maryland that would implement the EPA's 2016 recommendations

to Congress for updating the allotment by considering population, considering infrastructure, considering other needs, considering water quality.

Mr. Speaker, I urge the chairman to work with us to address this issue in conference or on the water resources bill. If the Congress authorizes the program for the first time in over three decades, we certainly must address the antiquated and unclear allotment to States.

Mr. DEFAZIO. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from Oregon has 16¾ minutes remaining. The gentleman from Missouri has 23 minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in strong support of H.R. 2, the INVEST in America Act.

Through robust Federal recovery efforts, this legislation will create real jobs. It will empower communities across our country. America will rebuild our crumbling infrastructure, bring our transit and highway systems into the 21st century, and advance historic investments in clean energy technologies toward a modern power future.

Additionally, H.R. 2 reauthorizes funding for the Great Lakes Restoration Initiative. This invaluable program is central to the preservation of the Great Lakes freshwater economy. A Federal helping hand will authorize key investments in wastewater infrastructure, cleaning up algal blooms, and modernizing the weatherization program to confront the 21st century challenges of climate change.

Crafted with the expert hand of my friend and colleague, Chairman DEFAZIO, with significant input from Members of Congress on both sides of the aisle, this legislation will build America forward as a Nation.

The eloquent words of DANIEL WEBSTER, enshrined on the walls of this House Chamber urge us to ''develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.''

Mr. Speaker, H.R. 2 will be remembered.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), a soft-spoken Member of Congress.

Mr. PASCRELL. Mr. Speaker, I congratulate the chairman. I know he has worked hard on this for many moons, and he deserves it. He earned it.

Mr. Speaker, 64 years ago this week, Dwight Eisenhower signed into law the Interstate Highway System. The roads, the bridges, the highways of that system connected Americans and communities together like never before. It is no stretch that the landmark legislation remade the United States for a new postwar era, a great measure for the homeland's security. That is how he put it.

Today, we are implementing the aspirations in the Green New Deal by passing our own blueprint for the next century. It includes bridges, roads, new trains, buses, new water pipelines in housing. This plan invests in electric, solar, water, geothermal, and wind power.

It includes my own Offshore Wind Power bill that will create clean energy jobs and invest in renewable sources of energy, because the future can't just be bold and big; it must be clean, too.

H.R. 2 is a down payment on an America for our children and our grandchildren because a living, breathing great Nation invests in its future. Today, we are doing exactly that.

Mr. Speaker, I have been here for 25 years. We have always had 5-year plans for infrastructure, and we are back maybe to normality now, thanks in great part to our chairman.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, the number of people in this country without broadband is outrageous. Being on the wrong side of the digital divide has a devastating impact on so many people in our society, including students who need to complete homework; veterans and seniors who need telehealth services; individuals trying to start a business, applying for a job, or teleworking, or keeping up with the news or loved ones.

This pandemic has shined a bright light on the connectivity issues and disparities in this country.

Mr. Speaker, 34 percent of my constituents don't have broadband service at home. This is due to gaps in broadband deployment and also because many face adoption barriers. People simply can't afford service.

I am proud that H.R. 2 includes the Digital Equity Act, which I authored with Representatives LUJÁN and CLARKE. It provides critical funding to close gaps in broadband adoption and promote digital literacy.

We are long overdue for ensuring that every American is connected to broadband, but we have an opportunity to rise up to this challenge and address this issue by voting ''yes'' on H.R. 2.

Mr. GRAVES of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I appreciate the gentleman for yielding time.

Mr. Speaker, I have been listening to this debate now for several minutes, listening to all this talk, and it really is just incredible to me to listen to some of the things that are being said.

I have heard people say that we have resiliency provisions, but that doesn't address the cause of climate change. Well, let's be clear. You can stop all emissions today—all of them—and we already have momentum built up to where it is going to continue warming. You have got to make investments in resilience.

Mr. Speaker, I heard our distinguished chairman earlier say it doesn't make sense to invest in roads because they are going to be underwater, which is why I offered an amendment in committee that actually invests in predisaster mitigation for roads. And I thank the chairman for accepting the amendment.

So, we have led efforts to try to improve the resiliency of these infrastructure investments.

Mr. Speaker, I also remind the chairman that the DRRA legislation that we just did last Congress, that I sat down in his office to negotiate with him, to talk through policy solutions with him—and I appreciate the time, and we made huge progress. I would say that as a result of that legislation and other actions that last Congress, we made more progress on resiliency than any other time. Mr. Speaker, this was done under a Republican Congress, but more importantly, it was done in a bipartisan manner.

Mr. Speaker, now, I have heard people stand here and talk about, ''Oh, we have to reduce emissions.'' Mr. Speaker, for every ton of emissions we have reduced in the United States, China is increasing their emissions by tons, by multiple tons more.

Climate isn't a national or a continental issue. It is a global issue. You can't reduce emissions by reducing them in the United States and having other people increase theirs multiple times more than our reduction. That doesn't make sense.

Why would we penalize—I will say it again—the poorest among us, those who can't afford it, in the middle of a coronavirus pandemic, in the middle of some of the highest unemployment rates we have seen in our lifetime? People have lost their jobs, and we are going to impose more costs on them. This bill doesn't make sense.

Mr. Speaker, there is all sorts of talk about electric vehicles, about how we need transitional electric vehicles. Mr. Speaker, I noted earlier that we don't have the electricity infrastructure—and this bill doesn't address it—to power all of those cars.

I will say it again: Where is the energy going to come from? Our current generation capacity, our current grid infrastructure, cannot support it.

Another question: I hear my friends on the other side of the aisle often talk about the fact that we don't have enough investment in infrastructure. The highway program is paid for as a user fee. It is paid for by a gasoline tax. It is a user fee.

Yet, this bill diverts billions of dollars out to things that don't have anything to do with infrastructure. You are exacerbating the insolvency.

And I remind you, electric vehicles don't pay a user fee. They are freeloaders. So by forcing transition, you actually cause insolvency or bankruptcy of our national highway system investments faster.

I will say it again: The bill doesn't make sense.

Mr. Speaker, just this morning, the Speaker of the House and the Democrat members of the Select Committee on the Climate Crisis released a 547-page climate report. Now, I saw it for the first time yesterday afternoon, and I will admit, I haven't had a chance to get through much of it yet. The New York Times has had more time than I have. They actually got it last week. Maybe I can call The New York Times and learn more about what is actually in there.

How in the world can a report that was just released be represented in this bill? How does that happen? It doesn't happen. The bill doesn't include the recommendations. This House passed a rule to create a committee, and now they are being ignored.

Mr. Speaker, in the committee, I offered an amendment to expedite the implementation of green energy projects, and I was told that the amendment was not germane because it had to do with aviation on airport property. Yet, in the en bloc amendments, part C, we have aviation amendments all over the place.

We have amendments in there that force airports to give airport infrastructure funds to private entities that run sky malls. We have provisions in there that take the taxes, the user fee from the aviation fuels, and give it to local and State governments, not investing it back in aviation, therefore causing Federal taxpayers to have to put more money into aviation. We have a ''creating cash for clunkers program'' for airlines in this bill.

Again, I was told that a green energy provision dealing with airports was not germane in committee. Yet, this bill now has 1,400 pages of text that was airdropped in here, never seen the light of day in our committee, airdropped in here, 1,400 pages of text. The bill that came out of committee, it may be 1,100 pages. It is extraordinary. It is absolutely extraordinary what is happening today.

Mr. Speaker, perhaps most offensive to the people that I represent is that we offered amendments, for example, to clarify the eligibility of the $10 billion in Corps of Engineer funds that were airdropped in this bill, to offer language that just clarified that projects under the Mississippi River and Tributaries Program, one of the large construction programs the Corps of Engineers runs, each project has to be authorized by Congress.

We just offered an amendment to clarify that, and I was told, ''Oh, no, you can't do that because those are water-resources related provisions.'' So, I was prevented from being able to simply make the Morganza to the Gulf project eligible for funding.

Instead, we are going to spend billions of dollars picking up the pieces of these flooded communities over and over again instead of actually being proactive and protecting them.

Mr. Speaker, it was a bipartisan amendment, and I was told: You have to do that in WRDA.

However, if you are CONOR LAMB, you get your Corps of Engineers amendments in here because those are included. If you are a vulnerable Democrat, you get your Corps of Engineers amendments. But if you are not, you are not allowed to get those.

Maybe I should have given my amendment to CONOR LAMB. Maybe that is what I should have done, if that is how those get in there. They have different standards for different people.

Mr. Speaker, I am trying to represent the people that sent me here to represent them.

□ 1530

Another amendment that is squarely within transportation jurisdiction is a bipartisan amendment—I will say it again, Mr. Speaker, a bipartisan amendment—that would allow us to expedite the process to build a crossing of the Mississippi River on I–10, just to expedite it, because we have one of the worst bottlenecks in the Nation in the Baton Rouge area. I was told once again: No, no, no. You can't do that, can't even offer the amendment up.

So I will give the statistics again, Mr. Speaker. Of nearly 390 amendments offered up for this bill, in addition to the over 300 amendments offered up in committee—over 100 by Democrats in committee because they had problems with the bill—148 of these amendments are Democrat amendments, 148. And, that, of course, compares to somewhere around 22 Republican amendments that are being allowed to be offered.

Mr. Speaker, I urge rejection of this bill. Let's sit back down, as we have done in this Congress, in this Chamber, for decades, watching people on a bipartisan basis put infrastructure bills together that advance the interests of the American citizens, and address the incredible infrastructure needs that we have in this Nation.

Mr. DEFAZIO. Mr. Speaker, I would like to inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Oregon has 13¾ minutes remaining. The gentleman from Missouri has 14½ minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response to the gentleman, he had a duplicative amendment on resilience. There is $6.25 billion for predisaster mitigation resilience in this bill. But again, building in resilience is only dealing with the effects of climate change, not reducing climate change.

He said: Oh, we should just throw up our hands because the Chinese are polluting the hell out of things.

Oh, that is a great attitude. The U.S. used to be a leader on these policies until Trump came to the White House and said it is a hoax, and that sort of unleashed China and other countries. He said the U.S. is out of the Paris Agreement. That unleashed China and these other countries.

But we can deal with it. We can deal with it in our trade policy. We can put a huge tax on imports that are contributing to fossil fuel pollution.

We can deal with this, and we should deal with this as a nation, but we need to show leadership again in this area.

Then he talked about there is nothing for electricity in this bill—and he can come down later for the debate on the E&C section. There is a massive investment on renewables, a massive investment in transmission in this bill. So that is not quite accurate.

And the user fee, guess what? We have been in a shortfall on the user fee for about two decades. The last time we increased the user fee was when we had a Republican over there with guts named Bud Shuster, who stood up to Newt Gingrich and joined with the majority of Democrats and raised the Federal gas tax. It hasn't been raised since 1993, 27 years.

And when they did the FAST Act, what did they do? They made up phony things. They said: Oh, we are going to take money from the Federal Reserve that doesn't exist, that is, $26 billion. Oh, we are going to have private tax collection that is going to make money—except it has been tried twice under Republican Presidents and it loses money.

And they came up with all of these phony pay-fors, and they say it was paid for by user fees. No, it was paid for out of the general fund. It ran a $90 billion deficit, paid for out of the general fund. We borrowed the money. It is an investment.

Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act. It is comprehensive infrastructure legislation that will rebuild and modernize our infrastructure, build a clean energy future, and put people to work across the country. The bill also includes my bipartisan Affordable Housing Credit Improvement Act, provisions from that act.

I have heard, in my State of Washington, from several housing projects that are halted due to the falling 4 percent rate. This bill would establish a permanent 4 percent credit, helping projects that are currently stalled across the country.

The bill makes a substantial investment in the housing credit by increasing the annual allocation by more than 50 percent over 2 years. It also adds important incentives for rural and Tribal communities and for projects that

serve extremely low-income families. In total, the affordable housing credit provisions in H.R. 2 will produce more than 600,000 affordable housing units over 10 years.

H.R. 2 is a crucial step for relief and recovery, and I urge my colleagues to vote ''yes.''

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to gentleman from Oregon (Mr. BLUMENAUER), a leader on transportation issues.

Mr. BLUMENAUER. Mr. Speaker, I deeply appreciate the gentleman's courtesy, and I appreciate the work that he has done. I admire his restraint in his response to the gentleman from Louisiana, who in the beginning of his comments acknowledged that Chairman DEFAZIO spent time with him going over a variety of things, for a person in the minority party, a relatively junior Member. That is how Congressman DEFAZIO operates.

He studied under Bud Shuster and Jim Oberstar back when we were putting things together big picture, standing up to Newt Gingrich and Bill Clinton, dealing with those financing issues.

This piece of legislation, I think, is the most consequential since we had the ISTEA legislation. And in a sense, I think it is more consequential, because it ties together all of these pieces in terms of resilience, climate change, dealing with decades of neglect in terms of resources and people who are too timid in moving forward. I am in awe of all of the pieces that have been fit together. And if people will examine the elements of this bill, they will understand that.

Yes, there are incentives for electric vehicles. There are also resources here to study a new way of financing, dealing with road user charges. The pieces fit together and provide a foundation for us going forward.

This is a blueprint. It is a point of departure. It is not the finished product, but it is what we are going to be dealing with in the House, I think, throughout the next year-and-a-half as we are meeting the challenges that have been given to us.

There may be people like Trump who claim that they want to spend $1 trillion or $2 trillion. This is a plan for the future. This ties the pieces together. This is climate friendly. This is economically visionary. This provides the tools to local governments that have been waiting for the Federal Government to step up and honor that partnership.

I thank the gentleman for what he is doing and look forward to working with him to build on it as it moves its way through the legislative process. And ultimately this is going to be enacted into law. It is a framework for where America will go.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. KELLY).

Ms. KELLY of Illinois. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act.

For too long, we have neglected our Nation's roads, bridges, and airports, while inequalities in broadband access and healthcare have increased.

Our Nation's infrastructure is in need of significant upgrades to make our roads safer, reduce congestion, and make our transportation networks more energy efficient.

The Second District of Illinois, in particular, will benefit from the support for small airports, investment in rail, and increased access to affordable housing.

This bill invests $100 billion to promote competition for broadband internet infrastructure for underserved rural, suburban, and urban communities.

The coronavirus epidemic has shown just how important it is to have access to high-speed internet. From completing school classes at home to conducting a virtual visit over telehealth, the need for connectivity has never been higher.

I hope my colleagues on the other side of the aisle will continue to look at infrastructure as a bipartisan issue and support this package to upgrade our communities for the 21st century.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Mr. Speaker, I rise in strong support of H.R. 2, the Moving Forward Act.

I want to thank Speaker PELOSI and Chairman DEFAZIO for their outstanding leadership.

The time is now to rebuild America. Investing in our Nation's infrastructure is bigger than just mending our roads, bridges, and airports. It will mean a boost to future manufacturing. It will create good-paying jobs.

It will transition our Nation to a clean energy economy and will build the infrastructure for those electric vehicles we need to put on the road to be globally competitive and put us on track for robust future growth.

Over the next decade, we have to seize this opportunity, and we must seize it for every community across the country, urban, suburban, and rural alike.

This bill is designed to rebuild communities that are smarter, safer, and made to last. And with American grit and ingenuity, we can accomplish this and more.

I am proud that a number of provisions that I have championed are included in this legislation.

I urge all of my colleagues, Republicans and Democrats, to support this important bill and come together. The American people have sent us here to find common ground on the toughest issues for all future generations to prosper.

And as my Governor says: ''Fix the damn roads.''

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the Moving Forward Act marks a transformational investment in America's infrastructure that will create millions of jobs and take bold action on the climate crisis.

In case anybody forgot, 2020 began with one of the worst wildfires in the history of the world, devastating 45 million acres in Australia. And now fires are raging in Siberia, and the temperature in the Arctic Circle actually hit a record 100 degrees Fahrenheit. So it is past time for Congress to act.

This is such a comprehensive bill. I want to thank Chairman DEFAZIO for also including the Motor Vehicle Safety Title, and I include in the RECORD a report from Consumer Reports on the lifesaving impact the Motor Vehicle Safety Title will have.

[From Consumer Reports, June 29, 2020]

SAFETY FIRST—CAR CRASHES, INNOVATION, AND WHY FEDERAL POLICY SHOULD PRIORITIZE ADOPTION OF EXISTING TECHNOLOGIES TO SAVE LIVES

EXECUTIVE SUMMARY

To provide a guide for policymakers and the auto industry on how best to substantially and expeditiously reduce road crashes, deaths, and injuries, this study analyzed the safety benefits of currently available crash avoidance systems and other existing motor vehicle safety technologies, including a review of the safety research that has been conducted on the topic. The focus of this analysis was the publicly available fatality reduction benefits of safety technologies extrapolated to the entire U.S. light vehicle fleet—with systems evaluated that exist today, as opposed to creating estimates of effectiveness based on simulated or idealized technology. The analysis found that currently available automatic emergency braking (AEB), lane departure warning (LDW), blind spot warning (BSW), and pedestrian detection technologies would be expected to combine for fatality reductions of 11,800 lives per year once fully adopted fleetwide. Two safety applications of V2V communications technolog—intersection movement assist (IMA) and left turn assist (LTA)—would be estimated to save more than 1,300 lives per year with full fleet adoption. One existing drunk driving prevention technology, the Driver Alcohol Detection System for Safety (DADSS), would be estimated to save 3,700–7,400 lives under the scenarios assessed. Summed together, existing motor vehicle safety technology would save 16,800–20,500 lives per year if equipped across the full U.S. light vehicle fleet. This totals approximately one-half of the 36,560 lives lost on U.S. roads in 2018. Therefore, to cut roadway fatalities in half, policymakers should prioritize requiring and setting strong performance standards for existing vehicle safety technologies, and automakers should equip effective systems standard across all trim lines of their models as soon as possible.

INTRODUCTION

The United States faces a road safety crisis. In recent years, motor vehicle crashes in the U.S. have accounted for at least 36,000 deaths and 2.5 million injuries per year: These crashes are the leading cause of death in the first three decades of Americans' lives,

and they cost the nation an estimated $800 billion in direct and indirect expenses per year.

Substantial reductions in motor vehicle deaths, injuries, and crashes will be required for the U.S. to achieve a transportation system in which people can readily get around without fear that they or their loved ones will not make it to their destination. As part of the pursuit of safer roads, a suite of technologies has developed through auto industry innovation that, over time, will revolutionize the experience—and the safety—of driving a car. Various existing crash avoidance systems are capable of automatically applying the brakes to avoid a crash, warning drivers of a vehicle in their blind spot, or detecting a pedestrian crossing the street. These technologies are all on cars today, providing major proven safety benefits to consumers.

To provide a guide for policymakers and the auto industry on how best to substantially and expeditiously reduce road crashes, deaths, and injuries, this study analyzed the fatality reduction benefits of currently available crash avoidance systems and other existing motor vehicle safety technologies, including a review of the safety research that has been conducted on the topic. The estimated lives saved on U.S. roads depends greatly on the choices made by policymakers; specifically, whether they choose to prioritize mandating existing crash avoidance systems or expediting the future deployment of automated vehicles (AVs) as envisioned under previous legislation.

BACKGROUND

For vehicle safety technologies to deliver in full on their lifesaving potential, they must—by definition—be standard equipment on all vehicles on our roads. It is also critical for there to be strong performance requirements for these technologies, so that safety innovation leads to systems that consumers can trust to function when they need them.

Today, the U.S. still is far from these goals with respect to crash avoidance technologies. Automatic emergency braking (AEB), a version of which major automakers voluntarily committed to equip standard on virtually all passenger vehicles by 2022, now comes standard on just 67% of 2020 vehicle models more than four years after the commitment was made. Pedestrian detection, an enhancement of AEB, comes standard on 61% of 2020 models, while lane departure warning (LDW) and blind spot warning (BSW) lag behind at only 49% and 29%, respectively. Furthermore, there are no current laws or regulations in the U.S. requiring automakers to equip their vehicles with lifesaving crash avoidance systems, nor are there any requirements specifying how well the systems must perform.

Several members of Congress have sought to use federal policy to accelerate auto industry safety innovation and ensure consumers continuously gain greater access to the benefits of crash avoidance systems. For example, a bill recently introduced in the U.S. House of Representatives, the 21st Century Smart Cars Act, would require systems including AEB with pedestrian detection, LDW, and BSW to come standard on all new cars and to meet mandatory performance standards. Another new bill, the Five Stars for Safe Cars Act, would require upgrades to the government's New Car Assessment Program (NCAP) so that it accounts for these and other auto safety systems, including through the development of new National Highway Traffic Safety Administration (NHTSA) test procedures, devices, fixtures, and performance metrics.

There also has been significant manufacturer, investor, media, and government attention in recent years devoted to the role of vehicles with enhanced driving automation systems, the most advanced of which are known colloquially as A Vs or self-driving cars. AVs offer enormous potential to improve safety and mobility by substantially reducing the road crashes attributable to driver error. Similar to what is needed for existing crash avoidance technologies, rigorous performance requirements are essential for driving automation systems to reach their full potential.

Currently, the real safety benefits A Vs will deliver for consumers are largely unknown. These systems generally are not yet commercially available, and public trust in A Vs is low, with Americans somewhat optimistic about the future of the vehicles while wary of the technology today. In addition, there have been fatal crashes involving driving automation systems, with the National Transportation Safety Board publishing detailed crash investigation reports that found insufficient safety protocols in place.

In 2017 and 2018, federal legislation was considered in each chamber of Congress that would have expedited the deployment of AVs on U.S. roads for commercial use—without requiring completion of any mandatory standards or performance requirements regulating the safety of these vehicles. The legislation's approach to vehicle safety was the target of significant criticism, including by CR, and the bills were not approved before the end of the 115th Congress.

Instead of establishing meaningful requirements for AVs to provide greater occupant protection and crash avoidance capabilities, the 2017–2018 legislation would have required only that AVs provide a level of safety the same as the average car on the road. For example, the House's SELF DRIVE Act would have permitted AVs in commerce that could be exempt from one or more federal motor vehicle safety standards if they had ''an overall safety level at least equal to the overall safety level of nonexempt vehicles.'' Nonexempt vehicles—in other words, vehicles on the road today—currently have the safety performance of more than 36,000 deaths, 2.5 million injuries, and 6 million crashes per year.

METHODOLOGY

Fatality reduction benefits were examined for four existing crash avoidance technologies: automatic emergency braking (AEB), lane departure warning (LOW), blind spot warning (BSW), and pedestrian detection. Additionally, the fatality reduction benefits of two safety applications for vehicle-to-vehicle (V2V) communications technologies, as well as one drunk driving prevention technology, were investigated. The focus of this analysis was limited to the publicly available fatality reduction benefits of safety technologies extrapolated to the entire U.S. light-duty motor vehicle fleet of about 250 million vehicles—with systems evaluated that exist today, as opposed to creating estimates of effectiveness based on simulated or idealized technology.

Recently, the National Highway Traffic Safety Administration (NHTSA) conducted a comprehensive meta-analysis on three of these technologies: AEB, LOW, and BSW. NHTSA's analysis expanded on the work done by Leslie et al. (2019), which estimated the effectiveness of crash avoidance systems currently equipped on General Motors vehicles. In order to translate these effectiveness rates into fatality reductions, the agency expanded on the work done by Wang et al. (2019), adding consideration for already expected fatality reduction from existing technologies such as electronic stability control (ESC).

Absent from the agency's meta-analysis are the estimated safety benefits of pedestrian detection. However, in 2017 NHTSA published a report detailing the expected fatality reduction from full fleet adoption of this technology. This research was performed with then-available pedestrian detection technology, and the effectiveness estimate was derived from test-track evaluations of the systems combined with contemporary observed crash scenarios and injury risk curves. Further, this report focused only on two prominent vehicle-pedestrian crash scenarios, which accounted for 60% of all fatal pedestrian crashes. Since the publication of this report, pedestrian detection technologies have improved; however, in order to stay consistent with the selected analysis inclusion criteria and more conservative estimates, researchers chose to use the figures from 2017.

In addition to the four crash avoidance technologies AEB, LDW, BSW, and pedestrian detection, researchers examined the expected fatality reduction benefits of two safety applications of vehicle-to-vehicle (V2V) communications technology, as well as one drunk driving prevention technology, if fully adopted throughout the U.S. light vehicle fleet. While these two technologies are not currently widespread on roads, they are the subject of years of extensive testing and they offer a clear path to saving lives.

To stay consistent with the selected approach to estimate only the more conservative potential of these safety technologies, just two V2V safety applications were used. These two applications—intersection movement assist (IMA) and left turn assist (LTA)—are those that NHTSA used in its expected benefit analysis for its notice of proposed rulemaking to require V2V-capable systems on all new cars, which was finalized in late 2016 and formally published in early 2017.i While additional V2V safety applications have since been analyzed, this report only includes the aforementioned two applications in the benefits analysis for V2V because these two applications address hazards that would not be addressed by other existing crash avoidance technologies.

Additionally, researchers examined potential reduction in road deaths through the use of drunk driving prevention technology. An analysis of NHTSA's Fatality Analysis Reporting System (FARS) was used to estimate the lives that could be saved if one technology, the Driver Alcohol Detection System for Safety (DADSS), prevented drivers from operating the vehicle if they had a Blood Alcohol Concentration (BAC) of 0.08 or higher. Two estimates were produced: an upper estimate based on the FARS analysis, and a lower estimate that was established by reducing that value by half.

Researchers evaluated the fatality reduction benefits of DADSS because the technology has been the subject of the most extensive testing and published research among drunk driving prevention technologies. Alternative approaches, such as those based on the use of systems that monitor a driver's performance, may also prove effective at detecting impairment and preventing or limiting vehicle operation by drunk drivers.

The target crash populations that would be addressed by DADSS are separate from the target crash populations that would benefit from AEB, LDW, BSW, pedestrian detection, or V2V (e.g., in the fatality reduction benefits analyses for these five technologies, all impaired driving crashes were excluded). Therefore, the two technology effectiveness estimates for DADSS (i.e., the upper estimate and lower estimate) were added to the estimates of the other technologies in order to determine an overall number of expected lives saved if the technologies were fully adopted throughout the U.S. light vehicle

fleet. These estimates can be summed because their crash populations are exclusive, with no fatal crashes potentially double-counted by the individual technology effectiveness analyses.

A review of the papers on A Vs found no on-road research establishing that vehicles driving themselves freely on fully public roads provide a safety benefit compared to vehicles operated traditionally by a human driver under the same circumstances. While some AV developers report that they have driven their vehicles many miles without crashes, their detailed safety data is rarely, if ever, made public. The specific conditions under which these vehicles are tested are also not public, and potentially are unrepresentative of the conditions these vehicles would encounter if deployed nationally.

RESULTS

The analysis found that currently available AEB, LDW, and BSW technologies would be expected to combine for fatality reductions of approximately 11,000 lives per year once fully adopted throughout the U.S. light-duty motor vehicle fleet. Currently available pedestrian detection technologies would be expected to prevent at least an additional 800 fatalities per year once equipped on every light vehicle, as well. Additional research outside of this analysis has found that with reasonable system improvements, more than 3,500 lives could be saved annually by pedestrian detection; however, this number was not used in the analysis as the authors of this additional research assumed idealized systems. Two safety applications of V2V communications technology—intersection movement assist (IMA) and left turn assist (LTA)—would be estimated to save more than 1,300 lives per year with full fleet adoption. One existing drunk driving prevention technology, the Driver Alcohol Detection System for Safety (DADSS), would be estimated to save 3,700–7,400 lives under the scenarios assessed.

Summed together, these figures led researchers to conclude that existing motor vehicle safety technology would save 16,800–20,500 lives per year if equipped across the full U.S. light-duty motor vehicle fleet. This totals approximately one-half of the 36,560 lives lost on U.S. roads in 2018.

CONCLUSION

This analysis makes clear that the path to substantially and expeditiously reducing the enormous toll of U.S. road crashes runs squarely through the full, fleetwide adoption of currently available crash avoidance technologies and other existing motor vehicle safety technologies. An alternative approach—prioritizing the expedited deployment of AVs that meet the minimum level of safety envisioned by Congress—cannot be analytically supported given the lack of available evidence establishing on-road safety benefits to vehicles that drive themselves compared to traditionally-driven vehicles.

Policymakers in Congress and at NHTSA should prioritize requiring and setting strong performance standards for these existing, lifesaving vehicle safety technologies to accelerate auto industry safety innovation and ensure consumers continuously gain greater access to the benefits of the technologies. Automakers should prioritize equipping effective versions of these features standard across all trim lines of their models as soon as possible and continuing to improve these technologies' safety benefits over time. Delay by either the government or manufacturers would unduly leave people at risk and effectively let essential auto industry innovations go to waste.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ROSE).

□ 1545

Mr. ROSE of New York. Mr. Speaker, I thank the chairman for his extraordinary leadership on this extraordinary bill.

Last year, I stood up right on this floor and asked, ''Where is our infrastructure bill?'' Well, thanks to Chairman DEFAZIO, we finally have one.

This bill allocates $300 billion to rebuild our roads and our bridges so my constituents on Staten Island and in South Brooklyn don't have to pay thousands of dollars a year to repair road damage to their cars.

This bill invests $100 billion for more reliable mass transit so my constituents in Brooklyn aren't stuck waiting for an R train, F train, D train, that never seems to arrive.

This bill includes my legislation to overturn outdated rules, preventing agencies like the Port Authority and the MTA from using the tolls they collect to provide discounts for commuters, with no other choice but to pay the highest tolls in the country.

Eleven months ago, I stood here because we couldn't wait another year. And now I am proud to be able to tell my constituents they won't have to wait. The days of decrepit roads, endless congestion, delayed trains and buses will soon be over.

Mr. DEFAZIO. Mr. Speaker, if the gentleman wishes to close, I have no further speakers and I will close.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before we consider amendments to add to this already massive partisan wish list, I want remind members how we got here.

Just over a week ago we marked up the majority's $500 billion my-way-or-the-highway bill in the Transportation and Infrastructure Committee. That was a partisan bill from the beginning, and aside from maybe a few Republican amendments, it remained a partisan bill, and absolutely partisan bill, coming out of markup.

After our markup, the Speaker added in provisions under our committee's jurisdiction, some of which completely upended previous bipartisan legislation to fit their partisan agenda. Others are issues that we could have found bipartisan agreement on if the majority had even tried to work with us.

And now we are about to consider yet another broad swath of provisions in a partisan amendment process that is cut short because the majority doesn't believe Members should be here when they conduct the American peoples' business.

The majority believes it is acceptable to put together a massive bill that is going to turn our transportation system upside down, add $1.5 trillion in debt, add more items to it with an absurd partisan amendment process, and pass it all by proxy.

All for an infrastructure bill that is not really an infrastructure bill at all, it is a climate bill that doesn't even attempt to include consensus solutions to these issues, but instead, bludgeons our transportation system, industries, and workers into submission.

Republicans have been ready and willing partners throughout this process, but it takes willingness on both sides of the aisle to work toward that mutual goal. This bill doesn't offer any solutions, only more delays, more costs, and more partisanship that really doesn't help any of our communities or our economy.

Mr. Speaker, for these and many other reasons, this is the first surface transportation bill, although this bill barely resembles one, but this is the first transportation bill in all my years of Congress that I am going to oppose, and I urge my colleagues and fellow Members to join me in rejecting this partisan messaging bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I pointed out at the beginning of this long debate, what we had was a disagreement in principle. And you can't compromise on principles.

We just heard an impassioned speech from Mr. GRAVES from Louisiana about how we should just throw up our hands on fossil fuel reduction in the United States because China is building coal plants.

Well, we used to be a world leader on these things until Donald Trump occupied the White House and we walked away from science and we walked away from the Paris accord, and that gave leeway to these others countries to just say, Well, look at the United States, why should we comply with any of these strictures?

As I mentioned to him, we can deal with those things through our trade policy, and we should. I had hoped to debate withdrawal from the WTO. At this point it has been precluded by the Rules Committee, but I am hoping to bring it up later this year.

We need to talk about our dependence upon China. We need to talk about their abuses of the environment, their abuses of labor, their abuses of stealing intellectual property, and all the other things that they do over there. And we need to deal with them in a meaningful way through trade policy, and we can do that. We could deal with their fossil fuel pollution there, too. So that's one point.

The other would be that this bill is huge and transformative, and we need it. The Republican alternative, offered in committee, had zero funding for rail. None. It had baseline for transit. Today, transit in America has a $106 billion backlog to bring it up to a state of good repair. $106 billion.

Now, the good news is if we do that work, with us closing the final loopholes and we buy America, it is going

to create one heck of a lot of manufacturing jobs here in the United States. High tech jobs for new transit vehicles, everything. And then for highways they did baseline plus 10 percent.

We talked about the scorecard of the American Society of Civil Engineers. We have 47,000 bridges on the national highway system that need substantial repair or replacement. That is about a $200 billion bill.

I tried to get Obama to do that in his Recovery Act, and instead he did Larry Summers' stupid tax cuts too small to notice at twice the price tag. So we have let that go.

47,000 bridges. 40 percent of the national highway system has to be rebuilt, not just overlaid.

And then transit. That is a huge bill. Huge. And you can't get there with a baseline in transit and a 10 percent increase in highways. And, by the way, we are about $100 billion short—over $100 billion short with the user fee.

As I pointed out, the last time the user fee was increased we had a Democratic President, a Democratic House, and a guy with a lot of guts named Bud Shuster on the other side of the aisle, who was the senior Republican on the committee. He ruled Newt Gingrich. He voted 60-some-odd Republicans with us to increase the user fee. That was 1993. The Federal gas tax hasn't been indexed or increased in any way since 1993.

And the people say, Oh, it is politically toxic. Well, 36 States—36 States—have raised their gas taxes and user fees and registration fees to pay for the projects because people are tired of congestion. They are tired of potholes blowing out their tires. They are tired of crummy transit that breaks down. They want better rail.

And people will—if you know that is where the money is going, they will pay for it. But here in Washington, D.C., there is a fear, a fear, that if we were to raise the user fee, oh, my God, we are all going to lose our elections.

I propose that we just index it and bond it. Today we can borrow money for 1.3 percent, virtually nothing. We can do this 5-year bill, borrow all the money we need for this bill, and say, We are going to pay interest only. We will pay it out of the existing gas tax revenues. And at the end of 5 years when we have recovered from the pandemic, when we have rebuilt America's infrastructure, and we are looking to the future, then we will put in place a new system, and it will be vehicle miles traveled when we are ready to go there, but first we have to run a national pilot program and get the information we need to get there.

Mr. Speaker, I recommend my colleagues to vote for a 21st century transformative infrastructure bill that deals meaningfully with climate change, which I believe in, and I believe everybody on this side of the aisle believes in.

Mr. Speaker, I yield back the balance of my time.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act.

This sweeping legislation brings together some of the best policy ideas in transportation, infrastructure, water, energy, housing, and education. This House can be proud of supporting these priorities which deliver a positive vision for the future of our great country.

I would like to focus on this bill's incorporation of two important factors in the decision-making process for infrastructure projects: equity and environmental justice.

Equity is part of social justice. It means communities have opportunity to make the decisions about projects built in their neighborhoods. For far too long, marginalized communities, like those in my Los Angeles district, have been shut out of decisions that directly impact their health and safety. This legislation would prioritize projects that are built with community input.

Environmental justice and the impact of climate change are key factors that must be considered when determining how to invest in our infrastructure. Every decision must be aimed at reducing greenhouse gasses and our carbon footprint for the future of every child in every community.

H.R. 2, would require the Secretary of Transportation to consider equity and environmental justice in its grant making decisions, including those under the Community Climate Investment grant program and the Active Transportation Connectivity grant program.

H.R. 2 would invest 105 billion dollars in transit programs. It doubles the money designated for urban areas and specifically directs transit agencies to serve areas with low income populations. This directive will help ensure places like Los Angeles and other urban areas, will build transit systems that serve every community.

I'm very pleased my local transit partners at LA Metro have endorsed this legislation, stating that "this much needed federal legislation is a bold, thoughtful and visionary proposal that will undeniably bolster the expansive work we are doing here in Los Angeles County to enhance the mobility of our ten million residents." I am glad to have their endorsement on this legislation.

Equity also means equal access. Our experience during the COVID–19 shutdown demonstrates that businesses and schools can operate remotely, only when there is a reliable access to the internet. The Moving Forward Act will invest 100 billion dollars to expand and deliver high-speed broadband internet access to all regions of the country, especially in communities which are unserved, underserved or experiencing persistent poverty.

This expansion of access to broadband will help ensure students and businesses can reach resources, regardless of their zip code. This includes urban centers like those in my Congressional district.

I am proud to support H.R. 2, The Moving Forward Act, and I urge my colleagues in the Senate to work with us to pass this important legislation for the American people and our American economy.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in support of several en bloc amendments to H.R. 2, the Moving Forward Act. This bill delivers transportation and infrastructure solutions to the American people, improves the safety of commuters and communities, and increases community resilience to the climate crisis, while also creating jobs for the American people. I was pleased that the Rules Committee ruled in order a number of my amendments to further these goals, improving water quality in the Chesapeake Bay, supporting National Labs, and ensuring that modeling and simulation technology is used to ensure federal dollars are spent in cost-effective ways to improve safety and protect the environment.

I urge my colleagues to support an amendment I introduced with my colleague from Florida, Representative Stephanie Murphy, which is included in amendments in part B, proposed to be considered en bloc. Our amendment adds an important sense of Congress that the U.S. Department of Transportation ought to maximize the utilization of modeling and simulation technology to analyze federally funded highway and public transit projects. In doing so, we can best ensure that these projects will increase transportation capacity and safety, alleviate congestion, reduce travel time and environmental impact, and are as cost-effective as possible.

Modeling and simulation technologies have beneficial purposes—from medicine and vaccine development to natural disaster response. Urban and transportation planners across the country understand the significant benefits of modeling and simulation and as the technology continues to rapidly advance, its precision in mimicking real-world factors and variables continues to yield incredible savings both in manpower and money.

I also want to urge my colleagues to support the Chesapeake Bay, one of America's greatest treasures, by supporting two amendments included in part E, proposed to be considered en bloc to improve water quality and the quality of life within the Chesapeake's 64,000 square-mile watershed. I am pleased to introduce the Chesapeake WILD amendment with Representatives ROB WITTMAN and JOHN SARBANES, who co-chair the Chesapeake Bay Watershed Task Force with me and introduced the Chesapeake WILD Act with me last year. A great deal has changed since that time, as Americans respond to the COVID–19 pandemic: many have lost jobs and outdoor recreation has become an even more important way for people to stay physically and mentally healthy; yet not everyone in the Chesapeake region has access to safe recreational spaces. In the midst of this year's hurricane season, communities throughout the Chesapeake Bay watershed are also bracing for the possibility of another emergency, made more severe by the climate crisis. Each of these challenges has made the Chesapeake WILD grant program more urgent than ever.

This amendment will help restore and protect the Chesapeake Bay watershed by investing in green infrastructure, habitat preservation, and ecosystem restoration to enhance community resilience, and improve water quality, all while creating jobs and enhancing economic opportunities throughout the watershed. Along with my friend, Representative SARBANES' Chesapeake Gateways amendment, which I was pleased to cosponsor along with Representatives WITTMAN and HARRIS, this amendment would also increase recreational opportunities in the region. I am proud to see bipartisan support for these amendments, and I look forward to securing their passage.

I am also pleased to support an amendment included in part D, proposed to be considered

en bloc, which I cosponsored with Congressman BEN RAY LUJÁN and other supporters of our nation's 17 National Laboratories, including the Thomas Jefferson National Accelerator Facility or JLab in my congressional district, where work is being done to advance our understanding of nuclear physics. Funding to address the infrastructure needs and maintenance backlogs across the National Labs system is one way that we can support the work of scientists there, whether on clean energy or a vaccine for COVID–19. In modernizing the National Labs system, we can create shovel-ready construction jobs to put Americans back to work right away and ensure the best and brightest scientists are recruited to careers in national service and research for the common good.

Mr. Speaker, these amendments help us move forward in an evidence-based and cost-effective way, supporting coastal communities, ecological recovery, commuters, and research in the national interest, all while creating good jobs. I urge my colleagues to support this bill and these amendments, so that we can make the necessary investments for a future that is more resilient, environmentally responsible, and connected than before.

Mr. LOWENTHAL. Mr. Speaker, I rise in strong support of H.R. 2, the Moving Forward Act.

This bill is the product of collaboration across House committees and takes a bold step to rebuild our infrastructure while reducing emissions and enhancing resilience in communities across the country.

H.R. 2 makes key improvements that will address challenges we face in Southern California. It ensures that states can use more freight funds for multi-modal projects, critical improvements we need at freight hubs. It invests over $100 billion in transit and has a dedicated program to reduce congestion on our highways. And it devotes over $100 billion to affordable housing to help make sure every American has a place to call home.

The bill also includes a crucial provision to examine the administration of a fee on freight transportation. I have advocated for years to implement this fee, which would provide a sustainable revenue stream to fund sorely-needed freight improvements.

The Moving Forward Act tackles climate change in every title. It invests in zero-emission transit buses and port equipment, incentivizes the development of wind and solar energy, and emphasizes resiliency to help our communities adapt to rising sea levels. The bill also gives key federal support to expand broadband access and re-build schools across the country.

This legislation is a bold step forward for our nation, and I urge all my colleagues to vote yes.

I also wish to include in the RECORD a letter from the Chairman of the Board of Directors of the Coalition for America's Gateways and Trade Corridors.

Thank you for introducing the Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act. We appreciate the robust funding proposed in the INVEST in America Act and particularly support the freight investment provisions which, with proper implementation, offer the opportunity to strengthen our nationally and regionally significant goods movement infrastructure. While the COVID–19 pandemic has yielded a great deal of uncertainty, it has also shone a light on the essential nature of our nation's supply chain infrastructure. When much of the nation was asked to stay home, the U.S. supply chain continued working to deliver desperately-needed medical supplies and equipment, food, as well as everyday items previously taken for granted.

The Coalition for America's Gateways and Trade Corridors (CAGTC) is a diverse group of more than 60 public and private organizations dedicated to increasing federal investment in America's multimodal freight infrastructure. In contrast to single mode interests, CAGTC's foremost mission is to promote a seamless national goods movement transportation system across all modes to enhance capacity and economic growth.

As the legislation advances, we would like to highlight the following for your consideration:

If top-line funding levels are adjusted as the bill moves forward, Congress should seek to increase—or at least maintain—the funding proposed for freight infrastructure programs, including the Nationally Significant Freight and Highway Projects program (INFRA), Projects of National and Regional Significance (PNRS), and the National Highway Freight Program. Annual funding levels proposed in the INVEST in America Act through these three programs would reach nearly $4 billion per year whereas $12 billion annually is needed for freight infrastructure based on previous INFRA application rounds. Decreasing the amount of funding available to freight projects would jeopardize our nation's ability to move goods through the supply chain quickly, cost effectively, and safely. Not only is an efficient national supply chain critical for COVID–19 relief—it will also be just as essential in supporting our nation's economic recovery.

We applaud the proposal's continued investment in competitive grant programs, first through the INFRA program and subsequently under the PNRS program. Competitive grants are critical to funding large-scale freight infrastructure projects, which are difficult to fund through traditional distribution methods such as formula programs.

We support the increased flexibility for funding multimodal freight projects, reflected in both the PNRS and the National Highway Freight Program. Freight does not move on highways alone—where public benefit is demonstrable, federal investment should be made available regardless of transportation mode.

We have a concern with the PNRS program limitation that reads: ''the project will make a significant improvement to the movement of freight on the National Highway System.'' This limitation, which also appears in the INFRA program, challenges certain projects that are otherwise eligible and meet the listed merit criteria and other considerations. For example, port modernization projects that provide public benefit but do not have a rail component are disadvantaged.

We appreciate the evaluation and rating requirements included in the INFRA and PNRS programs. Clearly-defined, consistent and transparent merit-based criteria as well as public disclosures of application scores are critical to the integrity of and confidence in competitive grants.

We support the creation of a task force to study the establishment and administration ofa fee on multimodal freight transportation. In addition to participation by the Internal Revenue Service and the Departments of Transportation and Treasury, we recommend the task force incorporate public and private stakeholder participation, including perspectives offered by the supply chain industry.

We commend the incorporation of several additional programs and policy advances that CAGTC and its membership have championed, including: establishment of the grade crossing separation grant program; increased funding for the Consolidated Rail Infrastructure and Safety Improvements grant program; designation of a final National Multimodal Freight Network (NMFN) and including in the NMFN designation ports with a cargo value of at least $1 billion annually; updates to the criteria for the National Freight Strategic Plan; and initiation of a National Cooperative Multimodal Freight Transportation Research Program.

The SPEAKER pro tempore. All time for general debate has expired.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. DEFAZIO OF OREGON

The SPEAKER pro tempore. It is now in order to consider an amendment en bloc consisting of amendments printed in part B of House Report 116–438.

Mr. DEFAZIO. Mr. Speaker, pursuant to section 2 of House Resolution 1028, I offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, printed in part B of House Report 116–438, offered by Mr. DEFAZIO of Oregon.

AMENDMENT NO. 1 OFFERED BY MS. ADAMS OF NORTH CAROLINA

Page 838, line 22, strike ''2'' and insert ''4''.

Page 838, beginning on line 23, strike ''minority institutions, as such term is defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)'' and insert ''historically black colleges and universities and other minority-serving institutions, as defined in section 371(a) of the Higher Education Act (20 U.S.C. 1067q)''.

AMENDMENT NO. 2 OFFERED BY MR. AGUILAR OF CALIFORNIA

Page 333, line 16, strike ''or''.

Page 333, after line 16, insert the following:

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

Page 333, line 17, strike ''(4)'' and insert ''(5)''.

AMENDMENT NO. 3 OFFERED BY MR. AGUILAR OF CALIFORNIA

Page 253, line 5, insert '', including local pollution derived from vehicles idling at railway crossings'' after ''pollution''.

AMENDMENT NO. 4 OFFERED BY MR. BRINDISI OF NEW YORK

Page 611, line 5, insert ''and hybrid electric buses, that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions,'' after ''vehicles''.

Page 613, line 22, insert ''and hybrid electric buses, that make meaningful reductions in energy consumption and harmful emissions, including direct carbon emissions,'' before ''shall not''.

AMENDMENT NO. 5 OFFERED BY MR. CICILLINE OF RHODE ISLAND

Page 872, after line 24, insert the following:

SEC. 5110. INTERAGENCY INNOVATIVE MATERIALS STANDARDS TASK FORCE.

(a) PURPOSES.—The purposes of this section shall be—

(1) to encourage the research, design, and use of innovative materials, in concert with traditional materials, and associated techniques in the construction and preservation of the domestic infrastructure network;

(2) to accelerate the deployment and extend the service life, improve the performance, and reduce the cost of infrastructure projects; and

(3) to improve the economy, resilience, maintainability, sustainability, and safety of the domestic infrastructure network.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall establish an Interagency Innovative Materials Standards Task Force (referred to in this section as the ''Task Force'') composed of the heads of Federal agencies responsible for significant civil infrastructure projects, including the Administrator of the Federal Highway Administration.

(2) CHAIRPERSON.—The Director of the National Institute of Standards and Technology shall serve as Chairperson of the Task Force.

(c) DUTIES.—The Task Force shall coordinate and improve, with respect to infrastructure construction, retrofitting, rehabilitation, and other improvements—

(1) Federal testing standards;

(2) Federal design and use guidelines;

(3) Federal regulations; and

(4) other applicable standards and performance and sustainability metrics.

(d) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Task Force shall conduct, and submit to the appropriate committees of Congress a report that describes the results of, a study—

(A) to assess the standards and performance metrics for the use of innovative materials in infrastructure projects;

(B) to identify any barriers, regulatory or otherwise, relating to the standards described in subparagraph (A) that preclude the use of certain products or associated techniques; and

(C) to identify opportunities for the development of standardized designs and materials genome approaches that design and use innovative materials to reduce costs, improve performance and sustainability, and extend the service life of infrastructure assets.

(2) REPORT.—The report under paragraph (1) shall—

(A) identify any non-Federal entities or other organizations, including the American Association of State Highway and Transportation Officials, that develop relevant standards; and

(B) outline a strategy to improve coordination and information sharing between the entities described in subparagraph (A) and any relevant Federal agencies.

(e) IMPROVED COORDINATION.—Not later than 2 years after the date of enactment of this Act, the Task Force shall collaborate with any non-Federal entity identified under subsection (d)(2)(A)—

(1) to identify and carry out appropriate research, testing methods, and processes relating to the development and use of innovative materials;

(2) to develop new methods and processes relating to the development and use of innovative materials, as the applicable agency head determines to be necessary;

(3) to contribute to the development of standards, performance metrics, and guidelines for the use of innovative materials and approaches in civil infrastructure projects;

(4) to develop a plan for addressing potential barriers, regulatory or otherwise, identified in subsection (d)(1)(B); and

(5) to develop a plan for the development of standardized designs that use innovative materials to reduce costs, improve performance and sustainability, and extend the service life of infrastructure assets.

(f) INNOVATIVE MATERIAL DEFINED.—In this section, the term ''innovative material'', with respect to an infrastructure project, includes those materials or combinations and processes for use of materials that enhance the overall service life, sustainability, and resiliency of the project or provide ancillary benefits relative to widely adopted state of practice technologies, as determined by the appropriate Secretary or agency head.

AMENDMENT NO. 6 OFFERED BY MR. CRIST OF FLORIDA

Page 635, after line 24, insert the following (and redesignate subsequent paragraphs accordingly):

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by adding at the end the following:

''(D) in consultation with the Secretary of the Department of Health and Human Services, precautionary and reactive actions required to ensure public and personnel safety and health during an emergency as defined in section 5324.''.

AMENDMENT NO. 7 OFFERED BY MR. CRIST OF FLORIDA

Page 636, line 9, strike ''and fatalities,'' and insert ''fatalities, and, consistent with guidelines by the Centers for Disease Control and Prevention, infectious diseases,''.

AMENDMENT NO. 8 OFFERED BY MR. CUNNINGHAM OF SOUTH CAROLINA

Page 166, line 1, strike ''or national security functions'' and insert ''national security functions, or critical infrastructure''.

Page 168, line 24, insert '', access to health care and public health facilities,'' after ''evacuation''.

Page 172, line 13, insert '', access to health care and public health facilities,'' after ''evacuation''.

Page 175, line 21, insert '', access to health care and public health facilities,'' after ''evacuation''.

Page 179, line 3, insert '', access to health care and public health facilities,'' after ''evacuation''.

AMENDMENT NO. 9 OFFERED BY MS. ESCOBAR OF TEXAS

Page 499, after line 22, insert the following:

SEC. 1632. STUDY ON COLONIAS.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a study on the infrastructure state of colonias, including surface, transit, water, and broadband infrastructure of such colonias.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the results of the study under subsection (a), including any recommendations for congressional action on colonias.

(c) COLONIAS DEFINED.—In this section, the term ''colonias'' has the meaning given the term in section 509(f)(8) of the Housing Act of 1949 (42 U.S.C. 1479(f)(8)).

AMENDMENT NO. 10 OFFERED BY MS. ESCOBAR OF TEXAS

At the end of division H, add the following:

SEC. _____. COLONIAS STATE OF GOOD REPAIR GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall establish a state of good repair surface transportation grant program to provide grants that increase the state of good repair for surface infrastructure in and around colonias.

(b) ELIGIBLE ENTITIES.—The following entities are eligible to receive a grant under this section:

(1) States.

(2) Metropolitan planning organizations.

(3) Units of local government.

(4) Federal land management agencies.

(5) Tribal governments.

(c) COLONIA DEFINED.—In this section, the term ''colonia'' means any identifiable community that—

(1) is in the State of Arizona, California, New Mexico, or Texas;

(2) is in the area of the United States within 150 miles of the border between the United States and Mexico, except that the term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000;

(3) is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(4) was in existence as a colonia before November 28, 1990.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2022 through 2025 to carry out this section.

AMENDMENT NO. 11 OFFERED BY MS. ESHOO OF CALIFORNIA

Page 305, line 22, strike ''or''.

Page 306, line 2, insert ''or'' at the end.

Page 306, after line 2, insert the following:

''(cc) to provide charging stations that support charging needs for current and future vehicles and minimize future upgrade costs;

Page 306, line 5, insert '', including faster charging speeds'' before the semicolon.

AMENDMENT NO. 12 OFFERED BY MS. FINKENAUER OF IOWA

Page 157, after line 23, insert the following:

SEC. 1118. ADDITIONAL SUPPORT TO REBUILD RURAL COMMUNITIES.

To carry out section 1307 of this Act, there are authorized to be appropriated $100,000,000 for fiscal year 2023 and $50,000,000 for fiscal year 2024.

AMENDMENT NO. 13 OFFERED BY MR. GARCÍA OF ILLINOIS

Page 891, line 14, insert ''systems'' after ''transportation''.

Page 891, line 16, insert ''air quality and climate, energy consumption,'' after ''jobs,''.

AMENDMENT NO. 14 OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 483, after line 7, insert the following:

(7) Labor and workforce needs to implement climate-resilient transportation infrastructure projects including new and emerging skills, training programs, competencies and recognized postsecondary credentials that may be required to adequately equip the workforce.

Page 484, line 19, strike ''and''.

Page 484, line 25, strike the period and insert ''; and''.

Page 484, after line 25, insert the following:

(9) the occupations, skillsets, training programs, competencies and recognized postsecondary credentials that will be needed to implement such climate-resilient transportation infrastructure projects, and how to ensure that any new jobs created by such projects ensure that priority hiring considerations are given to individuals facing barriers to employment, communities of color, low-income communities and tribal communities that face a disproportionate risk from climate change and have been excluded from job opportunities.

Page 486, line 2, strike ''and''.

Page 486, line 4, strike the period and insert ''; and''.

Page 486, after line 4, insert the following:

(J) representatives of labor unions that represent key trades and industries involved in infrastructure projects.

AMENDMENT NO. 15 OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 925, line 4, strike ''; and'' and insert ''with expertise in personal privacy;''.

Page 925, line 6, strike the period and insert ''; and''.

Page 925, after line 6, insert the following:

(F) consumer advocates.

Page 925, line 17, insert '', and information related to consumer privacy'' before the period.

Page 927, line 15, strike ''and''.

Page 927, line 19, strike the period and insert ''; and''.

Page 927, after line 19, insert the following:

(4) how the personal privacy of volunteers was maintained.

AMENDMENT NO. 16 OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 279, after line 7, insert the following:

''(E) Whether the project would replace, reconstruct, or rehabilitate a high-commuter corridor (as such term is defined in section 203(a)(6)) that is in poor condition.

Page 287, line 24, insert '', including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management,'' after ''204''.

AMENDMENT NO. 17 OFFERED BY MR. KEATING OF MASSACHUSETTS

Page 399, line 12, insert '', including the Army Corps of Engineers, Bureau of Reclamation, and the Bureau of Land Management,'' after ''204''.

Page 399, line 15, strike ''Federal lands transportation facility'' and insert ''highway, bridge, or other transportation facility for which title and maintenance responsibility is vested in the Federal Government''.

AMENDMENT NO. 18 OFFERED BY MR. LAMB OF PENNSYLVANIA

At the end of subtitle A of title IV of division B of the bill, add the following:

SEC. ___. OPERATION OF SMALL COMMERCIAL VEHICLES STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall initiate a review of the prevalence of, characteristics of, and safe operation of commercial vehicles that have a gross vehicle weight rating or gross vehicle weight below 10,000 pounds, and are utilized in package delivery of goods moving in interstate commerce.

(b) INDEPENDENT RESEARCH.—If the Secretary decides to enter into a contract with a third party to perform the research required under subsection (a), the Secretary shall—

(1) solicit applications from research institutions that conduct objective, fact-based research to conduct the study; and

(2) ensure that such third party does not have any financial or contractual ties with an entity engaged in interstate commerce utilizing commercial vehicles or commercial motor vehicles.

(c) ENTITIES INCLUDED.—As part of the review, the Secretary shall collect information from a cross-section of companies that use fleets of such vehicles for package delivery in interstate commerce, including companies that—

(1) directly perform deliveries; use contracted entities to perform work; and

(2) utilize a combination of direct deliveries and contract entities.

(d) EVALUATION FACTORS.—The review shall include an evaluation of the following:

(1) Fleet characteristics, including fleet structure, and vehicle miles traveled.

(2) Fleet management, including scheduling of deliveries and maintenance practices.

(3) Driver employment characteristics, including the basis of compensation and classification.

(4) How training, medical fitness, hours on duty, and safety of drivers is evaluated and overseen by companies, including prevention of occupational injuries and illnesses.

(5) Safety performance metrics, based on data associated with the included entities, including crash rates, moving violations, failed inspections, and other related data points.

(6) Financial responsibility and liability for safety or maintenance violations among companies, fleet managers, and drivers.

(7) Loading and unloading practices, and how package placement in the vehicle is determined.

(8) Other relevant information determined necessary by the Secretary in order to make recommendations under subsection (e).

(e) REPORT AND RECOMMENDATIONS.—Upon completion of the review, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate a report containing—

(1) the findings of the Secretary on each of the factors in (d);

(2) a list of regulations applicable to commercial motor vehicles and commercial motor vehicle operators that are not applicable to commercial vehicle operations described in this section; and

(3) recommendations, based on the findings, on changes to laws or regulations at the Federal, State, or local level to promote safe operations and safe and fair working conditions for commercial vehicle operators.

AMENDMENT NO. 19 OFFERED BY MR. LARSON OF WASHINGTON

Page 499, after line 22, insert the following:

SEC. 1632. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FERRIES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the capital investment needs of United States public ferries and how Federal funding programs are meeting such needs.

(b) CONSIDERATIONS.—In carrying out the study under subsection (a), the Comptroller General shall examine the feasibility of including United States public ferries in the conditions and performance report of the Department of Transportation.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the results of the study described in subsection (a), including any recommendations for how to include ferries in the conditions and performance report of the Department of Transportation.

AMENDMENT NO. 20 OFFERED BY MR. LEVIN OF MICHIGAN

Page 302, line 16, insert ''environmental and environmental justice organizations,'' after ''organizations,''.

Page 306, line 16, strike ''and'' at the end.

Page 306, line 24, strike ''and'' at the end.

Page 306, after line 24, insert the following:

''(vii) plans for the use of renewable energy sources or zero emissions energy sources for the charging or fueling infrastructure; and

''(viii) provide publicly available electric vehicle charging placement and construction in communities in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor low income workers, women, the elderly, the unhoused, individuals with disabilities, or youth; and''.

Page 312, line 6, strike the closing quotation marks and second period and insert the following:

''(9) STUDY BY THE NATIONAL ACADEMIES.—

''(A) IN GENERAL.—The Secretary shall seek to enter into an agreement with the National Academies for the Transportation Research Board of the National Academy of Sciences shall—

''(i) conduct a study on options for financing the placement of a national network of publicly available EV charging infrastructure along all eligible roads on the National Highway System that includes consideration of financial instruments and optimization of public-private partnerships; and

''(ii) conduct a study to determine the maximum distance allowable between publicly available EV charging infrastructure, such that—

''(I) a driver starting at any point along an eligible road on the National Highway System within the continental United States can drive to any other point along an eligible road on the National Highway System without running out of a charging power; and

''(II) a driver starting at any point along an eligible road on the National Highway System within Hawaii, Alaska, or Puerto Rico can drive to any other point along an eligible road on the National Highway System within that same state or territory without running out of charging power.

''(B) SUBMISSION TO CONGRESS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit to Congress the results of the studies commissioned under subparagraph (A).''.

AMENDMENT NO. 21 OFFERED BY MR. LEWIS OF GEORGIA

Page 268, after line 14, insert the following:

SEC. 1217. NOISE BARRIERS.

(a) PERMITTING USE OF HIGHWAY TRUST FUND FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—Section 339(b)(1) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note) is amended to read as follows:

''(1) GENERAL RULE.—No funds made available out of the Highway Trust Fund may be used to construct a Type II noise barrier (as defined by section 772.5(I) of title 23, Code of Federal Regulations) pursuant to subsections (h) and (I) of section 109 of title 23, United States Code, unless—

''(A) such a barrier is part of a project approved by the Secretary before November 28, 1995; or

''(B) such a barrier separates a highway or other noise corridor from a group of structures of which the majority of those closest to the highway or noise corridor—

''(i) are residential in nature; and

''(ii) either—

''(I) were constructed before the construction or most recent widening of the highway or noise corridor; or

''(II) are at least 10 years old.''.

(b) ELIGIBILITY FOR SURFACE TRANSPORTATION BLOCK GRANT FUNDS.—Section 133 of title 23, United States Code, is amended—

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

''(20) Planning, design, or construction of a Type II noise barrier (as described in section 772.5 of title 23, Code of Federal Regulations).''; and

(2) in subsection (c)(2) by inserting ''and paragraph (20)'' after ''(11)''.

AMENDMENT NO. 22 OFFERED BY MR. LURIA OF VIRGINIA

Page 658, line 24, strike the first period through the second period and insert a period.

Page 658, after line 24, insert the following:

''(h) PRIORITY FOR LOW-INCOME AREAS.—In awarding grants under this section, the Secretary shall give priority to projects under this section that expand or build transit in

low-income areas or that provide access to public transportation to low-income areas that do not have access to public transportation.''.

AMENDMENT NO. 23 OFFERED BY MS. MENG OF NEW YORK

At the end of division H insert the following:

SEC. 40002. ACCESSIBILITY OF PUBLIC TRANSPORTATION FOR PREGNANT WOMEN.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report that includes—

(1) a description of the unique challenges that pregnant women face when riding public transportation; and

(2) an assessment of how accessible public transportation that receives Federal funds is for pregnant women.

AMENDMENT NO. 24 OFFERED BY MS. MENG OF NEW YORK

Page 633, line 10, strike ''and''.

Page 634, line 9, strike the period and insert ''; and''.

Page 634, after line 9, insert the following:

''(IX) providing culturally competent training and educational programs to all who participate, regardless of gender, sexual orientation, or gender identity, including those with limited English proficiency, diverse cultural and ethnic backgrounds, and disabilities.''.

AMENDMENT NO. 25 OFFERED BY MS. MENG OF NEW YORK

Page 718, line 15, after ''the driver'' insert the following: ''and the officer''.

AMENDMENT NO. 26 OFFERED BY MS. MOORE OF WISCONSIN

Page 407, line 17, strike ''; and'' and insert a semicolon.

Page 407, line 22, strike ''.''.'' and insert ''; and''.

Page 407, after line 22, insert the following:

''(F) ensure that Department programs have in place, implement, and enforce requirements and obligations for regular and meaningful consultation and collaboration with Tribes and Tribal officials under Executive Order 13175 and to serve as the primary advisor to the Secretary and other Department components regarding violations of those requirements.''.

AMENDMENT NO. 27 OFFERED BY MR. MORELLE OF NEW YORK

Page 705, after line 6, insert the following:

SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 TO FEDERALLY FUNDED BUS SHELTERS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue best practices on the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to federally funded bus shelters to assist recipients of Federal funds in receiving exclusions permitted by law.

AMENDMENT NO. 28 OFFERED BY MRS. MURPHY OF FLORIDA

Page 118, after line 22, insert the following:

(d) IMPROVING RISK BASED STEWARDSHIP AND OVERSIGHT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall reference U.S. DOT Office of Inspector General Report No. ST2020035 and take the following actions to improve the risk based stewardship and oversight of the Department of Transportation:

(1) Update and implement Federal Highway Administration's (FHWA) guidance for risk-based project involvement to clarify the requirements for its project risk-assessment process, including expectations for conducting and documenting the risk assessment and criteria to guide the reevaluation of project risks.

(2) Identify and notify Divisions about sources of information that can inform the project risk-assessment process.

(3) Update and implement FHWA's guidance for risk-based project involvement to clarify how the link between elevated risks and associated oversight activities, changes to oversight actions, and the results of its risk-based involvement should be documented in project oversight plans.

(4) Develop and implement a process to routinely monitor the implementation and evaluate the effectiveness of FHWA's risk-based project involvement.

AMENDMENT NO. 29 OFFERED BY MRS. NAPOLITANO OF CALIFORNIA

Strike section 1604 of the bill (and redesignate the subsequent sections accordingly).

AMENDMENT NO. 30 OFFERED BY MR. NORCROSS OF NEW JERSEY

Page 469, after line 21, insert the following (and redesignate accordingly):

(G) Labor organizations.

AMENDMENT NO. 31 OFFERED BY MS. OMAR OF MINNESOTA

Page 61, after line 18, insert the following:

SEC. 107. ACCESSIBILITY OF PUBLIC TRANSPORTATION FOR RESIDENTS OF AREAS OF CONCENTRATED POVERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report that includes—

(1) a description of the unique challenges that residents of areas of concentrated poverty face when riding public transportation; and

(2) an assessment of how accessible public transportation that receives Federal funds is for residents of areas of concentrated poverty.

AMENDMENT NO. 32 OFFERED BY MR. PETERS OF CALIFORNIA

Page 554, after line 8, insert the following:

SEC. 2113. HOLD HARMLESS.

Notwithstanding any other provision of law, for fiscal years 2021 and 2022, the Secretary of Transportation shall allow project sponsors, at the request of such sponsor, to submit ridership and service data and projections collected before January 20, 2020 and projections based on that data to determine project eligibility under section 5309 of title 49, United States Code.

AMENDMENT NO. 33 OFFERED BY MS. PORTER OF CALIFORNIA

Page 930, after line 7, insert the following (and redesignate accordingly):

(2) To identify the impact that commercial vehicle sizing, design, and safety measures have on women in comparison to men, and to identify designs that may improve the health and safety of women drivers.

AMENDMENT NO. 34 OFFERED BY MR. RUIZ OF CALIFORNIA

Page 801, after line 4, insert the following (and redesignate the subsequent subsection accordingly):

(e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall study and issue a report on the safety implications of temperature controls in school buses. The study and report shall include—

(1) an analysis of the internal temperature in school buses without air condition in weather between 80 and 110 degrees Fahrenheit;

(2) the collection and analysis of data on temperature-related injuries to students, including heatstroke and dehydration;

(3) the collection of data on how many public school districts currently operate buses without air conditioning; and

(4) recommendations for preventing heat related illnesses for children on school buses.

AMENDMENT NO. 35 OFFERED BY MS. SCHRIER OF WASHINGTON

Page 609, after line 13, insert the following:

SEC. 2308. SPARE RATIO WAIVER.

Section 5323 of title 49, United States Code, is further amended by adding at the end the following:

''(z) SPARE RATIO WAIVER.—The Federal Transit Administration shall waive spare ratio policies for rolling stock found in FTA Grant Management Requirements Circular 5010.1, FTA Circular 9030.1 providing Urbanized Area Formula Program guidance, and other guidance documents for 2 years from the date of enactment of this Act.''.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT OF VIRGINIA

Page 499, after line 22, insert the following:

SEC. 1632. USE OF MODELING AND SIMULATION TECHNOLOGY.

It is the sense of Congress that the Department should utilize, to the fullest and most economically feasible extent practicable, modeling and simulation technology to analyze highway and public transportation projects authorized by this Act to ensure that these projects—

(1) will increase transportation capacity and safety, alleviate congestion, and reduce travel time and environmental impacts; and

(2) are as cost effective as practicable.

AMENDMENT NO. 37 OFFERED BY MS. SPEIER OF CALIFORNIA

Page 628, line 22, strike ''or'' at the end.

Page 629, after line 2, insert the following:

(VII) a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a); or

AMENDMENT NO. 38 OFFERED BY MS. SWALWELL OF CALIFORNIA

Page 74, line 21, insert ''or exercising an option on a previously awarded contract,'' after ''awarding''.

AMENDMENT NO. 39 OFFERED BY MS. TITUS OF NEVADA

On Page 724, after line 2, insert the following (and redesignate subsequent paragraphs accordingly):

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

''(C) MINIMUM AMOUNT.—A State that is eligible for funds under subparagraph (B), shall use a minimum of 10 percent of such funds to carry out the activities under paragraph (4)(A)(v).'';

AMENDMENT NO. 40 OFFERED BY MS. TITUS OF NEVADA

Page 740, line 15, strike ''and''.

Page 740, after line 15, insert the following:

(8) by amending subsection (h)(4) to read as follows:

''(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection may be used for the safety of pedestrians and bicyclists, including—

''(A) training of law enforcement officials on pedestrian and bicycle safety, State laws applicable to pedestrian and bicycle safety, and infrastructure designed to improve pedestrian and bicycle safety;

''(B) carrying out a program to support enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to pedestrian and bicycle safety;

''(C) public education and awareness programs designed to inform motorists, pedestrians, and bicyclists about—

''(i) pedestrian and bicycle safety, including information on nonmotorized mobility

and the important of speed management to the safety of pedestrians and bicyclists;

''(ii) the value of the use of pedestrian and bicycle safety equipment, including lighting, conspicuity equipment, mirrors, helmets and other protective equipment, and compliance with any State or local laws requiring their use;

''(iii) State traffic laws applicable to pedestrian and bicycle safety, including motorists' responsibilities towards pedestrians and bicyclists; and

''(iv) infrastructure designed to improve pedestrian and bicycle safety; and

''(D) data analysis and research concerning pedestrian and bicycle safety; and''.

Page 740, line 16, strike ''(8)'' and insert ''(9)''.

AMENDMENT NO. 41 OFFERED BY MS. TLAIB OF MICHIGAN

Page 483, after line 7, insert the following:

(7) Outlining how Federal infrastructure planning, design, engineering, construction, operation, and maintenance impact the environment and public health of disproportionately exposed communities. For purposes of this paragraph, the term ''disproportionately exposed communities'' means a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, people experiencing homelessness, people with disabilities, people who are incarcerated, or youth.

AMENDMENT NO. 42 OFFERED BY MS. TLAIB OF MICHIGAN

Page 319, line 22, strike the closing quotation marks and the second period.

Page 319, after line 22, insert the following:

''(m) PUBLIC COMMENT.—Prior to issuing the notice of funding opportunity for funding under this section for fiscal year 2022, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall solicit public comment on the method of determining the significant reduction in greenhouse gas emissions required under subsection (e).

''(n) CONSULTATION.—Prior to making an award under this section in a given fiscal year, the Secretary shall consult with the Administrator of the Environmental Protection Agency to determine which projects are expected to yield a significant reduction in greenhouse gas emissions as required under subsection (e).''.

AMENDMENT NO. 43 OFFERED BY MRS. TORRES OF CALIFORNIA

Page 499, after line 22, insert the following:

SEC. 1632. GAO STUDY ON PER-MILE USER FEE EQUITY.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study on the impact of equity issues associated with per-mile user fee funding systems on the surface transportation system.

(b) CONTENTS.—The study under subsection (a) shall include the following with respect to per-mile user fee systems:

(1) The financial, social, and other impacts of per-mile user fee systems on individuals, including both men and women drivers, low-income individuals, and individuals of different races;

(2) The impact that access to alternative modes of transportation, including public transportation, has in carrying out per-mile user fee systems;

(3) The ability to access jobs and services, which may include healthcare facilities, child care, education and workforce training, food sources, banking and other financial institutions, and other retail shopping establishments;

(4) Equity issues for low-income individuals in urban and rural areas; and

(5) Any differing impacts on passenger vehicles and commercial vehicles.

(c) INCLUSIONS.—In carrying out the study under subsection (a), the Comptroller General shall include an analysis of the following programs:

(1) The State surface transportation system funding pilot program under section 6020 of the FAST Act; and

(2) The national surface transportation system funding pilot under section 5402 of this Act.

(d) REPORT.—Not later than 2 years after the date of the enactment after this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report containing the results of the study under subsection (a), including recommendations for how to equitably implement per-mile user fee systems.

(e) DEFINITIONS.—

(1) PER-MILE USER FEE.—The term ''per-mile user fee'' means a revenue mechanism that—

(A) is applied to road users operating motor vehicles on the surface transportation system; and

(B) is based on the number of vehicle miles traveled by an individual road user.

(2) COMMERCIAL VEHICLE.—The term ''commercial vehicle'' has the meaning given the term commercial motor vehicle in section 31101 of title 49, United States Code.

Page 925, line 4, strike ''and'' at the end.

Page 925, line 6, strike the period at the end and insert ''and''.

Page 925, after line 6, insert the following:

(F) advocacy groups focused on equity.

Page 927, line 15, strike ''and'' at the end.

Page 927, line 19, strike the period at the end and insert ''; and''.

Page 927, after line 19, insert the following:

(4) equity effects of the pilot program, including the effects of the program on low-income commuters.

AMENDMENT NO. 44 OFFERED BY MRS. TORRES OF CALIFORNIA

Page 499, after line 22, add the following:

SEC. 163__. GAO REVIEW OF EQUITY CONSIDERATIONS AT STATE DOTS.

(a) REVIEW REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall undertake a review of the extent to which State departments of transportation have in place best practices, standards, and protocols designed to ensure equity considerations in transportation planning, project selection, and project delivery, including considerations of the diverse transportation needs of low-income populations, minority populations, women, and other diverse populations.

(b) EVALUATION.—After the completion of the review under subsection (a), the Comptroller General shall issue and make available on a publicly accessible Website a report detailing—

(1) findings based on the review in subsection (a);

(2) a comprehensive set of recommendations for State departments of transportation to improve equity considerations, which may include model legislation, best practices, or guidance; and

(3) any recommendations to Congress for additional statutory authority needed to support State department of transportation efforts to incorporate equity considerations into transportation planning, project selection, and project delivery.

(c) REPORT.—After completing the review and evaluation required under subsections (a) and (b), and not later than 2 years after the date of enactment of this Act, the Comptroller General shall make available on a publicly accessible Website, a report that includes—

(1) findings based on the review conducted under subsection (a);

(2) the outcome of the evaluation conducted under subsection (b);

(3) a comprehensive set of recommendations to improve equity considerations in the public transportation industry, including recommendations for statutory changes if applicable; and

(4) the actions that the Secretary of Transportation could take to effectively address the recommendations provided under paragraph (3).

Page 872, after line 24, add the following:

SEC. 511__ TRANSPORTATION EQUITY RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a transportation equity research program for research and demonstration activities that focus on the impacts that surface transportation planning, investment, and operations have on low-income populations, minority populations, women, and other underserved populations that may be dependent on public transportation. Such activities shall include research on surface transportation equity issues, the development of strategies to advance economic and community development in public transportation-dependent populations, and the development of training programs that promote the employment of low-income populations, minority populations, women, and other underserved populations on Federal-aid transportation projects constructed in their communities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2022 through 2025.

(c) AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for a period of 3 years beginning after the last day of the fiscal year for which the amounts are authorized.

Page 934, after line 19, add the following:

SEC. 550__ GAO REVIEW OF DISCRETIONARY GRANT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations and Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Environment and Public Works; Appropriations; Banking, Housing, and Urban Affairs; and Commerce, Science, and Transportation of the Senate a review of the extent to which the Secretary is considering the needs of and awarding funding through covered discretionary grant programs to projects that serve—

(1) (A) low-income communities;

(2) minority communities; and

(3) populations that are underserved or have limited transportation choices, including women.

(b) RECOMMENDATIONS.—The Comptroller General shall include as part of the review under subsection (a) recommendations to the Secretary on possible means to improve consideration of projects that serve the unique needs of communities described in subsection (a)(1).

(c) DEFINITION OF COVERED DISCRETIONARY GRANT PROGRAM.—For purposes of this section, the term ''covered discretionary grant

programs'' means the Projects of National and Regional Significance program under section 117 of title 23, the Community Transportation Investment Grant program under section 173 of such title, the Community Climate Innovation Grant program under section 172 of such title, and the grants for fueling and charging infrastructure under section 151 of such title.

AMENDMENT NO. 45 OFFERED BY MS. VALÁZQUEZ OF NEW YORK

Page 626, after line 25, insert the following:

''(E) A plan for a public awareness campaign of the transit agency's ability to provide reduced fares, including in foreign languages, based on—

''(i) data from the Bureau of the Census and be consistent with the local area demographics where the transit agency operates and will include the languages that are most prevalent and commonly requested for translation services; or

''(ii) qualitative and quantitative observation from community service providers including those that provide health and mental health services, social services, transportation, and other relevant social services.

Page 627, after line 19, insert the following:

''(7) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the eligibility of an applicant if a State, local, or Tribal governmental entity provides reduced fair transportation to low-income individuals.

Page 627, line 11, strike ''(7)'' and insert ''(8)''.

Page 629, line 11, strike ''(8)'' and insert ''(9)''.

The SPEAKER pro tempore. Pursuant to House Resolution 1028, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this en bloc amendment, which provides for the consideration of 45 amendments filed by Members. The amendments contained in this en bloc touch upon various areas of highways and transit policy in the base bill, including:

Strengthening data collections by States under the racial profiling grant program carried out by the National Highway Traffic Safety Administration;

Improving the use of grant funds for education and enforcement activities regarding cyclist and pedestrian safety. We have seen an alarming uptick in that. We do have significant funds in the base bill to provide for safer and more opportunities for pedestrian, cycling, and alternate modes, access to shopping, groceries, work, and schools, something that was substantially eliminated in the FAST Act, and the legislation before that, MAP–21.

It adds charging speed and minimization of future upgrade costs and considerations for electric vehicle charging infrastructure grants; including environmental and environmental justice organizations on the list of relevant stakeholders and considering plans for renewable or zero-emission energy sources for charging and fueling infrastructure when making awards under the electric vehicle charging grant program;

Requiring the Department of Transportation to consult with the Environmental Protection Agency on the awarding of community Climate Innovation Grants and ensure public comment in the determination of the types of projects that most significantly reduce carbon pollution;

Adding additional environmental considerations to the goals of the National Highway Freight Program, ensuring that the impacts of railway, highway bottlenecks are considered under the program;

Expanding the role of historically Black colleges and universities and other minority-serving institutions in the Department of Transportation research;

Authorizing new research programs to expand transportation access for low income, minority, and other underserved communities;

Ensuring that projects submitted to the FTA Capital Investment Grants program can use ridership data collected before the COVID–19 outbreak, that makes sense, and projections based on that data; and

Ensuring that projects carried out under the national surface transportation system funding pilot includes privacy protections for participants.

These are just some of the highlights of the amendments included.

Mr. Speaker, I thank my colleagues for offering these amendments to improve the highway and transit portion of INVEST in America Act, I urge adoption of the amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the surface transportation law expires in just a few months, and States and workers in transportation businesses are already facing some uncertainly over the next two construction seasons due to COVID–19. This bill is going to lead to greater uncertainty by proposing a seismic shift to our transportation programs by moving us farther away from a long-term bill.

You know, I fought for a seat on the Transportation and Infrastructure Committee because of its track record of working across the aisle to legislate and get things done. But what we are doing today is not legislating. We held a partisan markup in which 112 Republican amendments were rejected, and afterwards, the Speaker essentially amended it again outside of regular order, by airdropping another $1 trillion of new provisions in the middle of the night, in addition to the provisions that never went through any committee process.

□ 1600

Several of the added provisions upended previous bipartisan agreements. So here we are now considering another set of 45 amendments en bloc, and the majority isn't even giving enough time to allow 1 minute of debate for each amendment. This isn't a serious deliberative legislative attempt, which is sad considering just how serious and important it is that we address our Nation's infrastructure.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. TRONE).

Mr. TRONE. Mr. Speaker, I rise today in support of H.R. 2.

For too long, western Marylanders have been left behind with little to no high-speed internet access. Without broadband, Americans can't access telework, telemedicine, tele-education.

It is time to take bold action. As Whip CLYBURN said, just like we put down electricity in every home across the country 100 years ago, it is time we put broadband in every home across America today. This bill does just that by investing $100 billion for broadband development.

I also want to mention the Appalachian Development Highway System. Congresswoman NAPOLITANO offered an amendment to strike a bipartisan bill that the committee had adopted unanimously last week. She is my friend, but we disagree.

This bipartisan commonsense bill will speed completion of the Appalachian Development Highway System, which is critical to Maryland and Appalachia. This program was first established under Lyndon Johnson's administration. Five decades later it is still not done. I ask my colleagues to oppose the Napolitano amendment and help us develop a bipartisan solution to complete the system.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I thank the gentleman for yielding.

I listened earlier today to the Democratic leader that I hold in great esteem, by the way, wax poetically about this bill before us now, wax poetically about how it was developed. I asked for a copy of it. The chairman has a copy in front of him there.

In 3 weeks that massive document was suddenly put together. And he asks where is the President's bill? After all the time that both the Democratic leader as well as the chairman of this committee has been here, they know we don't need a bill from the President to move something forward that will work for America. We don't need to sit back and wait for somebody else. We are the legislative body. It is our bill. It should be our bill, not their bill, not the Republican bill, but our bill.

Because change in America more often is achieved by a bipartisan effort on legislation. And believe it or not, over the last 4 years we have been here, we have actually achieved that a few times, and it is making change in America.

The USMCA, the trade agreement finally replacing NAFTA, actually becomes official tomorrow finally. And that was a bipartisan effort with a lot of teeth, which I know, Mr. Speaker, you are aware of. That took quite an effort to achieve. But it also became a bipartisan effort to improve trade between the United States, Canada and Mexico finally. Is it perfect? Very little ever is, but you sure hope it is better than what we had, which I think we can all agree wasn't working very well.

We achieved the term before that something called the FIRST STEP Act, which was criminal justice reform to finally revise sentencing in criminal justice at the Federal level after more than a decade of wrangling over that.

And how was that achieved? By a bipartisan effort, not a 2,300-page bill developed solely by one side of the aisle brought forth in a matter of 10 days, and ta-da we have a magic answer that will solve all the problems in America or at least in terms of transportation and the Green New Deal. It was by bipartisan effort.

Like the ranking member, I worked hard to get on committees that were bipartisan and would make a difference. I was thrilled to join the House Armed Services Committee and the Transportation and Infrastructure Committee because we had a history of working on a bipartisan basis, which to be honest with you, as of last week was tossed in the dumpster.

You see, a colleague of mine, a Democrat and I, we put forth a bipartisan op-ed and policy proposal to fund a national infrastructure investment bank. That may not have been the best idea. But it was an idea to create an investment fund that would allow States to decide what they need to do, rather than have the bureaucrats in Washington or in this body, for God's sake, decide whether or not you need a bridge versus a railroad or broadband versus pipelines.

We actually had a way, believe it or not, to fund it. Can you imagine that? We had a way to actually fund what it is we are talking about authorizing. A radical idea apparently. Never discussed. Never discussed at all.

So instead of moving America forward, we are moving America into a ditch. We have a bill that started out at committee at $500 billion, and miraculously in less than a week we added $1 billion to it—a trillion; I am sorry, Bs and Ts still get me messed up—we added $1 trillion to it. It is now $1.5 trillion. By the way, with no plan to actually fund this thing.

Estimates on the $500 billion was we would have to increase the gas tax. We would have to double it. That was just for the $500 billion. We would have to raise the diesel tax significantly, as well. That was just for that part, but it is not in this bill. It is not in this bill at all.

So how do we pay for this? Maybe we just have more debt. That is what is suggested by the chairman. We will just get more debt because, hey, debt is great for America.

Then we go and we look at what is in this bill. The bill increases transit funding by 72 percent.

The SPEAKER pro tempore (Mr. COURTNEY). The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Michigan.

Mr. MITCHELL. I thank the ranking member, as I was just getting rolling.

It increases funding by 72 percent for transit funding. Meanwhile, we have COVID–19. Use of transit is declining. It is not entirely clear it will ever come back, but we will throw more money at it because that makes more sense. $2 of every $5 will be spent in this section of the bill on the Green New Deal. Forty percent of the additional money will be spent on the Green New Deal. I thought it was a transportation bill. Mess with me every time.

Last but not least, it leaves rural America behind. Frankly, I will go back to the ditch. We have big ditches where I am from, very large culverts. And we are in one now because, for example, the majority creates the Rebuild Rural grant program that receives $250 million. Woo-hoo, there we go, a little bit of money for them.

Meanwhile, there is a new program for electric charging stations that will largely benefit urban areas because we are going to put $1.7 billion into electric charging stations. That is not going to help out a whole lot in my district in rural America. It makes no sense that 71 percent of public lane mileage is in rural America, but the majority of this goes to urban America.

If we are going to move America forward, Mr. Chairman, maybe we should just call it the moving urban America forward and the rest of you all can go back and handle it on your own because this bill doesn't do it.

So I will ask one more time, I ask the committee—we sat through, what was it, Mr. Chairman, 26 hours of fun entertainment? I will ask one more time: Can we actually do something that this committee that I was proud of, which is a bipartisan effort to make transportation in America work for all Americans that we can afford and addresses the problems? And, yes, I will even accept the Green New Deal, if we talk about it on a bipartisan basis. If we talk about things we know make a difference. I will accept that. I don't deny that it exists, but it would be nice if we didn't throw dollars at everything and hope something works.

So once more, please, a bipartisan effort, and I would be happy to support it.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

In response to the gentleman that says, it isn't the responsibility of the President to propose an infrastructure plan. He campaigned on infrastructure. He campaigned on it.

Then Secretary Chao said the week of May 15, 2017, the $1 trillion infrastructure plan will be out in the next several weeks. Whoops, here we are, 3 years later and a couple of months, no plan. Oh, October 9, Chao again touts the $1 trillion plan that will soon be available. Whoops, that was 2017.

Then we had the week of February 12. Trump announced a $1.5 trillion infrastructure plan. Actually, this time they did propose something. It was just written out. It wasn't real language or anything. What it did is it said the States will pay for it and the private sector will pay for it, and by the way, we will reduce Federal investment. That was a great plan. That was a great plan. A really good plan.

Then we went to the White House, and as other colleagues who were there, the majority leader and others said, we went in, and when he turned to the Speaker and said, Well, how much are you thinking for infrastructure?

And she said, Well, Mr. President 1 to $1.3 trillion.

And the President said, No. No, not enough. Not enough.

1.9, 1.9.

He said, Nope, nope, nope. Two is better, $2 trillion.

He agreed to $2 trillion. He agreed to roads, bridges, highways, transit, rail, wastewater, drinking water, and broadband. All those things are in this bill funded at nearly the level because he was proposing a 10-year figure for $2 trillion that he asked for.

And then again over the last few weeks they are on the verge of issuing an infrastructure plan. And I have heard a couple of Republicans say it is not up to a President to propose, and it is not up to a President to figure out how to pay for it.

Dwight David Eisenhower; anybody remember him? Federal-Aid Highway Program. Remember that? User fees, Dwight David Eisenhower's initiative. He was a Republican President. He took initiative.

And then, you know, JFK brought transit into the mix. And both of those things just happened on June 29 and June 30. For Ike it was 64 years ago, and for JFK, it was 59 years ago when we started making major investments in public transit.

And I heard the gentleman say, Well, who is ever going to use transit? Or they might not use it again because of COVID. Well, if we don't get a vaccine and things don't get back to regular, yes, they may not be using transit. But we are not going to have much of an economy because a lot of the economic activity in this country is generated in our urban areas. But I represent a mixed district. I have two relatively small cities and a very large rural area.

There is a lot of stuff in this bill that is way better than the FAST Act for rural America. We have $1 billion for off-highway bridges. There are 47,000 bridges on the National Highway System that need repair and replacement, but there are a heck of a lot of bridges

that are not on the national system. And a lot of those 47,000 are in rural areas.

And the electrification is for the interstate system. And some of it will go into urban areas, but it is going to be for the interstate. And there are a lot of people in rural America who are dependent upon the interstate. And some day they might want to be driving an electric car, who knows? But they don't want to have range anxiety maybe. So to say this just benefits urban America is an inanity.

And beyond that, we have put additional money into rural transit in this bill. I have rural transit, suburban transit, and, yes, the major urban areas, we are going to reinvest there. And, you know, if you think it is foolish to reinvest there and you think we are never going to be using transit again, then you are looking at a very grim future for the United States of America and the world.

I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Mr. Speaker, I thank Chairman DEFAZIO for yielding and for this transformational bill that has been put forward, a deeply necessary investment in our country's infrastructure.

My amendment would ensure that our Nation has a well-equipped workforce to build climate resilient infrastructure projects. And it does this by adding a critical requirement to study labor, workforce, and equity considerations.

Climate change is compelling us to boldly innovate, and workers will need training to acquire new skills to implement emerging technologies that keep us and our communities safe. As this is unchartered territory, we will need to study how to best support our workers so they are prepared to meet that challenge head on.

We also need to make sure that Federal investment improves, not worsens existing inequities in our economy. Let's fully identify effective strategies to guarantee that jobs are first available to populations that face the greatest barriers to employment and are most vulnerable to the very risks of climate change that we must address.

Finally, Mr. Chairman, I have one of those bridges in my district, and we desperately need help. We need revenue to rebuild our Nation's infrastructure. I have a major bridge in my district that was abruptly shuttered.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Washington.

Ms. JAYAPAL. Mr. Speaker, I have a major bridge in my district that connects west Seattle to downtown, and it was abruptly shuttered after growing cracks were discovered in a routine inspection. Repairs and possible replacement will cost hundreds of millions of dollars, and the people that live in that part of my district—very populated—have no way to get out of that, except for one little place on the south end of that area.

So we desperately need to find these issues before they come up, and we need to invest.

□ 1615

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to address the rural aspects of this bill.

Although it claims to help rural infrastructure, if we just follow the money, all we have to do is follow the money, we can clearly see that this bill is going to leave rural America further behind.

The largest percentage increases by far go to transit and rail, programs that tend to benefit the urban areas much more than rural communities.

Transit receives a 72 percent increase in funding and Amtrak an incredible 450 percent increase, yet 71 percent of public road land miles are in rural America. Crashes and fatalities on rural non-interstate roads occur more than double the rate of all other roads.

But between policies and programs that favor urban areas and weave in the Green New Deal mandates and other requirements throughout all the Federal transportation programs, critical resources that could be used to go directly to fixing and building roads and bridges, pouring concrete, and laying asphalt in rural America, those are going to be diverted.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Speaker, my amendment alters the charging and fueling infrastructure grant program in this bill, laying the groundwork to deploy zero-emission EV charging infrastructure nationwide.

This amendment strengthens plans for renewable or zero-emissions energy sources to power EV chargers. It directs DOT to study financing options for a national network of EV chargers and determine the right distance between those chargers so Americans can drive across the entire National Highway System without running out of power.

It makes sure environmental justice organizations have a seat at the table as we build this beautiful green future.

We must transform our transportation sector and end our reliance on fossil fuels. Today, we take an important step in that transformation.

I hope we can take up this work and advance ever-bolder proposals to fight climate change and protect life on Earth as we know it.

Mr. Speaker, I thank Chairman DEFAZIO for including this amendment in the en bloc package and for his great work on this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. PALMER).

Mr. PALMER. Mr. Speaker, I thank the ranking member for yielding.

Because the committee has long been known for bipartisan cooperation, when I first came on the Transportation and Infrastructure Committee, I was actually optimistic that we could work together to get a good bill to the full House. How naive of me to think that my Democrat colleagues would put aside their radical agenda to work with Republican Members to pass a sensible and affordable surface transportation bill.

I can hardly overstate my disappointment that, from the very beginning, we were completely shut out of the process. I had hoped that the partisan nature of this surface transportation reauthorization would end after the bill was marked up in committee. Clearly, that was wishful thinking.

While the entire transportation reauthorization process has been abused, it has served at least one good purpose in that it has put on full display the extreme ideas of my Democrat colleagues and just how destructive to the committee process they have become.

Apparently, it wasn't enough to ram through a bill drafted without any input from Republican Members, which increased spending by 62 percent while our Nation is drowning in debt by adding a trillion dollars in miscellaneous spending to the proposal that already wasn't serious to begin with.

My guess is that this is another Democrat bill that would have to be passed to find out exactly what is in it and what it will really cost American households.

The real tragedy in all of this is that it represents a missed opportunity to work in a bipartisan fashion to solve the problems that we all recognize exist. Instead of spending time working to minimize delays, streamline the environmental permitting process, and fund projects with a clear Federal nexus, my Democrat colleagues have brought to the floor a wish list of Green New Deal proposals.

Some of my colleagues who have been on this committee much longer than me tell me that they have never opposed a highway bill. It is a shame that they will no longer be able to say that solely because of the majority's failure to cooperate on this bill in a bipartisan fashion.

We were eager to engage in a legitimate committee process to consider a responsible proposal to reauthorize our surface transportation programs. Unfortunately, as I said before, this has been a fraud from the start.

I guess I could say at least they didn't promise: If you like your car, you can keep driving it.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. BONAMICI), a good friend.

Ms. BONAMICI. Mr. Speaker, I thank Chairman DEFAZIO for his leadership.

Long-term investments in transportation and infrastructure create good-paying jobs and drive commerce. When

we rebuild systems in a sustainable and resilient manner, we reduce carbon emissions, improve energy efficiency, and support vulnerable communities.

I am very pleased that the Moving Forward Act includes many of the recommendations of the Select Committee on Climate Crisis to invest in transit and zero-emission buses, electric vehicle charging stations, pedestrian and bike infrastructure, and predisaster mitigation.

As a member of the Education and Labor Committee, I am also glad that H.R. 2 includes the Reopen and Rebuild America's Schools Act and childcare infrastructure funding. Schools and childcare facilities across the country are in desperate need of repairs to protect the health and safety of students and staff.

In northwest Oregon, it is not a question of if but when we will have a significant earthquake, and so I am very grateful that this bill specifically provides funding for schools vulnerable to seismic natural disasters.

Mr. Speaker, I thank Chairman DEFAZIO and his hardworking staff.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentlewoman from West Virginia (Mrs. MILLER).

Mrs. MILLER. Mr. Speaker, I thank Chairman DEFAZIO for yielding.

I rise in opposition to amendment No. 124 on both the merits and the process that bring us to the people's House today.

I came to Congress to fix issues in southern West Virginia, like our need for strong and stable infrastructure and to bring new opportunity to our State.

During the markup on H.R. 2, I introduced a commonsense amendment to solve a problem that has been plaguing rural America for years: the Appalachian Development Highway System. The ADHS is an essential part of America's highway system and has been since 1965. Its goal is to connect rural communities with high-quality roadways, allowing us to transport our goods and people across the country. This system is instrumental in guaranteeing economic success for all of America.

Unfortunately, outdated funding mechanisms are bogging down progress by holding taxpayer money hostage in projects that are already completed while other underfunded projects stay unfinished.

My legislation would fix this problem by freeing up the States to collaborate on these projects and deliver money in a targeted approach. There is no additional cost to taxpayers, and it would not cut funding for any State.

It is good policy that was adopted in the Senate and passed in our committee without objection by one single member. Bipartisan and bicameral, what a rare sight for Washington these days.

However, once again, at the eleventh hour, my colleagues across the aisle added this new language that contradicts my amendment and threatens the entire livelihood of the ADHS.

Passage of this amendment kills the one I offered. It would cut rural support for more big-city interests, holding back hardworking people from the benefits of quality roadways and the job opportunities that come with it.

It is misplaced priorities like these that lead to Congress' low approval rating.

Mr. Speaker, I urge my colleagues to oppose amendment No. 124 so that we can give Appalachia the respect and service it deserves.

Mr. DEFAZIO. Mr. Speaker, may I inquire as to the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Oregon has 18½ minutes remaining. The gentleman from Missouri has 16½ minutes remaining.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

To the gentlewoman's amendment, I appreciate Members advocating strongly for either their State or their region. The problem that was discovered with this amendment, after further investigation, is it would have rewarded a smaller number of States to the detriment of 37 other States and the territories.

What has happened is that some States have built out their Appalachian Development Highway System. They, under this amendment, could turn that money back to DOT, then DOT would give that to other Appalachian States. So far, so good. That would be okay with me. But it goes one step further.

All those States that have finished and turned the money in, they get additional funds. That means that a minority of the Appalachian States that have already finished the system would get additional funding to the detriment of all the 37 other States and the territories in the United States of America.

The way it works now, they would be drawing on TFHI money. Now, when there is excess TFHI money, there is something called the August redistribution.

Last year, the State of Kansas got a 16.5 percent increase because of the August redistribution. Under this amendment, nada, zero.

Texas got 16 percent. Under this amendment, zero.

Connecticut got 14.5 percent. Under this amendment, nothing.

Missouri, 13 percent; nothing. Louisiana, 12 percent redistribution; nothing. Illinois, 11; nothing. Colorado, 10; nothing. Oklahoma, 10; nothing.

The problem is it was a little bit of double-dipping. This was, actually, cleverly authored at the auspices of MITCH MCCONNELL in the Senate.

An exchange of funds from one Appalachian State to the other to finish the highway system, that is fine with me. But we are not going to then give them credit and give them other Federal funds for that money to benefit that region to the detriment of all the other States.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Iowa (Ms. FINKENAUER), who is a wonderful addition to the committee, doing fabulous work and representing a very rural district, for the most part.

Ms. FINKENAUER. Mr. Speaker, I thank Chairman DEFAZIO for yielding.

It is an honor to serve on the Transportation and Infrastructure Committee and bring the needs of rural America to the committee and be able to work on those needs in a bipartisan way. I am proud to say multiple of my standalone bills that are included in the larger package are bipartisan bills that I was able to work across the aisle on with my Republican colleagues.

So, I am very confused about their rhetoric around this bill being so partisan, when it has been an honor to get to work across the aisle and find common ground on so many issues.

One that I am particularly proud about today is one that is included in this en bloc that increases funding for the Rebuild Rural grant program by $150 million and extends the program for 2 more years, giving certainty to our rural areas, which have long been forgotten here in Washington, D.C.

On top of that, what we will see in the larger package is the Investing in America's Bridges Act. It will also include rural road and bridge funding that has often, again, long been forgotten, including the Investing in Community Infrastructure Act as well.

There is so much work that we have done here that I know is going to show up in a very big way in my district.

I would also like to say I find it really ironic the talk that we are hearing here today, when my Republican colleagues had 2 years in the House with the Senate and with the Presidency to put together any plan they would like that would invest in areas like the place that I grew up, and they kicked it down the road.

I am happy today to be here fighting for my district, fighting for my State, and passing one of the best investments in rural infrastructure that our country has ever seen. I will be here doing my job, and I know it is going to be up to the Senate and the President if they decide to do theirs.

□ 1630

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it interesting that we just heard about the rhetoric and the confusion over how this bill is bipartisan. And if you look at the first three en bloc amendments, they have 107 Democrat amendments in there and not a single Republican amendment, so where is the bipartisanship in that?

I also find it interesting, too, and the last speaker just added, that they were adding $150 billion to the Rebuild Rural America bill, which supposedly, according to her, already takes care of

rural America. So why do we have to add more money to it?

So there is a lot of confusion and a lot of misrepresentation on the other side, particularly when it comes to the rural areas. People can claim all they want that this takes care of the rural areas when, in fact, it doesn't. It absolutely doesn't.

The bottom line is this shifts a large percentage of dollars into those transit programs that help the urban areas, not the rural areas, and a vote for this is going to be a vote for just that: against rural America. That is what will come out later.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, a short time.

There is actually a 35 percent increase in the National Highway System funding in this bill—35 percent. Their bill was 10 percent.

Yes, there is a big increase in transit, but it is not at the expense of the National Highway System or the investments in rural America or the 47,000 bridges, many of which are in rural areas that need repair or replacement, or the billion dollars we are putting into off-national highway systems in rural areas. Those are huge new investments.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Mr. Speaker, I rise in support of this en bloc amendment and encourage support for my amendment to require the National Highway Traffic Safety Administration to study and issue a report on the safety effects of ensuring school buses are equipped with air-conditioning.

I represent rural desert cities like Palm Springs and Coachella in California's 36th Congressional District, where, for much of the year, the temperatures are really hot and well into the triple digits, sometimes reaching 125, 130 degrees Fahrenheit. Yet many school busses do not have air-conditioning, causing children to arrive at school in sweat-soaked T-shirts, dehydrated, and with heat exhaustion.

Last fall, I wrote the National Highway Traffic Safety Administration to take action. This amendment would provide them needed data to help protect students' health and safety while riding on school buses without AC in extreme heat.

The Moving Forward Act contains robust improvements for school bus safety in rural and urban areas, and my amendment would strengthen that. I urge support for this en bloc amendment and for H.R. 2, the Moving Forward Act.

I thank the chair.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Oregon, the chairman of this committee, and I rise enthusiastically for H.R. 2 because we need to move forward.

Mr. Speaker, I thank the gentleman (Mr. DEFAZIO). For 20 years I have been on this floor fighting for mass transit and the expansion of such and to allow cities like Houston that were delayed 20 years because of opposition by my friends on the other side of the aisle, and we are finally getting a robust commitment to not only fixing roads and schools and housing, but also to dealing with mass transit. We worked on it for a long time.

I want to thank the committee for accepting my amendment dealing with COVID–19. Right now, in Houston, as I rush back to my city, we have the largest number of cases. We have people dying. We have people walking into emergency rooms because they are sick themselves just coming in.

This amendment deals with the aviation area and the airports where money has been given, but, in fact, money has been left out for different businesses, like parking. This amendment requires FAA to assess all of the businesses that have been left out and to prioritize them in our next funding, and I thank the gentleman for that.

But let me, as well, speak about what I know is important in the bill and impacts a project called I–45 in Houston, Texas. This project would erase 158 houses, 433 apartments, 486 condos.

I include in the RECORD an article from the Houston Chronicle about the I–45 project, dated June 7, 2020.

[From the Houston Chronicle, June 7, 2020]

I–45 PROJECT LEAVES NEIGHBORS IN LIMBO: CRITICS FEARFUL FOR RECORD NUMBER WHO COULD BE DISPLACED

(By Dug Begley)

Wherever Armando Litchenberger looks around Urbana Recording Studio, there are memories. The stool Jose Feliciano sat on to record a couple tracks. Goldie Hawn used the studio to mix the soundtrack for a TV movie she directed. Duran Duran recut a guitar track that didn't test well while on a world tour.

''There are memories here that are not replaceable,'' Litchenberger said as he showed off the Near Northside performance room where the neighborhood's de facto house band, La Mafia, recorded the songs that won four Grammys, which now sit a glass trophy case a few feet from the soundboard.

Beatles memorabilia and signed posters from hundreds of musicians and celebrities line the walls, but it is a pin in the parking lot that draws Litchenberger's attention these days. Driven in by a surveyor, the pin marks the property line for a wider Interstate 45.

''If I stay, I'll be right on the freeway,'' Litchenberger said. ''I would have to close this off and make it a double cinder block wall to close off the sound.''

The I–45 project's toll on local property owners would be unprecedented for TxDOT in Houston, potentially relocating hundreds of families and businesses. Estimated to cost at least $7 billion, the project will rebuild I–45 from downtown Houston north to Beltway 8, and change how it connects with other downtown freeways.

That means rebuilding—by removing—pieces of Fifth Ward, the Northside, Acres Homes and Aldine. Spots south of North Main where third-generation Latino residents help neighbors work on cars in their driveway. Or Tidwell, which bustles with activity as the commercial center and is the only place within walking distance of her apartment where Shondrae McBride, 26, can get her nails done, pick up marinated carne asada and drop off her husband's cellphone for repair across from a Pho restaurant.

''Not everybody has a car to get around,'' McBride said.

Removing some of those businesses, she said, would ''add hours'' to her typical errands.

The latest estimates show the rebuild would impact—the catchword for any structure or dwelling directly touched by the changing road boundary—158 houses, 433 apartments or condos, 486 public housing units, 340 businesses, five churches and two schools. The Houston Police Department would need to relocate its south central police station and the Mexican Consulate in the Museum District, adjacent to I–69, will move to a Westchasearea location.

Mayor Sylvester Turner has called the project ''transformative'' but also called on TxDOT to revise the designs north of downtown to impact fewer homes and businesses while remaining on track to start construction downtown in a matter of months. Work is slated to begin north of Interstate 10 by 2024.

When the work actually begins will depend on decisions made this year and next that some, including Harris County Judge Lina Hidalgo, worry will displace a historic number of people before getting a full public review despite more than 15 years of planning. Hidalgo and others have called on TxDOT to delay final decisions, which could push back the start of construction for months as more public meetings are planned.

''Given the impacts of the COVID–19 disaster, this delay would give the county and its residents more time to engage with and offer feedback,'' Hidalgo wrote in May.

TxDOT officials have said they welcome the city and county's input, with state Transportation Commissioner Laura Ryan, of Houston, saying the goal is a project that ''will work, for the most part, for as many people as possible.''

That still leaves the question of how many people will have to get out of the way.

BENEFITS, AT A COST

For those entirely displaced by TxDOT's freeway plans, whether a renter, homeowner or business owner, the outcome of discussions between TxDOT and the city could determine whether they stay or go. Some of the changes under consideration will mean the difference between their home or apartment being adjacent to the freeway—or demolished and a part of it.

Other questions remain, such as how much owners and renters will be compensated and where that money will allow them to go. Renters will scramble to find nearby housing they can afford. Those receiving assistance with housing will wade back into a crowded system.

''There are some properties some residents could go to, but there is not enough room,'' said Arveyiel Fortilla, a resident of the Houston Housing Authority public complex Kelly Village, who has followed the process closely.

Housing advocates, such as Amy Dinn with Lone Star Legal Aid, said the potential displacements—some all but inevitable—could strand public housing residents between agencies as TxDOT works with local housing officials and city leaders to come to agreement. The most likely outcome is TxDOT provides local agencies funding and, perhaps, property to relocate residents.

At a December meeting about the project, Dinn said many fear the city will not be a good custodian of those housing dollars if TxDOT decides to simply cut a check. The Houston Housing Authority, she said, faces a housing crunch throughout the city, not just along I–45.

''The concern is they are going to take that money and not help those communities,'' Dinn said.

The payoff, supporters argue, is a much-needed rebuild of the region's freeway spine and downtown system.

''We are building this project for the next 50 to 75 years,'' said Eliza Paul, district director for TxDOT in the Houston region.

Beneficiaries of an improved freeway include tens of thousands of people from Conroe southward who rely on I–45 for daily commutes or trips south to Houston and beyond.

A new freeway and new intersections built to modern standards, proponents note, will mean major bottlenecks are relieved and traffic can flow more efficiently—and more safely—in and around downtown. Preliminary estimates project traffic speeds will increase by 24 miles per hour, an unheard-of leap for a freeway project within Loop 610.

Pulling off those improvements, however, means a much larger freeway, with TxDOT buying an additional 450 acres of Houston property to go with the 1,207 acres the freeway already occupies. At the northwest and southeast corners of the I–45 and Loop 610 interchange, easing the tight curves of the existing ramps means remaking them right through nearby single family homes.

''You work and save for years to buy a house, and somebody comes by and tells you they're taking it. It's just not right,'' said Colleen Wirth, whose house southeast of the crossing is spared, but will have a sound wall running along the back yard.

DIFFERING VISIONS

To find anything comparable in terms of homes affected by the I–45 project, one has to go back more than 50 years when freeways barged through some of the city's poorest neighborhoods. When TxDOT remade the I–10 and U.S. 59 interchange in 1959, the new configuration claimed more than 500 flood-prone homes along Buffalo Bayou in Fifth Ward. The I–45 interchange with Loop 610 cut Independence Heights practically in half in the late 1950s.

It is a legacy of freeway building over the oppressed, community groups argue, that continues to today. As anger over the killing of George Floyd spilled into the streets, some argued the systematic issues extend to public infrastructure.

''The cries demanding action emanating from the protests taking place throughout the country have been fueled by the stark reality that racism permeates our lives,'' wrote Bakeyah Nelson, executive director of Air Alliance Houston, in a letter to supporters. ''This shapes how people perceive us and how they choose to interact or don't interact with us . . . It allows for thoughtless decisions to be made about our communities, such as where to put the next concrete batch plant or whether to expand a highway that will cause the displacement of entire neighborhoods.''

City officials, who in the past year have increased their focus on the enormous toll the project will have on neighborhoods bordering the freeway between Tidwell and White Oak Bayou, are trying to avoid a repeat of that kind of upheaval.

''I think part of the city's goals are to honor the neighborhoods around the freeway, and the wishes of the people,'' said Margaret Wallace Brown, the city's planning director.

Many of the people are worried.

In Independence Heights, the project will scrape away more of the history of Texas' first black-formed municipality. It is more than just the small wooden row houses built on block foundations or the triangle of churches that form the core of the community, said Tanya Debose, executive director of the Independence Heights Redevelopment Council.

''It's the people that make a place,'' she said, noting as residences are removed the inhabitants move to other neighborhoods. ''We're going to get squeezed, until there is nothing left.''

Following two rounds of community meetings by planning officials, Mayor Turner encouraged TxDOT to reconsider many features of the freeway redesign, including staying entirely within the existing right of way north of downtown ''as much as possible.''

For example, the city is asking TxDOT to remove planned frontage roads northwest of the Loop 610 interchange and add two bus-only lanes to the center rather than four express lanes similar to the Katy Managed Lanes along I–10.

While building two bus lanes instead of four managed lanes would limit the need for property along the freeway's edges, it also would reduce some of the benefits to automobile travelers—who will continue to far outnumber transit uses for the foreseeable future.

For that reason, the changes proposed by the city already have been met with some concern.

''Are we really improving mobility in this area,'' asked Galveston County Precinct 4 Commissioner Ken Clark, chairman of the region's Transportation Policy Council. ''With the type of money we are spending on this project and the loss of the HOV lanes, are we really getting improvement?''

LEFT BEHIND

As the decision to redesign segments proceeds, property owners remain in limbo—likely affected, but not certain how. In Litchenberger's case, the neighborhood molded him, and seeing it change comes with some worry.

The Northside is where members of La Mafia—Litchenberger is the accordionist and producer of the four-time Grammy-winning Tejano group—formed and where the friends started a musical journey entering its fourth decade. When they went on a national tour in 1993, the North Street bridge in view of the studio is where the trucks and buses lined up.

''All that will be gone,'' Litchenberger said, noting the bridge will be demolished to make way for the wider freeway and frontage roads. ''There is a lot of history here, around here, that will just be gone.''

The studio is just a part of that, a gem in the community that because of the bayou and freeway barriers has felt segregated and on its own. The neighborhood will lose homes, with those owners and renters likely heading elsewhere. Businesses will decide whether to wait out slow sales years during construction, or pack up.

''They're coming for us,'' Miguel Castaneda said as he left a convenience store near Fulton and Cavalcade. ''They're cleaning it up and then everybody here can go somewhere else so the developers can move in.''

Businesses and residents of downtown, East Downtown and Third Ward face a brighter picture. Turner and others concede some of the downtown changes are necessary to fix some of the bottlenecks that bedevil commuting. That will leave some people most in need the least protected at Clayton Homes and Kelly Village, two city-run public housing developments.

''If they do this without giving us someplace to go, they are contributing to the homeless population,'' Fortilla said.

At Clayton Homes, along Buffalo Bayou at the junction of I–69 and I–10, the project is taking all 296 units, many of which were never rebuilt after Tropical Storm Harvey sent the bayou into at least six apartment buildings. TxDOT has offered $90 million for Clayton Homes with the understanding it would pay the money up front and give Houston Housing Authority time to build new affordable apartments somewhere close by and give housing vouchers to residents who want them.

The effect on Kelly Village is less substantial, but could leave residents in even more uncertainty. Fifty of the 270 units at Kelly Village will be destroyed by the freeway expansion, while the rest will remain closer to a larger freeway. Those losing their homes will have the option of taking a voucher or get priority to move into available housing.

Many in the complex, Fortilla said, are resigned to being scattered and given scarce options.

''They have just given up already to what happens,'' she said. ''When a person is used to being beaten up, they don't know any other way.''

Ms. JACKSON LEE. Mr. Speaker, let me, just for a moment, say that I would like to enter into a colloquy with Mr. DEFAZIO about this part of the project.

It would cause the loss of 486 public housing units, 340 businesses, 5 churches, 2 schools. There are additional concerns that the community is raising and, yes, the oldest Black city in the State of Texas—maybe even in the Nation—called Independence Heights. Even a historic trail that is now law called the Emancipation Trail may be impacted. These vulnerable people are not being listened to.

There is a lot going on.

I ask the chairman to respond to the good elements in this bill that would be a litmus test for this project.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume to respond to the gentlewoman.

I share the gentlewoman's concern. We once had—and it is not in my district, but Mr. BLUMENAUER's district—planned for a major new highway that would have bisected the city, affecting generally working-class and minority neighborhoods, and we got it killed by, actually, the Secretary of Transportation who was from Oregon at that time. Highway projects have a bad history of dividing our cities, and particularly segregating and dividing communities of color.

So I know the gentlewoman had a specific amendment targeted at this one project, but, actually, the bill, itself, has a major focus on looking for alternatives.

First, the States are going to have to go through—before they do any of these projects, they are going to have to go through a rigorous public process. They are going to have to look at what other options are available to deal with the congestion or whatever issue they are dealing with. So I expect that there are other provisions in this bill that would achieve the gentlewoman's goals as we move forward.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. DEFAZIO. Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON LEE. Let me thank the gentleman, and I will continue to work on this with the Transportation and Infrastructure Committee.

I want this bill to be passed in the Senate. I want this bill to become law because there are millions of Americans waiting for this bill, H.R. 2, to save them and help them, particularly those in Houston regarding I–45.

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman. I always enjoy working with her.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. WILD).

Ms. WILD. Mr. Speaker, I rise in support of H.R. 2, the Moving Forward Act, a bold plan to rebuild crumbling infrastructure across our country.

For decades, Congress has allowed our infrastructure, roads, bridges, waterways, schools, housing, public transit, energy systems, and broadband to erode under the weight of lack of investment. This inaction has made our people less secure. It has made us less economically competitive in the global marketplace, and it has disproportionately affected the most vulnerable.

We have a responsibility to pass this legislation now at a time when more Americans are unemployed than any time since the Great Depression. This bill will create millions of Americans shovel-ready jobs.

There is no better example of the need to modernize our infrastructure than our schools. Each child needs the guarantee of a safe classroom that is equipped to provide them with the education they will need to succeed in the 21st century.

I call on my colleagues, Republicans and Democrats, to join me in passing this legislation with a resounding vote. After all, it was a Republican, President Eisenhower, who literally brought our country together with the most ambitious infrastructure project in our history: the Interstate Highway System.

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GARCÍA), a member of the committee.

Mr. GARCÍA of Illinois. Mr. Speaker, I thank Chairman DEFAZIO for yielding.

Mr. Speaker, I rise in support of amendment 293, which ensures that we study the safety of automated vehicles and that we also study their environmental effects.

H.R. 2 requires us to study transformative technology—in this case, autonomous vehicles—to make sure that it is implemented safely and that we understand its impact on jobs.

My amendment makes sure that we study air quality and climate and energy consumption effects from automated vehicles, because any equitable investment in transportation requires protecting air quality and advancing climate solutions for all communities.

I thank my cosponsor, Representative SCHAKOWSKY, and supporting organizations like the Environmental Law and Policy Center, the Natural Resources Defense Council, and the League of Conservation Voters.

Mr. Speaker, I urge adoption of this amendment.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I continue to rise in opposition to this amendment. Just as H.R. 2 weaves climate policy throughout the bill, climate provisions are woven throughout this en bloc amendment as well.

These amendments make local pollution reduction a goal for the National Highway Freight Network, expand eligibilities for the new Gridlock Reduction grant program—a program that only benefits the 10 largest cities in the country—and it requires us to figure out whether autonomous vehicles impact air quality, climate, and energy consumption.

And still, the bill has no way to pay for these items and just adds to our debt.

The underlying bill promotes policies that favor urban areas over rural infrastructure, which leaves our smaller communities farther and farther behind.

Some members of the majority clearly agree since an amendment included here felt the need to find more money for the bill's Rebuild Rural grant program, the lone new program meant to pay lip service to rural America.

The underlying bill also doesn't provide meaningful streamlining of the project review process—we talked about this before—even though there are commonsense bipartisan reforms in the bipartisan Senate bill that were offered by Republican Members on the committee in markup.

One very narrow amendment in this package acknowledges some need for relief from burdensome project reviews. Unfortunately, this represents the only attempt to streamline the review process in the entire bill, despite near-universal calls for reform.

We could have come together and written an infrastructure bill that would easily clear this Chamber with an overwhelming bipartisan vote, and I am disappointed that Republicans' word to work across the aisle on an infrastructure bill wasn't taken in good faith by the majority.

Mr. Speaker, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I rise in support of this en bloc amendment. I have no further speakers, and I have no further comments.

Mr. Speaker, I yield back the balance of my time.

Ms. MOORE. Mr. Speaker, I rise to urge support for my amendment, including in the En Bloc Amendment, that would provide the Office of Tribal Affairs created in this bill with the responsibility of ensuring that the Department of Transportation has in place and enforces federal government wide requirement for regular and meaningful consultation and collaboration with Tribes and Tribal officials as outlined in Executive Order 13175 issued by President Clinton in 2000.

I thank the chairman for its inclusion in En Bloc Amendment No. 1.

The reality is while Executive Order 13175 was groundbreaking, it has never quite lived up to its promise. Too many federal agencies have failed (and still fall short today) to executive its directive to ensure that tribes have a say in federal activities that impact them.

Why was this Order needed? Because, unfortunately, history has shown that failure by the federal government to consider the impact on tribal communities or to include their voices in federal decision making has all too often led to undesirable and, at times, devastating policy.

Consultation and engagement is a basic must for maintaining a strong and productive Federal-tribal relationship.

A key part of protecting sovereignty and self-determination is to make sure that federal agencies actively gather, listen, and heed the input of tribes relating to federal projects and activities that will impact them. Providing this responsibility to this new office within a Department that supports tens of billions of dollars of projects in every part of our country makes sense.

Among other requirements, Executive Order 13175 called on each federal agency to "have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." It further went on to require each federal agency to designate an official to lead the agency's implementation of the Order's requirements.

I believe the new Tribal Office created in this bill would be perfectly position to carry out those duties and ensure that the Department of Transportation and its agencies implement an effective tribal consultation process, including pushing the Department to follow up on its commitment to tell tribes how their input was or was not actually used, a flaw pointed out in a 2019 report by the GAO.

The impact of the transportation programs authorized in this bill and on tribal lands goes beyond the tribal programs authorized in this legislation. Therefore, this new office should also be able to look broadly across the Department and work to monitor and fix problems with how the Department in general works with tribes on projects and activities, regardless of funding source.

No single office can fix this problem but by creating a point for accountability and transparency, it will move us closer to the goal wonderfully articulated in Executive Order 13175 but which has proved so elusive ever since.

With that, I urge support for my amendment and the larger En Bloc package.

Ms. TLAIB. Mr. Speaker, I would like to thank Chairman DEFAZIO, for his leadership on this bill, and for the leadership of Speaker

PELOSI, Chairwoman WATERS, Chairman SCOTT, and Chairman PALLONE for fighting to make sure we make historic investments in our country's crumbling infrastructure.

I rise today in support of amendments No. 41 and No. 42.

The first amendment, which I have proposed with my colleagues Reps. BARRAGÁN, OCASIO-CORTEZ, and BROWNLEY, prioritizes the public health of vulnerable communities by adding detailed requirements to H.R. 2's Climate Resilient Transportation Infrastructure Study.

For too long, the building of roads, highways, and other federal infrastructure has come at the expense of communities experiencing environmental injustice.

Our amendment would prioritize areas like Michigan's 13 District, home to the most polluted zip code in our state, and other communities that include people of color, migrants, and low-income workers. It would center our communities are fighting against climate change, pollution, and environmental racism.

My second amendment ensures proper oversight and transparency of Community Climate Innovation Grants by requiring the Department of Transportation to work with the Environmental Protection Agency and the public.

Parents in my district should not live in fear of their children playing / outside due to toxic air, and my amendment will ensure accountability as we seek to significantly reduce greenhouse gas emissions.

I urge my colleagues to support these amendments to ensure that the communities that our communities are not ignored and do not bear the brunt of federal infrastructure environmental discrimination.

□ 1645

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the amendments en bloc offered by the gentleman from Oregon (Mr. DEFAZIO).

The question is on the amendments en bloc offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. LIPINSKI OF ILLINOIS

The SPEAKER pro tempore. It is now in order to consider an amendment en bloc consisting of amendments printed in part C of House Report 116–438.

Mr. LIPINSKI. Mr. Speaker, pursuant to section 3 of House Resolution 1028, I offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, printed in part C of House Report Number 116–438, offered by Mr. LIPINSKI of Illinois:

AMENDMENT NO. 1 OFFERED BY MR. CUELLAR OF TEXAS

Page 1082, line 3, insert ''the challenges of grade crossings located near international borders,'' after ''crossing closures,''.

AMENDMENT NO. 2 OFFERED BY MR. GARCÍA OF ILLINOIS

At the end of division H, add the following new section:

SEC. 40101. REQUIREMENTS FOR OWNERS AND OPERATORS OF EQUIPMENT OR FACILITIES USED BY PASSENGER OR FREIGHT TRANSPORTATION EMPLOYERS.

(a) DEFINITIONS.—In this section:

(1) AT-RISK EMPLOYEE.—The term ''at-risk employee'' means an employee (including a Federal employee) or contractor of a passenger or freight transportation employer—

(A) whose job responsibilities involve interaction with—

(i) passengers;

(ii) the public; or

(iii) coworkers who interact with the public;

(B) who handles items which are handled or will be handled by the public; or

(C) who works in locations where social distancing and other preventative measures with respect to the Coronavirus Disease 2019 (COVID–19) are not possible.

(2) PASSENGER OR FREIGHT TRANSPORTATION EMPLOYER.—The term ''passenger or freight transportation employer'' includes—

(A) the owner, charterer, managing operator, master, or other individual in charge of a passenger vessel (as defined in section 2101 of title 46, United States Code);

(B) an air carrier (as defined in section 40102 of title 49, United States Code);

(C) a commuter authority (as defined in section 24102 of title 49, United State Code);

(D) an entity that provides intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code);

(E) a rail carrier (as defined in section 10102 of title 49, United States Code);

(F) a regional transportation authority (as defined in section 24102 of title 49, United States Code);

(G) a provider of public transportation (as defined in section 5302 of title 49, United States Code);

(H) a provider of motorcoach services (as defined in section 32702 of the Motorcoach Enhanced Safety Act of 2012 (49 U.S.C. 31136 note; Public Law 112–141));

(I) a motor carrier that owns or operates more than 100 motor vehicles (as those terms are defined in section 390.5 of title 49, Code of Federal Regulations (or successor regulations));

(J) a sponsor, owner, or operator of a public-use airport (as defined in section 47102 of title 49, United States Code);

(K) a marine terminal operator (as defined in section 40102 of title 46, United States Code) and the relevant authority or operator of a port or harbor;

(L) the Transportation Security Administration, exclusively with respect to Transportation Security Officers; and

(M) a marine terminal operator (as defined in section 40102 of title 46, United States Code) and the relevant authority or operator of a port or harbor, or any other employer of individuals covered under section 2(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)).

(b) REQUIREMENTS.—For the purposes of responding to, or for purposes relating to operations during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–4CoV–2 or coronavirus disease 2019 (COVID–19), the Secretary shall require—

(1) the owners or operators of equipment, stations, or facilities used by passenger or freight transportation employers, as applicable—

(A) to clean, disinfect, and sanitize, in accordance with guidance issued by the Centers for Disease Control and Prevention, the equipment and facilities, including, as applicable—

(i) buses;

(ii) commercial motor vehicles;

(iii) freight and passenger rail locomotives;

(iv) freight and passenger rail cars;

(v) vessels;

(vi) airports;

(vii) fleet vehicles used for the transportation of workers to job sites;

(viii) aircraft, including the cockpit and the cabin; and

(ix) other equipment and facilities;

(B) to ensure that stations and facilities, including enclosed facilities, owned, operated, and used by passenger or freight transportation employers, including facilities used for employee training or the performance of indoor or outdoor maintenance, repair, or overhaul work, are disinfected and sanitized frequently in accordance with guidance issued by the Centers for Disease Control and Prevention;

(C) to provide to at-risk employees—

(i) masks or protective face coverings;

(ii) gloves;

(iii) hand sanitizer;

(iv) sanitizing wipes with sufficient alcohol content; and

(v) training on the proper use of personal protective equipment and sanitizing equipment;

(D) to ensure that employees whose job responsibilities include the cleaning, disinfecting, or sanitizing described in subparagraph (A) or (B) are provided—

(i) masks or protective face coverings;

(ii) gloves;

(iii) hand sanitizer; and

(iv) sanitizing wipes with sufficient alcohol content;

(E) to establish guidelines, or adhere to any existing applicable guidelines, for notifying an employee of the owner or operator of a confirmed diagnosis of the Coronavirus Disease 2019 (COVID–19) with respect to any other employee of the owner or operator with whom the notified employee had physical contact or a physical interaction during the 48-hour period preceding the time at which the diagnosed employee developed symptoms;

(F) to require that passengers and cabin crew members wear masks or protective face coverings while in or using a passenger aircraft of an air carrier;

(G) to require each flight crew member to wear a mask or protective face covering while on board an aircraft and outside the flight deck; and

(H) ensure that each contractor of an owner or operator identified under this paragraph provides masks or protective face coverings, gloves, hand sanitizer, and sanitizing wipes with sufficient alcohol content, to employees of such contractor whose job responsibilities include the cleaning, disinfecting, or sanitizing described in subparagraph (A) or (B).

(2) an air carrier to submit to the Administrator of the Federal Aviation Administration a proposal to permit flight crew members to wear masks or protective face coverings in the flight deck, including a safety risk assessment with respect to that proposal.

(c) MARKET UNAVAILABILITY OF NECESSARY ITEMS.—

(1) NOTICE OF MARKET UNAVAILABILITY.—

(A) IN GENERAL.—If an owner or operator described in paragraph (1) of subsection (b) is unable to acquire 1 or more items necessary to comply with the requirements prescribed under that paragraph due to market unavailability of the items, the owner or operator shall—

(i) not later than 7 days after the date on which the owner or operator is unable to acquire each applicable item, submit to the Secretary a written notice explaining the efforts made and obstacles faced by the owner or operator to acquire that item; and

(ii) continue making efforts to acquire that item until the item is acquired.

(B) UPDATED NOTICE WITH RESPECT TO THE SAME ITEM.—If an owner or operator is unable to acquire an item described in a notice submitted under subparagraph (A) by the date described in paragraph (4)(B)(ii) with respect to the notice, the owner or operator may submit an updated notice with respect to that item.

(2) REASONABLE EFFORT DETERMINATION.—With respect to each notice submitted under paragraph (1), the Secretary shall determine whether the owner or operator submitting the notice has made reasonable efforts to acquire the item described in the notice.

(3) NOTICE OF COMPLIANCE.—Not later than 7 days after the date on which an owner or operator acquires an item described in a notice submitted by that owner or operator under paragraph (1) in a quantity sufficient to comply with the requirements prescribed under subsection (b)(1), the owner or operator shall submit to the Secretary a written notice of compliance with those requirements.

(4) LIST OF OWNERS AND OPERATORS MAKING REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE ITEMS.—

(A) IN GENERAL.—The Secretary shall publish on a public website of the Department of Transportation a list that, with respect to each notice submitted to the Secretary under paragraph (1) for which the Secretary has made a positive determination under paragraph (2)—

(i) identifies the owner or operator that submitted the notice;

(ii) identifies the item that the owner or operator was unable to acquire; and

(iii) describes the reasonable efforts made by the owner or operator to acquire that item.

(B) REMOVAL FROM LIST.—The Secretary shall remove each entry on the list described in subparagraph (A) on the earlier of—

(i) the date on which the applicable owner or operator submits to the Secretary a notice of compliance under paragraph (3) with respect to the item that is the subject of the entry; and

(ii) the date that is 90 days after the date on which the entry was added to the list.

(d) PROTECTION OF CERTAIN FEDERAL AVIATION ADMINISTRATION EMPLOYEES.—

(1) IN GENERAL.—For the purposes of responding to, or for purposes relating to operations during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–4CoV–2 or coronavirus disease 2019 (COVID–19), in order to maintain the safe and efficient operation of the air traffic control system, the Administrator of the Federal Aviation Administration shall—

(A) provide any air traffic controller and airway transportation systems specialist of the Federal Aviation Administration with masks or protective face coverings, gloves, and hand sanitizer and wipes of sufficient alcohol content, and provide training on the proper use of personal protective equipment and sanitizing equipment;

(B) ensure that each air traffic control facility is cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; and

(C) provide any employee of the Federal Aviation Administration whose job responsibilities involve cleaning, disinfecting, and sanitizing a facility described in subparagraph (B) with masks or protective face coverings and gloves, and ensure that each contractor of the Federal Aviation Administration provides any employee of the contractor with those materials.

(2) SOURCE OF EQUIPMENT.—The items described in paragraph (1)(A) may be procured or provided under that paragraph through any source available to the Administrator of the Federal Aviation Administration.

AMENDMENT NO. 3 OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

At the end of title I of division D, add the following:

SEC. 9107. NORTH RIVER TUNNEL SHUTDOWN CONTINGENCY ASSESMENT.

Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall publish a report that explains—

(1) the contingency plan of the Department of Transportation, in coordination with other relevant Federal agencies, detailing a specific plan of action in the case of a shutdown of the North River Tunnel under the Hudson River and that addresses issues including ensuring commuters, tourists, and others will maintain the ability to travel between New Jersey and New York and throughout the region; and

(2) the contingency plan of the Department of Transportation, in coordination with other relevant Federal agencies, detailing a specific plan of action to ensure minimal disruption to, and negative impact on national security, the economy, public health, the environment, and property values.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

Page 499, after line 22, add the following:

SEC. ___. REPORT ON COVID-RELATED FUNDING FOR AVIATION SECTOR.

Not later than 45 days after the date of enactment of this Act, the Secretary of Transportation shall direct the Administrator of the Federal Aviation Administration to issue a report within 60 days to the House and Senate Committees of jurisdiction on specific sectors of the airport system of infrastructure that have yet to receive any COVID-related funding, and provide a plan for prioritizing these unfunded areas for the next round of funding.

AMENDMENT NO. 5 OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 1098, line 7, strike ''4.5 percent'' and insert ''5 percent''.

AMENDMENT NO. 6 OFFERED BY MS. KAPTUR OF OHIO

Page 1032, after line 19, insert the following:

SEC. 9221. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) Amtrak received $1,018,000,000 in aid from Congress as part of the CARES Act, to help Amtrak and its state partners respond to the drastic drop in demand caused by the coronavirus pandemic.

(2) The CARES Act also included a provision requiring that, for any employee who is furloughed as a result of the pandemic, Amtrak provide such employee the opportunity to return to the job as service ramps back up, thereby helping prevent the health crisis from being a reason to outsource work.

(3) Amtrak has requested additional funds to help it respond to the continued loss of passenger demand while also announcing plans to permanently cut 20 percent of its workforce, which could hinder its ability to serve the Amtrak national passenger rail system, including its long-distance routes, now and in the future.

(4) Additionally, Amtrak recently announced its intention to eliminate daily service on most of its long-distance routes, leaving only one long-distance route to operate daily. These reductions are set to begin October 1, 2020.

(5) Estimates indicate the plan to decrease service would drastically impact as many as 461 stations.

(6) If the service disruptions are implemented, the passengers served by these long-distance trains would be disconnected from a critical transportation option, and these communities would lose important economic contributions generated by this service . These cuts would also impact the lives of Amtrak employees whose work contributes to the operation of these trains.

(7) Amtrak has not provided Congress, the public at large, or its workforce, sufficient notice or explanation of its plan to restore service to communities served by long-distance routes.

(b) SENSE OF CONGRESS.—Congress is concerned by the recent announcements from Amtrak that it intends to reduce its workforce and its daily long-distance train service and calls on Amtrak to provide assurance about the future of the passenger rail network and its employees.

AMENDMENT NO. 7 OFFERED BY MR. KILMER OF WASHINGTON

Page 1101, line 17, insert ''general aviation airport that is designated as a Federal staging area by the Federal Emergency Management Agency or a'' before ''nonhub''.

AMENDMENT NO. 8 OFFERED BY MR. LAMB OF PENNSYLVANIA

At the end of title III of division G, add the following subtitle:

Subtitle E—Ohio River Basin

SEC. 33501. INTERAGENCY PLAN.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, acting through the Chief of Engineers, in coordination with the head of each agency described in subsection (d), shall develop and issue an interagency plan for the agencies described in subsection (d) to assist States, Indian tribes, and communities in the Ohio River Basin in preparing for, and responding to, the effects of climate change, including by—

(1) informing such States, Indian tribes, and communities of existing Federal resources available to such States, Indian tribes, and communities, based on the analysis described in subsection (b)(2); and

(2) providing assistance through the Environmental Protection Agency's Smart Growth Program, the Federal Emergency Management Agency's Pre-Disaster Mitigation Grant Program, the Department of Housing and Urban Development's Community Development Block Grant program, the Economic Development Administration of the Department of Commerce, and the Department of Agriculture, to such States, Indian tribes, and communities to help them prepare for extreme weather, major floods, rising temperatures, and potential economic losses from such threats.

(b) DEVELOPMENT.—In developing the interagency plan under subsection (a), Secretary of the Army, acting through the Chief of Engineers, in coordination with the head of

each agency described in subsection (d), shall—

(1) consult with States, Indian tribes, and communities in the Ohio River Basin that may be affected by climate change; and

(2) include in such interagency plan—

(A) identification of the particular needs of such States, Indian tribes, and communities in order for such States, Indian tribes, and communities to adequately prepare for, and respond to, the effects of climate change; and

(B) an analysis of—

(i) the availability of existing and potential Federal resources, including programs, grants, loans, and other assistance, that the agencies described in subsection (d) may provide to assist States, Indian tribes, and communities in the Ohio River Basin in preparing for, and responding to, the effects of climate change (including assistance in building or modernizing infrastructure), including—

(I) Corps of Engineers resources related to—

(aa) modernizing and hardening levees, floodwalls, and flood control projects for more extreme weather flooding events;

(bb) restoring wetlands so that such wetlands may absorb rain;

(cc) reconnecting floodplains to rivers in order to allow for natural flood storage;

(dd) developing a basin-wide water management plan, in collaboration with the Department of Agriculture, Tennessee Valley Authority, and water management agencies of the States in the Ohio River Basin; and

(ee) updating and modernizing operations manuals for dams and reservoirs operated by the Corps of Engineers to account for future water risks, precipitation, flow patterns, and usage;

(II) Environmental Protection Agency resources and Department of Agriculture resources related to modernizing drinking water and wastewater treatment and stormwater management;

(III) Department of Transportation resources related to raising or hardening critical transportation infrastructure that may be vulnerable to flooding;

(IV) United States Geological Survey resources and Environmental Protection Agency resources related to water quality and flow discharge monitoring and modeling; and

(V) Federal Emergency Management Agency resources related to updating and modernizing flood hazard maps to incorporate the latest science and future risk projections; and

(ii) the limitations of existing Federal resources that the agencies described in subsection (d) may so provide, including—

(I) the limitations of such resources in meeting the particular needs of such States, Indian tribes, and communities identified under subparagraph (A); and

(II) recommendations—

(aa) for Congress regarding any statutory changes regarding existing Federal programs, or additional Federal funding, that the agencies determine are necessary to assist such States, Indian tribes, and communities in preparing for, and responding to, the effects of climate change; and

(bb) for additional Federal, State, and local resources that the agencies determine are necessary to so assist such States, Indian tribes, and communities.

(c) PUBLICATION AND IMPLEMENTATION.—

(1) PUBLICATION.—Upon issuance of the interagency plan developed under subsection (a), the plan shall be published on the public internet website of—

(A) the Environmental Protection Agency;

(B) the Assistant Secretary of the Army for Civil Works; and

(C) the Great Lakes and Ohio River Division of the Corps of Engineers.

(2) DEADLINE.—Not later than 30 days after the interagency plan developed under subsection (a) is issued, each head of an agency described in subsection (d) shall implement such interagency plan.

(3) TECHNICAL ASSISTANCE.—In implementing the interagency plan developed under subsection (a), the heads of the agencies described in subsection (d) shall provide technical assistance and expertise to States, Indian tribes, and communities in the Ohio River Basin.

(d) AGENCIES DESCRIBED.—The agencies described in this subsection are as follows:

(1) The Corps of Engineers.

(2) The Environmental Protection Agency.

(3) The National Oceanic and Atmospheric Administration.

(4) The Department of the Interior.

(5) The Department of Agriculture.

(6) The Department of Transportation.

(7) The Federal Emergency Management Agency.

(8) The United States Geological Survey.

(9) The Department of Housing and Urban Development.

(10) The Department of Commerce.

SEC. 33502. REPORT ON IMPACTS OF CLIMATE CHANGE ON ELECTRIC UTILITIES.

Not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall publish, on the public internet website of the Department of Energy, a report that includes—

(1) an analysis of—

(A) the potential vulnerabilities of electric utilities that are located in, or serve electric consumers in, the Ohio River Basin, to climate change and extreme weather; and

(B) the impacts of climate change and extreme weather on such electric utilities; and

(2) recommendations and technical assistance, as appropriate, to assist such electric utilities in preparing for climate change and extreme weather.

SEC. 33503. DEFINITION.

In this subtitle, the term ''Ohio River Basin'' means the Ohio River Basin as identified in the Corps of Engineers' study titled ''Ohio River Basin-Formulating Climate Change Mitigation/Adaptation Strategies through Regional Collaboration with the ORB Alliance'' (May 2017).

AMENDMENT NO. 9 OFFERED BY MRS. LAWRENCE OF MICHIGAN

Page 1854, after line 18, insert the following:

(g) REPORT ON AFFORDABILITY, DISCRIMINATION, AND CIVIL RIGHTS VIOLATIONS, AND DATA COLLECTION.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study on water and sewer services, in accordance with this subsection.

(B) AFFORDABILITY.—In conducting the study under paragraph (1), the Comptroller shall study water affordability nationwide, including—

(i) rates for water and sewer services, increases in such rates during the ten-year period preceding such study, and water service disconnections due to unpaid water service charges; and

(ii) the effectiveness of funding under section 1452 of the Safe Drinking Water Act and under section 601 of the Federal Water Pollution Control Act for promoting affordable, equitable, transparent, and reliable water and sewer service.

(C) DISCRIMINATION AND CIVIL RIGHTS.—In conducting the study under paragraph (1), the Comptroller, in collaboration with the Civil Rights Division of the Department of Justice, shall study—

(i) discriminatory practices of water and sewer service providers; and

(ii) violations by such service providers that receive Federal assistance of civil rights under title VI of the Civil Rights Act of 1964 with regard to equal access to water and sewer services.

(D) DATA COLLECTION.—In conducting the study under paragraph (1), the Comptroller shall collect information, assess the availability of information, and evaluate the methodologies used to collect information, related to—

(i) people living without water or sewer services;

(ii) water service disconnections due to unpaid water service charges, including disconnections experienced by households containing children, elderly persons, disabled persons, chronically ill persons, or other vulnerable populations; and

(iii) disparate effects, on the basis of race, gender, or socioeconomic status, of water service disconnections and the lack of public water service.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller shall submit to Congress a report that contains—

(A) the results of the study conducted under subsection (a)(1); and

(B) recommendations for utility companies, Federal agencies, and States relating to such results.

AMENDMENT NO. 10 OFFERED BY MR. LEWIS OF GEORGIA

Page 1103, after line 5, insert the following:

SEC. 10105. CHANGES IN AIRPORT SPONSORSHIP OR OPERATIONS.

Section 44706 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following:

''(f) CHANGE OF AIRPORT SPONSORSHIP OR OPERATIONS.—

''(1) UNDISPUTED CHANGE OF AIRPORT SPONSORSHIP OR OPERATIONS.—Except as provided for in paragraph (2), for a proposed transfer of the sponsorship or operations of an airport to a new sponsor or operator, the Administrator shall issue an airport operating certificate to a new sponsor or operator if—

''(A) the holder of the airport operating certificate for such airport consents to the transfer of sponsorship or operations; and

''(B) the new sponsor or operator satisfies all requirements for obtaining a certificate under this section.

''(2) DISPUTED CHANGE OF AIRPORT SPONSORSHIP OR OPERATIONS.—For a proposed transfer of the sponsorship or operations of an airport to a new sponsor or operator for which the holder of the airport operating certificate disputes such transfer, the Administrator shall issue an airport operating certificate to the new sponsor if the new sponsor or operator satisfies all requirements for obtaining a certificate under this section and the dispute is resolved by—

''(A) the issuance of a final, non-appealable judicial decision requiring a change of sponsorship or operations; or

''(B) the issuance of a consent letter between the holder of an airport operating certificate and a new sponsor or operator.

''(g) REIMBURSEMENT OF AIRPORT INVESTMENT.—After a change in sponsorship or operations under subsection (f), the new airport sponsor or operator shall reimburse the previous holder of an airport operating certificate for investments made by such holder that have not been fully recouped as of the change in airport sponsorship or operations and such reimbursement shall be consistent with all policies and procedures of the Federal Aviation Administration.''.

AMENDMENT NO. 11 OFFERED BY MR. LYNCH OF MASSACHUSETTS

At the end of division E, add the following:

SEC. ___. JOINT TASK FORCE ON AIR TRAVEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall establish a Joint Task Force on Air Travel During and After the COVID–19 Public Health Emergency (in this section referred to as the ''Joint Task Force'').

(b) DUTIES.—

(1) IN GENERAL.—The Joint Task Force shall develop recommended requirements, plans, and guidelines to address the health, safety, security, and logistical issues relating to the continuation of air travel during the COVID–19 Public Health Emergency, and with respect to the resumption of full operations at airports and increased passenger air travel after the COVID–19 Public Health Emergency ends. The Joint Task Force shall develop, at a minimum, recommended requirements, plans, and guidelines, as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

(A) reforming airport, air carrier, security, and other passenger air travel-related operations, including passenger queuing, passenger security screening, boarding, deplaning, and baggage handling procedures, as a result of—

(i) current and anticipated changes to passenger air travel during the COVID–19 Public Health Emergency and after that emergency ends; and

(ii) anticipated changes to passenger air travel as a result of the projected seasonal recurrence of the coronavirus;

(B) mitigating the public health and economic impacts of the COVID–19 Public Health Emergency and the projected seasonal recurrence of the coronavirus on airports and passenger air travel, including through the use of personal protective equipment for passengers and employees, the implementation of strategies to promote overall passenger and employee safety, and the accomodation of social distancing, as necessary;

(C) addressing the privacy and civil liberty concerns created by passenger health screenings, contact-tracing, or any other process for monitoring the health of individuals engaged in health travel; and

(D) operating procedures to manage future public health crises affecting air travel.

(2) APPLICABLE PERIODS.—For purposes of paragraph (1), the applicable periods are the following:

(A) The period beginning with the date of the first meeting of the Joint Task Force and ending with the date on which the COVID–19 Public Health Emergency ends.

(B) The 1-year period beginning on the day after the period described in subparagraph (A) ends.

(c) REQUIREMENTS.—

(1) IN GENERAL.—In developing the recommended requirements, plans, and guidelines under subsection (b), and prior to including them in the final report required under subsection (f)(2), the Joint Task Force shall—

(A) consider the consensus recommendations of the Advisory Committee established under subsection (e);

(B) conduct cost-benefit evaluations;

(C) consider funding constraints; and

(D) use risk-based decision-making.

(2) INTERNATIONAL CONSULTATION.—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the International Civil Aviation Organization, towards the goal of maximizing the harmonization of recommended requirements, plans, and guidelines for air travel during and after the COVID–19 Public Health Emergency.

(d) MEMBERSHIP.—

(1) CHAIR.—The Secretary of Transportation (or the Secretary's designee) shall serve as the Chair of the Joint Task Force.

(2) VICE CHAIR.—The Secretary of Health and Human Services (or the Secretary's designee) shall serve as Vice Chair of the Joint Task Force.

(3) OTHER MEMBERS.—In addition to the Chair and Vice Chair, the members of the Joint Task Force shall include representatives of the following:

(A) The Department of Transportation.

(B) The Department of Homeland Security.

(C) The Department of Health and Human Services.

(D) The Federal Aviation Administration.

(E) The Transportation Security Administration.

(F) United States Customs and Border Protection.

(G) The Centers for Disease Control and Prevention.

(H) The Occupational Safety and Health Administration.

(I) The National Institute for Occupational Safety and Health.

(J) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.

(e) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 15 days after the date on which the Joint Task Force is established under subsection (a), the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a Joint Federal Advisory Committee to advise the Joint Task Force (in this section referred to as the ''Advisory Committee'').

(2) MEMBERSHIP.—The members of the Advisory Committee shall include representatives of the following:

(A) Airport operators designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(B) Air carriers designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(C) Aircraft and aviation manufacturers designated by the Secretary of Transportation.

(D) Labor organizations representing aviation industry workers, including pilots, flight attendants, maintenance, mechanics, air traffic controllers, and safety inspectors, designated by the Secretary of Transportation.

(E) Public health experts designated by the Secretary of Health and Human Services.

(F) Consumers and air passenger rights organizations designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(G) Privacy and civil liberty organizations designated by the Secretary of Homeland Security.

(H) Manufacturers and integrators of air passenger screening and identity verification technologies designated by the Secretary of Homeland Security.

(I) Trade associations representing air carriers, including, major air carriers, low cost carriers, regional air carriers, cargo air carriers, and foreign air carriers, designated by the Secretary of Transportation in consulation with the Secretary of Homeland Security.

(J) Trade associations representing airport operators designated by the Secretary of Transportation in consultation with the Secretary of Homeland Security.

(3) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(4) DUTIES.—

(A) IN GENERAL.—The Advisory Committee shall develop and submit policy recommendations to the Joint Task Force regarding the recommended requirements, plans, and guidelines to be developed by the Joint Task Force under subsection (b).

(B) PUBLICATION.—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force in accordance with subparagraph (A), the Secretary of Transportation shall publish the policy recommendations on a publicly accessible website.

(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive any compensation from the Federal Government by reason of their service on the Advisory Committee.

(f) BRIEFINGS AND REPORTS.—

(1) PRELIMINARY BRIEFINGS.—As soon as practicable, but not later than 6 months after the establishment of the Joint Task Force, the Joint Task Force shall begin providing preliminary briefings for Congress on the status of the development of the recommended requirements, plans, and guidelines under subsection (b). The preliminary briefings shall include interim versions, if any, of the Joint Task Force's recommendations.

(2) FINAL REPORT.—

(A) DEADLINE.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, the Joint Task Force shall submit to Congress a final report.

(B) CONTENT.—The final report under subparagraph (A) shall include the following:

(i) All of the recommended requirements, plans, and guidelines developed by the Joint Task Force.

(ii) A description of any actions taken by the Federal Government as a result of such recommendations.

(g) TERMINATION.—The Joint Task Force and Advisory Committee shall terminate 30 days after the date on which the Joint Task Force submits the final report required under subsection (f)(2).

(h) DEFINITION.—In this section, the term ''COVID–19 Public Health Emergency'' means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19 and includes any renewal of such declaration pursuant to such section 319.

AMENDMENT NO. 12 OFFERED BY MR. MCNERNEY OF CALIFORNIA

Page 1003, line 16, strike ''operating and capital forecasting'' and insert ''operation, ridership, capital forecasting, station staffing projections,''.

AMENDMENT NO. 13 OFFERED BY MS. MENG OF NEW YORK

Page 947, after line 7, insert the following:

SEC. 6011. RAIL COVERING.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall issue such regulations as are necessary to require municipal waste transported by rail to be completely covered while in transit, including while being held, delayed, or transferred.

AMENDMENT NO. 14 OFFERED BY MR. MORELLE OF NEW YORK

Page 986, line 18, strike the closing quotation marks and the final period and insert the following:

''(o) BUY AMERICA.—

''(1) IN GENERAL.—In awarding direct loans or loan guarantees under this section, the Secretary shall require each recipient to comply with section 22905(a) of title 49, United States Code.

''(2) SPECIFIC COMPLIANCE.—Notwithstanding paragraph (1), the Secretary shall require—

''(A) Amtrak to comply with section 24305(f) of title 49, United States Code; and

''(B) a commuter authority (as defined in section 24102 of title 49, United States Code), as applicable, to comply with section 5320 of title 49, United States Code.''.

AMENDMENT NO. 15 OFFERED BY MR. MORELLE OF NEW YORK

Page 1714, after line 2, insert the following new section:

SEC. 60016. GAO STUDY OF FLOOD DISASTER ASSISTANCE INEQUITIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the accessibility of the Federal Emergency Management Agency's Public Assistance, Individual Assistance, and other relevant flood disaster assistance programs and shall identify barriers to access based on race, ethnicity, language, and income level. The study shall identify inequities in—

(1) the Agency's core mission of response;

(2) the Agency's core mission of recovery; and

(3) the Agency's implementation of the Public Assistance and Individual Assistance programs.

(b) REPORT.—Not later than the expiration of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of the study under subsection (a).

AMENDMENT NO. 16 OFFERED BY MR. MOULTON OF MASSACHUSETTS

Page 972, line 17, strike ''and''.

Page 972, strike lines 18 through 19 and insert the following:

''(iv) the ability to meet existing, anticipated, or induced passenger or service demand; and

''(v) projected effects on regional and local economies along the corridor, including increased competitiveness, productivity, efficiency, and economic development;

AMENDMENT NO. 17 OFFERED BY MR. MOULTON OF MASSACHUSETTS

Page 990, after line 5, insert the following:

SEC. 9107. ADVANCE ACQUISITION.

(a) IN GENERAL.—Chapter 242 of title 49, United States Code, is amended by inserting the following after section 24202:

''SEC. 24203. ADVANCE ACQUISITION.

''(a) RAIL CORRIDOR PRESERVATION.—The Secretary may allow a recipient of a grant under chapter 229 for a passenger rail project to acquire right-of-way and adjacent real property interests before or during the completion of the environmental reviews for a project that may use such property interests if the acquisition is otherwise permitted under Federal law.

''(b) CERTIFICATION.—Before authorizing advance acquisition under this section, the Secretary shall verify that—

''(1) the recipient has authority to acquire the real property interest;

''(2) the acquisition of the real property interest—

''(A) is for a transportation purpose;

''(B) will not cause significant adverse environmental impact;

''(C) will not limit the choice of reasonable alternatives for the proposed project or otherwise influence the decision of the Secretary on any approval required for the project;

''(D) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered;

''(E) complies with other applicable Federal laws and regulations; and

''(F) will not result in elimination or reduction of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq).

''(c) ENVIRONMENTAL REVIEWS.—

''(1) COMPLETION OF NEPA REVIEW.—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete all review processes otherwise required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303), and Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) with respect to the acquisition.

''(2) TIMING OF DEVELOPMENT ACQUISITION.—A real property interest acquired under subsection (a) may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 242 of title 49, United States Code, is amended by inserting after the item relating to section 24202 the following new item:

''Sec. 24203. Advance acquisition.''.

AMENDMENT NO. 18 OFFERED BY MRS. NAPOLITANO OF CALIFORNIA

Page 499, after line 6, insert the following:

SEC. 1631. USE OF REVENUES.

(a) WRITTEN ASSURANCES ON USE OF REVENUE.—Section 47107(b) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) and (2) by striking ''local taxes'' and inserting ''local excise taxes'';

(2) in paragraph (3) by striking ''State tax'' and inserting ''State excise tax''; and

(3) by adding at the end the following:

''(4) This subsection does not apply to State or local general sales taxes nor to State or local generally applicable sales taxes.''.

(b) RESTRICTION ON USE OF REVENUES.—Section 47133 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking ''Local taxes'' and inserting ''Local excise taxes'';

(2) in subsection (b)(1) by striking ''local taxes'' and inserting ''local excise taxes'';

(3) in subsection (c) by striking ''State tax'' and inserting ''State excise tax''; and

(4) by adding at the end the following:

''(d) LIMITATION ON APPLICABILITY.—This subsection does not apply to—

''(1) State or local general sales taxes; or

''(2) State or local generally applicable sales taxes.''.

AMENDMENT NO. 19 OFFERED BY MR. NEGUSE OF COLORADO

Page 1094, after line 24, insert the following:

SEC. 9558. REPORT ON SUPPLEMENTARY SAFETY MEASURES REQUIRED FOR QUIET ZONES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration shall—

(1) submit to Congress a report on the additional Supplementary Safety Measures and Alternative Safety Measures researched by the Railroad Research and Development program of the Federal Railroad Administration that can be used to qualify for a Quiet Zone or Partial Quiet Zone; and

(2) include in the report submitted under paragraph (1)—

(A) a summary of the Supplementary Safety Measures and Alternative Safety Measures that communities have requested approval from the Federal Railroad Administrator to implement; and

(B) an explanation for why such requests were not granted.

AMENDMENT NO. 20 OFFERED BY MR. NEGUSE OF COLORADO

Page 499, after line 22, insert the following:

SEC. 1632. CLIMATE RESILIENCY REPORT BY GAO.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Comptroller General shall evaluate and issue a report to Congress on the economic benefits, including avoided impacts on property and life, of the use of model, consensus-based building codes, standards, and provisions that support resilience to climate risks and impacts, including—

(1) flooding;

(2) wildfires;

(3) hurricanes;

(4) heat waves;

(5) droughts;

(6) rises in sea level; and

(7) extreme weather.

(b) REPORT ISSUES.—The report required under subsection (a) shall include the following:

(1) Assesses the status of adoption of building codes, standards, and provisions within the States, territories, and tribes at the State or jurisdictional level; including whether the adopted codes meet or exceed the most recent published edition of a national, consensus-based model code.

(2) Analysis of the extent to which pre-disaster mitigation measures provide benefits to the nation and individual States, territories and tribes, including—

(A) an economic analysis of the benefits to the design and construction of new resilient infrastructure;

(B) losses avoided, including economic losses, number of structures (buildings, roads, bridges), and injuries and deaths by utilizing building codes and standards that prioritize resiliency; and

(C) an economic analysis of the benefits to using hazard resistant building codes in rebuilding and repairing infrastructure following a disaster.

(3) An assessment of the building codes and standards referenced or otherwise currently incorporated into Federal policies and programs, including but not limited to grants, incentive programs, technical assistance and design and construction criteria, administered by the Federal Emergency Management Agency (FEMA), and—

(A) the extent to which such codes and standards contribute to increasing climate resiliency;

(B) Recommendations for how FEMA could improve their use of codes and standards to prepare for climate change and address resiliency in housing, public buildings, and infrastructure such as roads and bridges; and

(C) how FEMA could increase efforts to support the adoption of hazard resistant codes by the States, territories, and tribes.

(4) Recommendations for FEMA on how to better incorporate climate resiliency into efforts to rebuild after natural disasters.

AMENDMENT NO. 21 OFFERED BY MR. PANETTA OF CALIFORNIA

Page 1691, after line 20, insert the following:

SEC. 40___. REVOLVING LOAN FUND FLEXIBILITY.

Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

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

''(3) REVOLVING LOAN FUND REPURPOSING.—

''(A) IN GENERAL.—A grantee of revolving loan funds may, upon request, transfer any funds that have been repaid to a revolving loan fund under this section to any other project eligible to receive funding under this section.

''(B) ELIGIBILITY.—To be eligible to transfer revolving loan funds under this paragraph, a grantee shall have more cash available for lending than the average cash available for lending in the EDA region in which such grantee is located.

''(C) DISCRETION.—The Secretary shall retain the discretion to approve or deny a transfer request under this paragraph.

''(D) CASH AVAILABLE FOR LENDING DEFINED.—In this paragraph, the term 'cash available for lending' means the revolving loan fund cash available for lending net of the committed revolving loan fund cash.''.

AMENDMENT NO. 22 OFFERED BY MR. PERLMUTTER OF COLORADO

Page 1691, after line 20, insert the following:

SEC. 40002. AUTHORIZATION FOR SCIENCE CENTER CONSTRUCTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of the United States Geological Survey $166,800,000 to fund, through a cooperative agreement with an academic partner, the design, construction, and tenant buildout of a facility to support energy and minerals research and appurtenant associated structures.

(b) AGREEMENTS.—The United States Geological Survey will retain ownership of the facility and associated structures once constructed and is authorized to enter into agreements with, and to collect and spend funds or in-kind contributions from, academic, Federal, State, or other facility tenants on facility planning, design, maintenance, operation, or facility improvement costs during the life of the facility.

(c) LEASE.—The Director of the United States Geological Survey is authorized to enter into a lease or other agreement with the academic partner, at no cost to the United States, for that partner to provide land on which to construct the facility for a minimum term of not less than 99 years.

(d) REPORTS.—The Director of the United States Geological Survey shall submit annual reports on the science center constructed and the authorities utilized under this section to the appropriate congressional committees.

AMENDMENT NO. 23 OFFERED BY MS. PRESSLEY OF MASSACHUSETTS

At the end of division H of the bill, add the following:

SEC. 400___. GAO STUDY ON THE IMPACT OF TRANSPORTATION POLICIES ON MARGINALIZED COMMUNITIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to identify the impact of certain transportation policies on people based on their race, ethnicity, nationality, age, disability status, and gender identity, including—

(1) data on fare evasion policies, including—

(A) the number of people stopped for suspected fare evasion by transit law enforcement officers or transit agency personnel, aggregated by tract, as designated by the Bureau of the Census;

(B) the race, ethnicity, nationality, age, disability status, and gender identity of people stopped by law enforcement officers or transit agency personnel and provided a citation or summons for suspected fare evasion;

(C) an analysis on the dollar amount, organized by transit station, of—

(i) fines issued as penalty for fare evasion citations to individuals by race, ethnicity, nationality, age, disability status, and gender identity;

(ii) fare revenue lost due to fare evasion; and

(iii) fare evasion fines collected by transit agency, law enforcement, or other entity; and

(D) the number of complaints filed against law enforcement officers or transit agency personnel while enforcing fare evasion policies;

(2) data on speed enforcement cameras, including—

(A) the location of speed enforcement cameras and the demographics of the location of such region by tract, as designated by the Bureau of the Census, including race, ethnicity, nationality, and median income;

(B) the original intent for placement of the speed enforcement camera, whether to address a specific safety concern or otherwise;

(C) the affiliated policy for enforcement, whether automated enforcement, in-person ticketing, or otherwise; and

(D) the dollar amount of fines to drivers by speed enforcement camera location; and

(3) any other transportation policy that may have a disproportionate impact on low-income communities and communities of color.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit the Committee on Transportation and Infrastructure and the Committee on the Judiciary of the House of Representatives a report on the results of the study conducted under subsection (a), including—

(1) any disproportionate impacts of transportation policies on marginalized communities; and

(2) recommendations on ways to reduce such disproportionate impacts.

AMENDMENT NO. 24 OFFERED BY MR. QUIGLEY OF ILLINOIS

At the end of division H, insert the following:

SEC. 40002. USE OF BIRD-SAFE FEATURES, PRACTICES, AND STRATEGIES IN PUBLIC BUILDINGS.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended by adding at the end the following:

''§ 3319. Use of bird-safe features, practices, and strategies in public buildings

''(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—The Administrator of General Services shall incorporate, to the extent practicable, features, practices, and strategies to reduce bird fatality resulting from collisions with public buildings for each public building—

''(1) constructed;

''(2) acquired; or

''(3) of which more than 50 percent of the facade is substantially altered (in the opinion of the Commissioner of Public Buildings).

''(b) DESIGN GUIDE.—The Administrator shall develop a design guide to carry out subsection (a) that includes the following:

''(1) Features for reducing bird fatality resulting from collisions with public buildings throughout all construction phases, taking into account the number of each such bird fatality that occurs at different types of public buildings.

''(2) Methods and strategies for reducing bird fatality resulting from collisions with public buildings during the operation and maintenance of such buildings, including installing interior, exterior, and site lighting.

''(3) Best practices for reducing bird fatality resulting from collisions with public buildings, including—

''(A) a description of the reasons for adopting such practices; and

''(B) an explanation for the omission of a best practice identified pursuant to subsection (c).

''(c) IDENTIFYING BEST PRACTICES.—To carry out subsection (b)(3), the Administrator may identify best practices for reducing bird fatality resulting from collisions with public buildings, including best practices recommended by—

''(1) Federal agencies with expertise in bird conservation;

''(2) nongovernmental organizations with expertise in bird conservation; and

''(3) representatives of green building certification systems.

''(d) DISSEMINATION OF DESIGN GUIDE.—The Administrator shall disseminate the design guide developed pursuant to subsection (b) to all Federal agencies, subagencies, and departments with independent leasing authority from the Administrator.

''(e) UPDATE TO DESIGN GUIDE.—The Administrator shall, on a regular basis, update the design guide developed pursuant to subsection (b) with respect to the priorities of the Administrator for reducing bird fatality resulting from collisions with public buildings.

''(f) EXEMPT BUILDINGS.—This section shall not apply to—

''(1) any building or site listed, or eligible for listing, on the National Register of Historic Places;

''(2) the White House and the grounds of the White House;

''(3) the Supreme Court building and the grounds of the Supreme Court; or

''(4) the United States Capitol and any building on the grounds of the Capitol.

''(g) CERTIFICATION.—Not later than October 1 of each fiscal year, the Administrator, acting through the Commissioner, shall certify to Congress that the Administrator uses the design guide developed pursuant to subsection (b) for each public building described in subsection (a).

''(h) REPORT.—Not later than October 1 of each fiscal year, the Administrator shall submit to Congress a report that includes—

''(1) the certification under subsection (g); and

''(2) to the extent practicable, the number of each such bird fatality that occurred as a result of a collision with the public buildings occupied by the respective head of each Federal agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 40, United States Code, is amended by adding at the end the following new item:

''3319. Use of bird-safe features, practices, and strategies in public buildings.''.

AMENDMENT NO. 25 OFFERED BY MR. ROUDA OF CALIFORNIA

Page 499, after line 22, insert the following:

SEC. 1632. AVIATION INDUSTRY ASSISTANCE FOR CLEANER AND QUIETER SKIES VOUCHER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program, to be known as the ''Aviation Industry Assistance for Cleaner and Quieter Skies Voucher Program'', under which the Secretary shall issue electronic vouchers to air carriers, subject to the specifications set forth in subsection (d), to offset the purchase or cost of a lease of eligible new aircraft in exchange for commitments from such air carriers to decommission certain currently used aircraft and sell such aircraft for recycling of parts or disposal.

(b) APPLICATION.—To be eligible for the program established under subsection (a), an air carrier shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of a currently used aircraft of the air carrier.

(c) PROGRAM REQUIREMENTS.—

(1) LIST OF ELIGIBLE AIRCRAFT.—In carrying out the program established under subsection (a), the Secretary, in consultation with the Administrator, shall prepare, maintain, publicize, and make available through a publicly available website, lists of—

(A) applicable currently used aircraft;

(B) eligible aircraft for purchase or lease; and

(C) registered aircraft recycling firms eligible to purchase currently used aircraft under this section.

(2) COMMITMENT REQUIREMENT.—In carrying out the program established under subsection (a), the Secretary shall issue such regulations as are necessary to establish requirements for an air carrier to purchase or lease an eligible aircraft described in subsection (a), including a timing requirement for the purchase of such, and decommissioning and selling of applicable currently used aircraft of the air carrier for recycling of parts or disposal, except as provided in subsection (f)(2).

(d) VALUE OF VOUCHERS.—The Secretary may determine the value of each voucher, not to exceed $10,000,000, based on the difference in emissions between the currently used aircraft being decommissioned and sold and the eligible aircraft being purchased or leased. In determining the value of each voucher, the Secretary shall also consider if such eligible aircraft also include noise reduction, including whether such aircraft meet Stage 5 standards. In addition, the Secretary shall consider seat capacity and typical stage length of both the currently used aircraft being decommissioned and sold and the eligible aircraft being purchased or leased in determining the value of the voucher.

(e) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this section, including a requirement that a voucher may be used only to pay a new aircraft order, not an order placed (even if not not filled) before the date of enactment of this Act.

(f) REGISTRATION.—

(1) IN GENERAL.—The Secretary shall register aircraft recycling firms eligible to purchase currently used aircraft under this section and establish requirements and procedures for the recycling of parts or disposal of such aircraft to ensure that such aircraft are taken out of service and not used to develop other aircraft with higher greenhouse gas emissions.

(2) EXCEPTION.—Notwithstanding paragraph (1), in the case of an emergency declared by the Secretary or a national emergency declared by the President, the Secretary may temporarily waive the provisions of such paragraph that prevent the use of aircraft taken out of service pursuant to this section for the purposes of responding to such emergency or national emergency.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to carry out the program established under this section $1,000,000,000 and such sums shall remain available until expended.

(h) DEFINITIONS.—In this section the following definitions apply:

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

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given such term in section 40102 of title 49, United States Code.

(3) CURRENTLY USED AIRCRAFT.—The term ''currently used aircraft'' means—

(A) aircraft in the bottom 25 percent of the air carrier's aircraft fleet in terms of fuel efficiency per seat; and

(B) aircraft that have been in service for at least 1,500 hours in the previous calendar year.

(4) ELIGIBLE AIRCRAFT.—The term ''eligible aircraft'' means aircraft that must be new and considered by the Secretary highly fuel-efficient with some consideration given to their noise impact.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

AMENDMENT NO. 26 OFFERED BY MS. SHERRILL OF NEW JERSEY

Page 1691, after line 20, insert the following:

SEC. 40002. GAO STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) mass transit and civilian airlines have an essential role in keeping the United States moving;

(2) while the COVID-19 pandemic has devastated the industry, transit agencies and companies are leading the way in implementing safety measures and exploring new technologies to protect essential workers who continue to rely on our bus and rail systems;

(3) Congress can support the transportation sector by authorizing a GAO study that would recommend specific safety measures to reduce exposure to the SARS-CoV-2 virus on mass transportation systems, as well as technologies that can assist with the implementation of such safety measures, including technologies that facilitate large-scale sanitation and decontamination and encourage social distancing; and

(4) implementation of such safety measures and technologies will help the transportation sector be more resilient in the face of future pandemics.

(b) STUDY.—The Comptroller General of the United States shall carry out a study to—

(1) research and recommend specific measures that civilian transit companies and agencies (including rail, airlines, and buses) should implement to improve the safety of passengers and crew;

(2) research and recommend technologies being developed within and outside the United States Government, including the Department of Defense and National Aeronautics and Space Administration, that can be transitioned to the civilian transportation sector; and

(3) study technologies that—

(A) provide an alternative to decontamination with chemical solutions which is labor intensive, and has material compatibility and corrosion concerns;

(B) decontaminate crevices and hard to reach areas that can be missed with other technologies;

(C) minimize personnel exposure to the contaminated aircraft to personnel required for set-up; and

(D) allow timely decontamination (under 3 hours) to return the bus, train, or aircraft to operational status.

(c) REPORT.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study required under subsection (b).

AMENDMENT NO. 27 OFFERED BY MS. SHERRILL OF NEW JERSEY

Page 962, line 12, strike ''$3,500,000,000'' and insert''$3,450,000,000''.

Page 962, line 13, strike ''$3,300,000,000'' and insert ''$3,250,000,000''.

Page 962, line 14, strike ''$3,100,000,000'' and insert ''$3,050,000,000''.

Page 962, line 15, strike ''$2,900,000,000'' and insert ''$2,850,000,000''.

Page 962, line 16, strike ''$2,900,000,000'' and insert ''$2,850,000,000''.

Page 963, line 2, strike ''$300,000,000'' and insert ''$250,000,000''.

Page 965, line 12, strike ''$130,000,000'' and insert ''$180,000,000''.

Page 985, line 20, strike ''$125,000,000'' and insert ''$175,000,000''.

AMENDMENT NO. 28 OFFERED BY MS. SLOTKIN OF MICHIGAN

Page 961, after line 15, insert the following:

SEC. 8204. PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION REPORTING TRANSPARENCY REQUIREMENTS.

The Secretary of Transportation shall ensure that the Pipeline and Hazardous Materials Safety Administration shares with all relevant stakeholders, including State and local governments, all materials and information received, reviewed, or produced related to pipeline leaks, damage, or disruption, as soon as possible.

AMENDMENT NO. 29 OFFERED BY MR. SMITH OF WASHINGTON

Page 499, after line 22, insert the following:

SEC. 1632. AIRBORNE ULTRAFINE PARTICLE STUDY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, jointly with the Administrator of the Environmental Protection Agency, shall enter into an agreement with an eligible institution of higher education to conduct a study examining airborne ultrafine particles and their effect on human health.

(b) SCOPE OF STUDY.—The study conducted under subsection (a) shall—

(1) summarize the relevant literature and studies done on airborne ultrafine particles worldwide;

(2) focus on large hub commercial airports in—

(A) Seattle;

(B) Boston;

(C) Chicago;

(D) New York;

(E) the Northern California Metroplex;

(F) Phoenix;

(G) the Southern California Metroplex;

(H) the District of Columbia; and

(I) Atlanta;

(3) examine airborne ultrafine particles and their effect on human health, including—

(A) characteristics of UFPs present in the air;

(B) spatial and temporal distributions of UFP concentrations;

(C) primary sources of UFPs;

(D) the contribution of aircraft and airport operations to the distribution of UFP concentrations when compared to other sources;

(E) potential health effects associated with elevated UFP exposures, including outcomes related to cardiovascular disease, respiratory infection and disease, degradation of neurocognitive functions, and other health effects, that have been considered in previous studies; and

(F) potential UFP exposures, especially to susceptible and vulnerable groups;

(4) identify measures, including the use of sustainable aviation fuels, intended to reduce emissions from aircraft and airport operations and assess potential effects on emissions related to UFPs; and

(5) identifies information gaps related to understanding relationships between UFP exposures and health effects, contributions of aviation-related emissions to UFP exposures, and the effectiveness of mitigation measures.

(c) ELIGIBILITY.—An institution of higher education is eligible to conduct the study if the institution—

(1) is located in one of the areas identified in subsection (b);

(2) applies to the Administrator of the Federal Aviation Administration in a timely fashion;

(3) demonstrates to the satisfaction of the Administrator that the institution is qualified to conduct the study;

(4) agrees to submit to the Administrator, not later than 2 years after entering into an agreement under subsection (a), the results of the study, including any source materials used; and

(5) meets such other requirements as the Administrator determines necessary.

(d) COORDINATION.—The Administrator may coordinate with the Administrator of the Environmental Protection Agency, the Secretary of Health and Human Services, and any other agency head whom the Administrator deems appropriate to provide data and other assistance necessary for the study.

(e) REPORT.—Not later than 180 days after submission of the results of the study by the institution of higher education, the Administrator shall submit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study including the results of the study submitted under subsection (c)(4) by the institution of higher education.

(f) DEFINITION.—In this Act, the terms ''ultrafine particle'' and ''UFP'' mean particles with diameters less than or equal to 100 nanometers.

AMENDMENT NO. 30 OFFERED BY MS. SPEIER OF CALIFORNIA

Page 1143, line 15, strike ''$25,000,000'' and insert ''$50,000,000''.

AMENDMENT NO. 31 OFFERED BY MS. TORRES SMALL OF NEW MEXICO

At the end of division H, add the following:

SEC. 400___. LAND PORT OF ENTRY INFRASTRUCTURE MODERNIZATION.

There is authorized to be appropriated from the general fund of the Treasury for fiscal year 2021 $100,000,000 to the Administrator of General Services for the necessary expenses for the construction, repair, upgrades, and maintenance necessary to fulfill the backlog of port infrastructure improvement projects at land ports of entry that experienced no less than 5 percent growth in total trade in the year of 2019, according to data produced by the Bureau of the Census.

AMENDMENT NO. 32 OFFERED BY MR. TRONE OF MARYLAND

Page 1220, after line 11, insert the following:

TITLE VI—OTHER MATTERS

SEC. 26001. WASTEWATER DRUG TESTING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency shall establish a pilot program to provide funding to States to incorporate wastewater testing for drugs at municipal wastewater treatment plants in order to monitor drug consumption and detect new drug use more quickly and in a more specific geographic region than methods currently in use.

(b) SELECTION.—In carrying out the pilot program established under subsection (a), the Administrator shall, subject to appropriations, select 5 States to each receive $1,000,000 in each of fiscal years 2022 through 2024 to provide funding to municipal wastewater treatment plants to incorporate testing for drugs into their routine wastewater testing protocol.

(c) REQUIREMENTS.—A State receiving funds pursuant to the pilot program shall—

(1) provide funding to municipal wastewater treatment plants to collect and test water samples;

(2) facilitate a partnership between local health departments and municipal wastewater treatment plants; and

(3) provide not less than 10 percent of the funds to applicable local health departments to develop public health interventions to respond to drug use in the community, as indicated by testing results.

(d) ANALYSES.—A State receiving funds pursuant to the pilot program may use a portion of the funding to have test results analyzed, including to develop estimates of how many doses of a drug have been consumed and to track results over time. The State shall report such analyses to the local and State health departments and to the Centers for Disease Control and Prevention.

(e) REPORTS.—

(1) STATE REPORTS.—Not later than 90 days after the end of the pilot program, each State that received funds shall submit a report to the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives, the Committees on Health, Education, Labor, and Pensions and Environment and Public Works of the Senate, and the Centers for Disease Control and Prevention that includes each year's final budget, an explanation of how the program was established, what information the wastewater testing provided and whether findings were in line with other drug surveillance strategies, the usefulness of testing as an evaluation strategy for policy change and public health interventions, challenges encountered, and recommendations for responsible data use and maintaining privacy.

(2) CDC REPORT.—Not later than 180 days after the end of the pilot program, the Centers for Disease Control and Prevention shall submit a report to Congress analyzing the reports submitted under paragraph (1) and detailing best practices for implementing wastewater testing and using the results to inform public health interventions.

(f) RESTRICTIONS.—

(1) COLLECTION.—A State receiving funds pursuant to the pilot program may not use such funds to collect water samples from any location other than a municipal wastewater treatment plant.

(2) DISCLOSURE.—Analyses of samples collected pursuant to this section may not be disclosed to any entity other than the applicable State and local health departments and the Centers for Disease Control and Prevention.

(3) REPORTS.—Any information relating to sample analyses included in a report submitted under subsection (e) shall not be made public.

AMENDMENT NO. 33 OFFERED BY MR. VARGAS OF CALIFORNIA

Page 1220, after line 11, insert the following:

TITLE VI—NEW RIVER RESTORATION

SEC. 26001. SHORT TITLE.

This title may be cited as the ''California New River Restoration Act of 2020''.

SEC. 26002. DEFINITIONS.

In this title:

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

(2) MEXICAN.—The term ''Mexican'' refers to the Federal, State, and local governments of the United Mexican States.

(3) NEW RIVER.—The term ''New River'' means that portion of the New River, California, that flows north within the United States from the border of Mexico through Calexico, California, passes through the Imperial Valley, and drains into the Salton Sea.

(4) PROGRAM.—The term ''program'' means the California New River restoration program established under section 26003.

(5) RESTORATION AND PROTECTION.—The term ''restoration and protection'' means the conservation, stewardship, and enhancement of habitat for fish and wildlife to preserve and improve ecosystems and ecological processes on which they depend.

SEC. 26003. CALIFORNIA NEW RIVER RESTORATION PROGRAM ESTABLISHMENT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to be known as the ''California New River restoration program''.

(b) DUTIES.—In carrying out the program, the Administrator shall—

(1) implement projects, plans, and initiatives for the restoration and protection of the New River that are supported by the California-Mexico Border Relations Council, in consultation with applicable management entities, including representatives of the Calexico New River Committee, the California-Mexico Border Relations Council, the New River Improvement Project Technical Advisory Committee, the Federal Government, State and local governments, and regional and nonprofit organizations;

(2) undertake activities that—

(A) support the implementation of a shared set of science-based restoration and protection activities identified in accordance with paragraph (1);

(B) target cost-effective projects with measurable results; and

(C) maximize conservation outcomes with no net gain of Federal full-time equivalent employees; and

(3) provide grants and technical assistance in accordance with section 26004.

(c) COORDINATION.—In establishing the program, the Administrator shall consult, as appropriate, with—

(1) the heads of Federal agencies, including—

(A) the Secretary of the Interior;

(B) the Secretary of Agriculture;

(C) the Secretary of Homeland Security;

(D) the Administrator of General Services;

(E) the Commissioner of U.S. Customs and Border Protection;

(F) the Commissioner of the International Boundary Water Commission; and

(G) the head of any other applicable agency;

(2) the Governor of California;

(3) the California Environmental Protection Agency;

(4) the California State Water Resources Control Board;

(5) the California Department of Water Resources;

(6) the Colorado River Basin Regional Water Quality Control Board;

(7) the Imperial Irrigation District; and

(8) other public agencies and organizations with authority for the planning and implementation of conservation strategies relating to the New River.

(d) PURPOSES.—The purposes of the program include—

(1) coordinating restoration and protection activities, among Mexican, Federal, State, local, and regional entities and conservation partners, relating to the New River; and

(2) carrying out coordinated restoration and protection activities, and providing for technical assistance relating to the New River—

(A) to sustain and enhance fish and wildlife habitat restoration and protection activities;

(B) to improve and maintain water quality to support fish and wildlife, as well as the habitats of fish and wildlife;

(C) to sustain and enhance water management for volume and flood damage mitigation improvements to benefit fish and wildlife habitat;

(D) to improve opportunities for public access to, and recreation in and along, the New River consistent with the ecological needs of fish and wildlife habitat;

(E) to maximize the resilience of natural systems and habitats under changing watershed conditions;

(F) to engage the public through outreach, education, and citizen involvement, to increase capacity and support for coordinated restoration and protection activities relating to the New River;

(G) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities; and

(H) to provide technical assistance to carry out restoration and protection activities relating to the New River.

SEC. 26004. GRANTS AND ASSISTANCE.

(a) IN GENERAL.—In carrying out the program, the Administrator shall provide grants and technical assistance to State and local governments, nonprofit organizations, and institutions of higher education, to carry out the purposes of the program.

(b) CRITERIA.—The Administrator, in consultation with the organizations described in section 26003(c), shall develop criteria for providing grants and technical assistance under this section to ensure that such activities accomplish one or more of the purposes identified in section 26003(d)(2).

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of a project for which a grant is provided under this section shall not exceed 55 percent of the total cost of the activity, as determined by the Administrator.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project for which a grant is provided under this section may be provided in the form of an in-kind contribution of services or materials that the Administrator determines are integral to the activity carried out using assistance authorized by this title.

(d) REQUIREMENTS.—Sections 513 and 608 of the Federal Water Pollution Control Act (33 U.S.C. 1372; 1388) shall apply to the construction of any project or activity carried out, in whole or in part, under this title in the same manner those sections apply to a treatment works for which a grant is made available under the Federal Water Pollution Control Act.

(e) ADMINISTRATION.—The Administrator may enter into an agreement to manage the implementation of this section with the North American Development Bank or a similar organization that offers grant management services.

SEC. 26005. ANNUAL REPORTS.

Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report on the implementation of this title, including a description of each project that has received funding under this title and the status of all such projects that are in progress on the date of submission of the report.

AMENDMENT NO. 34 OFFERED BY MS. WATERS OF CALIFORNIA

Page 1101, after line 10, insert the following:

(j) RELIEF TO AIRPORT CONCESSIONS.—An airport sponsor shall use at least 2 percent of any funds received under subsection (a)(1) to provide financial relief to airport concessionaires experiencing economic hardship. With respect to funds under subsection (a)(1), airport sponsors must also show good faith efforts to provide relief to small business concerns owned and controlled by socially and economically disadvantaged businesses, as such terms are defined under section 47113 of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to House Resolution 1028, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Missouri (Mr. GRAVES) each will control 15 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this en bloc amendment which is comprised of 34 individual amendments touching upon various areas of rail, aviation, water, and FEMA policy. This includes amendments that:

Increase safety precautions for transportation workers and passengers during COVID–19;

Expand Buy America and offer higher incentives to the RRIF Federal rail loan program;

Devote additional resources towards improving the ecological health of the San Francisco Bay and the New River in California;

Direct the EPA to monitor local drug consumption through an examination of traces of narcotics in wastewater;

Direct the U.S. GAO to study potential affordability and racial disparities in providing water and wastewater rate assistance;

Direct the U.S. Army Corps of Engineers to lead a multiagency effort to address climate change concerns in the Ohio River Valley;

Increase, from 4.5 to 5 percent, the set-aside for supplemental airport improvement grants to be used for environmental, noise, and resiliency projects;

Create a new program to incentivize airlines' phaseout of inefficient airplane types in exchange for newer, eco-friendly types, and require a study of ultrafine airborne particles associated with flight operations near airports;

Require airports that receive supplemental airport grants to set aside 2 percent of those funds for fiscal year 2021 to assist concessionaires experiencing economic hardship as a result of the COVID–19 pandemic;

Direct GAO to conduct a comprehensive study of the building codes and standards used by FEMA, including an assessment of the status of building code adoption across States, Tribes, and territories; and

Direct GAO to conduct a study on the accessibility of FEMA's disaster assistance programs and whether there are any barriers to access based on race, ethnicity, language, and income level.

These are just some of the highlights of the amendments included. I thank my colleagues for offering thoughtful amendments to improve the transportation portions of the INVEST in America Act. I urge adoption of the amendment, and I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume in opposition to the en bloc package of amendments.

This package contains 34 amendments. As has been the case throughout this unprecedented process, not a single one of these amendments has come from Republicans.

I find it interesting. I keep hearing time and time again from the other side about how bipartisan this bill is. But yet here we are again with 34 amendments and not a single Republican amendment. Many of the provisions were stuck in this giant, expensive bill after markup and without any opportunity for the committee to review and consider them.

The en bloc amendment includes expensive and burdensome new mandates on the railroad and airline industries even as they strive to keep our economy moving and workers employed in the middle of the current health pandemic.

I would like to note that when Republican Members offered aviation amendments during markup, the majority refused to consider them.

Do you know why?

Because at least at that time they said the bill didn't include any aviation provisions. Yet this en bloc also contains amendments that authorize hundreds of millions of dollars in new spending for broad and vague programs without any plan on how to pay for them. It also contains more costly Green New Deal mandates that offer no relevant or beneficial gains to our Nation's infrastructure.

Mr. Speaker, I urge my colleagues to oppose this package of amendments, and I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. TRONE).

Mr. TRONE. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act, and an amendment that I drafted to address the addiction epidemic.

But first, I would like to thank and call out Chairman DEFAZIO and the wonderful leadership that he has exhibited in thinking long term about our children and about the next generation. That is seldom seen here, and I really appreciate that. I also asked him to help us look at redistributing the hundreds of millions of dollars that have been over-appropriated—over-appropriated, not spent—to States that need it in the Appalachian Development Highway System.

Like COVID–19, every community in America has been hit by the opioid crisis, and we cannot afford to slow down our efforts to combat it. My amendment in this package would create a pilot program to help communities better understand the emerging drug threats in real time by implementing wastewater testing.

By understanding these threats, we can design public health interventions that match a community and their specific problems.

Mr. Speaker, I urge passage of this amendment.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Mr. Speaker, I want to thank the ranking member for yielding.

Mr. Speaker, I am incredulous. I cannot believe that we are here again debating another partisan messaging bill when our Nation's infrastructure is crumbling. Rather than working across the aisle to advance a bipartisan transportation and infrastructure bill, the majority is jamming a partisan wish list through to the floor again that prioritizes big cities and Big Government over the interests of the American taxpayer: tripling funding to urban transit programs, a 449 percent increase to rail programs, a 72 percent increase to mass transit programs, and to those of us in rural areas depending on highway and safety programs, only a 42 percent increase. We can see where the priorities of this majority lie, and it is not with the people of rural America.

I was sent to Washington to ensure that our government is transparent and accountable for every action it takes. We can't afford the $1.4 million Green New Deal agenda that the majority has brought before us today.

I represent a district in the Commonwealth of Virginia that is in dire need of resources to modernize its aging infrastructure and relieve the congestion bottlenecks that afflict our highways. Most notable for my region is Interstate 81, a road that spans six States with over 300 miles of it in Virginia, and that stretches the majority of my district from Front Royal in the north to Roanoke in the south.

Each year there are nearly 2,000 crashes on Interstate 81 with over 25 percent involving heavy trucks. Over 45 major crashes a year cause delays greater than 4 hours. Current conditions are not only a frustration, but a grave public safety concern. People are dying on this road, and the failure to keep America's infrastructure up to par is costing lives.

It is unconscionable that instead of focusing on public safety and improvements to our Nation's roadways, such as Interstate 81, liberals have hijacked this bill for their own political messaging. Instead of creating certainty for our local communities in the midst of a global pandemic, the Democrat majority has cast aside the interests of the American people in order to appease the extreme wing of their party as they look to November's elections.

Republicans are willing and open to negotiating realistic ways to rebuild our highways and infrastructure, but it must be done in a fiscally responsible manner. I will not vote to leave our communities saddled with trillions in new debt and the Big Government regulations contained in H.R. 2. Instead of moving us forward, this legislation will bring America's economy and its growth to a screeching halt for years to come.

Mr. Speaker, I urge my colleagues to vote to recommit this bill back to the Transportation and Infrastructure Committee and develop a bill that reflects the bipartisanship that this committee and this bill have been known for for so many years.

Mr. LIPINSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Mr. Speaker, I rise in support of H.R. 2, the Moving Forward Act.

Our country is in serious need of bold and comprehensive infrastructure reform. This was true before the coronavirus pandemic, and it is even more urgent as we combat the ongoing economic and public health crisis.

While all communities across the country will benefit from infrastructure reform, this is an important opportunity to create a level playing field and provide critical infrastructure to historically underserved communities.

As a member of the Rural Broadband Task Force, I am pleased to see that H.R. 2 provides $100 billion in critical funding for broadband. This will increase access in rural communities, improve affordability for working families and help close the digital divide in rural communities like Alabama's Black Belt.

This legislation also provides $40 billion in new wastewater infrastructure which will help address one of the most severe public health crises facing families in my district.

As a former bond lawyer, I am proud that this bill offers easier ways for our counties, municipalities, and nonprofits to invest in our local infrastructure. I fought to include provisions like Build America Bonds and my legislation to expand the use of bank-qualified bonds for smaller issuers. These impactful tools will expand infrastructure and investments and lower the costs of financing.

Finally, Mr. Speaker, H.R. 2 will also include a bill that I have been trying to get through Congress for a while, and that would be to make permanent the New Markets Tax Credit, which are a vital tool for driving investments in historically underserved communities, and it increases an allocation to jumpstart these important projects.

Mr. Speaker, the Moving Forward Act will not only expand our investments in critical infrastructure projects, but they would also give communities like mine in Alabama's Black Belt who suffer from a lack of resources and opportunities the chance to catch up and to get ahead.

Mr. Speaker, I urge all of my colleagues to support this important legislation.

Mr. GRAVES of Missouri. I reserve the balance of my time, Mr. Speaker.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GOTTHEIMER).

Mr. GOTTHEIMER. Mr. Speaker, I rise today in support of my amendment to the Moving America Forward Act.

The train tunnel underneath the Hudson carries 200,000 people daily between New Jersey and New York. It is literally crumbling after damage from a century of use and flooding during Superstorm Sandy. It is in imminent danger of being shut down. They are literally patching up cracks. It is outrageous. Part-time fixes aren't enough. It is time we actually do something about it.

Building the Gateway Tunnel is the most pressing infrastructure need in our country. It is crucial to our economy. This tunnel connects 20 percent of America's GDP. If we don't fix it, it will literally be a doomsday.

The Department of Transportation must explain why they have downgraded this project to low priority.

What is their secret backup plan when we have to shut down the tunnel?

What are we going to do for the economy?

We deserve to know. My amendment requires the DOT to develop and publish their contingency plan within 60 days. We want to know their doomsday plan because we have the right to know how they will address this urgent crisis.

Mr. Speaker, I urge my colleagues to vote ''yes''.

I thank Chairman DEFAZIO. It is time we fix this doomsday before it occurs.

□ 1700

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I rise in support of my amendment to H.R. 2, for added flexibility to funding that goes to local Economic Development Administrations.

As we fight this pandemic, our communities have relied on EDA funding in regard to other revolving loan funds. As we progress through this crisis, however, those same communities will start to look at forms of economic recovery and should be able to use those same funds to repair roads, bridges, and water systems; to support downtown revitalizations; and to help market tourism.

That is where H.R. 2, with my amendment, can help all of our communities, by allowing recipients of these revolving loan funds to first lend out those funds and then, after those loans have been repaid, to repurpose that money and use it for new infrastructure projects that initially were outside the purpose of the revolving loan fund.

This type of flexibility will allow our communities to best target Federal dollars as needs change over time.

Mr. Speaker, that is why I urge passage of this amendment and passage of H.R. 2.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I thank my colleague from Missouri for yielding.

Mr. Speaker, once again, we all faithfully submitted to the Rules Committee, and our Republican amendments largely were ignored. So, we have in this en bloc amendment policy that hasn't really been fully thought out.

One I would like to highlight here is one sponsor that looks at a single issue with hauling waste by rail and tries to apply a solution to the entire rail industry. But one size doesn't fit all, as we see time and time again in this business.

Seeing one issue with waste transported by rail and deciding the solution is to cover every single waste railcar with a type of a covering should be a flashing red light to everyone. Again, because you have different types of waste, you have different railcar equipment. But then Congress just ruling, ''Well, all of them should be covered,'' what does that drive? Cost, expense—already difficult, sometimes, in hauling freight.

And we have a mandate coming out of D.C. that hasn't been discussed or really vetted fully with the rail industry. Where does it make sense? Where does it not?

The extra cost associated with retrofitting every railcar can result in waste simply traveling by truck instead. Now, everybody likes trucks, right? Well, at least I do. But the most efficient means of moving is the one that is most cost-effective and takes the most amount of material the longest distance, and rail fits that mold very well when we are talking about long distances with high amounts of material.

Instead, this will decimate rail funding and send the waste to the same highway system that Democrats have refused to properly fund in this bill, looking for, instead, pie-in-the-sky green-type things.

Why don't we take time, consult with the industry that would like to sit down at the table, and say: We have ideas on how we could haul waste more efficiently, or recovery that might fit certain types of material but doesn't fit everything.

We would like to have a bipartisan process in that, too, because Republicans have been largely left out of the discussion, which is sad, because we want to be successful with this legislation and other related legislation later in the year that have to get done and be able to take it over to the Senate side and, ultimately, the White House.

This does not look like that type of collaboration. It looks more like, again, one that is an election-year-type of collaboration, a noncollaboration, and not one designed to succeed, which I don't understand.

With everything we have going on in this country, we need that kind of cooperation. At home, in my own State of California, we have budget problems now. We have issues to deal with. In another part of this bill, there is still more funding for high-speed rail.

In my home State of California, with budget problems, with highways that are crumbling, with the water system, our infrastructure needs to be focused on things that are successful for the people of the State, and high-speed rail in California is not it.

In this situation here, just simply willy-nilly saying that ''all waste cars have to have coverings on them now,'' again, that might be noble in certain cases.

Talk to the industry. Talk with the industry. Come up with ideas that actually makes sense for them and for the costs, because everything that they bring, every item they bring, is something that somebody needs or somebody has discarded and needs to be disposed of properly. It is going to cost somehow into the whole chain, ultimately, the consumer—not government, not rich people, not big companies, the consumer, the low-income, middle-income consumer, especially where they have so much hitting them these days, trying to maintain their jobs, get their kids to school, whatever it is.

We keep hitting more and more mandates that don't make any sense and don't have any idea what the size and scope of what they are putting upon an industry is.

Mr. Speaker, with this piece in this particular en bloc, it just again shows that this hasn't really been a serious process and why H.R. 2 should not be supported.

Mr. LIPINSKI. Mr. Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Illinois has 7½ minutes remaining. The gentleman from Missouri has 6 minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank Chairman LIPINSKI for yielding to me.

Mr. Speaker, my amendment is very simple. What it does, it directs funding for road crossings at international bridges.

An area like my hometown in Laredo, which is the largest inland port, handles more trucks than any other place across the country, handles more trains than any other place across the country. In fact, it is the number one truck crossing and rail crossing in the country. In fact, 60 percent of all the trade between the U.S. and Mexico comes through one port, and that is the Port of Laredo.

This grant money is going to be important to make sure that we help fix those grade crossings at international crossings because, again, when a train stops in the middle of a street for hours and hours and hours, that creates traffic congestion. We have to make sure that we allow trade to go through but at the same time not stop the people going to school, work, or going on an emergency basis.

Mr. Speaker, I ask my colleagues to pass this amendment and ask for approval of this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. GARCÍA), my neighbor.

Mr. GARCIA of Illinois. Mr. Speaker, I thank Chairman LIPINSKI for yielding me the time.

Mr. Speaker, I rise in support of amendment No. 274, which protects transportation workers during the COVID pandemic, including the many who worked in Chicago. I thank my cosponsors: CARBAJAL, LYNCH, PRESSLEY, OCASIO-CORTEZ, and JAYAPAL.

Mr. Speaker, voluntary adoption of CDC guidelines just won't cut it. Reports we have and continue to receive from workers in the transportation sector make this clear: Frontline workers, many Black and Brown, are getting sick at alarming rates.

My amendment expands protections to more frontline employees, including maritime, freight rail, motorcoach, and longshore workers. It also requires passengers on all modes to wear a mask to protect themselves, employees, and the traveling public. Finally, it would hold employers accountable for failing to provide proper protective gear for transport workers.

This amendment is supported by our friends in labor, including AFL–CIO's Transportation Trades Department, the Teamsters, our pilots, Electrical Workers, Transportation Workers Union, train workers, Sheet Metal Workers, and many others.

Mr. Speaker, I urge adoption of this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 2 and this en bloc amendment.

I thank my colleague, Chairman PETER DEFAZIO, for his work on this bill and for including my amendment to assist airport concessionaires.

Mr. Speaker, my amendment requires airports that receive supplemental airport funding to provide financial relief to airport concessionaires experiencing economic hardship. This amendment is a critical down payment toward the long-term financial assistance needed by concessionaires that are a vital part of our Nation's air travel system.

Concessionaires are small businesses and often minority-owned businesses. They are completely dependent upon thriving airports and robust demand for air travel. As the coronavirus continues to wreak havoc on the aviation industry, concessionaires need targeted relief.

Mr. Speaker, I urge all of my colleagues to support this amendment.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), the chairwoman.

Ms. KAPTUR. Mr. Speaker, I thank Chair LIPINSKI, the Rules Committee, and Chairman DEFAZIO for making my amendment to H.R. 2 in order under en bloc.

Mr. Speaker, this amendment expresses the sense of Congress that Amtrak has taken a wrongheaded and shortsighted approach to limiting daily service on numerous long-distance routes. Amtrak's proposal to limit service on 13 of its long-distance routes will be devastating for the system as a whole and the communities it serves.

After receiving over $1 billion from the CARES Act, Amtrak's plan to limit services of long-distance routes is unacceptable and may lead to a long-term, slash-and-burn strategy by the carrier.

Mr. Speaker, I include in the RECORD a letter from the Northeast Ohio Areawide Coordinating Agency that shows just how critical Amtrak is to the economic future of our Nation.

Cleveland, OH, June 29, 2020.

Hon. MARCY KAPTUR,
House of Representatives Washington, D.C.

CONGRESSWOMAN KAPTUR: I am writing as Executive Director of the Northeast Ohio Areawide Coordinating Agency (NOACA), the metropolitan planning organization for the five counties surrounding Cleveland that represents 2.1 million people and 166 cities, villages, and towns. NOACA is responsible for creating the federally mandated long range transportation vision for the region, and we are currently in the beginning phases of developing our next 30-year Long Range Plan: eNE02050—an Equitable Future for Northeast Ohio. As NOACA's Board of Directors considers the current and future transportation needs of our region, we make important decisions about how to best provide transportation options for all users in an equitable and environmentally sustainable manner. As stated in NOACA's Board-adopted vision statement, NOACA will strengthen regional cohesion, preserve existing infrastructure, and build a sustainable multimodal transportation system to support economic development and enhance quality of life in Northeast Ohio.

In this context, I am writing to express support for your effort to sustain daily Amtrak service to Northeast Ohio, in order to give all residents equitable access to points east and west for education, business, and recreational opportunities. NOACA supports the notion of transportation choice, and Amtrak has long provided an essential option to residents seeking safe and affordable travel to other regions and states. As you know, NOACA is part of a public private partnership to develop Great Lakes Hyperloop, a next-generation hyperloop route that will carry passengers quickly and efficiently to Chicago and Pittsburgh, and beyond. NOACA has entered into an agreement with Hyperloop Transportation Technology (HTT) to make this project a reality in the future. But until that happens, it's important that Amtrak rail service continue on a daily basis, to help students get to college without a car, give business travelers an option other than flying, and give all residents access they deserve to destinations across the nation.

Furthermore, reducing rail service at this time, while the nation is recovering from the COVID–19 economic crisis, would only serve to limit the region's ability to continue moving forward. Even a temporary reduction in service would be detrimental to economic recovery and continued job growth in the important Great Lakes region.

In closing, thank you for your leadership on this issue, and I am pleased to add NOACA's support for your amendment to retain Amtrak daily service as part of Northeast Ohio's transportation network.

Sincerely,

GRACE GALLUCCI,
Executive Director.

Ms. KAPTUR. Mr. Speaker, Amtrak's proposal will stifle economic recovery and only add to the growing unemployment in communities that are served by these long-distance routes.

Mr. Speaker, despite an infusion of CARES Act funding, these proposed routes guarantee a slimmer workforce that endangers the carrier's long-term health.

Mr. Speaker, I urge my colleagues to vote for en bloc amendment C and to support H.R. 2.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman has 3½ minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KRISHNAMOORTHI).

Mr. KRISHNAMOORTHI. Mr. Speaker, I rise as a proud cosponsor of the Moving Forward Act and to urge support for two public safety amendments I authored.

The first amendment is based on a bipartisan piece of legislation, the SAFE TO DRIVE Act, which is co-led by my colleague Congressman MIKE GALLAGHER of Wisconsin. This legislation creates a new grant program for States that ban non-navigational viewing, ensuring States have robust resources to promote campaigns against distracted driving. Every day, nine people are killed in the United States from distracted driving.

Mr. Speaker, my second amendment, which I authored as chairman of the Committee on Oversight and Reform's consumer protection subcommittee with Congresswoman KATIE PORTER, requires clearer height and weight requirement labels on children's booster seats to better protect children and their health and safety. Most parents believe the booster seats that they buy are safe, but research shows that 7 out of 10 children are improperly restrained.

Mr. Speaker, I strongly urge adoption of this measure.

Mr. GRAVES of Missouri. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, our infrastructure is stuck in the 1950s, and it doesn't have to be. It is time—in fact, it is past time—for Congress to bring our bridges, roads, and schools into the 21st century. The American people gave Democrats control of the U.S. House last year because we promised to work for the people, higher wages, lower costs, and rooting out corruption in Washington. The Moving Forward Act delivers on that promise.

It creates millions of good-paying jobs at a time when they are needed most. More than 40 million unemployment claims have been filed since the start of this pandemic, but the President is more interested in tweeting than helping people who are out of work.

As a candidate, President Trump promised to rebuild our infrastructure. It turned out to be yet another empty promise on his road to power.

Mr. Speaker, now Democrats are providing $1.5 trillion to build modern, sustainable infrastructure. This is a bill that invests in the well-being of our cities and towns.

Mr. Speaker, I urge the House to adopt the en bloc package, which includes my amendment to establish the interagency innovative materials standards task force and to pass the underlying bill without delay.

□ 1715

Mr. GRAVES of Missouri. Mr. Speaker, I reserve the balance of time.

Mr. LIPINSKI. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Illinois has 1½ minutes remaining.

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Mr. Speaker, my amendment would set aside an additional $9 million for airplane noise mitigation and other projects to support aviation-impacted communities.

In my district, the rapid growth of Sea-Tac Airport to meet demand has impacted the day-to-day life of many of my constituents who live nearby. In large part, that has been due to increased noise.

While we cannot stop rising demand, we can protect our communities with additional funds for noise insulation and by studying environmentally sound ways to reduce aviation impacts.

The FAA has not taken this issue seriously enough, failing to respond to my constituents' concerns in community meetings and refusing to release congressionally mandated studies on reducing airport noise. That is why my amendment would compel the FAA to devote more resources to aviation-impacted communities across the Nation.

Mr. LIPINSKI. Mr. Speaker, I am prepared to close, and I reserve the balance of time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise again to express my disappointment at the partisan nature of the amendments in this package. For example, it includes an

airdropped rail amendment that imposes unreasonable mandates on freight rail carrying waste by attempting to force an impractical, one-size-fits-all solution that would create more problems than it attempts to solve.

It includes a significant change in the Economic Development Agency's revolving loan program and new requirements on public buildings that the committee never had a chance to consider under regular order.

It also includes an amendment that requires the Department of Transportation to share protected security and business information on pipeline incidents with State and local governments, creating unintended safety and security risks.

Mr. Speaker, this bill is full of partisan amendments meant to fulfill the Speaker's messaging agenda of unchecked spending and unserious, one-sided Green New Deal excesses. These provisions are going to create difficult, impractical, and unreasonable mandates on the rail and aviation industries at a time when we should be doing what we can to help them just survive.

For these reasons, I urge my colleagues to very much oppose this en bloc amendment, and I yield back the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Ms. PRESSLEY) for a unanimous consent request.

(Ms. PRESSLEY asked and was given permission to revise and extend her remarks.)

Ms. PRESSLEY. Mr. Speaker, I include in the RECORD a statement in support of my amendment.

Mr. Speaker, I rise to offer an amendment to H.R. 2, the Moving Forward Act and thank my colleagues for their work on this legislation.

Our nation's transportation and infrastructure policies play a critical role in building healthy and safe communities.

But, for too long they have perpetuated many of our most entrenched inequities.

My amendment would require us to examine how our nation's transportation policies have impacted and targeted our most vulnerable.

It is critical that we understand how transportation policies are criminalizing Black and brown communities.

Specifically, we have seen violent enforcement of fare evasion policies and the discriminatory placement of speed cameras and other surveillance technology in our lowest income communities.

Mr. Speaker, this is a moment of reckoning.

The people have organized and peacefully protested for more than a month to affirm that Black Lives Matter and demand the end of racist systems and policies that disproportionately criminalize our Black and Brown neighbors.

We have a mandate to center justice in all of our policymaking. Our transportation policies are no exception.

I urge my colleagues to support this amendment.

Thank you. I yield.

Mr. LIPINSKI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to support this en bloc amendment. Thirty-four good amendments added to this bill make this bill even better on a number of topics: airports, rail, FEMA, and other areas. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise to speak in support of the Amendment to H.R. 2 designated as En Bloc C and specifically to the inclusion of the Jackson Lee Amendment that directs the FAA to report on areas of the airport system that have not received COVID–19 related funding.

H.R. 2, the Moving Forward Act, is a more than $1.5 trillion plan to rebuild American infrastructure—not only our roads, airports, bridges, and transit systems, but also our schools, housing, broadband access, and so much more.

It has come to my attention that certain support functions essential to airport operations have not received COVID–19 funding.

Mr. Speaker, this transformational legislation makes robust investments in the infrastructure necessary to support the wellbeing of all Americans and connect them with the services and opportunities needed to succeed in the global economy, which will create millions of American jobs rebuilding our country, so desperately needed in light of its wreckage by the COVID–19 pandemic.

Mr. Speaker, our nation's airports experienced a significant economic impact due to COVID–19 and the level of support to airports and airlines has been generous, but not enough, especially regarding what I have learned about airport parking service areas.

It has come to my attention that certain support functions essential to the smooth operation of our nation's busiest airports.

One area of concern is airport parking, which is vital to the smooth operation of our nation's busiest airports.

Airports serving our nation's largest metropolitan areas that serve hundreds of millions of passengers collectively include:

Hartsfield-Jackson Atlanta International Airport (ATL) that receives 103 Million Passengers,

Los Angeles International Airport (LAX)—84.5 Million Passengers,

O'Hare International Airport (ORD)—79.8 Million Passengers, and Dallas/Fort Worth International Airport (DFW)—75 Million Passengers.

Workers and support services for parking and other essential services need and deserve support from COVID–19 funding.

This Jackson Lee Amendment seeks a report from the FAA and directs that the next opportunity for funding for COVID–19 should prioritize areas that have not yet received funding.

I ask my Colleagues to support this En Bloc and the underlying bill.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the amendments en bloc offered by the gentleman from Illinois (Mr. LIPINSKI).

The question is on the amendments en bloc offered by the gentleman from Illinois (Mr. LIPINSKI).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. PALLONE OF NEW JERSEY

The SPEAKER pro tempore. It is now in order to consider an amendment en bloc consisting of the amendments printed in part D of House Report 116–438.

Mr. PALLONE. Mr. Speaker, pursuant to House Resolution 1028, I offer amendments en bloc.

The SPEAKER pro tempore. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, printed in part D of House Report 116–438, offered by Mr. PALLONE of New Jersey:

AMENDMENT NO. 1 OFFERED BY MS. BLUNT ROCHESTER OF DELAWARE

Page 1677, after line 16, insert the following:

Subtitle E—Open Back Better

SEC. 33501. SHORT TITLE.

This subtitle may be cited as the ''Open Back Better Act of 2020''.

SEC. 33502. FACILITIES ENERGY RESILIENCY.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term ''covered project'' means a building project at an eligible facility that—

(A) increases—

(i) resiliency, including—

(I) public health and safety;

(II) power outages;

(III) natural disasters;

(IV) indoor air quality; and

(V) any modifications necessitated by the COVID–19 pandemic;

(ii) energy efficiency;

(iii) renewable energy; and

(iv) grid integration; and

(B) may have combined heat and power and energy storage as project components.

(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(3) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE FACILITY.—The term ''eligible facility'' means a public facility, as determined by the Secretary, including—

(A) a public school, including an elementary school and a secondary school;

(B) a facility used to operate an early childhood education program;

(C) a local educational agency;

(D) a medical facility;

(E) a local or State government building;

(F) a community facility;

(G) a public safety facility;

(H) a day care center;

(I) an institution of higher education;

(J) a public library; and

(K) a wastewater treatment facility.

(5) ENVIRONMENTAL JUSTICE COMMUNITY.—The term ''environmental justice community'' means a community with significant representation of communities of color, low income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) LOW INCOME.—The term ''low income'', with respect to a household, means an annual household income equal to, or less than, the greater of—

(A) 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

(B) 200 percent of the Federal poverty line.

(9) LOW INCOME COMMUNITY.—The term ''low income community'' means a census block group in which not less than 30 percent of households are low income.

(10) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(12) STATE.—The term ''State'' has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(13) STATE ENERGY PROGRAM.—The term ''State Energy Program'' means the State Energy Program established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(14) TRIBAL ORGANIZATION.—

(A) IN GENERAL.—The term ''tribal organization'' has the meaning given the term in section 3765 of title 38, United States Code.

(B) TECHNICAL AMENDMENT.—Section 3765(4) of title 38, United States Code, is amended by striking ''section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))'' and inserting ''section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)''.

(b) STATE PROGRAMS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall distribute grants to States under the State Energy Program, in accordance with the allocation formula established under that Program, to implement covered projects.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), grant funds under paragraph (1) may be used for technical assistance, project facilitation, and administration.

(B) TECHNICAL ASSISTANCE.—A State may use not more than 10 percent of grant funds received under paragraph (1) to provide technical assistance for the development, facilitation, management, oversight, and measurement of results of covered projects implemented using those funds.

(C) ENVIRONMENTAL JUSTICE AND OTHER COMMUNITIES.—To support communities adversely impacted by the COVID–19 pandemic, a State shall use not less than 40 percent of grant funds received under paragraph (1) to implement covered projects in environmental justice communities or low income communities.

(D) PRIVATE FINANCING.—A State receiving a grant under paragraph (1) shall—

(i) to the extent practicable, leverage private financing for cost-effective energy efficiency, renewable energy, resiliency, and other smart-building improvements, such as by entering into an energy service performance contract; but

(ii) maintain the use of grant funds to carry out covered projects with more project resiliency, public health, and capital-intensive efficiency and emission reduction components than are typically available through private energy service performance contracts.

(E) GUIDANCE.—In carrying out a covered project using grant funds received under paragraph (1), a State shall, to the extent practicable, adhere to guidance developed by the Secretary pursuant to the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) relating to distribution of funds, if that guidance will speed the distribution of funds under this subsection.

(3) NO MATCHING REQUIREMENT.—Notwithstanding any other provision of law, a State receiving a grant under paragraph (1) shall not be required to provide any amount of matching funding.

(4) REPORT.—Not later than 1 year after the date on which grants are distributed under paragraph (1), and each year thereafter until the funds appropriated pursuant to paragraph (5) are no longer available, the Secretary shall submit a report on the use of those funds (including in the communities described in paragraph (2)(C)) to—

(A) the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate;

(B) the Subcommittee on Energy and Water Development and Related Agencies of the Committee on Appropriations of the House of Representatives;

(C) the Committee on Energy and Natural Resources of the Senate; and

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

(5) FUNDING.—In addition to any amounts made available to the Secretary to carry out the State Energy Program, there is authorized to be appropriated to the Secretary $18,000,000,000 to carry out this subsection, to remain available until September 30, 2025.

(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under paragraph (5) shall supplement, not supplant, any other funds made available to States for the State Energy Program or the weatherization assistance program established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(c) FEDERAL ENERGY MANAGEMENT PROGRAM.—

(1) IN GENERAL.—Beginning 60 days after the date of enactment of this Act, the Secretary shall use funds appropriated pursuant to paragraph (4) to provide grants under the AFFECT program under the Federal Energy Management Program of the Department of Energy to implement covered projects.

(2) PRIVATE FINANCING.—A recipient of a grant under paragraph (1) shall—

(A) to the extent practicable, leverage private financing for cost-effective energy efficiency, renewable energy, resiliency, and other smart-building improvements, such as by entering into an energy service performance contract; but

(B) maintain the use of grant funds to carry out covered projects with more project resiliency, public health, and capital-intensive efficiency and emission reduction components than are typically available through private energy service performance contracts.

(3) REPORT.—Not later than 1 year after the date on which grants are distributed under paragraph (1), and each year thereafter until funds appropriated pursuant to paragraph (4) are no longer available, the Secretary shall submit a report on the use of those funds to—

(A) the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate;

(B) the Subcommittee on Energy and Water Development and Related Agencies of the Committee on Appropriations of the House of Representatives;

(C) the Committee on Energy and Natural Resources of the Senate; and

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

(4) FUNDING.—In addition to any amounts made available to the Secretary to carry out the AFFECT program described in paragraph (1), there is authorized to be appropriated to the Secretary $500,000,000 to carry out this subsection, to remain available until September 30, 2025.

(d) TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, acting through the head of the Office of Indian Energy, shall distribute funds made available under paragraph (3) to tribal organizations to implement covered projects.

(2) REPORT.—Not later than 1 year after the date on which funds are distributed under paragraph (1), and each year thereafter until the funds made available under paragraph (3) are no longer available, the Secretary shall submit a report on the use of those funds to—

(A) the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate;

(B) the Subcommittee on Energy and Water Development and Related Agencies of the Committee on Appropriations of the House of Representatives;

(C) the Committee on Energy and Natural Resources of the Senate; and

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

(3) FUNDING.—There is authorized to be appropriated to the Secretary $1,500,000,000 to carry out this subsection, to remain available until September 30, 2025.

(e) USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.—

(1) IN GENERAL.—Except as provided in paragraph (2), none of the funds made available by or pursuant to this section may be used for a covered project unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(2) EXCEPTIONS.—The requirement under paragraph (1) shall be waived by the head of the relevant Federal department or agency in any case or category of cases in which the head of the relevant Federal department or agency determines that—

(A) adhering to that requirement would be inconsistent with the public interest;

(B) the iron, steel, and manufactured goods needed for the project are not produced in the United States—

(i) in sufficient and reasonably available quantities; and

(ii) in a satisfactory quality; or

(C) the inclusion of iron, steel, and relevant manufactured goods produced in the United States would increase the overall cost of the project by more than 25 percent.

(3) WAIVER PUBLICATION.—If the head of a Federal department or agency makes a determination under paragraph (2) to waive the requirement under paragraph (1), the head of the Federal department or agency shall publish in the Federal Register a detailed justification for the waiver.

(4) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under all applicable international agreements.

(f) WAGE RATE REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, all laborers and mechanics employed by contractors and subcontractors on projects funded directly or assisted in whole or in part by the Federal Government pursuant to this section shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of

chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(2) AUTHORITY.—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 33503. PERSONNEL.

(a) IN GENERAL.—To carry out section 33502, the Secretary shall hire within the Department of Energy—

(1) not less than 300 full-time employees in the Office of Energy Efficiency and Renewable Energy;

(2) not less than 100 full-time employees, to be distributed among—

(A) the Office of General Counsel;

(B) the Office of Procurement Policy;

(C) the Golden Field Office;

(D) the National Energy Technology Laboratory; and

(E) the Office of the Inspector General; and

(3) not less than 20 full-time employees in the Office of Indian Energy.

(b) TIMELINE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) hire all personnel under subsection (a); or

(2) certify that the Secretary is unable to hire all personnel by the date required under this subsection.

(c) CONTRACT HIRES.—

(1) IN GENERAL.—If the Secretary makes a certification under subsection (b)(2), the Secretary may hire on a contract basis not more than 50 percent of the personnel required to be hired under subsection (a).

(2) DURATION.—An individual hired on a contract basis under paragraph (1) shall have an employment term of not more than 1 year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $84,000,000 for each of fiscal years 2021 through 2031.

(e) REPORT.—Not later than 60 days after the date of enactment of this Act, and annually thereafter for 2 years, the Secretary shall submit a report on progress made in carrying out subsection (a) to—

(1) the Subcommittee on Energy and Water Development of the Committee on Appropriations of the Senate;

(2) the Subcommittee on Energy and Water Development and Related Agencies of the Committee on Appropriations of the House of Representatives;

(3) the Committee on Energy and Natural Resources of the Senate; and

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

AMENDMENT NO. 2 OFFERED BY MS. BLUNT ROCHESTER OF DELAWARE

Page 1547, after line 5, insert the following new chapter:

CHAPTER 10—CLIMATE ACTION PLANNING FOR PORTS

SEC. 33191. GRANTS TO REDUCE GREENHOUSE GAS EMISSIONS AT PORTS.

(a) GRANTS.—The Administrator of the Environmental Protection Agency may award grants to eligible entities—

(1) to implement plans to reduce greenhouse gas emissions at one or more ports or port facilities within the jurisdictions of the respective eligible entities; and

(2) to develop climate action plans described in subsection (b)(2).

(b) APPLICATION.—

(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application to the Administrator of the Environmental Protection Agency at such time, in such manner, and containing such information and assurances as the Administrator may require.

(2) CLIMATE ACTION PLAN.—At a minimum, each such application shall contain—

(A) a detailed and strategic plan, to be known as a climate action plan, that outlines how the eligible entity will develop and implement climate change mitigation or adaptation measures through the grant; or

(B) a request pursuant to subsection (a)(2) for funding for the development of a climate action plan.

(3) REQUIRED COMPONENTS.—A climate action plan under paragraph (2) shall demonstrate that the measures proposed to be implemented through the grant—

(A) will reduce greenhouse gas emissions at the port or port facilities involved pursuant to greenhouse gas emission reduction goals set forth in the climate action plan;

(B) will reduce other air pollutants at the port or port facilities involved pursuant to criteria pollutant emission reduction goals set forth in the climate action plan;

(C) will implement emissions accounting and inventory practices to determine baseline emissions and measure progress; and

(D) will ensure labor protections for workers employed directly at the port or port facilities involved, including by—

(i) demonstrating that implementation of the measures proposed to be implemented through the grant will not result in a net loss of jobs at the port or port facilities involved;

(ii) ensuring that laborers and mechanics employed by contractors and subcontractors on construction projects to implement the plan will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141 through 3144, 3146, and 3147 of title 40, United States Code; and

(iii) requiring any projects initiated to carry out the plan with total capital costs of $1,000,000 or greater to utilize a project labor agreement and not impact any preexisting project labor agreement.

(4) OTHER COMPONENTS.—In addition to the components required by paragraph (3), a climate action plan under paragraph (2) shall demonstrate that the measures proposed to be implemented through the grant will do at least 2 of the following:

(A) Improve energy efficiency at a port or port facility, including by using—

(i) energy-efficient vehicles, such as hybrid, low-emission, or zero-emission vehicles;

(ii) energy efficient cargo-handling, harbor vessels, or storage facilities such as energy-efficient refrigeration equipment;

(iii) energy-efficient lighting;

(iv) shore power; or

(v) other energy efficiency improvements.

(B) Deploy technology or processes that reduce idling of vehicles at a port or port facility.

(C) Reduce the direct emissions of greenhouse gases and other air pollutants with a goal of achieving zero emissions, including by replacing and retrofitting equipment (including vehicles onsite, cargo-handling equipment, or harbor vessels) at a port or port facility.

(5) PROHIBITED USE.—An eligible entity may not use a grant provided under this section—

(A) to purchase fully automated cargo handling equipment;

(B) to build, or plan to build, terminal infrastructure that is designed for fully automated cargo handling equipment;

(C) to purchase, test, or develop highly automated trucks, chassis, or any related equipment that can be used to transport containerized freight; or

(D) to utilize any independent contractor, independent owner-operator, or other entity that does not use employees to perform any work on the port or port facilities.

(6) COORDINATION WITH STAKEHOLDERS.—In developing a climate action plan under paragraph (2), an eligible entity shall—

(A) identify and collaborate with stakeholders who may be affected by the plan, including local environmental justice communities and other near-port communities;

(B) address the potential cumulative effects of the plan on stakeholders when those effects may have a community-level impact; and

(C) ensure effective advance communication with stakeholders to avoid and minimize conflicts.

(c) PRIORITY.—In awarding grants under this section, the Administrator of the Environmental Protection Agency shall give priority to applicants proposing—

(1) to strive for zero emissions as a key strategy within the grantee's climate action plan under paragraph (2);

(2) to take a regional approach to reducing greenhouse gas emissions at ports;

(3) to collaborate with near-port communities to identify and implement mutual solutions to reduce air pollutants at ports or port facilities affecting such communities, with emphasis given to implementation of such solutions in near-port communities that are environmental justice communities;

(4) to implement activities with off-site benefits, such as by reducing air pollutants from vehicles, equipment, and vessels at sites other than the port or port facilities involved; and

(5) to reduce localized health risk pursuant to health risk reduction goals that are set within the grantee's climate action plan under paragraph (2).

(d) MODEL METHODOLOGIES.—The Administrator of the Environmental Protection Agency shall—

(1) develop model methodologies which grantees under this section may choose to use for emissions accounting and inventory practices referred to in subsection (b)(3)(C); and

(2) ensure that such methodologies are designed to measure progress in reducing air pollution at near-port communities.

(e) DEFINITIONS.—In this section:

(1) The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) The term ''cargo-handling equipment'' includes—

(A) ship-to-shore container cranes and other cranes;

(B) container-handling equipment; and

(C) equipment for moving or handling cargo, including trucks, reachstackers, toploaders, and forklifts.

(3) The term ''eligible entity'' means—

(A) a port authority;

(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

(C) an air pollution control district; or

(D) a private entity (including any nonprofit organization) that—

(i) applies for a grant under this section in collaboration with an entity described in subparagraph (A), (B), or (C) ; and

(ii) owns, operates, or uses a port facility, cargo equipment, transportation equipment, related technology, or a warehouse facility at a port or port facility.

(4) The term ''environmental justice community'' means a community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities, that experiences, or

is at risk of experiencing, higher or more adverse human health or environmental effects.

(5) The term ''harbor vessel'' includes a ship, boat, lighter, or maritime vessel designed for service at and around harbors and ports.

(6) The term ''inland port'' means a logistics or distribution hub that is located inland from navigable waters, where cargo, such as break-bulk cargo or cargo in shipping containers, is processed, stored, and transferred between trucks, rail cars, or aircraft.

(7) The term ''port'' includes an inland port.

(8) The term ''stakeholder''—

(9) The term ''stakeholder'' means residents, community groups, businesses, business owners, labor unions, commission members, or groups from which a near-port community draws its resources that—

(A) have interest in the climate action plan of a grantee under this section; or

(B) can affect or be affected by the objectives and policies of such a climate action plan.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out this section, there is authorized to be appropriated $250,000,000 for each of fiscal years 2021 through 2025.

(2) DEVELOPMENT OF CLIMATE ACTION PLANS.—In addition to the authorization of appropriations in paragraph (1), there is authorized to be appropriated for grants pursuant to subsection (a)(2) to develop climate action plans $50,000,000 for fiscal year 2021, to remain available until expended.

AMENDMENT NO. 3 OFFERED BY MR. BRINDISI OF NEW YORK

Page 1239, strike lines 10 and 11 and insert the following:

(G) How competition impacts the price of broadband service, including the impact of monopolistic business practices by broadband service providers.

AMENDMENT NO. 4 OFFERED BY MR. BRINDISI OF NEW YORK

Page 1236, after line 19, insert the following:

(E) The extent to which residents of the United States that received broadband service as a result of Federal broadband service support programs and the Universal Service Fund programs received such service at the download and upload speeds required by such programs.

AMENDMENT NO. 5 OFFERED BY MRS. CRAIG OF MINNESOTA

Page 1400, after line 2, insert the following:

(c) REPEAL OF DECLARATORY RULING AND PROHIBITION ON USE OF NPRM.—The Notice of Proposed Rulemaking and Declaratory Ruling in the matter of improving competitive broadband access to multiple tenant environments and petition for preemption of Article 52 of the San Francisco Police Code filed by the Multifamily Broadband Council that was adopted by the Commission on July 10, 2019 (FCC 19-65), shall have no force or effect and the Commission may not rely on such Notice of Proposed Rulemaking to satisfy the requirements of section 553 of title 5, United States Code, for adopting, amending, revoking, or otherwise modifying any rule (as defined in section 551 of such title) of the Commission.

AMENDMENT NO. 6 OFFERED BY MR. CUNNINGHAM OF SOUTH CAROLINA

Page 1678, line 10, after ''public health emergency preparedness'' insert '', natural disaster emergency preparedness, flood mitigation,''.

AMENDMENT NO. 7 OFFERED BY MR. CUNNINGHAM OF SOUTH CAROLINA

Page 1886, after line 16, insert the following:

SEC. 81238. REPORT ON FISH THAT INHABIT WATERS THAT CONTAIN PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Director of the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, the Director of the Centers for Disease Control and Prevention, and the Director of the United States Geological Survey, shall submit to Congress a report on the impact of waters that contain perfluoroalkyl or polyfluoroalkyl substances on fish that—

(1) inhabit such waters; and

(2) are used for recreation or subsistence.

(b) CONTENT.—The report required by subsection (a) shall include information on the following:

(1) The concentration of perfluoroalkyl and polyfluoroalkyl substances in fish that inhabit waters that contain such substances.

(2) The health risks posed to persons who frequently consume fish that inhabit waters that contain perfluoroalkyl or polyfluoroalkyl substances.

(3) The risks to natural predators of fish that inhabit waters that contain perfluoroalkyl or polyfluoroalkyl substances, including dolphins.

(4) Measures that can be taken to mitigate the risks described in paragraphs (2) and (3).

AMENDMENT NO. 8 OFFERED BY MRS. DINGELL OF MICHIGAN

Page 1547, after line 5, insert the following new chapter:

CHAPTER 10—CLEAN ENERGY AND SUSTAINABILITY ACCELERATOR

SEC. 33191. CLEAN ENERGY AND SUSTAINABILITY ACCELERATOR.

Title XVI of the Energy Policy Act of 2005 (Public Law 109–58, as amended) is amended by adding at the end the following new subtitle:

''Subtitle C—Clean Energy and Sustainability Accelerator

''SEC. 1621. DEFINITIONS.

''In this subtitle:

''(1) ACCELERATOR.—The term 'Accelerator' means the Clean Energy and Sustainability Accelerator established under section 1622.

''(2) BOARD.—The term 'Board' means the Board of Directors of the Accelerator.

''(3) CHIEF EXECUTIVE OFFICER.—The term 'chief executive officer' means the chief executive officer of the Accelerator.

''(4) CLIMATE-IMPACTED COMMUNITIES.—The term 'climate-impacted communities' includes—

''(A) communities of color, which include any geographically distinct area the population of color of which is higher than the average population of color of the State in which the community is located;

''(B) communities that are already or are likely to be the first communities to feel the direct negative effects of climate change;

''(C) distressed neighborhoods, demonstrated by indicators of need, including poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency, adjudication, or incarceration;

''(D) low-income communities, defined as any census block group in which 30 percent or more of the population are individuals with low income;

''(E) low-income households, defined as a household with annual income equal to, or less than, the greater of—

''(i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development; and

''(ii) 200 percent of the Federal poverty line; and

''(F) rural areas, which include any area other than—

''(i) a city or town that has a population of greater than 50,000 inhabitants; and

''(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

''(5) CLIMATE RESILIENT INFRASTRUCTURE.—The term 'climate resilient infrastructure' means any project that builds or enhances infrastructure so that such infrastructure—

''(A) is planned, designed, and operated in a way that anticipates, prepares for, and adapts to changing climate conditions; and

''(B) can withstand, respond to, and recover rapidly from disruptions caused by these climate conditions.

''(6) ELECTRIFICATION.—The term 'electrification' means the installation, construction, or use of end-use electric technology that replaces existing fossil-fuel-based technology.

''(7) ENERGY EFFICIENCY.—The term 'energy efficiency' means any project, technology, function, or measure that results in the reduction of energy use required to achieve the same level of service or output prior to the application of such project, technology, function, or measure, or substantially reduces greenhouse gas emissions relative to emissions that would have occurred prior to the application of such project, technology, function, or measure.

''(8) FUEL SWITCHING.—The term 'fuel switching' means any project that replaces a fossil-fuel-based heating system with an electric-powered system or one powered by biomass-generated heat.

''(9) GREEN BANK.—The term 'green bank' means a dedicated public or nonprofit specialized finance entity that—

''(A) is designed to drive private capital into market gaps for low- and zero-emission goods and services;

''(B) uses finance tools to mitigate climate change;

''(C) does not take deposits;

''(D) is funded by government, public, private, or charitable contributions; and

''(E) invests or finances projects—

''(i) alone; or

''(ii) in conjunction with other investors.

''(10) QUALIFIED PROJECTS.—The terms 'qualified projects' means the following kinds of technologies and activities that are eligible for financing and investment from the Clean Energy and Sustainability Accelerator, either directly or through State and local green banks funded by the Clean Energy and Sustainability Accelerator:

''(A) Renewable energy generation, including the following:

''(i) Solar.

''(ii) Wind.

''(iii) Geothermal.

''(iv) Hydropower.

''(v) Ocean and hydrokinetic.

''(vi) Fuel cell.

''(B) Building energy efficiency, fuel switching, and electrification.

''(C) Industrial decarbonization.

''(D) Grid technology such as transmission, distribution, and storage to support clean energy distribution, including smart-grid applications.

''(E) Agriculture and forestry projects that reduce net greenhouse gas emissions.

''(F) Clean transportation, including the following:

''(i) Battery electric vehicles.

''(ii) Plug-in hybrid electric vehicles.

''(iii) Hydrogen vehicles.

''(iv) Other zero-emissions fueled vehicles.

''(v) Related vehicle charging and fueling infrastructure.

''(G) Climate resilient infrastructure.

''(H) Any other key areas identified by the Board as consistent with the mandate of the Accelerator as described in section 1623.

''(11) RENEWABLE ENERGY GENERATION.—The term 'renewable energy generation' means electricity created by sources that are continually replenished by nature, such as the sun, wind, and water.

''SEC. 1622. ESTABLISHMENT.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, there shall be established a nonprofit corporation to be known as the 'Clean Energy and Sustainability Accelerator'.

''(b) LIMITATION.—The Accelerator shall not be an agency or instrumentality of the Federal Government.

''(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States shall not extend to the Accelerator.

''(d) NONPROFIT STATUS.—The Accelerator shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

''SEC. 1623. MANDATE.

''The Accelerator shall make the United States a world leader in combating the causes and effects of climate change through the rapid deployment of mature technologies and scaling of new technologies by maximizing the reduction of emissions in the United States for every dollar deployed by the Accelerator, including by—

''(1) providing financing support for investments in the United States in low- and zero-emissions technologies and processes in order to rapidly accelerate market penetration;

''(2) catalyzing and mobilizing private capital through Federal investment and supporting a more robust marketplace for clean technologies, while avoiding competition with private investment;

''(3) enabling climate-impacted communities to benefit from and afford projects and investments that reduce emissions;

''(4) providing support for workers and communities impacted by the transition to a low-carbon economy;

''(5) supporting the creation of green banks within the United States where green banks do not exist; and

''(6) causing the rapid transition to a clean energy economy without raising energy costs to end users and seeking to lower costs where possible.

''SEC. 1624. FINANCE AND INVESTMENT DIVISION.

''(a) IN GENERAL.—There shall be within the Accelerator a finance and investment division, which shall be responsible for—

''(1) the Accelerator's greenhouse gas emissions mitigation efforts by directly financing qualifying projects or doing so indirectly by providing capital to State and local green banks;

''(2) originating, evaluating, underwriting, and closing the Accelerator's financing and investment transactions in qualified projects;

''(3) partnering with private capital providers and capital markets to attract co-investment from private banks, investors, and others in order to drive new investment into underpenetrated markets, to increase the efficiency of private capital markets with respect to investing in greenhouse gas reduction projects, and to increase total investment caused by the Accelerator;

''(4) managing the Accelerator's portfolio of assets to ensure performance and monitor risk;

''(5) ensuring appropriate debt and risk mitigation products are offered; and

''(6) overseeing prudent, noncontrolling equity investments.

''(b) PRODUCTS AND INVESTMENT TYPES.—The finance and investment division of the Accelerator may provide capital to qualified projects in the form of—

''(1) senior, mezzanine, and subordinated debt;

''(2) credit enhancements including loan loss reserves and loan guarantees;

''(3) aggregation and warehousing;

''(4) equity capital; and

''(5) any other financial product approved by the Board.

''(c) STATE AND LOCAL GREEN BANK CAPITALIZATION.—The finance and investment division of the Accelerator shall make capital available to State and local green banks to enable such banks to finance qualifying projects in their markets that are better served by a locally based entity, rather than through direct investment by the Accelerator.

''(d) INVESTMENT COMMITTEE.—The debt, risk mitigation, and equity investments made by the Accelerator shall be—

''(1) approved by the investment committee of the Board; and

''(2) consistent with an investment policy that has been established by the investment committee of the Board in consultation with the risk management committee of the Board.

''SEC. 1625. START-UP DIVISION.

''There shall be within the Accelerator a Start-up Division, which shall be responsible for providing technical assistance and start-up funding to States and other political subdivisions that do not have green banks to establish green banks in those States and political subdivisions, including by working with relevant stakeholders in those States and political subdivisions.

''SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRASTRUCTURE FINANCING PROGRAM.

''Not later than 1 year after the date of establishment of the Accelerator, the Accelerator shall explore the establishment of a program to provide low- and zero-interest loans, up to 30 years in length, to any school, metropolitan planning organization, or nonprofit organization seeking financing for the acquisition of zero-emissions vehicle fleets or associated infrastructure to support zero-emissions vehicle fleets.

''SEC. 1627. PROJECT PRIORITIZATION AND REQUIREMENTS.

''(a) EMISSIONS REDUCTION MANDATE.—In investing in projects that mitigate greenhouse gas emissions, the Accelerator shall maximize the reduction of emissions in the United States for every dollar deployed by the Accelerator.

''(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—

''(1) IN GENERAL.—In order to address environmental justice needs, the Accelerator shall, as applicable, prioritize the provision of program benefits and investment activity that are expected to directly or indirectly result in the deployment of projects to serve, as a matter of official policy, climate-impacted communities.

''(2) MINIMUM PERCENTAGE.—The Accelerator shall ensure that over the 30-year period of its charter 20 percent of its investment activity is directed to serve climate-impacted communities.

''(c) CONSUMER PROTECTION.—

''(1) PRIORITIZATION.—Consistent with mandate under section 1623 to maximize the reduction of emissions in the United States for every dollar deployed by the Accelerator, the Accelerator shall prioritize qualified projects according to benefits conferred on consumers and affected communities.

''(2) CONSUMER CREDIT PROTECTION.—The Accelerator shall ensure that any residential energy efficiency or distributed clean energy project in which the Accelerator invests directly or indirectly complies with the requirements of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.), including, in the case of a financial product that is a residential mortgage loan, any requirements of title I of that Act relating to residential mortgage loans (including any regulations promulgated by the Bureau of Consumer Financial Protection under section 129C(b)(3)(C) of that Act (15 U.S.C. 1639c(b)(3)(C))).

''(d) LABOR.—

''(1) IN GENERAL.—The Accelerator shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed directly by the Accelerator will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

''(2) PROJECT LABOR AGREEMENT.—The Accelerator shall ensure that projects financed directly by the Accelerator with total capital costs of $100,000,000 or greater utilize a project labor agreement.

''SEC. 1628. BOARD OF DIRECTORS.

''(a) IN GENERAL.—The Accelerator shall operate under the direction of a Board of Directors, which shall be composed of 7 members.

''(b) INITIAL COMPOSITION AND TERMS.—

''(1) SELECTION.—The initial members of the Board shall be selected as follows:

''(A) APPOINTED MEMBERS.—Three members shall be appointed by the President, with the advice and consent of the Senate, of whom no more than two shall belong to the same political party.

''(B) ELECTED MEMBERS.—Four members shall be elected unanimously by the 3 members appointed and confirmed pursuant to subparagraph (A).

''(2) TERMS.—The terms of the initial members of the Board shall be as follows:

''(A) The 3 members appointed and confirmed under paragraph (1)(A) shall have initial 5-year terms.

''(B) Of the 4 members elected under paragraph (1)(B), 2 shall have initial 3-year terms, and 2 shall have initial 4-year terms.

''(c) SUBSEQUENT COMPOSITION AND TERMS.—

''(1) SELECTION.—Except for the selection of the initial members of the Board for their initial terms under subsection (b), the members of the Board shall be elected by the members of the Board.

''(2) DISQUALIFICATION.—A member of the Board shall be disqualified from voting for any position on the Board for which such member is a candidate.

''(3) TERMS.—All members elected pursuant to paragraph (1) shall have a term of 5 years.

''(d) QUALIFICATIONS.—The members of the Board shall collectively have expertise in—

''(1) the fields of clean energy, electric utilities, industrial decarbonization, clean transportation, resiliency, and agriculture and forestry practices;

''(2) climate change science;

''(3) finance and investments; and

''(4) environmental justice and matters related to the energy and environmental needs of climate-impacted communities.

''(e) RESTRICTION ON MEMBERSHIP.—No officer or employee of the Federal or any other level of government may be appointed or elected as a member of the Board.

''(f) QUORUM.—Five members of the Board shall constitute a quorum.

''(g) BYLAWS.—

''(1) IN GENERAL.—The Board shall adopt, and may amend, such bylaws as are necessary for the proper management and functioning of the Accelerator.

''(2) OFFICERS.—In the bylaws described in paragraph (1), the Board shall—

''(A) designate the officers of the Accelerator; and

''(B) prescribe the duties of those officers.

''(h) VACANCIES.—Any vacancy on the Board shall be filled through election by the Board.

''(i) INTERIM APPOINTMENTS.—A member elected to fill a vacancy occurring before the expiration of the term for which the predecessor of that member was appointed or elected shall serve for the remainder of the term for which the predecessor of that member was appointed or elected.

''(j) REAPPOINTMENT.—A member of the Board may be elected for not more than 1 additional term of service as a member of the Board.

''(k) CONTINUATION OF SERVICE.—A member of the Board whose term has expired may continue to serve on the Board until the date on which a successor member is elected.

''(l) CHIEF EXECUTIVE OFFICER.—The Board shall appoint a chief executive officer who shall be responsible for—

''(1) hiring employees of the Accelerator;

''(2) establishing the 2 divisions of the Accelerator described in sections 1624 and 1625; and

''(3) performing any other tasks necessary for the day-to-day operations of the Accelerator.

''(m) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Accelerator shall establish an advisory committee (in this subsection referred to as the 'advisory committee'), which shall be composed of not more than 13 members appointed by the Board on the recommendation of the president of the Accelerator.

''(2) MEMBERS.—Members of the advisory committee shall be broadly representative of interests concerned with the environment, production, commerce, finance, agriculture, forestry, labor, services, and State Government. Of such members—

''(A) not fewer than 3 shall be representatives of the small business community;

''(B) not fewer than 2 shall be representatives of the labor community, except that no 2 members may be from the same labor union;

''(C) not fewer than 2 shall be representatives of the environmental nongovernmental organization community, except that no 2 members may be from the same environmental organization;

''(D) not fewer than 2 shall be representatives of the environmental justice nongovernmental organization community, except that no 2 members may be from the same environmental organization;

''(E) not fewer than 2 shall be representatives of the consumer protection and fair lending community, except that no 2 members may be from the same consumer protection or fair lending organization; and

''(F) not fewer than 2 shall be representatives of the financial services industry with knowledge of and experience in financing transactions for clean energy and other sustainable infrastructure assets.

''(3) MEETINGS.—The advisory committee shall meet not less frequently than once each quarter.

''(4) DUTIES.—The advisory committee shall—

''(A) advise the Accelerator on the programs undertaken by the Accelerator; and

''(B) submit to the Congress an annual report with comments from the advisory committee on the extent to which the Accelerator is meeting the mandate described in section 1623, including any suggestions for improvement.

''(n) CHIEF RISK OFFICER.—

''(1) APPOINTMENT.—Subject to the approval of the Board, the chief executive officer shall appoint a chief risk officer from among individuals with experience at a senior level in financial risk management, who—

''(A) shall report directly to the Board; and

''(B) shall be removable only by a majority vote of the Board.

''(2) DUTIES.—The chief risk officer, in coordination with the risk management and audit committees established under section 1631, shall develop, implement, and manage a comprehensive process for identifying, assessing, monitoring, and limiting risks to the Accelerator, including the overall portfolio diversification of the Accelerator.

''SEC. 1629. ADMINISTRATION.

''(a) CAPITALIZATION.—

''(1) IN GENERAL.—To the extent and in the amounts provided in advance in appropriations Acts, the Secretary of Energy shall transfer to the Accelerator—

''(A) $10,000,000,000 on the date on which the Accelerator is established under section 1622; and

''(B) $2,000,000,000 on October 1 of each of the 5 fiscal years following that date.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of the transfers under paragraph (1), there are authorized to be appropriated—

''(A) $10,000,000,000 for the fiscal year in which the Accelerator is established under section 1622; and

''(B) $2,000,000,000 for each of the 5 succeeding fiscal years.

''(b) CHARTER.—The Accelerator shall establish a charter, the term of which shall be 30 years.

''(c) OPERATIONAL FUNDS.—To sustain operations, the Accelerator shall manage revenue from financing fees, interest, repaid loans, and other types of funding.

''(d) REPORT.—The Accelerator shall submit on a quarterly basis to the relevant committees of Congress a report that describes the financial activities, emissions reductions, and private capital mobilization metrics of the Accelerator for the previous quarter.

''(e) RESTRICTION.—The Accelerator shall not accept deposits.

''(f) COMMITTEES.—The Board shall establish committees and subcommittees, including—

''(1) an investment committee; and

''(2) in accordance with section 1630—

''(A) a risk management committee; and

''(B) an audit committee.

''SEC. 1630. ESTABLISHMENT OF RISK MANAGEMENT COMMITTEE AND AUDIT COMMITTEE.

''(a) IN GENERAL.—To assist the Board in fulfilling the duties and responsibilities of the Board under this subtitle, the Board shall establish a risk management committee and an audit committee.

''(b) DUTIES AND RESPONSIBILITIES OF RISK MANAGEMENT COMMITTEE.—Subject to the direction of the Board, the risk management committee established under subsection (a) shall establish policies for and have oversight responsibility for—

''(1) formulating the risk management policies of the operations of the Accelerator;

''(2) reviewing and providing guidance on operation of the global risk management framework of the Accelerator;

''(3) developing policies for—

''(A) investment;

''(B) enterprise risk management;

''(C) monitoring; and

''(D) management of strategic, reputational, regulatory, operational, developmental, environmental, social, and financial risks; and

''(4) developing the risk profile of the Accelerator, including—

''(A) a risk management and compliance framework; and

''(B) a governance structure to support that framework.

''(c) DUTIES AND RESPONSIBILITIES OF AUDIT COMMITTEE.—Subject to the direction of the Board, the audit committee established under subsection (a) shall have oversight responsibility for—

''(1) the integrity of—

''(A) the financial reporting of the Accelerator; and

''(B) the systems of internal controls regarding finance and accounting;

''(2) the integrity of the financial statements of the Accelerator;

''(3) the performance of the internal audit function of the Accelerator; and

''(4) compliance with the legal and regulatory requirements related to the finances of the Accelerator.

''SEC. 1631. OVERSIGHT.

''(a) EXTERNAL OVERSIGHT.—The inspector general of the Department of Energy shall have oversight responsibilities over the Accelerator.

''(b) REPORTS AND AUDIT.—

''(1) ANNUAL REPORT.—The Accelerator shall publish an annual report which shall be transmitted by the Accelerator to the President and the Congress.

''(2) ANNUAL AUDIT OF ACCOUNTS.—The accounts of the Accelerator shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

''(3) ADDITIONAL AUDITS.—In addition to the annual audits under paragraph (2), the financial transactions of the Accelerator for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the Government Accountability Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States.

''SEC. 1632. MAXIMUM CONTINGENT LIABILITY.

''The maximum contingent liability of the Accelerator that may be outstanding at any time shall be not more than $70,000,000,000 in the aggregate.''.

AMENDMENT NO. 9 OFFERED BY MR. FOSTER OF ILLINOIS

In section 33114(b), strike paragraph (2) and insert the following:

(2) ADDITIONAL REQUIREMENTS.—In establishing the program under paragraph (1), the Secretary shall—

(A) identify and coordinate across all relevant program offices throughout the Department of Energy key areas of existing and future research with respect to a portfolio of technologies and approaches;

(B) adopt long-term cost, performance, and demonstration targets for different types of energy storage systems and for use in a variety of regions, including rural areas;

(C) incorporate considerations of sustainability, sourcing, recycling, reuse, and disposal of materials, including critical elements, in the design of energy storage systems;

(D) identify energy storage duration needs;

(E) analyze the need for various types of energy storage to improve electric grid resilience and reliability; and

(F) support research and development of advanced manufacturing technologies that have the potential to improve United States competitiveness in energy storage manufacturing.

(3) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Secretary shall establish within the Office of Electricity of the Department of Energy a research, development, and demonstration program of grid-scale energy storage systems, in accordance with this subsection.

(B) GOALS, PRIORITIES, COST TARGETS.—The Secretary shall develop goals, priorities, and cost targets for the program.

(4) STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a 10-year strategic plan for the program.

(B) CONTENTS.—The strategic plan submitted under subparagraph (A) shall—

(i) identify Department of Energy programs that—

(I) support the research and development activities described in paragraph (5) and the demonstration projects under paragraph (3) under subsection (e); and

(II)(aa) do not support the activities or projects described in subclause (I); but

(bb) are important to the development of grid-scale energy storage systems and the mission of the Office of Electricity of the Department of Energy, as determined by the Secretary; and

(ii) include expected timelines for—

(I) the accomplishment of relevant objectives under current programs of the Department of Energy relating to grid-scale energy storage systems; and

(II) the commencement of any new initiatives within the Department of Energy relating to grid-scale energy storage systems to accomplish those objectives.

(C) UPDATES TO PLAN.—Not less frequently than once every 2 years, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives an updated 10-year strategic plan, which shall identify, and provide a justification for, any major deviation from a previous strategic plan submitted under this paragraph.

(5) RESEARCH AND DEVELOPMENT.—In carrying out the program, the Secretary shall focus research and development activities on developing cost effective energy storage systems that—

(A)(i) to balance day-scale needs, are capable of highly flexible power output for not less than 6 hours; and

(ii) have a lifetime of—

(I) not less than 8,000 cycles of discharge at full output; and

(II) 20 years of operation;

(B)(i) can provide power to the electric grid for durations of approximately 10 to 100 hours; and

(ii) have a lifetime of—

(I) not less than 1,500 cycles of discharge at full output; and

(II) 20 years of operation; and

(C) can store energy over several months and address seasonal scale variations in supply and demand.

(6) COST TARGETS.—Cost targets developed by the Secretary under paragraph (3)(B) shall—

(A) be for energy storage costs across all types of energy storage technology; and

(B) include technology costs, installation costs, balance of services costs, and soft costs.

(7) TESTING AND VALIDATION.—The Secretary shall support the standardized testing and validation of energy storage systems under the program through collaboration with 1 or more National Laboratories, including the development of methodologies to independently validate energy storage technologies by performance of energy storage systems on the electric grid, including when appropriate, testing of application-driven charge and discharge protocols.

(8) TARGET UPDATES; SUBTARGETS.—Not less frequently than once every 5 years during the 10-year period beginning on the date of enactment of this section, the Secretary shall—

(A) revise the cost targets developed under paragraph (3)(B) to be more stringent, based on—

(i) a technology-neutral approach that considers all types of energy storage deployment scenarios, including individual technologies, technology combination use profiles, and integrated control system applications;

(ii) input from a variety of stakeholders;

(iii) the inclusion and use of existing infrastructure; and

(iv) the ability to optimize the integration of intermittent renewable energy generation technology and distributed energy resources; and

(B) establish cost subtargets for technologies and applications relating to the energy storage systems described in paragraph (5), taking into consideration—

(i) electricity market prices; and

(ii) the goal of being cost-competitive in specific markets for electric grid products and services.

In section 33114(e), add at the end the following:

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—Not later than September 30, 2023, under the program, the Secretary shall, to the maximum extent practicable, enter into agreements to carry out not more than 5 grid-scale energy storage system demonstration projects.

(B) OBJECTIVES.—Each demonstration project carried out under subparagraph (A) shall be designed to further the development of the energy storage systems described in subsection (b)(5).

AMENDMENT NO. 10 OFFERED BY MS. HAALAND OF NEW MEXICO

Page 1417, after line 7, insert the following:

Subtitle G—Extension of 2.5 GHz Rural Tribal Priority Window

SEC. 31701. EXTENSION OF 2.5 GHZ RURAL TRIBAL PRIORITY WINDOW.

The Commission shall extend the Rural Tribal Priority Window established for the 2.5 gigahertz band in the Public Notice released by the Commission on December 2, 2019 (DA 19–1226), by not less than 180 days.

AMENDMENT NO. 11 OFFERED BY MRS. HAYES OF CONNECTICUT

Page 1619, line 7, strike ''$65,000,000'' and insert ''$130,000,000''.

Page 1619, line 8, strike ''$15,000,000'' and insert ''$45,000,000''.

AMENDMENT NO. 12 OFFERED BY MR. KRISHNAMOORTHI OF ILLINOIS

Insert after section 32006 the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 32007. CHILD RESTRAINT SYSTEMS.

(a) LABELING REQUIREMENT.—Not later than 180 days after the date of enactment of this section, the Administrator of the National Highway Traffic Safety Administration shall revise Federal motor vehicle safety standard 213 prescribed under section 30111 of title 49, United States Code, to require that booster seat child restraint systems (those used in motor vehicles, as defined under such standard) contain a clear and conspicuous label, on both the packaging of such system and attached to such system the following labels:

(1) A label stating the following: ''For use of children who are over 40 lbs and four years old or older''.

(2) A label stating the following: ''Strongly recommended children use this seat only when they reach either the height or weight limit for a child harness car seat as indicated by the manufacturer''.

(3) On the harness package, a label stating the following: ''To prevent possible child injury or death it is important to delay the transition from a 5-point harness seat to a booster seat as long as possible, until the child reaches the harness' weight or height limits as set by the manufacturer''.

(b) SEMI-ANNUAL REPORTING REQUIREMENT ON SIDE IMPACT CRASHES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the promulgation of the final rule relating to the protection of children seated in child restraint systems during side impact crashes required under section 31501(a) of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30127 note), the Administrator of the National Highway Traffic Safety Administration shall submit to Congress and make publicly available on the website of the Administration a report regarding the current status of such rule.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include, at a minimum, the following:

(A) The current expected timeline for the promulgation of such rule.

(B) Any technical or administrative challenges delaying the promulgation of such rule.

(C) Any new financial resources or legislative authorities necessary to promulgate such rule.

(D) The number of children injured or killed in side impact crashes while restrained in a 5-point harness or booster seat between the date of the enactment of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141) and the date of the report.

AMENDMENT NO. 13 OFFERED BY MR. LEVIN OF MICHIGAN

Page 1685, line 1, insert ''and the reduction of wait times for results'' after ''capacity''.

AMENDMENT NO. 14 OFFERED BY MR. LIPINSKI OF ILLINOIS

On page 1459, insert at the end the following new section:

''§ 32007. Motor vehicle pedestrian and cyclist protection

''(a) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation, through the Administrator of the National Highway Traffic Safety Administration, shall issue a final rule that—

''(1) establishes standards for the hood and bumper areas of motor vehicles, including passenger cars, multipurpose passenger vehicles, trucks, and buses with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds) or less, in order to reduce the number of injuries and fatalities suffered by vulnerable road users, including pedestrians and cyclists, who are struck by such vehicles; and

''(2) considers the protection of vulnerable pedestrian and cycling populations, including children and older adults, and people with disabilities.

''(b) COMPLIANCE.—The rule issued under subsection (a) shall require full compliance with minimum performance standards established by the Secretary not later than 2 years after the date on which the final rule is issued.''.

AMENDMENT NO. 15 OFFERED BY MR. LUJÁN OF NEW MEXICO

In the appropriate place, insert the following new section:

SEC. _____. NATIONAL LABS RESTORATION AND MODERNIZATION.

(a) IN GENERAL.—The Secretary of Energy shall fund projects described in subsection (b) as needed to address deferred maintenance, critical infrastructure needs, and modernization of National Laboratories.

(b) USE OF FUNDS.—The projects described in this subsection are the following:

(1) Priority deferred maintenance projects, including facilities maintenance and refurbishment of research laboratories, administrative and support buildings, utilities, roads, power plants and any other critical infrastructure, as determined by the Secretary of Energy.

(2) Lab modernization projects, including core infrastructure needed to support emerging science missions with new and specialized requirements and to maintain safe, efficient, reliable, and environmentally responsible operations, as determined by the Secretary of Energy.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2021 to 2025 $1,200,000,000; whereas not less than one sixth of what is appropriated must be stewarded by the Department of Energy Office of Science.

(d) SUBMISSION TO CONGRESS.—The Secretary of the Energy shall submit to the Committee on Appropriations and the Committee on Science, Space and Technology of the House of Representatives and to the Committee on Appropriations and the Committee on Energy and Natural Resources of the Senate, with the annual budget submission of the President for each year through fiscal year 2025, a list of projects for which the Secretary will provide funding under this section, including a description of each such project.

(e) NATIONAL LABORATORY.—In this section, the term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

AMENDMENT NO. 16 OFFERED BY MS. MATSUI OF CALIFORNIA

Page 1635, line 1, strike ''$75,000'' and insert ''$100,000''.

Page 1640, line 18, strike ''240'' and insert ''208''.

AMENDMENT NO. 17 OFFERED BY MS. MATSUI OF CALIFORNIA

In division G, at the end of subtitle B of title III, add the following:

CHAPTER 5—TARGETED RESIDENTIAL TREE-PLANTING

SEC. 33261. DEFINITIONS.

As used in this chapter:

(1) The term ''nonprofit tree-planting organization'' means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)), that is exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)), which exists, in whole or in part, to—

(A) expand urban and residential tree cover;

(B) distribute young trees for planting;

(C) increase awareness of the environmental and energy-related benefits of trees;

(D) educate the public about proper tree planting, care, and maintenance strategies; or

(E) carry out any combination of the foregoing activities.

(2) The term ''retail power provider'' means any entity authorized under applicable State or Federal law to generate, distribute, or provide retail electricity, natural gas, or fuel oil service.

(3) The term ''Secretary'' means the Secretary of Energy.

(4) The term ''State'' means each of the several States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

SEC. 33262. GRANT PROGRAM.

(a) AUTHORITY.—The Secretary shall establish a grant program to provide financial assistance to retail power providers to support the establishment of new, or continued operation of existing, targeted residential tree-planting programs.

(b) COOPERATION.—In carrying out the grant program established pursuant to subsection (a), the Secretary may cooperate with, and provide assistance for such cooperation to, State foresters or equivalent State officials or Indian Tribes.

(c) REQUIREMENTS FOR TREE-PLANTING PROGRAMS.—In order to qualify for assistance under the grant program established pursuant to subsection (a), a retail power provider shall, in accordance with this chapter, establish and operate, or continue operating, a targeted residential tree-planting program that meets each of the following requirements:

(1) The program shall provide free or discounted shade-providing or wind-reducing trees to residential consumers. If providing free and discounted trees under the program, priority for free trees shall be given to areas where the average annual income is below the regional median.

(2) The program shall either provide trees to plant to—

(A) provide maximum amounts of shade during summer intervals when residences are exposed to the most sun intensity; or

(B) provide maximum amounts of wind protection during fall and winter intervals when residences are exposed to the most wind intensity.

(3) The program shall use the best available science to create, as needed, and utilize tree-siting guidelines which dictate where the optimum tree species are best planted in locations that ensure adequate root development and that achieve maximum reductions in consumer energy demand while causing the least disruption to public infrastructure, considering overhead and underground facilities. Such guidelines shall—

(A) include the species and minimum size of trees that are mostly likely to result in a successful tree planting; and

(B) outline the minimum distance required—

(i) between the trees that are being planted; and

(ii) between such trees and building foundations, air conditioning units, driveways and walkways, property fences, preexisting utility infrastructure, septic systems, swimming pools, and other infrastructure as determined appropriate; and

(C) ensure that trees planted under the tree-planting program near existing power lines will not interfere with energized electricity distribution lines when mature.

(4) The program shall provide that no new trees will be planted under or adjacent to high-voltage electric transmission lines without prior consultation with the retail power provider with jurisdiction over such transmission lines.

(5) The program shall provide tree recipients with tree planting and tree care instruction and education prior to or in conjunction with delivery of free or discounted trees.

(6) The program shall provide for engagement and collaboration with community members that will be affected by the program.

(7) The program shall provide tree care assistance for trees planted under the program for a period of time, to be determined by the retail power provider, in consultation with the nonprofit tree-planting organization, local municipal government, or conservation district with which the retail power provider has entered into an agreement described in subsection (e) and the applicable local technical advisory committee established pursuant to subsection (f), to ensure long-term survival of the trees.

(8) The program has been certified by the Secretary that it is designed to achieve the requirements set forth in paragraphs (1) through (7). In designating criteria for such certification, the Secretary shall collaborate with the Forest Service's Urban and Community Forestry Program, and may consult with the Administrator of the Environmental Protection Agency, to ensure that such criteria are consistent with such requirements.

(d) NEW PROGRAM FUNDING SHARE.—The Secretary shall ensure that no less than 30 percent of the funds made available under this chapter are distributed to retail power providers that—

(1) have not previously established or operated a targeted residential tree-planting program that meets the requirements described in subsection (c); or

(2) are operating a targeted residential tree-planting program that meets the requirements described in subsection (c) which was established no more than three years prior to the date of enactment of this Act.

(e) AGREEMENTS BETWEEN RETAIL POWER PROVIDERS AND NONPROFIT TREE-PLANTING ORGANIZATIONS.—

(1) GRANT AUTHORIZATION.—The Secretary may provide assistance under the grant program established pursuant to subsection (a) only to a retail power provider that has entered into a binding legal agreement with a nonprofit tree-planting organization.

(2) CONDITIONS OF AGREEMENT.—An agreement between a retail power provider and a nonprofit tree-planting organization described in paragraph (1) shall set forth conditions under which such nonprofit tree-planting organization shall carry out a targeted residential tree-planting program that is established or operated by the retail power provider. Such conditions—

(A) shall require the nonprofit tree-planting organization to participate in a local technical advisory committee in accordance with subsection (f); and

(B) may require the nonprofit tree-planting organization to—

(i) coordinate volunteer recruitment to assist with the physical act of planting trees in residential locations under the tree-planting program;

(ii) support a workforce development program that trains a local workforce and assists with job-placement;

(iii) undertake a public awareness campaign to educate local residents about the benefits, cost savings, and availability of free trees;

(iv) establish education and information campaigns to encourage recipients of trees under the tree-planting program to maintain their trees over the long term;

(v) serve as the point of contact for existing and potential residential participants who have questions or concerns regarding the tree-planting program;

(vi) require recipients of trees under the tree-planting program to sign agreements committing to voluntary stewardship and care of provided trees; and

(vii) monitor and report on the survival, growth, overall health, and estimated energy savings of trees provided under the tree-planting program up until the end of their establishment period, which shall be no less than 5 years.

(3) LACK OF NONPROFIT TREE-PLANTING ORGANIZATION.—If a nonprofit tree-planting organization does not exist or operate within the area served by a retail power provider

applying for assistance under this section, the requirements of this section shall apply to binding legal agreements entered into by such retail power provider and one of the following entities:

(A) A local municipal government with jurisdiction over the urban or suburban forest.

(B) A conservation district.

(f) TECHNICAL ADVISORY COMMITTEES.—

(1) CONDITION.—In order to qualify for assistance under the grant program established pursuant to subsection (a), a retail power provider shall agree to consult with the nonprofit tree-planting organization, local municipal government, or conservation district with which the retail power provider has entered into an agreement described in subsection (e) and State foresters or equivalent State officials to establish a local technical advisory committee described in paragraph (2) not later than 30 days after receiving such assistance.

(2) DESCRIPTION.—A local technical advisory committee shall provide advice to, and consult with, a retail power provider and nonprofit tree-planting organization, local municipal government, or conservation district regarding the applicable targeted residential tree-planting program. The advisory committee may—

(A) design and adopt an approved plant list for the tree-planting program that emphasizes the use of hardy, noninvasive tree species and, where geographically appropriate, the use of native or low water-use shade trees, or both;

(B) design and adopt planting, installation, and maintenance specifications and create a process for inspection and quality control for the tree-planting program;

(C) assist in developing long-term care and maintenance instructions for recipients of trees under the tree-planting program;

(D) assist the retail power provider and nonprofit tree-planting organization, local municipal government, or conservation district, as appropriate, with public outreach and education regarding the tree-planting program;

(E) assist in establishing a procedure for monitoring and collection of data on tree health, tree survival, and energy conservation benefits generated by the tree-planting program;

(F) provide guidelines and recommendations for establishing or supporting existing workforce development programs as part of, and for prioritizing local hiring under, a tree-planting program; and

(G) assist the retail power provider in maintaining and compiling information regarding the tree-planting program for purposes of the reports described in subsection (i)(1).

(3) COMPENSATION.—Individuals serving on a local technical advisory committee shall not receive compensation for their service.

(4) COMPOSITION.—Local technical advisory committees shall be composed of representatives from public, private, and nongovernmental organizations with expertise in demand-side energy efficiency management, urban forestry, arboriculture, or landscape architecture, and shall be composed of the following:

(A) Up to 4 persons, but no less than one person, representing the retail power provider receiving assistance under this section.

(B) Up to 4 persons, but no less than one person, representing the nonprofit tree-planting organization that has entered into an agreement described in subsection (e) with the retail power provider to carry out the applicable targeted residential tree-planting program.

(C) Up to 3 persons representing local nonprofit conservation or environmental organizations. Preference shall be given to those organizations which are organized under section 501(c)(3) of the Internal Revenue Code of 1986, and which have demonstrated expertise engaging the public in energy conservation, energy efficiency, or green building practices or a combination thereof. No single organization may be represented by more than one individual under this subparagraph.

(D) Up to 2 persons representing a local affordable housing agency, affordable housing builder, or community development corporation.

(E) Up to 3, but no less than one, persons representing local city or county government for each municipality where a targeted residential tree-planting program will take place and at least one of these representatives shall be the city or county forester, city or county arborist, conservation district forester or functional equivalent.

(F) Up to one person representing the local government agency responsible for management of roads, sewers, and infrastructure, including public works departments, transportation agencies, or equivalents.

(G) Up to 2 persons representing the nursery and landscaping industry.

(H) Up to 2 persons, but no less than one person, representing State foresters, landscape architects, or equivalent State officials.

(I) Up to 3 persons representing the research community or academia with expertise in natural resources or energy management issues.

(5) CHAIRPERSON.—

(A) IN GENERAL.—Each local technical advisory committee shall elect a chairperson to preside over committee meetings, act as a liaison to governmental and other outside entities, and direct the general operation of the committee.

(B) ELIGIBILITY.—Only committee representatives under paragraph (4)(A) or paragraph (4)(B) shall be eligible to act as a local technical advisory committee chairperson.

(6) CREDENTIALS.—At least one of the members of each local technical advisory committee shall be certified with one or more of the following credentials:

(A) Certified Arborist, International Society of Arboriculture.

(B) Certified Forester, Society of American Foresters.

(C) Certified Arborist Municipal Specialist, International Society of Arboriculture.

(D) Certified Arborist Utility Specialist, International Society of Arboriculture.

(E) Board Certified Master Arborist, International Society of Arboriculture.

(F) Licensed landscape architect, American Society of Landscape Architects.

(g) COST SHARE PROGRAM.—

(1) FEDERAL SHARE.—The Federal share of support for any targeted residential tree-planting program funded under this section shall not exceed 50 percent of the cost of such program and shall be provided on a matching basis.

(2) NON-FEDERAL SHARE.—The non-Federal share of such costs may be paid or contributed by any governmental or nongovernmental entity other than from funds derived directly or indirectly from an agency or instrumentality of the United States.

(h) COMPETITIVE GRANT PROCEDURES.—Not later than 90 days after the date of enactment of this Act, after notice and opportunity for comment, the Secretary shall establish procedures for a public, competitive grants process through which retail power providers may apply for assistance under this section.

(i) REPORTS.—

(1) TO THE SECRETARY.—Not later than 1 year after receiving assistance under the grant program established pursuant to subsection (a), and each subsequent year for the duration of the grant, each such recipient shall submit to the Secretary a report describing the results of the activities funded by such assistance, including as applicable—

(A) the number of trees planted under the applicable targeted residential tree-planting program;

(B) the benefits of the applicable targeted residential tree-planting program to the local community;

(C) any barriers to planting trees as part of the applicable targeted residential tree-planting program; and

(D) any other information the Secretary considers appropriate.

(2) TO CONGRESS.—Not later than 3 years after providing assistance under the grant program established pursuant to subsection (a), and each year after, the Secretary shall submit to Congress a report that includes—

(A) the number of applications for assistance under the program received and funded, annually;

(B) the number of trees planted under the targeted residential tree-planting programs for which assistance is provided under the program;

(C) the benefits of such tree-planting programs, including those related to climate change, energy savings, and stormwater runoff;

(D) any barriers to planting trees in communities;

(E) recommendations for improving the grant program; and

(F) any other information the Secretary considers appropriate.

SEC. 33263. PUBLIC RECOGNITION INITIATIVE.

(a) ARBOR CITY OF AMERICA.—The Secretary shall annually—

(1) designate a city, municipality, community, or other area as the Secretary determines appropriate, as the ''Arbor City of America'' to recognize superior efforts in increasing tree canopy coverage and assisting residents in reducing energy costs through tree planting; and

(2) provide funding to such city, municipality, community, or other area to carry out projects that increase green infrastructure or green spaces within such city, municipality, community, or other area.

(b) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, after notice and opportunity for comment, the Secretary shall establish procedures for carrying out this section.

SEC. 33264. NONDUPLICITY.

Nothing in this chapter shall be construed to supersede, duplicate, cancel, or negate the programs or authorities provided under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 33265. AUTHORIZATION OF APPROPRIATIONS.

For each of fiscal years 2021 through 2025, there are authorized to be appropriated $5,000,000 to carry out this chapter, of which $250,000 shall be used to provide funding to the applicable city, municipality, community, or other area designated under section 33263 as the Arbor City of America for such year for projects described in such section.

AMENDMENT NO. 18 OFFERED BY MS. MENG OF NEW YORK

Page 1464, after line 17, insert the following:

Subchapter C—Other Matters

SEC. 33105. DRINKING WATER FOUNTAIN REPLACEMENT IN PUBLIC PLAYGROUNDS AND PARKS.

(a) IN GENERAL.—Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

''SEC. 1466. DRINKING WATER FOUNTAIN REPLACEMENT IN PUBLIC PLAYGROUNDS AND PARKS.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Administrator shall establish a grant program to provide assistance to States and municipalities for the replacement, in playgrounds or parks owned by States or municipalities, of drinking water fountains manufactured prior to 1988.

''(b) USE OF FUNDS.—Funds awarded under the grant program—

''(1) shall be used to pay the costs of replacement of drinking water fountains in playgrounds or parks owned by a State or municipality receiving such funds; and

''(2) may be used to pay the costs of monitoring and reporting of lead levels in the drinking water of playgrounds or parks owned by a State or municipality receiving such funds, as determined appropriate by the Administrator.

''(c) PRIORITY.—In awarding funds under the grant program, the Administrator shall give priority to projects and activities that benefit an underserved community or a disadvantaged community.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2020 through 2025''.

(b) DEFINITIONS.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j–21) is amended by adding at the end the following:

''(8) DISADVANTAGED COMMUNITY.—The term 'disadvantaged community' has the meaning given such term in section 1452(d)(3).

''(9) PLAYGROUND OR PARK.—The term 'playground or park' means an indoor or outdoor park, building, site, or other facility, including any parking lot appurtenant thereto, that is intended for recreation purposes.

''(10) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given such term in section 1459A.''.

AMENDMENT NO. 19 OFFERED BY MS. MOORE OF WISCONSIN

Page 1220, after line 11, insert the following:

TITLE VI—OTHER MATTERS

SEC. 26001. COVID-19 WASTEWATER SURVEILLANCE RESEARCH PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Wastewater surveillance of COVID-19 is a rapidly evolving area of research that holds great promise as an early, cost-effective, unbiased community-level indicator of the presence of COVID-19.

(2) Use of wastewater surveillance to assess increasing trends in the occurrence of COVID-19, especially in early detection, has been successfully demonstrated, however, additional research may help shed light on other areas where this tool can be helpful in providing useful information to public health and elected officials responding to the COVID-19 pandemic.

(b) GRANTS.—The Administrator of the Environmental Protection Agency shall establish a program to award research grants to eligible entities to investigate the use of wastewater surveillance of the genetic signal of SARS CoV-2 as an indicator of the distribution of COVID-19 in communities.

(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section include wastewater utilities (including those that receive funding through a State water pollution control revolving fund established pursuant to title VI of the Federal Water Pollution Control Act), institutions of higher education, and public-private consortia focused on water research and technology.

(d) REQUIREMENTS.—In carrying out subsection (b), the Administrator, in consultation with wastewater officials and public health officials, shall—

(1) develop recommendations for—

(A) sample plan design, sample collection, and sample preservation; and

(B) consistent data collection practices and documentation that would allow data comparability;

(2) support greater coordination in research to help better understand and address knowledge gaps;

(3) support effective communication with the public, public health officials, elected officials, wastewater professionals, and the media, on the results of any wastewater surveillance for tracking trends relating to COVID-19; and

(4) carry out such other activities as the Administrator determines appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2021 and 2022 such sums as may be necessary to carry out this section.

AMENDMENT NO. 20 OFFERED BY MR. NORCROSS OF NEW JERSEY

Page 1610, after line 24, insert the following:

CHAPTER 5—INDUSTRIAL ENERGY SAVINGS

SEC. 33261. REBATE PROGRAM FOR ENERGY EFFICIENT ELECTROTECHNOLOGIES.

(a) DEFINITIONS.—In this section:

(1) ENERGY EFFICIENT ELECTROTECHNOLOGY.—The term ''energy efficient electrotechnology'' means—

(A) any electric technology that, when used instead of a fossil fuel-fired technology in an industrial process results in—

(i) energy efficiency, or production efficiency, gains; or

(ii) environmental benefits; or

(B) any electric technology that, when used instead of a fossil fuel-fired technology in an industrial application results in—

(i) improvements in on-site logistics or material handling; and

(ii) energy efficiency gains and environmental benefits.

(2) QUALIFIED ENTITY.—The term ''qualified entity'' means an industrial or manufacturing facility, commercial building, or a utility or energy service company.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a program to provide rebates in accordance with this section.

(c) REBATES.—The Secretary may provide a rebate under the program established under subsection (b) to the owner or operator of a qualified entity for expenditures made by the owner or operator of the qualified entity for an energy efficient electrotechnology that is used to replace a fossil fuel-fired technology.

(d) REQUIREMENTS.—To be eligible to receive a rebate under this section, the owner or operator of a qualified entity shall submit to the Secretary an application demonstrating—

(1) that the owner or operator of the qualified entity purchased an energy efficient electrotechnology;

(2) the energy efficiency gains, production efficiency gains, and environmental benefits, as applicable, resulting from use of the energy efficient electrotechnology—

(A) as measured by a qualified professional or verified by the energy efficient electrotechnology manufacturer, as applicable; or

(B) as determined by the Secretary;

(3) that the fossil fuel-fired technology replaced by the energy efficient electrotechnology has been permanently decommissioned and scrapped; and

(4) that all laborers and mechanics who were involved in the installation or maintenance, or construction or renovation to support such installation or maintenance, of the energy efficient electrotechnology, or the decommissioning and scrapping of the fossil fuel-fired technology replaced by the energy efficient electrotechnology, and who were employed by the owner or operator of the qualified entity, or contractors or subcontractors at any tier thereof, were paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'').

(e) LIMITATION.—The Secretary may not provide a rebate under the program established under subsection (b) to an owner or operator of a qualified entity for expenditures made by the owner or operator of the qualified entity for an energy efficient electrotechnology that is used to replace a fossil fuel-fired technology if the Secretary determines that such expenditures were necessary for the owner or operator to comply with Federal or State law.

(f) AUTHORIZED AMOUNT OF REBATE.—The amount of a rebate provided under this section shall be not less than 30 percent, and not more than 50 percent, of the overall cost of the energy efficient electrotechnology, including installation costs.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2020 through 2024.

AMENDMENT NO. 21 OFFERED BY MR. PHILLIPS OF MINNESOTA

Page 439, after line 19, insert the following:

(e) GAO STUDY.—The Comptroller General of the United States shall conduct a study on the deployment of broadband infrastructure to cities and counties with a population of not less than 2,500 and not more than 50,000.

AMENDMENT NO. 22 OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

Page 1350, line 19, after ''this section.'' insert the following: ''In the case of a territory or possession of the United States in which no such data is collected from the American Community Survey of the Bureau of the Census as of the year before the date of the enactment of this section, such term includes a census tract with a poverty rate of at least 20 percent, as measured by the 2010 Island Areas Decennial Census of the Bureau of the Census.''.

Page 1351, line 13, after ''available.'' insert the following: ''In the case of a territory or possession of the United States, such term includes any county equivalent area in Puerto Rico with a poverty rate of at least 20 percent, as determined in each of the 1990 and 2000 decennial censuses and in the most recent 5-year data series available from the American Community Survey of the Bureau of the Census as of the year before the date of the enactment of this section, or any other territory or possession of the United States with a poverty rate of at least 20 percent, as determined in each of the 1990, 2000, and 2010 Island Areas Decennial Censuses of the Bureau of the Census.''.

AMENDMENT NO. 23 OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

Page 1464, after line 17, insert the following:

Subtitle C—Other Matters

SEC. 33105. ASSISTANCE FOR AREAS AFFECTED BY NATURAL DISASTERS.

Section 2020 of America's Water Infrastructure Act of 2018 (Public Law 115–270) is amended—

(1) in subsection (b)(1), by striking ''subsection (e)(1)'' and inserting ''subsection (f)(1)'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(3) by inserting after subsection (b) the following:

''(c) ASSISTANCE FOR TERRITORIES.—The Administrator may use funds made available under subsection (f)(1) to make grants to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands for the purposes of providing assistance to eligible systems to restore or increase compliance with national primary drinking water regulations.''; and

(4) in subsection (f), as so redesignated—

(A) in the heading, by striking ''STATE REVOLVING FUND CAPITALIZATION''; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''and to make grants under subsection (c) of this section,'' before ''to be available''; and

(ii) in subparagraph (A), by inserting ''or subsection (c), as applicable'' after ''subsection (b)(1)''.

AMENDMENT NO. 24 OFFERED BY MS. PORTER OF CALIFORNIA

Page 1619, after line 23, insert the following:

SEC. 33312. STUDY ON IMPACT OF AIR POLLUTION FROM VEHICLES IDLING IN SCHOOL ZONES.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, acting jointly, shall—

(1) complete a study on the impacts on the health of children related to the emission of air pollutants from school buses and other vehicles idling in school zones; and

(2) submit a report to the Congress on the results of such study.

AMENDMENT NO. 25 OFFERED BY MR. SABLAN OF NORTHERN MARIANA ISLANDS

Page 1464, after line 17, insert the following:

Subchapter C—Other Matters

SEC. 33105. ALLOTMENTS FOR TERRITORIES.

Section 1452(j) of the Safe Drinking Water Act (42 U.S.C. 300j–12(j)) is amended by striking ''0.33 percent'' and inserting ''1.5 percent''.

AMENDMENT NO. 26 OFFERED BY MS. SLOTKIN OF MICHIGAN

Page 1462, after line 3, insert the following:

''(e) NO EFFECT ON CLEANUP RESPONSIBILITY.—Receipt by a community water system of a grant under this section shall have no effect on any responsibility of the Department of Defense relating to the cleanup of the applicable PFAS.

AMENDMENT NO. 27 OFFERED BY MS. SPANBERGER OF VIRGINIA

Page 1321, after line 9, insert the following:

SEC. 31207. GAO REPORT.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Agriculture of the House of Representatives, the Committee on Transportation and Infrastructure of the House of the Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that evaluates the process used by the Commission for establishing, reviewing, and updating the upload and download broadband internet access speed thresholds, including—

(1) how the Commission reviews and updates broadband internet access speed thresholds;

(2) whether the Commission considers future broadband internet access speed needs when establishing broadband internet access speed thresholds, including whether the Commission considers the need, or the anticipated need, for higher upload or download broadband internet access speeds in the five-year period and the ten-year period after the date on which a broadband speed threshold is to be established; and

(3) how the Commission considers the impacts of changing uses of the internet in establishing, reviewing, or updating broadband internet access speed thresholds, including—

(A) the proliferation of internet-based business;

(B) working remotely and running a business from home;

(C) video teleconferencing;

(D) distance learning;

(E) in-house web hosting; and

(F) cloud data storage.

AMENDMENT NO. 28 OFFERED BY MR. TAKANO OF CALIFORNIA

Page 1543, line 18, insert '', including battery storage technologies,'' after ''Energy storage technologies''.

The SPEAKER pro tempore. Pursuant to House Resolution 1028, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Illinois (Mr. SHIMKUS) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this en bloc amendment of 28 that will further improve the already strong language of H.R. 2 in many areas.

It will expand our digital internet infrastructure through Tribal benefits and assistance available under the broadband sections. These digital infrastructure measures will ensure access to affordable, reliable internet service and give Americans living in multifamily and government-assisted housing access to reliable, high-speed broadband.

It will strengthen energy efficiency and resilience for critical infrastructure, while addressing greenhouse gas pollution and environmental justice issues at our Nation's ports.

It creates a fund to invest in clean energy technologies and jobs and improves the Department of Energy's laboratory infrastructure, while bolstering its clean energy research.

It improves the underlying clean school bus and electrical vehicle provisions, while also expanding on the PFAS and lead contamination provisions.

It also improves drinking water assistance to our territories.

Mr. Speaker, this bloc of amendments also includes provisions to protect pedestrians, bicyclists, and other vulnerable road users, while promoting the safe use of child booster seats.

It also prioritizes hospital and lab infrastructure projects that will address natural disaster preparedness and reduce wait times for results of COVID–19 tests.

So I want to thank the many Members who contributed to the en bloc, including Representatives BLUNT-ROCHESTER, DINGELL, MATSUI, SARBANES, LUJÁN, O'HALLERAN, and CÁRDENAS from the Energy and Commerce Committee, as well as Representatives BRINDISI, CRAIG, CUNNINGHAM, Foster, HAALAND, HAYES, KRISHNAMOORTHI, LEVIN of Michigan, LIPINSKI, MENG, MOORE, NORCROSS, PHILLIPS, PLASKETT, PORTER, SABLAN, SLOTKIN, SPANBERGER, and TAKANO. Their amendments are making this a better bill, and I thank them for their contributions.

This an excellent amendment. I urge its adoption, and I reserve the balance of time.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MICHAEL F. DOYLE), the chairman of the Communications and Technology Subcommittee.

Mr. MICHAEL F. DOYLE of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 2, the Moving Forward Act. This legislation represents a historic investment in the future of our Nation.

As the chairman of the Communications and Technology Subcommittee, I am proud that this bill includes an unprecedented $100 billion investment in our Nation's broadband infrastructure.

This crisis has made it clear that broadband is a necessity, not a privilege. Because of COVID–19, we must all use the internet to work, to learn, and to participate in society.

This legislation would establish a national digital equity program to provide outreach and digital literacy education to get folks online.

It would expand the Lifeline program to create a monthly broadband benefit to connect working families and the recently unemployed.

It would fund a critical upgrade of our Nation's 911 system, and it would bring the benefits of high-speed fiber-optic networks to every part of the country.

Today, Americans who are not connected are being left behind. If our Nation is going to succeed in the 21st century, we must ensure that everyone has access to this essential resource.

I would like to thank my good friend, Majority Whip JIM CLYBURN, for his leadership on this issue and for working with myself and Chairman PALLONE on this legislation. I would like to thank all of the members of our subcommittee who contributed to this bill.

Mr. Speaker, I am concerned about a provision related to autonomous vehicles that was included in the manager's amendment.

My hometown of Pittsburgh is our Nation's and the world's leading hub for research and development into autonomous vehicle technologies. As we continue to consider this legislation related to autonomous vehicles, I hope

that we can engage in a more deliberate discussion about how these technologies will be regulated and deployed. This technology is too important to the success of our Nation and to Pittsburgh to do any less.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. DINGELL), who is always dealing with these innovative technologies and uses that are so important for our future.

Mrs. DINGELL. Mr. Speaker, I rise in strong support of this en bloc, which includes an important amendment that I have championed that would establish a clean energy and sustainability accelerator to both meet the climate crisis head-on, while building the infrastructure of tomorrow.

As an independent nonprofit that is capitalized with $20 billion of Federal funds spread over a 6-year period, the accelerator will help bolster and expand a robust clean energy workforce, create jobs, deploy emissions reduction technologies, and invest in low-carbon infrastructure projects nationwide.

It would provide crucial seed investment to build clean energy infrastructure that will put millions back to work, strengthen communities, improve public health for generations, while reducing pollution, lowering energy costs, and specifically reducing harmful greenhouse emissions.

I am proud to lead this amendment, and I thank Chairman PALLONE, the leadership of the House, and the Energy and Commerce Committee staff for all the work they have done to get it here.

I urge my colleagues to support this bill.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Speaker, I want to thank Chairman PALLONE for his tremendous work on this bill and all the staff of the Energy and Commerce Committee who worked on this.

My amendment modifies H.R. 2's pilot program to improve lab infrastructure, ensuring grants can help labs reduce wait times for COVID–19 test results.

It can take several business days to find out if you have tested positive for COVID–19. During that time, folks are told to take precautions as though they are positive.

Not everyone can afford missing work to do that. Not everyone has another person who can take care of an elderly or sick parent. If we don't bring down wait times, we are asking Americans to do things that, for them, might be virtually impossible. Let's make things easier for working families.

I urge support of this amendment and this tremendous bill.

□ 1730

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Ms. SPANBERGER).

Ms. SPANBERGER. Mr. Speaker, I rise today in support of amendment No. 319 to H.R. 2.

The Moving America Forward Act includes a historic investment in high-speed broadband internet infrastructure.

Mr. Speaker, I would like to thank Whip CLYBURN for his leadership on the Rural Broadband Task Force.

In central Virginia, like across so much of the country, we urgently need funding for broadband projects, particularly as COVID–19 lays bare the realities of the digital divide.

In our district, for example, I have spoken with teachers who, when schools closed, were unable to maintain contact with so many of their students because they simply cannot access the internet.

As we talk about making a significant investment in the future of high-speed internet, we need to take appropriate steps to ensure this new infrastructure meets the needs of the next generation of wireless technology.

For many years, the FCC has set the threshold for determining the speed at which areas are found to have sufficient broadband service. However, experts have indicated that the current speed threshold is outdated. My amendment would require the GAO to examine the efficacy of the FCC's process for updating its broadband speed threshold.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from Virginia (Ms. SPANBERGER).

Ms. SPANBERGER. Mr. Speaker, with this information, we can make better decisions about how to best update these thresholds. If we are going to keep our rural businesses, our farms, and our students competitive into the next century, we need to recognize that the broadband infrastructure we build must meet the need for faster downloads and uploads.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of my amendments, which will help fund critically needed flood mitigation infrastructure in South Carolina's Lowcountry and protect my constituents from harmful PFAS contaminants.

This month marked the start of hurricane season, and given the ongoing COVID–19 pandemic, it is more essential than ever that we invest in flood mitigation infrastructure that will protect places like downtown Beaufort and hospitals in Charleston's medical district.

In the Lowcountry, when it rains, it floods. Each year, our communities face tidal flooding that poses significant health, human safety, and economic risks. If a weather-related disaster hits during the COVID–19 pandemic, the results will be severe.

That is why I am proud to offer two amendments that will ensure natural disaster preparedness and flood mitigation projects are prioritized in this legislation.

I also offered an amendment that will require the Federal Government to investigate wild fish in PFAS-contaminated waters and the risk of consuming such fish to humans and natural predators.

In a pair of recent studies, it was determined that PFAS were present in groundwater on Joint Base Charleston, as well as in wild fish in the Ashley and the Cooper Rivers. Given the health and environmental hazards associated with PFAS exposure, it is critical that we ensure my constituents are not put at risk.

I hope my colleagues on both sides of the aisle will join me in supporting my amendments, as well as the underlying legislation.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Delaware (Ms. BLUNT ROCHESTER), a member of our committee.

Ms. BLUNT ROCHESTER. Mr. Speaker, I rise today in support of H.R. 2 because it is a critical investment in our roads, bridges, schools, and other vital infrastructure. Not only that, this plan ensures we build a clean energy economy that will address the climate crisis and make our communities healthier and safer.

Amendments Nos. 37 and 71, which we are debating today, are two of my bills that prioritize investments in environmental justice communities. These are the communities that are overburdened with pollution and are being hit the hardest with impacts of both the climate crisis and COVID–19.

The Climate Action Planning for Ports Act creates a competitive grant program at EPA that will incentivize ports to implement climate action plans, reduce their air pollution, and engage the communities to reduce the cumulative impacts of the pollution from the nearby port.

EPA is uniquely equipped to manage a grant program like this and will complement the Ports Initiative that already exists at the agency. Most importantly, though, this program provides flexibility for ports and port authorities while requiring strong emissions targets and near-port community engagement.

Mr. Speaker, I urge my colleagues to join me in supporting the passage of these amendments and H.R. 2.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, can I inquire about how much time remains on each side?

The SPEAKER pro tempore. The gentleman from New Jersey has 4½ minutes remaining. The gentleman from Illinois has 15 minutes remaining.

Mr. PALLONE. Mr. Speaker, I was expecting someone else, but they are not here. I am prepared to close.

Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge strong support of this en bloc amendment. I do think it will improve the already strong language of H.R. 2 in many areas, and I would urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, so here we are. I am down on the floor with my good friend, FRANK PALLONE, who I am a fan of. And, actually, I am a fan of Jeff Carroll, which probably surprises a lot of people.

What we are doing here today, and they know it, just goes too far. Here we are, on a transportation and infrastructure bill, debating energy and telecommunications and healthcare issues.

The preeminent committee in Washington, D.C., is the Energy and Commerce Committee. I proudly served on it for 24 years. We take pride in that. But here, today, we have allowed leadership to take our jurisdiction and give it to the Transportation and Infrastructure Committee. There are a lot of Committee on Energy and Commerce chairmen and ranking members who are rolling over in their graves today, and I am particularly disappointed.

The original bill that came out of T&I, it is right here, $500 billion. This is the bill that came out of T&I. The bill that we are debating today, $1.5 trillion.

Where did the trillion come from? Well, it came from the Rules Committee, Mr. Speaker, which added bills from other jurisdictions that had no hearings, no markups, no process.

In fact, I see my good friend Mr. DOYLE here, and I wrote down what he said: There ought to be a deliberative discussion on that provision.

I think it was on autonomous vehicles. Well, we didn't have a deliberative discussion because we allowed, for some reason, the powers that may be, and I think I can probably surmise, and I will get to that when I get close to the end of my 15 minutes. But, I am heartbroken.

TIM SCOTT was on the floor of the Senate last week, talking about how the process is broken in the Senate on criminal justice reform. He couldn't even get a debate on his bill. This is an example of a broken process.

As I leave my last year in Congress, I am saddened. I have loved it, 24 years, made great friends, did some good public policy. But, gang, something is wrong here when we don't even stand up for the jurisdiction of our own committee and allow our committees to work in a bipartisan manner to bring bills that are acceptable. It is sad.

Mr. Speaker, I have been joined by BRUCE WESTERMAN from Arkansas, who wants to talk a few minutes on some energy provisions that are in a T&I bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, I rise today to not talk about a transportation bill.

I am on the Transportation and Infrastructure Committee, but it has turned into an energy package, and I just want to expose the fallacy of this so-called green infrastructure package. Let's just look at one part of it.

Let's look at all-electric vehicles. Let's assume that we could go to all-electric vehicles in the U.S. overnight. What would that mean? We hear a lot of talk about electric vehicles, and it sounds good, but what would it actually do for greenhouse gases? The answer is not nearly as much as my colleagues across the aisle would like for you to believe.

First, the people who write this legislation must be the same ones who think that food comes from the grocery store and electricity comes from the wall outlet. Just like the food in the grocery store, energy has a supply chain, and less than 10 percent of it is coming from wind and solar. In fact, between 60 and 70 percent of electricity comes from coal and natural gas. And guess what? It is going to keep coming from coal and natural gas unless we build nuclear power plants, and I haven't seen proposals from anyone on the left to be building any nuclear power plants.

I have got some science and engineering to share with my friends about their wind and solar daydream without coal, natural gas, or nuclear power: It won't work.

I realize the truth about this might hurt people's feelings, but science is science. And just in case you didn't catch that: Wind and solar without coal, natural gas, or nuclear power will not work. If you don't believe me, I challenge you to watch the movie called ''Planet of the Humans,'' and maybe you will believe the left's very own Michael Moore, who basically says the same thing in that movie.

Let's do some quick math on what all-electric vehicles would do for greenhouse gas emissions. I don't think anybody denies the fact that the U.S. emits 15 percent of the world's greenhouse gases and that transportation is the largest sector of that, making up 28 percent of all greenhouse gases. Well, 28 percent of 15 percent is 4.2 percent. So of the global greenhouse gases, transportation in the U.S. makes up 4.2 percent.

But passenger cars aren't all of transportation. They make up only 32 percent of transportation. So, 32 percent of 4.2 percent is 1.34 percent.

That is how much greenhouse gases passenger vehicles in the United States emit. But, remember, when you plug the electric vehicle into the wall, that power is coming from somewhere, somewhere that is making electricity at 60 to 70 percent with fossil fuels.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHIMKUS. Mr. Speaker, I yield an additional 45 seconds to the gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, electric vehicles versus internal combustion engines are 25 percent less greenhouse gases. So, all-electric vehicles in the U.S. would mean that we would reduce global greenhouse gases by one-third of 1 percent.

It would also require a tremendous amount of mining and other activities that my friends oppose.

America needs cleaner air and a sustainable environment and sound energy policies. H.R. 2 fails on all of these. We need sound policy to make existing energy sources cleaner and more efficient, and we need to work on next-generation nuclear energy. Then we can talk real numbers on reducing greenhouse gas emissions.

□ 1745

Mr. SHIMKUS. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Illinois has 8¾ minutes remaining.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

So, CBO came out with a report on this bill. It will add to the deficit $450 billion. That is the CBO report just out today.

Now, we spent a lot of money this year. I guess I am really getting reflective because when I ran 20 years ago, I was railing against the national debt, which was at that time $4 trillion. That is why I ran. Four trillion dollars. Now it is, what, 26?

And most of us joined in a lot of that this Congress because of the pandemic, and I get it. But I believe that eventually someone has got to pay the piper. And who will that be? Well, it won't be me, I am going to retire, unless they go after my Social Security and my pension fund and my investments. But it is going to be our children and our grandchildren. So eventually we are going to have to get serious about this.

This bill out of the T&I Committee came out at $500 billion. Out of the Rules Committee on the floor it added $1 trillion. And, again, as we have discussed today, most of that additional trillion dollars hasn't been vetted by the committee, at least the Committee of Energy and Commerce, which is the predominant jurisdiction on this en bloc amendment. That is why I am here and have been asked to speak on this.

We have got a DOE program. We have got another DOE program. We have got FCC broadband. We have got another interconnectivity. We have another FCC program. We have got chemical safety stuff—which if you ever want to

be an expert in an area, be an expert on chemical issues in this Congress, and you will be beating your head in. A clean energy sustainable accelerator; that sounds like a T&I provision. Grid security. FCC. EPA. Booster seat labeling. That was my original bill 20 years ago; child safety seats. NTSA. Vehicle bumpers and hoods. Consumer protection and safety. DOE. Voltage requirements. Energy. Safe Drinking Water Act, one of my favorites; we worked in a bipartisan manner. I know brownfields was mentioned; we worked in a bipartisan manner. Replace fossil fuel fire technology in a T&I bill. That is interesting. GAO report. Territories.

I can go on, but it is a tad frustrating when, again, you have a committee of jurisdiction that works well. We have credible hearings. We usually go through regular order. In fact, I remember my good friend, Chairman PALLONE, berating us constantly about going through regular order. And regular order for us is: Have a hearing, mark it up in a subcommittee, take it to the full committee and then move it to the floor. TSCA worked that way. We worked together on that. Shoot, we don't even have a hearing on many of these bills, no less a subcommittee mark or a full committee mark. So why are we doing this?

It is a waste of time. It is a waste of effort. And it is politics at its worst. Because we are giving people the chance to say, I moved my bill through the floor of the House. I am saving the Nation and our problems. Aren't you proud of me, my voters and my constituents? Hogwash. Embarrassing. I am disappointed. I am frustrated.

We are in the minority. I get it. I can get beat down as good as anybody else, which I have been. But really, on bills like battery technology that we can move in a bipartisan manner and get to the floor, we have to shove it in a Transportation and Infrastructure bill? No, we don't. Even in virtual Congresses we could pass a battery technology improvement bill. I would grant it.

I think part of the reason why we are shoving all this in is because coronavirus and social distancing and getting together is going to make it difficult to move things to the floor. So this T&I bill is going to get off the floor, open up the kitchen sink, throw everything in it whether it is germane or not. That is what happened here. Don't be surprised.

And my colleagues who are complaining that it is not going to see the light of day, it is not. But I don't mind the debate. I just wish we would have it in the committee. I wish we would have it at a hearing. I wish we would have a subcommittee mark. I mean, we are in the minority, we are still going to get our heads beat in. But do we have to do it in this manner?

So, again, a T&I bill came out of their committee this size, $500 billion, came to the floor with another $1 trillion and 2,000 pages, mostly from jurisdictions that didn't have hearings, didn't have comments, just Members' wish lists that they knew they could attach. It is not going to go anywhere, so open it up. Everyone can claim victory that they have saved the Republic.

Well, they added $450 billion to the deficit on a meaningless bill that appeases the base, especially the far left environmental group that want a Green New Deal. The public has rejected the Green New Deal. And if they haven't, then let's have that debate on the floor and in the committee. Why do we do it here? It shouldn't be in a T&I bill. It should be in the Environment Subcommittee, my subcommittee—well, ranking member.

And I will end on this because my time is running out. I have been lectured many, many years in the committee about our jurisdiction and regular order. And here we are. I am disappointed, Mr. Speaker. We are better than this. The institution is worse because of what we are seeing today, and I think what is going to happen is we are going to continue to lose the power of the committees if we let the Speakers, whether it is a Republican or a Democrat, consolidate power. And our committees better start standing up for themselves if we want to see progress in the future, if we want to reclaim our roles as representatives.

We have become experts in these committees of jurisdiction. Twenty-four years, we better. If we are not experts, then what have we been doing for 24 years? We are about as smart as any public policy guy in telecommunications or in healthcare or in energy. So why is it in a transportation bill? Just because coronavirus, election year politics, Green New Deal.

And I would just warn my colleagues, I am going to go back and I am going to teach once I leave this Chamber, and I am going to use this as an example of a failed system that is not operating the way in which we have been able to do for many years.

It looks like the Speaker is about ready to gavel me down, so before he does that, I thank my colleagues for letting me preach.

Mr. Speaker, I yield back the balance of my time.

Ms. MOORE. Mr. Speaker, I rise in support of my amendment which has been included in this En Bloc Amendment. As we debate this bill, our nation is experiencing a resurrection in COVID–19 cases, with record or near record one day totals occurring almost daily. While this may not be the time to rehash rash decisions to reopen in the face of public health advice, it does again remind us of the need to continue to provide tools to communities to help identify, track, and treat those affected by this deadly virus.

Tracking COVID–19 in the community is extremely important in the fight to stop this deadly killer which has already infected over 2.5 million Americans and killed over 125,000.

As noted by the Water Research Foundation, ''wastewater surveillance of COVID–19 could be an early, cost-effective, unbiased community-level indicator of the presence of COVID–19.''

Research is underway in our nation and around the world to try and use sewage samples to spot any potential surge or other trends in caseloads in a community. It is believed that the virus will show up in sewer samples even for patients that show no outward symptoms.

For example, in late March, samples from one wastewater utility in Massachusetts found that the amount of SARS-Co V–2 particles indicated a far higher number of people likely infected with Covid–19 than the area's reported cases

My amendment would formally authorize a more robust EPA research program to help develop guidance and procedures to help identify and measure SARS-Co V–2 levels in wastewater.

There are still a lot of unknowns associated with this evolving tool. The EPA is well positioned to offer key guidance and information to wastewater utilities interested in helping support such research. While it has undertaken some activities in this area, more can be done to inform sample collection, analysis, and interpretation of results of this research.

The EPA can also help support greater coordination in ongoing research to prevent duplicative effort, help close knowledge gaps, and support better communication of the results of such testing to the public, public health officials, and others.

As our nation continues to respond to the devastating Covid–19 pandemic, this is an evolving field that shows promise at providing real time or near real time community wide surveillance that isn't directly tied to testing (although we still need to do that and do that better).

I urge my colleagues to support my amendment.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the amendments en bloc offered by the gentleman from New Jersey (Mr. PALLONE).

The question is on the amendments en bloc offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 965, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. DEFAZIO OF OREGON

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the adoption of amendments en bloc No. 1, printed in part B of House Report 116–438, offered by the gentleman from Oregon (Mr. DEFAZIO) on which the yeas and nays were ordered.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

The SPEAKER pro tempore. The question is on the amendments en bloc.

The vote was taken by electronic device, and there were—yeas 229, nays 189, not voting 12, as follows:

[Roll No. 132]

YEAS—229

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Katko
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Underwood
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—189

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Estes
Ferguson
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gaetz
Garcia (CA)
Gianforte
Gibbs
Gohmert
Golden
Gonzalez (OH)
Gooden
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Keller
Kelly (MS)
Kelly (PA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Lucas
Luetkemeyer
Massie
Mast
McAdams
McCarthy
McCaul
McClintock
McHenry
McKinley
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Pence
Perry
Peterson
Posey
Reschenthaler
Rice (SC)
Riggleman
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Tiffany
Timmons
Tipton
Trone
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—12

Abraham
Emmer
Gallagher
King (IA)
Loudermilk
Marchant
Marshall
Reed
Roby
Rooney (FL)
Schrader
Weber (TX)

□ 1835

Mr. MFUME changed his vote from ''nay'' to ''yea.''

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 965, 116TH CONGRESS

Cárdenas (Gomez)
Cleaver (Clay)
DeSaulnier (Matsui)
Frankel (Clark (MA))
Hastings (Wasserman Schultz)
Johnson (TX) (Jeffries)
Khanna (Gomez)
Kirkpatrick (Gallego)
Kuster (NH) (Brownley (CA))
Langevin (Lynch)
Lawson (FL) (Evans)
Lee (CA) (Huffman)
Lewis (Kildee)
Lieu, Ted (Beyer)
Lofgren (Boyle, Brendan F.)
Lowenthal (Beyer)
Lowey (Tonko)
Meng (Tonko)
Moore (Beyer)
Nadler (Jeffries)
Napolitano (Correa)
Payne (Wasserman Schultz)
Pingree (Cicilline)
Price (NC) (Butterfield)
Rush (Underwood)
Sánchez (Roybal-Allard)
Serrano (Jeffries)
Vargas (Levin (CA))
Watson Coleman (Pallone)
Welch (McGovern)
Wilson (FL) (Hayes)

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. PALLONE OF NEW JERSEY

The SPEAKER pro tempore (Ms. SHALALA). Pursuant to clause 8 of rule XX, the unfinished business is the vote on the adoption of amendments en bloc No. 3, printed in part D of House Report 116–438, offered by the gentleman from New Jersey (Mr. PALLONE) on which the yeas and nays were ordered.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

The SPEAKER pro tempore. The question is on the amendments en bloc.

The vote was taken by electronic device, and there were—yeas 234, nays 178, not voting 18, as follows:

[Roll No. 133]

YEAS—234

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fitzpatrick
Fletcher
Foster
Frankel
Fudge
Gabbard
Gallego
Garamendi
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Mfume
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (NJ)
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—178

Aderholt	Gosar	Olson
Allen	Granger	Palazzo
Amash	Graves (GA)	Palmer
Amodei	Graves (LA)	Pence
Armstrong	Graves (MO)	Perry
Arrington	Green (TN)	Posey
Babin	Griffith	Reschenthaler
Bacon	Grothman	Rice (SC)
Baird	Guest	Riggleman
Balderson	Guthrie	Roe, David P.
Barr	Hagedorn	Rogers (AL)
Biggs	Harris	Rogers (KY)
Bilirakis	Hartzler	Rose, John W.
Bishop (NC)	Hern, Kevin	Rouzer
Bishop (UT)	Herrera Beutler	Roy
Bost	Hice (GA)	Rutherford
Brady	Higgins (LA)	Scalise
Brooks (AL)	Hill (AR)	Schweikert
Brooks (IN)	Holding	Scott, Austin
Buchanan	Hollingsworth	Sensenbrenner
Buck	Hudson	Shimkus
Bucshon	Huizenga	Simpson
Budd	Hurd (TX)	Smith (MO)
Burchett	Johnson (LA)	Smith (NE)
Burgess	Johnson (OH)	Smucker
Byrne	Johnson (SD)	Spano
Carter (GA)	Jordan	Stauber
Carter (TX)	Joyce (OH)	Stefanik
Chabot	Joyce (PA)	Steil
Cheney	Katko	Steube
Cline	Keller	Stewart
Cloud	Kelly (MS)	Stivers
Cole	Kelly (PA)	Taylor
Collins (GA)	King (NY)	Thompson (PA)
Comer	Kinzinger	Thornberry
Conaway	Kustoff (TN)	Tiffany
Cook	LaMalfa	Timmons
Crawford	Lamborn	Tipton
Crenshaw	Latta	Turner
Curtis	Lesko	Upton
Davidson (OH)	Long	Wagner
Davis, Rodney	Lucas	Walberg
DesJarlais	Luetkemeyer	Walden
Diaz-Balart	Massie	Walker
Duncan	Mast	Walorski
Dunn	McCarthy	Waltz
Estes	McCaul	Watkins
Ferguson	McClintock	Webster (FL)
Fleischmann	McHenry	Wenstrup
Flores	McKinley	Westerman
Fortenberry	Meuser	Williams
Foxx (NC)	Miller	Wilson (SC)
Fulcher	Mitchell	Wittman
Gaetz	Moolenaar	Womack
Garcia (CA)	Mooney (WV)	Woodall
Gianforte	Mullin	Wright
Gibbs	Murphy (NC)	Young
Gohmert	Newhouse	Zeldin
Gonzalez (OH)	Norman	
Gooden	Nunes	

NOT VOTING—18

Abraham	King (IA)	Roby
Banks	LaHood	Rodgers (WA)
Bergman	Loudermilk	Rooney (FL)
Calvert	Marchant	Schrader
Emmer	Marshall	Weber (TX)
Gallagher	Reed	Yoho

□ 1905

So the en bloc amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EMMER. Madam Speaker, on June 30th, I was unable to be present in the House Chamber to cast my vote on pieces of legislation. If present, I would have voted NAY on the Previous Question (RC No. 130), NAY on H. Res. 1028 (RC No. 131), NAY on the DeFazio amendments En Bloc No. 1 (RC No. 132), and NAY on Pallone En Bloc No. 3 (RC No. 133).

PERSONAL EXPLANATION

Mr. KING of Iowa. Madam Speaker, I was unable to vote on June 30, 2020, due to not being in D.C. Had I been present, I would have voted as follows: NO on Roll Call No. 130; NO on Rll Call No. 131; NO on Roll Call No. 132; and NO on Roll Call No. 133.

Cárdenas (Gomez)	Lawson (FL) (Evans)	Pingree (Cicilline)
Cleaver (Clay)	Lee (CA) (Huffman)	Price (NC) (Butterfield)
DeSaulnier (Matsui)	Lewis (Kildee)	Rush (Underwood)
Frankel (Clark (MA))	Lieu, Ted (Beyer)	Sánchez (Roybal-Allard)
Hastings (Wasserman Schultz)	Lofgren (Boyle, Brendan F.)	Serrano (Jeffries)
Johnson (TX) (Jeffries)	Lowenthal (Beyer)	Vargas (Levin (CA))
Khanna (Gomez)	Lowey (Tonko)	Watson Coleman (Pallone)
Kirkpatrick (Gallego)	Meng (Tonko)	Welch (McGovern)
Kuster (NH) (Brownley (CA))	Moore (Beyer)	Wilson (FL) (Hayes)
Langevin (Lynch)	Nadler (Jeffries)	
	Napolitano (Correa)	
	Payne (Wasserman Schultz)	

The SPEAKER pro tempore. Without objection, the motions to reconsider the votes on en bloc amendments Nos. 1, 2, and 3 to H.R. 2 are laid on the table.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 2 is postponed.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 4412, and the order of the House of January 3, 2019, of the following Member on the part of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. YOUNG of Alaska

SUPPORTING THE HEROES ACT

(Mrs. BUSTOS asked and was given permission to address the House for 1 minute.)

Mrs. BUSTOS. Madam Speaker, I rise today in support of the HEROES Act.

When I last spoke on this bill in this Chamber, I told a story about a young man in my congressional district that I serve named Noah. He wrote to me that his town may not survive this pandemic.

Now, more than a month since, I am awfully worried, too. The HEROES Act would provide $915 billion for State and local assistance so our small towns and cities, like where Noah lives, are not left behind.

It would strengthen programs for small business and deliver economic security to those that are the backbone of our economy.

As our country is reeling from record-high COVID–19 cases, it would allow uninsured Americans to access health insurance. Pretty darn important during a worldwide pandemic.

For the cities and towns, for our small businesses, and for so many Americans, this is not about politics; it is about survival. I urge the Senate to join us in passing the HEROES Act.

HONORING CRAIG JOHNSON AND AURASH ZARKESHAN

(Mr. KEVIN HERN of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. KEVIN HERN of Oklahoma. Madam Speaker, I rise with a broken heart today. On Monday, two of our police officers were shot during a routine stop.

Sergeant Craig Johnson was a leader in Tulsa, serving on the police force for over 15 years. Sergeant Johnson had a strong relationship with local leaders and took pride in keeping the community he loves safe. He was a strong friend to fellow officers and a compassionate leader with a servant's heart.

Sergeant Johnson died from his wounds earlier today. Officer Aurash Zarkeshan remains in critical condition.

Craig and Aurash are examples of the remarkable men and women who choose to put themselves in harm's way to protect us every day.

The best sound a police officer's spouse can hear is the sound of the Velcro of the officer's vest coming off at the end of the shift. Instead of that sound, Sergeant Johnson's wife had to get the worst call a spouse can get.

Madam Speaker, Black lives matter and so do those who wear the blue.

My prayers are with his wife, Krysta, his two children, and the many ones he left behind.

HONORING COACH PAT DYE

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Madam Speaker, on June 1, 2020, America lost a football legend. Pat Dye was a player, coach, administrator, and, most importantly, a dear friend.

Coach Dye's ties to the 12th District of Georgia run deep, as he was born and raised in Blythe, Georgia.

He started his football career at Richmond Academy as captain of the team that won a State championship there. He went on to play at the University of Georgia, where he was a two-time All-American.

Coach Dye was most known for his work transforming the Auburn University football team, where he served as Auburn's head coach from 1981 to 1992 and as athletic director from 1981 to 1991.

As the only Auburn alumnus currently serving in Congress, what a privilege it is for me to stand here on the House floor and enter into the CONGRESSIONAL RECORD Coach Dye's amazing record, which includes four SEC championship wins, including three straight from 1987 to 1989.

He led Auburn to three Sugar Bowls and finished in the top 10 five times, including four straight seasons, from 1986 to 1989. So it was no surprise that he was inducted into the College Football Hall of Fame as a coach in 2005.

He fought the good fight. He leaves an incredible legacy, not only at Auburn, but as a great mentor and coach to thousands of young men on the football field.

Thank you, Coach and War Eagle.

□ 1915

UNITED STATES AND REPUBLIC OF INDIA RELATIONS

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Madam Speaker, I rise today to recognize the strong diplomatic partnership between the United States of America and the Republic of India. Our relationship shares important values that are rooted in democracy.

I had the privilege of meeting with the consulate general of India last week, and I learned even more about India's partnership with the United States, their economy, India's challenges with combatting COVID–19, and their state of international affairs. It was a wonderful opportunity to listen and learn more about our friends in India and ways in which we can help each other continue to thrive.

In February, President Trump spoke at the Motera Stadium in India, filled with 110,000 spectators, and was given a warm welcome to the country. At the successful event, President Trump discussed ways in which he has been working with Prime Minister Modi on an array of topics that will help both of our nations move forward. Some of these topics include security and defense cooperation, energy, trade, and promoting women entrepreneurs.

Additionally, India and the United States are both working on combating terrorism in all forms. I applaud the joint efforts of India and the U.S. in eradicating terrorism.

Madam Speaker, I thank Prime Minister Modi for being a friend of the United States.

PAYROLL TAX HOLIDAY

(Mr. JOHN W. ROSE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. JOHN W. ROSE of Tennessee. Madam Speaker, I rise today in support of a payroll tax holiday.

As we consider providing additional direct assistance to Americans, a payroll tax holiday would be a logical way to encourage folks to get back to work and help stimulate the economy.

Suspending the payroll tax would ease the impact of the government-imposed economic shutdown. By allowing small businesses to keep more of their hard-earned money, we enable them to reinvest in operations and avoid employee layoffs.

Direct assistance through a payroll tax holiday would reduce potential fraud, as individuals must be verified employees to receive the benefit. I believe this commonsense solution would boost the great American comeback that is already underway.

Madam Speaker, I urge my colleagues to consider a payroll tax holiday in any future relief bill.

RECOGNIZING STUDENTS OF THE YEAR ZACHARY CRYER AND ANTAVION MOORE

(Mr. JOHNSON of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Louisiana. Madam Speaker, I rise today to recognize two exceptional students from Louisiana's Fourth Congressional District, Zachary Cryer and Antavion Moore.

Zach, from Benton, was recently named Louisiana's Middle School Student of the Year. Zach has maintained a 4.0 GPA throughout his time at Benton Middle School, and he has already scored a 28 on the ACT as an eighth grader.

Tay, from Ringgold, was named the Louisiana High School Student of the Year, and he has already earned an associate's degree and a certificate of general studies. He plans to major in biomedical engineering in college and to become an orthopedic doctor.

By being recognized as Students of the Year, Tay and Zach show a tremendous amount of dedication, excellent character, phenomenal leadership skills. Clearly, the best is yet to come for these young men.

Louisiana's Fourth Congressional District is home to some of the brightest and most hardworking students in the Nation, just like Zach and Antavion. I am so proud to represent them here in Congress.

Once again, congratulations, guys. The best is yet to come.

RECOGNIZING UNITED BIOLOGICS

(Mr. CORREA asked and was given permission to address the House for 1 minute.)

Mr. CORREA. Madam Speaker, I rise today to recognize United Biologics in Santa Ana, who stepped up during the pandemic to help our local healthcare workers.

After I called on local manufacturers in my district to retool and manufacture PPE, United Biologics' President, John Barnhill, stepped up to the plate. The company designed a face shield, ordered supplies, and even added more employees to their workforce to produce thousands of face shields. Not only did this effort keep the company running and in business, but John Barnhill decided to donate the PPE to the local healthcare workers.

United Biologics shows what happens when we call on American companies to do the right thing.

TRIBUTE TO OREGON STATE UNIVERSITY PRESIDENT DR. ED RAY

(Mr. SCHRADER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHRADER. Madam Speaker, I rise today to pay tribute to the Oregon State University president, Dr. Ed Ray, who officially retires today after 17 years of dedicated service to the school, the faculty, and, most importantly, the students.

During his tenure at Oregon State University, President Ray set a course for the school that made huge impacts in teaching, research, outreach, and engagement.

Under Ray's leadership, Oregon State University has undergone an incredible transformation, which has seen: student enrollment increase from 19,000 in 2004 to over 32,000 this year; completion of 96 major facility renovations and new buildings at OSU campuses, in excess of $1.1 billion; and a capital fundraising campaign that successfully raised nearly $1.15 billion.

President Ray leaves Oregon State with a legacy and vision for the future that will continue in service to student success, faculty and research excellence, outreach, and a 21st century mission.

Madam Speaker, on behalf of a grateful Beaver Nation, we say thank you to Ed.

Madam Speaker, I rise today to pay tribute to Oregon State University President Dr. Ed Ray, who is officially stepping down today after 17 years of dedicated service to the school, faculty, and most importantly the students.

President Ray is a passionate advocate for higher education—it is his life's work in which he has dedicated the last 50 years as a teacher and administrator.

Prior to his arrival at Oregon State University in 2003, Ray spent over 30 years at Ohio State University where he was a member of the economics faculty from 1970 to 2003, served as economics department chair from 1976 to 1992, served as associate provost then senior vice provost and chief information officer from 1992 to 1998, and finally executive vice president and provost from 1998 to 2003.

Upon his arrival at OSU, President Ray set a course for the school to make substantial impacts in teaching, research, and outreach and engagement. Focusing on inclusive excellence through student access, learning, and success, as well as leading a campus community that is safe, inclusive, and diverse.

Under President Ray's leadership, OSU has become an internationally recognized public research university, undergoing an incredible transformation which has seen:

Student enrollment increase from 19,000 in 2004 to 32,744 students this year—making OSU the state's largest university for the sixth straight year. Of that number, 5,978 were first-generation students, 8,327 were students of color and 3,492 were international students.

The percentage of historically under-represented students at OSU has nearly doubled from 13.5 percent to 26.3 percent.

The school has completed over 96 major facility renovations and new buildings at OSU campuses in excess of$1.1 billion

A capital fundraising campaign that successfully raised nearly $1.15 billion for OSU's foundation.

The development of the Student Success Initiative, a comprehensive, university-wide effort led by Ray which has raised $150 million for scholarships, fellowships, and student experience funds.

In 2016, the development of OSU Cascades to enhance access to an OSU four-year degree for the underserved central Oregon region. This is the first new university expansion to be built in Oregon in 50 years.

The development of OSU E-campus into a consistent national top-ranked institution for distance learning. This year, U.S. News & World Report ranked OSU's online undergraduate program number five in the nation—the school's sixth straight year ranked in the top-10 nationally. A reflection of OSU's commitment to providing students with high quality options for attaining an OSU degree that meets their needs.

The expansion of the Hatfield Marine Science Center in Newport that, starting this fall, will provide a coastal campus location for undergraduates, expand student access to marine studies, enhance the marine laboratory, and provide a safe haven for community members in case of a tsunami.

The expansion of OSU's dual-enrollment program to all 17 of Oregon's community colleges, making it easier for students to access and complete four-year degrees.

OSU's research enterprise continues to grow in scope and impact. Awards to OSU faculty in 2019 totaled $439.7 million—OSU's second largest award year ever.

In addition to his work at OSU, President Ray has consistently served on executive boards of national associations including: the NCAA, American Council on Education, the Association of American Colleges and Universities, and the Association of Public and Land-grant Universities.

His leadership in higher education has been recognized with the CASE District VIII Leadership Award (2013), an honorary doctorate from the University of Portland (2014), and the Oregon History Makers Medal (2018) presented by the Oregon Historical Society. President Ray has also been active locally in Oregon communities and currently serves as board chair of Special Olympics Oregon.

President Ray's final State of the University address in February he said, ''I guarantee the best is yet to come for OSU''. I couldn't agree more and that is in no small part due to his exceptional leadership and dedication for the last 17 years. President Ray leaves OSU with a legacy and vision for a future that will continue in service to student success, faculty and research excellence, outreach, and OSU's mission as a 21st'' century land grant university.

Ed, on behalf of a grateful Beaver Nation we say, 'thank you'.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 4091.—An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens return from foreign countries, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Cheryl L. Johnson, Clerk of the House, reported that on June 5, 2020, she presented to the President of the United States, for his approval, the following bill.

H.R. 7010. To amend the Small Business Act and the CARES Act to modify certain provisions related to the forgiveness of loans under the paycheck protection program, to allow recipients of loan forgiveness under the paycheck protection program to defer payroll taxes, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 4(b) of House Resolution 967, the House stands adjourned until 9 a.m. on Wednesday, July 1, 2020, for morning-hour debate and 10 a.m. for legislative business.

Thereupon (at 7 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 1, 2020, at 9 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4616. A letter from the Program Specialist, Chief Counsel's Office, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Permissible Interest on Loans That Are Sold, Assigned, or Otherwise Transferred [Docket ID: OCC-2019-0027] (RIN: 1557-AE73) received June 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4617. A letter from the Program Specialist, Chief Counsel's Office, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final interagency policy statement — Interagency Policy Statement on Allowances for Credit Losses [Docket No.: ID OCC-2019-0013] received June 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4618. A letter from the Program Specialist, Chief Counsel's Office, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final guidance — Interagency Guidance on Credit Risk Review Systems [Docket ID: OCC-2019-0018] received June 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4619. A letter from the Program Specialist, Chief Counsel Office, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's correcting amendment — Director, Shareholder, and Member Meetings: Technical Correction [Docket No.: OCC-2020-0020] (RIN: 1557-AE94) received June 16, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

4620. A letter from the Deputy Assisitant General Counsel, Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting the Department's interim final rule — Eligibility of Students at Institutions of Higher Education for Funds Under the Coronavirus Aid, Relief, and Economic Security (CARES) Act [Docket ID: ED-2020-OPE-0078] (RIN: 1840-ZA04) received June 22, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

4621. A letter from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 18, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and Labor.

4622. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2020, to June 30, 2020 (H. Doc. No. 116—136); to the Committee on House Administration and ordered to be printed.

4623. A letter from the Assistant Administrator for Satellite and Information Services, NOAA, Department of Commerce, transmitting the Department's final rule — Licensing of Private Remote Sensing Space Systems [Docket No.: 200407-0101] (RIN: 0648-BA15) received June 12, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

4624. A letter from the Chief Regulatory Coordination Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's final rule — Implementation of the Northern Mariana Islands U.S. Workforce Act of 2018 [CIS No.: 2630-18; DHS Docket No.: USCIS-2019-0003] (RIN: 1615-AC28) received May 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4625. A letter from the Chief, Regulatory Coordination Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's temporary final rule — Temporary Changes to Requirements Affecting H-2A Nonimmigrants Due to the COVID-19 National Emergency [CIS No.: 2667-20; DHS Docket No.: USCIS-2020-0008] (RIN: 1615-AC55) received May 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4626. A letter from the Chief, Regulatory Coordination Division, U.S. Citizenship and Immigration Services, Department of Homeland Security, transmitting the Department's temporary final rule — Temporary Changes to Requirements Affecting H-2B Nonimmigrants Due to the COVID-19 National Emergency [CIS No.: 2669-20; DHS Docket No.: USCIS-2020-0012] (RIN: 1615-AC58) received May 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

4627. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Service Contracts [Docket No.: 20-02] (RIN: 3072-AC80) received June 24, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4628. A letter from the Secretary, Federal Maritime Commission, transmitting the

Commission's final rule — Interpretive Rule on Demurrage and Detention Under the Shipping Act [Docket No.: 19-05] (RIN: 3072-AC76) received June 18, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4629. A letter from the Assistant Chief Counsel for Regulatory Affairs, Office of Chief Counsel, Pipeline and Hazardous Material Safety Administration, transmitting the Administration's final rule — Hazardous Materials: Liquefied Natural Gas by Rail [Docket No.: PHMSA-2018-0025 (HM-264)] (RIN: 2137-AF40) received June 22, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4630. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule — Petition for Rulemaking to Amend 49 C.F.R. Part 1250 [Docket No.: EP 724 (Sub-No.: 5)] received June 18, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4631. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Beginning of Construction for Sections 45 and 48; Extension of Continuity Safe Harbor to Address Delays Related to COVID-19 [Notice 2020-41] received June 24, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the roper calendar, as follows:

[Omitted from the Record of June 29, 2020]

Mr. MORELLE: Committee on Rules. House Resolution 1028. Resolution providing for consideration of the bill (H.R. 2) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 116–438). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CURTIS (for himself, Mr. CASTRO of Texas, Mr. GALLAGHER, Mr. SHERMAN, Mrs. HARTZLER, Mr. SUOZZI, Mr. ROUDA, Mr. YOHO, Mr. STEWART, Mr. MCADAMS, Ms. STEFANIK, Mr. MCGOVERN, Mr. KINZINGER, and Mr. MALINOWSKI):

H.R. 7415. A bill to designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOST (for himself, Mr. LAMB, Mr. GIBBS, Mr. RESCHENTHALER, Mrs. HARTZLER, Mr. LOEBSACK, and Mrs. MILLER):

H.R. 7416. A bill to amend title 46, United States Code, to allow the Administrator of the Maritime Administration to provide assistance to the owners and operators of certain ports and terminals, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CASTEN of Illinois:

H.R. 7417. A bill to direct the Secretary of Defense to set sustainability goals for the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. JUDY CHU of California (for herself, Mr. PANETTA, and Ms. SEWELL of Alabama):

H.R. 7418. A bill to amend the Internal Revenue Code of 1986 to provide matching payments for retirement savings contributions by certain individuals; to the Committee on Ways and Means.

By Mr. DANNY K. DAVIS of Illinois (for himself and Ms. ROYBAL-ALLARD):

H.R. 7419. A bill to reduce child poverty in the United States, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELBENE (for herself, Mr. LARSEN of Washington, Mr. KILMER, Mr. LYNCH, Ms. NORTON, Mr. SWALWELL of California, Mr. COX of California, Ms. SEWELL of Alabama, Mr. CISNEROS, Mr. ESPAILLAT, Mr. COOPER, Mr. KENNEDY, Mr. THOMPSON of California, Ms. MOORE, Ms. ESHOO, Ms. JUDY CHU of California, Mr. YARMUTH, Mrs. DAVIS of California, Mrs. HAYES, Mr. GARCÍA of Illinois, Mr. NADLER, Mr. HORSFORD, Mr. LUJÁN, Mr. PANETTA, Mr. BEYER, Ms. SPEIER, Mr. ENGEL, Mrs. LOWEY, Ms. HOULAHAN, Mr. CARSON of Indiana, Mr. MEEKS, Mr. HIMES, Mr. JOHNSON of Georgia, Miss RICE of New York, Ms. BLUNT ROCHESTER, Mr. SMITH of Washington, Mr. HECK, Ms. JAYAPAL, Ms. ROYBAL-ALLARD, Mr. RYAN, Ms. WEXTON, Ms. SCHRIER, Ms. PORTER, and Mr. QUIGLEY):

H.R. 7420. A bill to amend title 38, United States Code, to expand the membership of the Advisory Committee on Minority Veterans to include veterans who are lesbian, gay, bisexual, or transgender, or queer; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 7421. A bill to require the Assistant Secretary of Commerce for Communications and Information to establish an interagency strike force to increase prioritization by the Department of Interior and Department of Agriculture by senior management of the Department of Interior and Department of Agriculture, or an organizational unit of reviews for communications use authorizations; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GABBARD:

H.R. 7422. A bill to require the Federal financial regulators to issue guidance to encourage depository institutions to establish programs to educate customers at risk of unwittingly becoming money mules; to the Committee on Financial Services.

By Mr. GALLAGHER:

H.R. 7423. A bill to maintain the ability of the United States Armed Forces to deny a fait accompli by the People's Republic of China against Taiwan, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HAALAND (for herself, Mrs. BUSTOS, and Mr. PALAZZO):

H.R. 7424. A bill to amend title 10, United States Code, to increase the amount which may be paid to members of the Selected Reserve under the education loan repayment program, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of South Dakota (for himself and Mr. CUELLAR):

H.R. 7425. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow for the interstate internet sales of certain State-inspected meat, and for other purposes; to the Committee on Agriculture.

By Mr. LAMB (for himself, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. RYAN):

H.R. 7426. A bill to require development and implementation of an interagency plan to assist communities affected by climate change in the Ohio River Basin, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Financial Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 7427. A bill to amend the Help America Vote Act of 2002 to establish election contingency plans to enable individuals to vote in elections for Federal office during an emergency, to require States to make early voting and absentee voting available to all individuals eligible to vote in such elections, to encourage voter registration, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MALINOWSKI (for himself, Mr. KINZINGER, Mr. PHILLIPS, Mr. CURTIS, Mr. LOWENTHAL, and Mr. MCGOVERN):

H.R. 7428. A bill to reaffirm the principles and objectives set forth in the United States-Hong Kong Policy Act of 1992, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MULLIN:

H.R. 7429. A bill to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Miss RICE of New York (for herself, Mr. CICILLINE, Ms. JAYAPAL, Mr. LOWENTHAL, Mr. PETERS, Ms. SCHAKOWSKY, and Mrs. WATSON COLEMAN):

H.R. 7430. A bill to protect the dignity and privacy of transgender and other minority travelers at airport security checkpoints,

and for other purposes; to the Committee on Homeland Security.

By Mr. ROUDA (for himself and Mr. MAST):

H.R. 7431. A bill to provide a payroll tax credit for personal protective equipment for use by employees and customers; to the Committee on Ways and Means.

By Mr. SCHNEIDER (for himself, Mr. CICILLINE, Mr. GALLEGO, Mr. GRIJALVA, Mr. HASTINGS, Mr. KENNEDY, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Ms. NORTON, Mr. QUIGLEY, Mr. SWALWELL of California, and Ms. WASSERMAN SCHULTZ):

H.R. 7432. A bill to amend the Communications Act of 1934 to prohibit schools and libraries that receive universal service support from blocking internet access to lesbian, gay, bisexual, transgender, and queer resources, and for other purposes; to the Committee on Energy and Commerce.

By Ms. STEFANIK (for herself and Mr. NORCROSS):

H.R. 7433. A bill to amend the Higher Education Act of 1965 to provide student loan deferment for dislocated military spouses, and for other purposes; to the Committee on Education and Labor.

By Mr. SUOZZI (for himself, Mr. KING of New York, Miss RICE of New York, Mr. MEEKS, and Mr. ZELDIN):

H.R. 7434. A bill to require the Administrator of the Small Business Administration to establish the interest rate for economic injury disaster loans, and for other purposes; to the Committee on Small Business.

By Mr. UPTON:

H.R. 7435. A bill to reduce methane emissions from flaring and venting natural gas during oil and natural gas production activities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WALORSKI:

H.R. 7436. A bill to amend the Internal Revenue Code of 1986 to expand tax benefits related to dependent care assistance programs; to the Committee on Ways and Means.

By Mr. KINZINGER:

H. Res. 1031. A resolution condemning the cyber attacks on American persons and organizations conducting research related to COVID 19 and expressing the sense of the House of Representatives that those responsible for perpetrating such belligerent acts should face consequences; to the Committee on Foreign Affairs.

By Mr. COHEN (for himself, Mr. DANNY K. DAVIS of Illinois, Mr. HUFFMAN, Mr. TAKANO, Mr. COOPER, Ms. SCHAKOWSKY, Mr. PASCRELL, Mr. CARSON of Indiana, Mrs. BEATTY, Ms. OMAR, Mr. GRIJALVA, Mr. KENNEDY, Ms. WATERS, Mr. GREEN of Texas, Mrs. WATSON COLEMAN, Mr. CICILLINE, Mr. RUSH, Mr. YARMUTH, Mr. NEAL, Mr. MEEKS, Mr. GARCÍA of Illinois, Mr. CLAY, Mr. CONNOLLY, Mr. BEYER, Mr. EVANS, Mr. SWALWELL of California, Mr. QUIGLEY, Ms. PRESSLEY, Ms. VELÁZQUEZ, Mr. PERLMUTTER, Mr. BLUMENAUER, Mr. ESPAILLAT, Mrs. LAWRENCE, Mr. LOWENTHAL, Mr. TED LIEU of California, and Ms. TLAIB):

H. Res. 1032. A resolution instructing the Committee on the Judiciary to further its inquiry into the misconduct of William P. Barr, Attorney General of the United States; to the Committee on Rules.

By Mr. ENGEL (for himself, Mr. MCCAUL, Mr. MCGOVERN, Mr. BERA, Mr. YOHO, and Mr. MALINOWSKI):

H. Res. 1033. A resolution condemning acts by the People's Republic of China and the Government of the Hong Kong Special Administrative Region that violate fundamental rights and freedoms of Hong Kong residents as well as acts that undermine Hong Kong's high degree of autonomy; to the Committee on Foreign Affairs.

By Mr. BRINDISI (for himself, Mr. FITZPATRICK, and Mr. CUNNINGHAM):

H. Res. 1034. A resolution recognizing the need for a Senior Security Promise; to the Committee on Education and Labor.

By Mr. CASTRO of Texas (for himself, Mr. GARCÍA of Illinois, Mr. GALLEGO, Mr. VARGAS, Ms. MUCARSEL-POWELL, Ms. SÁNCHEZ, Ms. JUDY CHU of California, Ms. OCASIO-CORTEZ, Mrs. TORRES of California, Mrs. NAPOLITANO, Ms. BARRAGÁN, Mr. SOTO, Mr. CÁRDENAS, Mr. ESPAILLAT, Mr. SABLAN, Ms. GARCIA of Texas, Mr. CORREA, Ms. BASS, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. SIRES, Ms. ESCOBAR, Mr. CARBAJAL, Mr. VELA, Mr. CUELLAR, Mr. GRIJALVA, Mr. COSTA, Ms. BONAMICI, Mr. CISNEROS, Ms. JAYAPAL, and Mr. TAKANO):

H. Res. 1035. A resolution recognizing the month of June as ''Immigrant Heritage Month'', a celebration of the accomplishments and contributions immigrants and their children have made in making the United States a healthier, safer, more diverse, prosperous country, and acknowledging their importance to the future successes of America; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements, are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MASSIE:

H.R. 7366.

Congress has the power to enact this legislation pursuant to the following:

The Patent and Copyright Clause (Article I, Section 8, Clause 8)

By Mr. DUNCAN:

H.R. 7400.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

Article IV, Section 3

By Mr. CURTIS:

H.R. 7415.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the U.S. Constitution

By Mr. BOST:

H.R. 7416.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. CASTEN of Illinois:

H.R. 7417.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 14

By Ms. JUDY CHU of California:

H.R. 7418.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. DANNY K. DAVIS of Illinois:

H.R. 7419.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution and its subsequent amendments and further clarified and interpreted by the Supreme Court of the United States.

By Ms. DELBENE:

H.R. 7420.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. DUNCAN:

H.R. 7421.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 17 grants Congress the authority to pass laws related to ''needful buildings'' on lands owned by the federal government.

By Ms. GABBARD:

H.R. 7422.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution including Article 1, Section 8.

By Mr. GALLAGHER:

H.R. 7423.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. HAALAND:

H.R. 7424.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. JOHNSON of South Dakota:

H.R. 7425.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 provides Congress with the power to ''regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. LAMB:

H.R. 7426.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Ms. LOFGREN:

H.R. 7427.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the United States Constitution.

By Mr. MALINOWSKI:

H.R. 7428.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause. 1 of the Constitution of the United States

By Mr. MULLIN:

H.R. 7429.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Miss RICE of New York:

H.R. 7430.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 of the Constitution of the United States

By Mr. ROUDA:

H.R. 7431.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. SCHNEIDER:

H.R. 7432.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. STEFANIK:

H.R. 7433.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. SUOZZI:

H.R. 7434.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''.

By Mr. UPTON:

H.R. 7435.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes

By Mrs. WALORSKI:

H.R. 7436.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 40: Ms. MATSUI, Mr. SAN NICOLAS, and Mr. SHERMAN.

H.R. 119: Mrs. CAROLYN B. MALONEY of New York.

H.R. 141: Mrs. MCBATH.

H.R. 445: Mr. BEYER.

H.R. 906: Mr. FERGUSON, Ms. TORRES SMALL of New Mexico, Ms. ROYBAL-ALLARD, Mr. CROW, Mr. DELGADO, Mr. CARTER of Georgia, and Mr. STAUBER.

H.R. 1109: Mr. CONNOLLY.

H.R. 1175: Mr. SARBANES.

H.R. 1346: Mr. CASE.

H.R. 1554: Mr. AGUILAR.

H.R. 1857: Mr. HORSFORD.

H.R. 1873: Mr. KUSTOFF of Tennessee.

H.R. 2258: Ms. DAVIDS of Kansas and Mr. STEUBE.

H.R. 2350: Mr. KHANNA and Mr. LEVIN of Michigan.

H.R. 2442: Mrs. BEATTY.

H.R. 2501: Mr. DEUTCH.

H.R. 2594: Mr. WENSTRUP.

H.R. 2653: Mr. RUSH and Mr. HORSFORD.

H.R. 2777: Mr. AGUILAR.

H.R. 2874: Mr. BUTTERFIELD.

H.R. 2891: Mr. VAN DREW.

H.R. 2927: Mrs. CAROLYN B. MALONEY of New York.

H.R. 3077: Mr. CORREA.

H.R. 3121: Mr. SCHNEIDER.

H.R. 3553: Mr. PETERS.

H.R. 3570: Mr. HORSFORD.

H.R. 3689: Mr. AGUILAR, Mr. TED LIEU of California, and Ms. UNDERWOOD.

H.R. 3711: Mr. POCAN.

H.R. 3739: Mr. BUDD and Mr. PERRY.

H.R. 3975: Mrs. WATSON COLEMAN.

H.R. 4004: Mr. GARAMENDI and Mr. POCAN.

H.R. 4104: Mr. FERGUSON and Mr. KENNEDY.

H.R. 4135: Mr. RUSH.

H.R. 4179: Mr. GARCÍA of Illinois and Mr. NEGUSE.

H.R. 4193: Ms. SCHRIER.

H.R. 4339: Mrs. CAROLYN B. MALONEY of New York.

H.R. 4420: Mrs. HAYES.

H.R. 4487: Mr. O'HALLERAN, Mrs. RODGERS of Washington, and Mr. BRINDISI.

H.R. 4621: Ms. NORTON.

H.R. 4995: Mr. RUIZ.

H.R. 5046: Mr. PENCE.

H.R. 5308: Ms. NORTON.

H.R. 5337: Mr. RASKIN, Mr. CASE, Mr. GARAMENDI, Mr. RUIZ, Mr. GOLDEN, Ms. SHERRILL, and Mr. SUOZZI.

H.R. 5534: Mr. CONNOLLY, Ms. LOFGREN, Mr. MALINOWSKI, and Mr. RODNEY DAVIS of Illinois.

H.R. 6070: Mr. HURD of Texas.

H.R. 6151: Mrs. HAYES.

H.R. 6197: Mrs. NAPOLITANO and Mr. SHERMAN.

H.R. 6218: Mr. LEVIN of California.

H.R. 6338: Mr. BABIN.

H.R. 6364: Ms. BLUNT ROCHESTER and Ms. WEXTON.

H.R. 6561: Mr. POCAN.

H.R. 6585: Ms. JAYAPAL.

H.R. 6690: Mr. BAIRD.

H.R. 6774: Ms. PRESSLEY.

H.R. 6829: Ms. PORTER, Mrs. KIRKPATRICK, Ms. WEXTON, and Mr. SHERMAN.

H.R. 6833: Mr. CASTRO of Texas.

H.R. 6837: Mr. HORSFORD.

H.R. 6866: Mrs. HAYES.

H.R. 6912: Ms. SCHAKOWSKY.

H.R. 6937: Mr. FLORES.

H.R. 6938: Mr. FLORES.

H.R. 6944: Mr. CARSON of Indiana and Mr. CUELLAR.

H.R. 7002: Mr. BALDERSON.

H.R. 7023: Mr. SUOZZI and Mr. DELGADO.

H.R. 7027: Ms. BLUNT ROCHESTER, Mr. RUPPERSBERGER, and Ms. WASSERMAN SCHULTZ.

H.R. 7029: Mr. MCADAMS.

H.R. 7039: Mr. DUNN.

H.R. 7040: Mr. DUNN.

H.R. 7043: Mr. PERRY, Mr. GROTHMAN, Mr. GUEST, and Mr. WRIGHT.

H.R. 7068: Mr. CASTEN of Illinois, Mr. COX of California, Ms. KUSTER of New Hampshire, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mr. QUIGLEY, and Mr. DAVID SCOTT of Georgia.

H.R. 7085: Mr. LOWENTHAL.

H.R. 7092: Ms. WILD, Mr. LYNCH, Mrs. BEATTY, Mr. JEFFRIES, Mr. RUSH, and Mr. ROGERS of Kentucky.

H.R. 7100: Mr. CARTWRIGHT.

H.R. 7130: Mr. PALMER.

H.R. 7143: Mrs. CAROLYN B. MALONEY of New York.

H.R. 7175: Mrs. BUSTOS, Mr. BOST, Mr. KELLER, Mr. HAGEDORN, and Mr. RODNEY DAVIS of Illinois.

H.R. 7179: Mr. HAGEDORN.

H.R. 7190: Mr. O'HALLERAN.

H.R. 7197: Mr. PERLMUTTER, Mr. PALLONE, Mr. ESPAILLAT, Ms. SEWELL of Alabama, Ms. NORTON, Mr. LOEBSACK, Ms. BROWNLEY of California, Ms. LEE of California, and Mr. CROW.

H.R. 7232: Mr. Mfume and Mr. LEVIN of Michigan.

H.R. 7241: Mrs. TRAHAN, Ms. SHALALA, and Mr. LANGEVIN.

H.R. 7247: Mr. DUNCAN.

H.R. 7252: Mr. BLUMENAUER, Ms. NORTON, and Mr. LYNCH.

H.R. 7285: Mr. ROY.

H.R. 7286: Mr. COHEN and Ms. NORTON.

H.R. 7288: Mr. KHANNA, Mr. BISHOP of Georgia, Mr. GALLEGO, and Ms. NORTON.

H.R. 7293: Mrs. HAYES and Mr. NEGUSE.

H.R. 7303: Ms. KUSTER of New Hampshire.

H.R. 7312: Mr. MORELLE.

H.R. 7327: Mr. CARTWRIGHT.

H.R. 7328: Mrs. TRAHAN.

H.R. 7356: Ms. ESHOO.

H.R. 7380: Mrs. HAYES, Mr. JOHNSON of Georgia, Mr. BROWN of Maryland, Mr. CÁRDENAS, and Mr. LAWSON of Florida.

H.R. 7381: Mr. ALLEN.

H.R. 7382: Mr. COURTNEY.

H.R. 7393: Mr. GOLDEN.

H.R. 7395: Mr. GOLDEN.

H. Res. 645: Mr. CASE.

H. Res. 1013: Mr. NEWHOUSE, Mr. GOSAR, and Mr. TIFFANY.

H. Res. 1026: Mr. FULCHER, Mr. HICE of Georgia, Mr. MOONEY of West Virginia, Mr. POSEY, and Mr. DAVIDSON of Ohio.

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PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, TUESDAY, JUNE 30, 2020 *No. 120*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, give our lawmakers the wisdom to remember and be grateful for all the things You have already done.

Lord, You have sustained our Nation during seasons of war and peace. You have helped us to find creative ways to strive for a more perfect union. You have provided us with solutions to difficult problems just when we needed You most.

Let this day be a time when Senators find time to thank You for Your bountiful blessings and faithfulness. As our lawmakers strive to live one day at a time, may they keep their focus on Your power and love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 30 seconds in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. GRASSLEY. Madam President, as the Congress considers the defense authorization bill—called the NDAA—this week, I hope that my amendments to improve the Pentagon's financial management systems and crack down on wasteful spending will be supported.

Thirty years after Congress passed the Chief Financial Officers Act, the Department of Defense remains the only executive agency in our Federal Government that cannot get a clean audit opinion.

Every dollar of defense spending should be used to ensure our Nation's security and support for our men and women in uniform, which is why the Department of Defense needs to be held accountable for waste, fraud, and abuse. A clean audit has something to do with proof that they can do that.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SENATE ACCOMPLISHMENTS

Mr. MCCONNELL. Madam President, yesterday I discussed how the Senate's serious, fact-based approach to the coronavirus crisis has cut a sharp contrast with House Democrats' political theater.

Back in March, as the economic fallout from this crisis was just beginning, it fell to the Senate to write, negotiate, and pass the CARES Act. With the House absent from Washington, Senate Republicans turned a blank sheet of paper into an outline for the largest rescue package in American history. We negotiated with our Democratic colleagues, and we made a law.

House Democrats tried to insert unrelated wish-list items at the eleventh hour—things like tax credits for solar panels—but the Republican Senate stood strong, and because we did, for 3 months now, the unanimous bipartisan CARES Act has been the cornerstone of the Federal Government's response to this crisis.

Doctors, nurses, and hospitals have received historic Federal funding to supplement their efforts. Households received direct checks. Tens of millions of Americans have kept getting paychecks and not pink slips because of our small-business-saving Paycheck Protection Program. These are the historic programs that the Senate has spent weeks overseeing and adjusting where necessary.

A few weeks ago, House Democrats jetted into town for a day or two—just long enough to make another unserious contribution, to again use this crisis for partisan wish-listing. You don't have to take my word for it. The media completely panned it. NPR called it ''a long wish list for Democrats.'' Another journalist wrote, ''Neither this bill nor anything resembling it will ever become law.'' And listen to this reporting: ''Privately, several House Democrats concede their latest bill feels like little more than an effort to appease the most liberal members of the caucus.'' This is the proposal that our Senate Democratic colleagues keep thundering that we should take up and pass here—something so unserious that it had House Democrats themselves rolling their eyes.

Remember, among other things, this bill would give taxpayer-funded checks to illegal immigrants, and it would change tax law to provide massively expensive gifts to wealthy people in high-tax blue States. These are their coronavirus priorities? This political theater is the opposite of the serious Senate approach that built the CARES Act.

Any further recovery effort should focus intently on three things: kids, jobs, and healthcare—kids, jobs, and healthcare.

To step back toward normalcy, our country will need K–12 and college students to resume their schooling, we will need to reenergize hiring to get workers their jobs back, and we will need continued progress on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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healthcare fight to get ready for the fall and winter and speed the search for a vaccine.

One helpful policy would be strong legal protection for schools, colleges, nonprofits, and employers who are putting their necks on the line to reopen. So long as institutions follow the best available guidelines, they should not have to live in fear of a second epidemic of frivolous lawsuits. Believe me, the virus is worry enough.

These are the kinds of smart solutions Washington must continue discussing as we evaluate what further steps may be necessary. Partisan theater and politicized wish-lists are not what the country needs.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Madam President, now on another matter, as I have said for weeks, our domestic challenges cannot take Congress's eye off the ball of world affairs. So, as the Senate passed other major bills and the Senate Republicans tried to advance police reform until Democrats blocked us, our colleagues on the Armed Services Committee have worked hard to assemble the next National Defense Authorization Act.

Every year, the NDAA allows us to speak clearly about the Senate's priorities on matters of national defense. As China continues to treat maritime arteries like its own backyard sandbox, the men and women of the U.S. Seventh Fleet and the entire Indo-Pacific Command remain on call to maintain order. As Russia doubles down on its support of brutal dictators and attacks democratic regimes from dark corners of the web, U.S. Cyber Command remains vigilant and our NATO relationships remain vital. As tyrants, from Tehran to Pyongyang, pave over their citizens in pursuit of power, we need our sharpest minds and best tools watching their every move.

Our Armed Forces stand watch over our homeland, and they stand watch over an entire international order that shares our peaceful values and benefits our Nation.

Now our military has also risen to the unique task of helping respond to the pandemic. Military medical facilities have added critical capacity during the first surge of COVID–19, from Navy hospital ships to soldiers from the 531st Hospital Center at Fort Campbell. National Guard personnel have established and manned temporary testing facilities across the country. DOD research facilities have joined the race to develop treatments.

As our servicemembers confront challenges new and familiar, our job is to advance an NDAA that supports them and their families. Chairman INHOFE and Senator REED led a productive, bipartisan process in committee. I hope we will see a bipartisan amendment process out here on the floor as well.

But already the bill will make major steps forward. It supports servicemembers not only while they are at their duty stations but also on the homefront.

This year's bill encourages expanded telemedicine capabilities in the military healthcare system, and it will help retain highly trained providers. It implements new quality standards for acquisitions of military family housing and increases impact aid to school districts that support large numbers of military children. It revises sexual assault-prevention policies to destroy barriers to victims seeking justice.

It includes further steps to ensure all these efforts are supported by a more efficient and transparent administrative structure over at the Pentagon. That means changes to compensation to attract top talent, expanded access to cutting-edge software, and new checks on the Department's planning process to increase accountability.

The U.S. military is the greatest fighting force the world has ever seen. Our work in the coming days is meant to ensure that this remains the case. Supporting servicemembers and their families is a critical piece of this year's NDAA. Our men and women in uniform are simply the best, and they deserve the best.

MEASURE PLACED ON THE CALENDAR—H.R. 7259

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

An act (H.R. 7259) to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4049, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 4049) to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Inhofe amendment No. 2301, in the nature of a substitute.

McConnell (for Portman) amendment No. 2080 (to amendment No. 2301), to require an element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

RUSSIA

Mr. SCHUMER. Madam President, today there are thousands—thousands—of American servicemembers in Afghanistan defending us from terrorist organizations and their sponsors. They are joined by servicemembers and support personnel from allied nations and security partners. Each one of these lives is precious to a nation and to a family somewhere. Each one of us in this Chamber recognizes the solemn duty we have to our servicemembers.

We are all concerned about media reports that the Russian Government or its proxies has been offering bounties on the lives of American soldiers to Taliban-linked fighters in Afghanistan. The Associated Press has reported that the United States is investigating whether Americans died as a result of Russian bounties and is particularly focused on a 2019 attack that killed three U.S. marines, including one young man from Locust Valley, Long Island, NY, and another who worked as a firefighter in the FDNY—the great FDNY—for 15 years. On behalf of my constituents and the American people, I demand answers.

If, in fact, Putin and his cronies have been sponsoring the murder of American and coalition forces in Afghanistan, there is no question there should be swift and severe consequences. But unlike every previous administration I have ever worked with, the Trump administration has been shockingly weak-kneed when it comes to authoritarian leaders like Putin. This administration appears unwilling to even acknowledge the gravity of the situation, unwilling to even express concern about these rumors and commit to investigating them.

The shifting explanations from the White House about when and how the President learned about these reports has only added to the confusion and concern here on Capitol Hill. First, the President tweeted ''Nobody briefed me or told me'' about the reports. That is what he said: Nobody briefed him or told him. Then the President hinted he was aware of these reports but that it didn't rise to the level of an official briefing. The White House Press Secretary repeatedly denied that the President had been briefed. Then, last night, the Associated Press reported that President Trump had received intelligence about these potential bounties as early as spring of last year—the spring of last year.

Out of all of those different explanations, the best case—the best case—for the President is that he doesn't read sensitive intelligence reports. You know, that is his job.

It has been 5 days since media reports informed the world of Putin's alleged bounty program. What has the President done? He hasn't condemned it. He hasn't told servicemembers and their families he will make sure this alleged program is exposed and ended. He hasn't directed any action against Putin and his cronies whatsoever. He has done absolutely nothing—nothing.

As the Commander in Chief, the President has no more serious and solemn duty than to do right by the Americans in uniform who protect our country. He is directly responsible, and must be held accountable, for the well-being of American servicemembers who have volunteered to put themselves in harm's way to protect our country. The least President Trump could do is promise to get to the bottom of these allegations and hold Putin and his cronies accountable for their actions. Even that—even that—seems beyond the administration's capabilities.

In the short term, we need an agreement from the administration to conduct an immediate all-Members briefing on the reports that Russia placed bounties on U.S. troops in Afghanistan. Senators need to hear directly from CIA Director Haspel on these reports as soon as possible.

CORONAVIRUS

Madam President, the number of new COVID–19 cases is accelerating at an alarming rate through several States, and the economic effects of the pandemic continue to hammer American families and businesses across the country.

Over one-fifth—one-fifth—of the workforce has requested unemployment assistance—one-fifth. In one month, the expanded unemployment benefits we passed in the CARES Act will expire. For millions of Americans, another rent payment is due tomorrow, and eviction protections will run out for these tenants in a few weeks. School districts are preparing for the fall without the resources or the guidance they need to reopen safely. Localities are preparing for the 2020 general election and need Federal resources to hold safe elections. Even the popular and bipartisan Paycheck Protection Program runs out of lending authority today, with over $130 billion in remaining funds, while so many small businesses continue to struggle. They have $130 billion sitting there. The program runs out today, and our Republican colleagues are doing nothing.

There are so many urgent priorities that require our attention here, but the Senate Republican majority has been ignoring them. Instead of working in a bipartisan way to reform police departments across the country, Senate Republicans dropped an inadequate partisan bill on the floor. After it failed, the Republicans didn't seem eager to start the bipartisan negotiations we need to get progress back on track.

Instead of spending the last 45 days working with Democrats on legislation to address the public health and economic crises Americans are facing due to the coronavirus pandemic, Republicans just sat on their hands. In fact, Leader MCCONNELL seems dead set on delaying any COVID–19 relief until after the Fourth of July holiday, and even then, he said he wants to assess the conditions in the country before taking action.

We just can't wait for our Republican colleagues to wake up to the reality in this country. People are losing their homes. People are not being fed. People are losing their jobs. Small businesses are closing. COVID–19 is spreading.

The Republican majority does nothing. It sits on its hands. The best it says, in the voice of the leader: Let's assess the situation.

What more do we need to assess? The American people don't need an assessment. They want action—action. It is amazing. We cannot wait—the country cannot wait—for our Republican colleagues to wake up to the reality.

Senate Democrats are forcing action on the floor this week on a number of crucial issues. Last night, Democrats asked our colleagues to pass emergency funding for State, local, and Tribal governments that are finalizing their budgets today and may be forced to cut vital services and lay off teachers, firefighters, and other public employees. Senate Republicans, however, have blocked our bill.

Hopefully, our Republican colleagues will not be so hasty to reject our attempt to start work on several other urgent priorities this week. Today, Democrats will come to the floor to ask this body to take up legislation on safe elections, led by my colleague Senator KLOBUCHAR; education funding, led by my colleague Senator MURRAY; and funding for our nursing homes, championed by Senator CASEY. All three will ask unanimous consent requests. Will our Republican friends block action once again as the country suffers, as the economy continues to decline, as more people get sick, and more people die?

These are not abstract issues—not at all. This is about parents making sure their kids safely continue their education. This is about making sure elderly relatives are healthy and safe and properly cared for. This is about making sure that, when it comes time to vote, every American can exercise the franchise without worrying about getting sick.

The need for these pieces of legislation is beyond dispute. When most Republicans back home are asked if we should do these things, they want us to do them.

We have only a few days to go before the Senate adjourns for the next State work period. If Republicans continue to block reasonable attempts at passing COVID–19 legislation, they will have to go home and explain why to their constituents. Americans are tired of waiting for the Republican Senate to ''feel the urgency of acting immediately.'' We have a chance tonight to accomplish what should have been done months ago and pass three important bills to ensure that our schools, our elections, and our nursing homes get the support they desperately need.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING STANLEY R. BALZEKAS

Mr. DURBIN. Madam President, in the course of America's immigration history, there have emerged leaders whose names are synonymous with the struggle and triumph of these immigrants. Stanley Balzekas was that leader for Lithuanian Americans, especially in the city of Chicago.

Stanley was my friend. His devotion to Lithuania, to America, and to the cause of human freedom and dignity was legendary. Whether you bumped into him on the streets of Vilnius or Pulaski Road, he always had a smile and story to share. He was as gracious and as comfortable with the Chicago hotdog salesmen as he was with heads of state.

He died last week, passing peacefully at his home at the age of 95. As his family said in his obituary: ''His failing heart could no longer keep up with his zest for life.''

What a heroic heart he had. Stanley Balzekas was a decorated war hero in World War II, one of the thinning ranks of the Greatest Generation. He joined the U.S. Army in 1943 and served in the infantry. He fought in key battles, including the Battle of the Bulge and the Battle of Huertgen Forest, for which he was awarded a Bronze Star and a Purple Heart for rescuing 12 wounded soldiers.

He landed at Normandy and marched with other U.S. soldiers under the Arc de Triomphe and along the Champs-Elysees to celebrate the liberation of

Paris from Nazi occupation. He was captured by a Waffen SS unit in France in February 1945 and spent four months as a POW at a camp in Germany. There, he was brutally mistreated, starved, and lost half of his body weight.

After the war, he returned to Chicago and earned a bachelor's degree and master's degree from DePaul University and joined his father running the family business, Balzekas Motor Sales, which was run continuously by the family from 1919 until 2009.

Stanley's father emigrated from Lithuania to the United States in 1912. He grew up in Marquette Park, in Beverly, the heart of Chicago's Lithuanian community. His father made the leap from a butcher shop to start an auto dealership in 1919. Over the years they sold many models of cars, from Hupmobiles to Chryslers. The Balzekas name became synonymous with Lithuanian entrepreneurship. Young Stanley was at his father's side during the formative years and after he returned from World War II.

Next to his success in business, Stanley Balzekas' most lasting gift to Chicago is the Balzekas Museum of Lithuanian Culture, which he and his wife Irene founded in 1956 in a building next to the family car dealership. The mid-1960s, when Stanley opened the Balzekas Museum, were some of the darkest days in the Cold War. Lithuania, once a massive medieval empire that stretched from the Black Sea to the Baltic Sea, was then an occupied state within the old Soviet Union, and the USSR did all it could to erase the Lithuanians' sense of their own history and culture. Stanley and Irene Balzekas founded the museum to help preserve that history and culture and, equally important, to advance the cause of Lithuanian independence.

Chicago was the perfect city for their cultural jewel. It is the most Lithuanian city outside of Lithuania, and a sister city to the Lithuanian capital of Vilnius. Nearly one in eight Lithuanian Americans, including this Senator, calls Illinois home. In fact, Valdas Adamkus, the third person to serve as President of a free and democratic Lithuania after it won its independence from the USSR, lived for many years in the city of Chicago.

The Balzekas Museum's collection started with Baltic amber jewelry and Stanley's own considerable collection of East European military antiques. Over the years, it became a trove of Lithuanian and Eastern European books, maps, and artifacts, and one of the most respected ethnic museums in Chicago, if not the Nation. One of its prized possessions was a map from 1430 which showed the Lithuanian Empire stretching across Eastern Europe.

Stanley spent hours and hours reading letters and examining every artifact anyone would send to him at the museum. When someone else might view something as just an old handkerchief, Stanley would recognize the family's last treasured link to an ancestral homeland—a treasure worth saving.

But Stanley Balzekas and the museum did not just catalog and preserve history. They helped to make history. On March 11, 1990, Lithuania declared its independence—the first Soviet republic to do so. Nine months later, in January 1991, Soviet troops and tanks rolled into Vilnius to crush the uprising. People from all over Lithuania rushed to Vilnius to defend the Seimas, their Parliament. Hoping to keep the defenders of a Lithuanian democracy and the world in the dark, the Soviet Government blocked all TV transmissions from and within Lithuania. But nearly 4,700 miles away, there was a fax machine in the Balzekas Museum humming a lifeline for the Lithuanian's resistance, allowing freedom's defenders in Vilnius to tell their story to the world and, in return, to learn that the world stood by their side in defense of their cause. That vital connection to the outside world may have influenced the Soviet Union's surprise decision to withdraw its tanks from the small democracy in the Baltics.

In January 2011, I had the great honor of addressing the Lithuanian Seimas, or Parliament, on the 20th anniversary as a free and democratic republic. I turned to Stanley Balzekas and his daughter-in-law to help translate parts of my speech into Lithuanian. He wasn't just a friend; Stanley was my teacher.

In the mid-1980s, the Balzekas Museum moved from its original home to the West Lawn neighborhood, on the Southwest Side of Chicago. It expanded its vision to become a place where Chicago's many ethnic communities are celebrated.

Stanley Balzekas never stopped thinking about how to create goodwill and understanding. One of his last projects was to turn a small vacant lot near the museum into a park, which he christened ''Love and Respect Park.'' The centerpiece of that park is a young tree, grown from a cutting taken from the nearly 1,500-year-old oak tree, the oldest in Lithuania. He hoped its shade would provide comfort to all who call Chicago home for generations to come.

Stanley Balzekas was honored in life by many civic organizations. He received the highest honors offered by the State of Illinois and the Republic of Lithuania. His passing was mourned by the President of Lithuania and by friends too numerous to count.

Irene, the love of his life, died many years ago, but Loretta and I wish to extend our deep condolences to Stan's children: Stanley III, Robert, Carole, and their spouses, to Stanley's six grandchildren, and to his friends in Chicago and around the globe.

I will close with one last story about my friend. Over the years, Stanley Balzekas must have been photographed thousands of times with famous leaders or with family friends. He used to tell people jokingly that the key to taking a good photo was to ''always stand in the center, that way an editor can't crop you out.''

Stanley, my friend, from your days as a young GI to your final days on Earth, you were never afraid to stand in the center of life itself. Your place in history will not be erased. And thanks in part to your efforts, Lithuania's proud history and culture were made an inspiring part of the world's story.

Aciu, my friend. May you rest in peace.

REMEMBERING ART BERMAN

Mr. DURBIN. Madam President, I would like to take a moment to say farewell to a good man who taught me a great deal about what it means to be a public servant.

Art Berman was a respected attorney, a community leader and the longest serving Democratic State legislator in my State. He represented the North Side of Chicago in the Illinois General Assembly for 31 years, until his retirement in 2000.

He was known as ''the education senator'' for his decades-long commitment to see that every child in Illinois could attend a good school and make the most of his or her God-given abilities.

He died earlier this month, June 6, at his home in Chicago. He was 85.

I first came to know Art Berman in Springfield, our State capitol, when he was serving in the Illinois House of Representatives and I was a young committee staffer, just starting out.

He was thoughtful, fair, and kind. I never heard him say a bad word about anyone. He regarded public service as a high honor and a joy. He seemed to radiate happiness.

He was a patient man, but you would be wrong to mistake his patience for passivity. He was tenacious in the pursuit of justice and the common good.

He entered politics as a Chicago precinct captain when he was just 20 years old. He was elected to the Illinois House in 1969, and in 1977, he moved to the State Senate, where he served until he stepped down in 2000.

All told, he won 22 elections for public office and never lost once.

He was a skilled legislator and a persuasive speaker who chose to use those gifts to help, more than anyone, the public school children of Chicago and Illinois. In both the Illinois House and Senate, he rose to chair the education committees.

He didn't champion trivial matters. Over three decades in Springfield, he sought to correct one of the toughest, most intractable problems in all of public education: unequal funding of public schools.

The problem was this: Illinois, like all States, relies heavily on local property taxes to fund public schools. Districts with higher property values bring in more tax revenues, which enables them to provide higher funding for public schools.

As a result, the wealthiest districts in many States spend twice as or much

or more to educate each pupil than do the poorest districts.

Art Berman worked to end this inequity. Our State's landmark 2017 school funding reform bill, the Invest in Kids Act, owes much to his long years of advocacy.

When State funding for special education was imperiled, Art Berman rallied support to save it.

He helped make Chicago public schools more effective and more democratic through the creation of local school councils.

In 1990, he sponsored a bill that made Illinois the first State in the Nation to mandate teaching about the Holocaust as part of World War II history.

Every member of the Illinois General Assembly is allowed to nominate two worthy students each year to receive college tuition scholarships.

After Art's passing, his children were touched to hear from so many now accomplished men and women who told them, ''I could never have gone to college without your father's support.''

At the core of his commitment to public school students was a deep appreciation for the difference that Chicago public schools had made in his own life.

He was the eldest of three boys born to a mother who was raised on the West Side of Chicago and a father who immigrated to Chicago, alone, at the age of 17 from a land that was then known as Palestine. Today, it is Israel.

His father found work with a Chicago bookbinding company. Some years later, when the owner retired, Art's father and a partner bought the company.

Art and his two brothers all attended Chicago public schools. He graduated from Senn High School and went on to earn degrees from the University of Illinois and Northwestern University School of Law.

Like a true Chicagoan, Art Berman loved the ''Da Bears.'' He also loved playing tennis. Up until about 2 years ago, if you asked how his tennis game was, he would smile and say proudly, ''Still playing singles,'' and it was the truth.

More than anything, Art Berman loved his family. Loretta and I send our condolences to Barbara, Art's beloved wife; to his two children, Adman Berman and Marcy Berman Padorr and their spouses; and to Art's five grandchildren.

May they find comfort in this sad time, and may his memory always be a blessing.

THE HEROES ACT

Madam President, I listened to the statements made this morning by the Republican and Democratic Senate leaders about the job ahead.

I think it goes without saying that we are still in the midst of a health crisis and an economic crisis in this country. We did respond. We responded on March 26 in the Senate with the CARES Act. It was a bipartisan measure, a measure that engaged the leaders of the House and the Senate, Democrats, Republicans, Mr. Mnuchin, and the White House.

In 8 days, we crafted a measure that may be one of the costliest individual measures ever passed by the Senate—some $3 trillion. It was an enormous investment in America, but it was desperately needed. It was, of course, crafted in a way to provide help for research and medical care, but also to invest in the people of America.

We understood then, and I hope we still do, that small businesses struggling to reopen and struggling to survive need a helping hand, and we provided it with the Paycheck Protection Program. Hundreds of billions of dollars were loaned to these businesses, which can be forgiven if, in fact, they invest in their employees and in coming back to life after the end of this crisis.

An equally important, if not more important, investment was unemployment benefits. There are now some 30 million unemployed Americans, one of the highest numbers in modern history. We know that unemployment brings with it hardship, sacrifice, and challenge.

That is why we included in the original bill, the CARES Act, a Federal supplement to unemployment benefits of $600 a week. Some came to the floor and argued that it was too much money, that we would be giving people so much money that they would never want to return to work. I disagreed with that conclusion. I believe most people in America are proud and determined to get back on their feet and don't want to find themselves dependent on others. They want to be independent. I believe that, ultimately, they will be.

For the time being, we need to stand with these families to make sure they can pay their mortgages and keep their homes and not lose their lifetime investment, to make certain that they can pay the basics in life, food and utility bills, the needs for clothing and education for their children.

On July 31, in just a few days, that unemployment program will expire. Speaker NANCY PELOSI passed a bill 4 weeks ago called the Heroes Act—a $3 trillion bill—and it has languished here in the Senate. When Senator MCCONNELL was asked if he would call up this bill, he said that he didn't feel there was any urgent need to do so. I hope that Senator MCCONNELL now feels a sense of urgency.

He came to the floor this morning and characterized the House effort of a month ago, the Heroes Act, as unserious, a political wish list, and that people were laughing at how unrealistic it was. Many people may have laughed at our original effort at $3 trillion, but it was desperately needed, as is a second effort as soon as possible.

Senator MCCONNELL said this morning that when we return in 2 weeks, his priorities will be to focus on kids, jobs, and healthcare. I couldn't agree with him more. Many of the aspects of the Heroes Act that passed the House addressed those very subjects. If you want to take care of the kids of America, take care of their parents who are unemployed and make certain that they have unemployment assistance. Make certain their COBRA benefits are paid for by the government so they can maintain their health insurance at this time of health crisis. If you want to make sure that the kids of America have a fighting chance and that we create jobs, provide money to State and local governments.

I am reminded this morning of how many people we call healthcare heroes are actually employees of State and local governments who are risking their lives to fight this pandemic every single day. When the bill that passed the House of Representatives dedicated money for that purpose, it was money to invest in kids, in jobs, and in healthcare—the three priorities announced by Senator MCCONNELL. His notion that we owe nothing to these State and local units of government is to ignore the obvious. Their alternative will be to lay off teachers, nurses, healthcare professionals—people who are desperately needed for us to resume the normal activities of this American economy.

I also hope that Senator MCCONNELL will be open to the suggestion of providing additional funds to our hospitals across America. I know what is going on in Illinois, and I have read what is going on in his State of Kentucky. Hospitals, which are the major employers in many small communities, are laying off dozens—if not hundreds—of employees because of the state of the economy and because of the healthcare challenge. Hospitals in downstate Illinois constantly have ads on the radio and TV, saying it is safe to go back to your hospital for elective surgery and outpatient care, and because people are still reluctant to do so in my part of the world, they are withholding the funds that could be paid to those hospitals for the care that people need. We have to see that change. We have to restore confidence not only in our economy but, first, in the state of healthcare in America. We need to move on this.

Senator MCCONNELL has said the House of Representatives doesn't meet as frequently as the U.S. Senate, and that may have been true over the last several months. Let me remind him that we are in a period of time when we are all discouraged from travel that is unnecessary and when we are all told to be careful where we are going, when we are going, and not to gather in groups that might be a danger with the pandemic that we face.

The House of Representatives has produced dramatically more legislation than the U.S. Senate over the last year and few months in so many different areas, which we will highlight during the remainder of this week. The House of Representatives has sent legislation

to the Republican leader, Senator MCCONNELL, which he has ignored.

For you to come to the floor and then criticize the House for not being in session enough, what is the point, Senator MCCONNELL? They have passed legislation that you have put in the legislative graveyard in the U.S. Senate. You will not even take it up to debate it.

We are on this inexorable path to fill every judicial vacancy with people who are thinly qualified, if qualified at all, for lifetime appointments so long as they meet the Republicans' political ideology test. That is what we spend our days and weeks doing here in the U.S. Senate instead of addressing issues of substance like this pandemic and the economic crisis our Nation faces.

I want to address the issue of liability, too, because Senator MCCONNELL brought it up again this morning. He basically said that he wants to protect those who are engaged in dealing with the public from liability for their actions. He said that, if they live up to what he called the best available guidelines, they should be spared any liability for their actions.

Let me just tell you that I don't know what the best available guidelines might be, but the best available guidelines should be a pronouncement by our healthcare experts as to what makes for a safe workplace and what makes for a safe retail establishment. If the owner is living up to those standards, yes, I agree with him that it should be a valid defense for anyone who suggests wrongdoing. Yet, at this moment, the Republicans cannot have it both ways. They cannot argue that we should give immunity to businesses if they live up to some guidelines and not tell us where those guidelines originate and whether they are based on science and public health standards. If they are, they can be taken seriously. If they are not, then this is an empty promise—a promise at the expense of customers and employees who still show up for work.

We have a lot of work to do. We will finish up this week and be gone for 2 weeks. Then, in the 3 weeks or 4 weeks when we return before the August recess, we will have a responsibility to not only deal with the economic crisis facing America but to take this healthcare crisis seriously. The other day, Dr. Fauci said we were not in a second peak in terms of infection. He believed we were still reaching the first peak, which means there are many challenges ahead.

It is time for us all to get serious. It is time for the President to slap on a mask and to stop with this colossal ego of his that will not let him be seen with a mask. If he would do this today—put on a mask—it would be a message to his loyalists that defying this basic protection of the people around you is simply not smart but arrogant in its approach. We need to have some humility here. This virus is on the attack and doesn't care what political party you belong to. So I encourage the President to put on a mask once and for all.

Don't be the last American to ignore the obvious.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCOTT of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4049

Mr. SCOTT of Florida. Madam President, in America, we are blessed with the protection of the strongest military in the world, one that provides not only for the safety of our country but believes in supporting our allies around the globe. Yet we cannot take our position as the leader of the free world for granted, for there are nations like Communist China that are actively building their militaries with a single goal in mind—to dominate the world stage.

So I thank Chairman INHOFE and my colleagues for working to keep our military strong so it can defend the freedoms we cherish and stand for freedom and democracy worldwide.

This year, the National Defense Authorization Act includes my Secure U.S. Bases Act, which Senator ERNST and I worked on, to reform and improve foreign military student training programs following the terrorist attack at NAS Pensacola last year.

New reports show there was a lack of vetting at multiple levels that led to this tragic attack. This terrorist should never have been allowed in our country, let alone on an American military base, with easy access to American military men and women. The Secure U.S. Bases Act eliminates this unnecessary risk by requiring a thorough vetting process before a foreign student enters the U.S.; by requiring foreign students to follow rules established by U.S. base commanders; and by vastly improving the security of our military installations, servicemembers, their families, and the surrounding communities.

I served in the U.S. Navy, and I could never have imagined not feeling safe on base. We must do everything in our power to prevent a tragedy like that of NAS Pensacola from ever happening again, and the Secure U.S. Bases Act is an important step.

I am also working on a number of amendments to the National Defense Authorization Act to protect our Nation.

The first includes my American Security Drone Act, which prohibits the U.S. Government from purchasing drones manufactured in countries identified as national security threats, like Iran and China. We know Communist China steals our technology and intellectual property; yet the U.S. Government continues to buy with American tax dollars critical technology, like drones, from Chinese companies that are backed by their government. No one in America should buy products made in Communist China, especially not the U.S. Government. We cannot continue this practice, and my American Security Drone Act is a commonsense solution to end this threat to our national security.

Second, I am working to protect Florida's gulf coast from offshore drilling. I have an amendment in the National Defense Authorization Act that requires the Department of Defense to report on the importance of the Gulf Test Range, which is used for vital military testing and training and is critical to our national security. Offshore drilling in the area would pose a significant risk to the environment and our military preparedness.

I am also proposing an amendment to extend the moratorium on offshore drilling for another 10 years and will keep working to protect our natural resources for generations to come.

A strong defense is key to protecting the freedoms that make America great. I will never lose sight of one of the most important roles I have as a U.S. Senator to protect and serve the families of our Nation.

I look forward to working closely with my colleagues to make sure we are protecting our national security and investing in America's greatest assets—the men and women of our Armed Forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, I want to begin by saying thank you to my colleague from Florida who is doing so much good work on the Armed Services Committee, and I also thank Chairman INHOFE and other members of the committee who have made it a priority to be certain that our men and women in uniform are well cared for and their families are protected and that we are thinking toward the future as we look at this year's NDAA.

As we have gone through this year's NDAA drafting process with a unique frame of reference, the effects of the COVID pandemic have made our national security, our supply chain, our reach and development vulnerabilities national news.

I think they have shifted somewhat the focus that the American people have had, and I can't remember a time when I have had so many Tennesseans contacting my office asking questions about our critical infrastructure supply chain: How are we protecting ourselves and how do we look at what is transpiring in our Nation and globally to consider how we best protect ourselves and defend this Nation? The fallout from the pandemic has highlighted the need for our Armed Forces to reassert themselves globally.

The proposed 2021 NDAA that we are gathered on the floor this morning to discuss and to show our support for this legislation and for its funding will do some critical things.

The newly created Pacific Deterrence Initiative will enhance U.S. global leadership and devote needed attention and resources to multinational fusion centers in the Indo-Pacific, where we can work with our allies and partners to reduce the threat of Chinese aggression. And that is something that through COVID, through the way China has stolen our intellectual property—this has come to the forefront.

Just having the presence will not be enough. If we don't focus on innovation as an essential element of our national security, we will fall behind. It is imperative that we continue to lead in technology, in research and development, in making certain that the 21st century is going to be a century of freedom.

In this year's NDAA, we prioritized education. The proposed package includes funding for JROTC educational opportunities in STEM fields. I will tell you, in Tennessee, we have the Dobyns-Bennett High School in Kingsport, TN. They are continuing great work in these JROTC programs.

We are also going to invest in collaborative research between academia and military. Programs like Pathfinder Air Assault will strengthen our Armed Forces against dangerous adversaries like China, Iran, and Russia—all part of the new ''axis of evil.''

I am thrilled to see what researchers at the University of Tennessee, University of Memphis, and Vanderbilt University will do with this opportunity.

We are also going to take all of the progress we have made in cybersecurity and bring it on home to our State and local governments. National Guard cybersecurity assistance programs will improve homeland security at every level of government by leveraging Department of Defense resources against foreign adversaries.

Last but not least, I want to highlight the inclusion of language that will secure American supply chains by requiring a percentage of critical technologies to be manufactured and assembled in the United States or an ally country.

All these items appear right alongside more funding for a better quality of life for our military families.

We will also be seeing more Chinooks flying home to Fort Campbell, TN, and investing in practical improvements on our military bases.

Ours is the kind of freedom that is always in danger of extinction but always worth protecting, and with this bill, I believe we have ensured that our best first line of defense has the ability to do so.

We thank our military men and women.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER). The Senator from West Virginia.

Mrs. CAPITO. Madam President, I would like to thank my colleagues from Florida and from Tennessee for their great service to our Armed Forces and our Armed Services and great support. I enjoyed hearing Senator BLACKBURN from Tennessee talk about her Tennesseans.

I stand before you with my colleagues today to talk about the NDAA and how important it is to pass the National Defense Authorization Act.

My State of West Virginia has some of the highest rates of veteran population. About 10 percent of our population are veterans, and nationally that average is only 7, so I think that service in the military and taking care of our military has always been a source of very much importance to me as their representative here in the Congress.

I think we can all agree that our Armed Forces would not be what they are without the great service of our patriotic men and women in our All-Volunteer Force. That is why it is important that we continue to support them and the work that they do to protect our freedoms every single day.

This important legislation does just that by authorizing vital resources for our Nation's troops, our wounded warriors, and their families.

The Defense bill also includes programs which will directly impact the West Virginia National Guard. I have had the chance to regularly meet with servicemembers in my State and abroad, and I have enjoyed personally being able to thank them.

Most recently, I traveled to Afghanistan, where I met a unit from West Virginia. During my visit with our West Virginia servicemembers and others, they shared with me their great pride, not just for our State and our country, and why they are proud to defend our freedoms.

I have also had the chance to hear many of the challenges that they face on a day-to-day basis. The feedback has been so helpful to Congress as we better support our military.

These brave men and women deserve our unified support, and I think they will get it, and should not be subject to the gridlock that has become so common in this body and certainly in Washington, DC. That is why Congress has come together for the 60th year to pass a bipartisan bill.

The NDAA authorizes $740.5 billion in funding for the Department of Defense and national security programs to ensure that our military families are modernized and well equipped to handle the constant, evolving national security threats.

The NDAA also designates the necessary funds to provide our Active-Duty servicemembers, veterans, and their families with the resources they have earned with their dedication and support.

Another way that the NDAA looks out for our troops and their families is that it authorizes a 3-percent raise for our soldiers. This comes less than a year after a 3.1-percent raise for our servicemembers, which was the largest in a decade. Given the fact that our military is an All-Volunteer Force, it is important that we make it known that sacrifices do not go unnoticed. That is just one small way we can do that.

The NDAA makes sure our military is trained and equipped to protect this country. We accomplish this in the bill by continuing to carry out the plans highlighted in the national defense strategic plan, which stresses that the United States strives for superiority on land, on the seas, in the air, and in cyberspace.

The NDAA advances the DOD's cybersecurity strategies and cyber combat capabilities and enhances U.S. security efforts by countering competition from near-peer adversaries like Russia and China and defeating threats from rogue regimes like Iran and North Korea.

I have had multiple conversations with the West Virginia National Guard on their desire to play a larger role in cyber defense. The NDAA establishes a National Guard cyber pilot which will allow National Guard men and woman to do just that.

I know many members of our West Virginia National Guard who would jump at the opportunity to defend against cyber attacks will be excited to learn about the pilot program.

With technological advances, we are becoming increasingly reliant on critical minerals, particularly rare earth elements, which are predominantly produced in China. If you look at a chart of where they are produced, it is eye-popping.

I am pleased that the base text of the NDAA included a priority of mine, which is to require DOD to submit a report to Congress concerning the security of the domestic supply chain of rare earth elements.

West Virginia University has figured out how to extract these elements from acid mine drainage, which would hopefully reduce our need to purchase these from China.

WVU is also a leader in looking into ways to advance our country's rare element capabilities, which is why it is critical for the DOD to begin to assess the security and best storage practices for these elements so that they can began to ramp up the domestic supply chain.

Additionally, I am hoping that the two additional amendments that I put forward can be added to this bill because they will directly impact my State.

The first is the one that would require the DOD to submit a report to Congress on the stockpiling of PFOS—the chemical PFOS—to build upon the progress we made last year in regard to this chemical.

The second amendment I worked on with my colleague Senator MORAN was to ensure that mothers-to-be who are

members of the National Guard are compensated and receive retirement credits for the missing drill weekends that they have missed because of maternity leave.

With West Virginia's strong history of military service, caring for America's service men and women could not be more important.

During the COVID–19 pandemic, the members of the West Virginia National Guard and every other National Guard across this country have stepped up and gone above and beyond the duty.

The NDAA will make sure that those who have responded to this pandemic receive the health benefits they deserve.

While I believe we must put our Nation on a sound fiscal path to end our dependence on deficit spending, it is equally important to maintain our military readiness and provide necessary resources to those who serve our Nation.

I want to thank my colleagues and Chairman INHOFE for their excellent work on the NDAA. This is an important bill—a must-pass bill—and I look forward to working with my colleagues on doing just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. The Senator from West Virginia is absolutely correct. This is a must-pass bill, and I am delighted to join her and the Senator from Tennessee, who spoke before her, in pointing out some of the very positive aspects of this bipartisan bill.

Isn't it refreshing that this last piece of legislation that this body will consider before the Independence Day break this weekend is a truly bipartisan tradition that we have had in the Senate and something we can be proud of and should try to replicate on other legislation.

I want to take my hat off to Chairman Jim Inhofe, the chairman of the Senate Armed Services Committee, and the ranking Democrat, JACK REED, for their patriotism, for their cooperation in putting together a product that garnered almost unanimous support in the Armed Services Committee and will undoubtedly pass overwhelmingly, I would say, with 90-plus votes on floor of the U.S. Senate.

The NDAA is a critical part of keeping this Nation safe. It is a critical part of giving our service men and women the training, the equipment, and the resources they need. And it is a critical part of building on what has become a 3-year process of restoring some of the confidence and restoring the building from some of the cuts that we have had over time in our military spending.

We need to continue expanding our military and making sure that we can meet the threats, and particularly, as a former chairman of the Seapower Subcommittee, we need to keep expanding and building on the progress we have made in our Navy to meet the threat from China and to meet the threat from other adversaries we have.

Also, I would point out that the NDAA, which is before us for a vote and which we will undoubtedly pass before July 4, will go a long way to steadying the funding we need to respond to the COVID–19 virus. It has affected our economy, but it has also affected our ability to maintain our supply chain and to defend the Nation.

I want to thank the Senator from Tennessee for pointing out the plus-ups that we have been able to do in this year's bill and previous bills for Junior ROTC. Junior ROTC is a fantastic way to build character and build ability and education in our high school students. If you take a school that is fortunate enough to have one of these programs, the statistics are absolutely astounding. Students in a school that participates in Junior ROTC consistently statistically have better grades, fewer dropouts, and there is a better graduation rate and there is higher postsecondary participation among the small set of people within a school who participate in Junior ROTC. So I want to thank the bipartisan leadership of our committee for continuing to build and expand this program.

I would echo what the Senator from Tennessee said about high schools within her State that have the Junior ROTC Program. I have visited these programs in the State of Mississippi. They work, and they are good. They are not only good for national defense, they are just good for America and for citizenship.

I want to particularly mention what this bill before us does with regard to shipbuilding and military aircraft manufacturing and why that is so important.

This year's NDAA would restore funding for American ships after a dip we have had to experience because of budget constraints. I would point out that this bill authorizes the money; this bill does not appropriate a single penny. That will be left up to us to take the product from the Appropriations Committee. If we are able to spend the money that is authorized, here is what we are going to end up with by the end of the year: It would fund seven new battle force ships. It would authorize four new amphibious assault ships, which, of course, will be built in our American shipyards, some of them in my home State of Mississippi.

It is worth mentioning to my colleagues that we had wonderful news yesterday that the Navy will build an additional destroyer in Pascagoula, MS, and that destroyer will be named after our former colleague, the late Senator Thad Cochran, a Navy veteran himself and a longtime chairman of the Appropriations Committee. These projects would bring our Navy closer to the total of 355 ships, which is part of the requirement we get from our admirals and generals around the world who tell us on an objective basis what we need to keep this Nation safe. They have given us a requirement of 355. If we actually went back to them today and had them reassess that number—and they may be doing that right now—they would probably tell us that number is over 355.

What we did when I was chairman of the Seapower Subcommittee was put that requirement of 355 in the statute. It is not a sense-of-the-Senate or a sense-of-the-Congress. We built it into the statute, made it the law of the land, and 355 ships is where we need to be if we want to protect the United States of America.

We have had this dip in military manufacturing that affects both ships and aircraft manufacturing, and I would just point out that we are going to need to restore that dip outside of the regular appropriations process. I would commend to my colleagues the possibility of putting the job-creation part of this equation in phase 4 of our COVID–19 response bill, which I think will come before the Senate in the second part of July once we return from the 2-week Fourth of July break. I hope we can come up with a little extra money for ship manufacturing and for aircraft manufacturing. This will get us where we need to be in terms of protecting our Nation, but also it is an unbelievable job creator.

Listen to what shipbuilding does for our economy alone. In shipbuilding alone, there are 14,000 supplier companies in all 50 States. Shipbuilding impacts many companies in every single State. The LHA 7 Program, for example, requires 541 suppliers across 39 different States to fully produce that class of ship. So it protects America, and it puts Americans back to work. I think we can spare a few extra billion dollars to restore that dip and put those people back to work as part of our recovery program.

With regard to our F–35 Program—aircraft manufacturing—in 2020, this year, there are over 1,800 suppliers working on that aircraft manufacturing program in 48 States and in Puerto Rico. Of those 1,800 companies that are suppliers, over 1,000 of those suppliers are small businesses. The small businesses alone contribute over 40,000 direct and indirect jobs in the United States of America. Overall, the program itself in all 50 States contributes 254,000 direct and indirect American jobs attributed to this program.

I would commend this bill to our colleagues and ask for a ''yes'' vote, and we will get a ''yes'' vote, but I would ask us to bear in mind that we are going to have to figure out a way to pay for this, and I think that is going to require a little innovation and a little addition in phase 4 of the COVID response bill.

I am happy to say that this additional job creation and manufacturing is supported by the leadership, up to the top level in the Pentagon, up to and including the Secretary of Defense. It is supported by the National Security Advisor and by the entire team

around the President. So I think we will be able to have bipartisan support for this.

Good work on behalf of the committee in authorizing these programs. There is additional work that needs to be done by us and our friends on the Appropriations Committee in actually getting the money there to restore the dip. It is a good day for America, and it is a good occasion for this Senate that we are able to end this work period with bipartisanship and support for our troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

TRIBUTE TO TULSA POLICE OFFICERS

Mr. LANKFORD. Madam President, 2 days ago, at 3:30 in the morning in Tulsa, Officer Zarkeshan did a routine traffic stop. He got backup coming to him, who was Sergeant Craig Johnson, and dealt with a person who would not get out of their vehicle. Twelve times they said to this person: Get out of your vehicle.

Trying to figure out what to do, they worked to deescalate, and they realized he was not going to move. After the back-and-forth conversation there in the street, the individual got out of his car with a pistol and shot both officers multiple times in the head, jumped in a second car, and drove away. Seven hours later, both those individuals were apprehended.

While the flippant national conversation in this room and across the country continues about defunding the police, two officers in Tulsa are clinging to their lives in a hospital right now.

I think our Nation loses track of exactly the sacrifices that law enforcement makes every single day. Their families hugged them before they took off for the graveyard shift and said: See you in the morning.

Officer Zarkeshan had been on patrol 6 weeks. He graduated from the academy in May.

I am grateful there are men and women across our country who continue to put on the blue uniform to serve and protect us because there are people on the streets who mean to do our community harm, and when given the opportunity, they will take that opportunity.

If the Presiding Officer doesn't mind, I would like to pause and pray for just a moment for the families and for them.

Father, we do ask Your help for Sergeant Johnson and Officer Zarkeshan, to intervene in a way that only You can. Help the doctors and nurses. Give them wisdom. Give a sense of peace to those families as they struggle for answers. Pray for Chief Franklin and for all the Tulsa PD. God, they need Your help in these moments. I pray that You would bring peace as only You can.

In Your Name I pray. Amen.

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Madam President, Senator INHOFE and JACK REED have done a pretty remarkable job working through the NDAA and all that has to be done and the literally thousands of decisions that have to be made. It is pretty remarkable what they have done, and I am grateful for all of their work.

We lose track of the fact that there are folks in Afghanistan right now fighting over peace and stability and pushing down terrorists who are still in the area. We lose track of the fact that U.S. Army soldiers right now are having dinner in a tent in Poland. There are folks in the U.S. Navy who are sound asleep in Guam, except for those folks who are standing watch. There are marines in Okinawa who are asleep, but they won't be asleep very long. There are folks in the Air Force who are prepping for tomorrow's mission in South Korea.

All around the world, awake and asleep, there is never a moment and there is never a place where folks in the U.S. military are not representing their Nation and doing exactly what their Nation has asked them to do. We are proud of those folks.

This bill, the NDAA, gives a 3-percent pay increase to those folks. It ensures that we won't have another BRAC round of base closings in the United States during this next fiscal year. It deals with some of the ally relationships that we have in Taiwan and Ukraine. It helps bring some of the folks who have worked as interpreters in Afghanistan for years to the United States.

It deals with not just those in the military, but it deals with their families as well. It allows additional funding to help licenses move from State to State for those who are military spouses. It adds additional supervision for military housing to make sure we do better supervision there.

Bases and posts around Oklahoma have very specific things that fully fund the KC–46 and the B–21 Programs. It is very significant to Tinker and the community around it. It deals with the 180-day rule modification. It is an amendment I specifically put into this. It is something that folks at Tinker have asked for over and over again. Those folks who are retiring in their uniform are interested in civilian spots, but under current practice, they have to wait 180 days before they can move from military to civilian. Well, in that time period, guess what happens? They get snatched up by a defense contractor, and we lose their skills and their wisdom that they have. Why do we do that? Why do we literally punish one of our members in the military when they retire from the military, after great service there, and then say, ''If you are interested in continuing to be able to serve in the community that you are in, you have to wait 6 months before you can do it''? We put an addition in there to expand this pilot program to allow those folks to move from uniform to civilian and to compete for those jobs and not have to wait 180 days.

At Altus Air Force Base, it fully funds the KC–46. It prohibits us stopping the KC–135 tankers until all the details are all worked out with the KC–46 and advance if they need it. It funds the T–7 Red Hawk in the development of that, the replacement for the T–38.

In McAlester, it funds the Army McAlester munitions plant work there and the construction to increase the capability of the Sea Lion. That is an area where we have old munitions that have to come back and actually be disassembled to be safely disassembled. It is a job a lot of folks don't want because they are handling old munitions, but it is the folks in McAlester who do it every day, and we are very grateful for the work they continue to do there.

In Lawton, Fort Sill, it funds the Talon, an integrated management system. It is a very significant advantage that we have. It is one of the things that everything that happens in Lawton in the fires, they want all over the world. Whether you are in South Korea or whether you are in Saudi Arabia, they are interested in what is happening in Lawton. Even for some of our guardsmen for the Oklahoma National Guard—it protects the 137, stopping any kind of divestiture of their system for the MC–12. It continues that process. It is a very significant bill to the Nation in our national defense. It pays attention to people all over the world, but it also takes care of the issues that we need to resolve to be able to have them trained, equipped, and ready—much of that happening in Oklahoma.

There are some specific things that are in this that I requested as well. Everyone in the military is familiar with the term ''DD–214.'' Everyone, after you get out of the military, whether you go to the VA or whatever it may be, they are interested in your DD–214. Those are your records for your Active-Duty service.

Well, it is great if you are in Active Duty. The problem, though, is if you are a reservist or a guardsman—and there are 840,000 of those across the country—they don't get a DD–214 like the Active Duty do. So, in later years, when they want to prove their service record, they can't do that. We fixed that in this bill. It is an amendment I brought to the 13,400 Oklahomans who are in the Guard, for them to finally have records for their service just like the Active Duty have records for theirs.

One of the things I focused in on as well is allowing religious accommodation and training for that in our military. Our members of the military have the same religious freedoms as everyone else does. They are to be accommodated in their faith, no matter what their faith is, in the U.S. military. Sometimes the training lacks on that, and officers and JAG members who sometimes struggle, they say: Well, for good order and discipline, everybody just needs to put your faith aside. Well, when you join the U.S. military, you are not required to also give up the Constitution. You are protected. You are allowed to keep your faith and to

maintain that. This bill will allow some greater training and instruction to make sure we protect the rights of each individual to live their faith. We think that is important as well.

There are a lot of good things in this. I am glad to be a part of it and to see this continue on, even through some things that you may not think are really military in it. Last year, in the bill, when it came out of conference, paid parental leave was added to it for Federal employees. A lot of folks said: Where did that come from? It came from a House-Senate compromise. In the House-Senate was documentation to add paid parental leave, but the problem was, what the House had actually pulled together for paid parental leave didn't work for a lot of folks. It left out people like the FAA and all the folks who work for FAA. It left out the TSA. It left out article I judges, so they don't get access. If you work for the FAA and TSA, you don't get access to paid parental leave like other Federal employees do. You know, we need to fix that, and I have an amendment in this bill that says: Let's treat all Federal workers the same in this. If we are going to pay parental leave, don't ignore the good folks who work for the FAA and TSA and other folks. So this actually fixes an error from last year's bill that came over from the House to make sure that all Federal employees are treated equally. We can do this.

This is something we already have wide bipartisan support for. It is why we opened the bill with so many votes yesterday on a wide bipartisan majority. Let's keep working on it, and let's finish it out. Let's get it done before the Fourth of July so we can continue to honor members of the U.S. military and to thank them because they are literally standing watch across the Earth right now on our behalf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I am always pleased to be on the floor with my good friend from Oklahoma, Mr. LANKFORD, but I am particularly glad I was able to be here today. Early, in his remarks, he was talking about a family, remembering that family in prayer, and then very thoughtfully going around the world of where people are, at this minute, who defend us. It is a good thing for us to think about; it is a good thing for us to keep in mind; and it is good that when we say we are remembering people in our prayers, to be sure they really understand that we are. I am glad to be with my neighbor here today and also with Senator HOEVEN on the floor.

This will be the 60th time in a row, if we do our job, that we pass the National Defense Authorization Act. I don't think there is any other bill—in fact, I am sure there is no other bill—we pass every year. When we pass this bill every year, we reestablish, every year, that defense is our No. 1 priority. Defending the country is the one thing that almost everybody admits they can't do for themselves. The States don't think they could do this without us.

This is a national responsibility, and the threats we see today are complex. They are more pronounced than any our Nation has ever faced. Former Chairman of the Joint Chiefs of Staff, General Dunford, recently said that our military has to be ready to fight across regions, to fight across domains, and across functions. This bill moves forward in all of those areas, being sure that we are interoperable where we need to be; that we are quickly mobile where we need to be; and that our armed services work as well together as we could possibly hope they could work together.

The President has launched policies and programs to ensure the safety and the well-being of Americans. Certainly, the people who defend us who serve in the military are doing their part to protect our Nation. Now it is time for the Congress to do its part, led by the Senate and led by Chairman INHOFE and Ranking Member REED bringing this bill to the floor. It is not a small bill, and it is not a bill that gets done just without a lot of work and a lot of compromise and a lot of determination as to what is really doable at this time, but this is the bill we are voting on.

Since we do it every year, a lot of it is not absolutely new, but all of it is, in my view, as updated as the committee could bring it to the floor, and we are going to have a discussion of what needs to change, even being that this year the Senate's version of the bill provides $740 billion to support the Department of Defense.

We see this at a critical time when our adversaries, including China and Russia, seek to undermine our influence around the world. Russia was just accused of putting a bounty on the head of not only American service people but our allies in some parts of the world. If that is true, a price should be paid for that. We are going to be working hard in the next days to determine how deep that intelligence goes and how true that allegation is, but whether it is true or not, it should be no surprise that the Russians are constantly focused on things that diminish the impact of the United States of America, and the Chinese are more and more focused on that at the same time.

This bill authorizes $1.4 billion to establish a Pacific Deterrence Initiative that will help secure our interests in the Pacific and our friends in the Pacific. The bill supports military readiness and modernization priorities. It has more than $21 billion for shipbuilding and investing in technology like hypersonic weapons, artificial intelligence, machine learning, and things we have to have to keep the current advantages we have.

It recognizes the family. There is $4 million in this bill to help military spouses transfer their professional license between assignments and between States when servicemembers are reassigned. I am pleased to say that the Missouri General Assembly has been a leader in that effort. When you move to our State as a spouse of someone in the military, your credentials should be, and I think now are, able to be moved with you.

This bill increases funding for Impact Aid by $70 million, and $20 million of that is for children with severe disabilities. The other $50 million is just for trying to make up for what would have been a taxpaying unit, if that unit hadn't been there. I think Impact Aid matters. This bill, once again, says it matters, and we are increasing it.

These programs are critical. They are important. We need to ensure that the military construction projects that will be funded later by the appropriations process are authorized here. There is $40 million for the new hospital that ground was broken on at Fort Leonard Wood just last week. There is $60 million for the new National Geospatial-Intelligence facility in St. Louis, a $1.3 billion or so project that is well on its way now. This authorizes the next moving forward of that project.

Investments in military weapons that are made in Missouri and things that help our military that are made in Missouri, such as the development of the B–21 Raider that will be based at Whiteman, or the modernization of the C–130H aircraft where Rosecrans, in Saint Joseph, is the world training center for our NATO allies to come and understand lift and moving things around and how those C–130s work.

This bill authorizes $1.8 billion to buy 24 F–18 aircraft that are built in Missouri and $1.3 billion to buy F–15s. They are built in Missouri, made with a great Missouri-Illinois workforce, and I know Senator DURBIN and I will work together again on Defense approps to be sure that this authorization is fully filled. These aircraft are essential and need to be part of our continuing defense base.

Senator HAWLEY and I proposed an amendment in the bill that would make Silver Star Service Banner Day an annual recognition on May 1. This is to be sure we honor the sacrifices of wounded and ill members of the Air Force. I urge my colleagues to recognize the addition of Silver Star Banner Day in this bill.

There are a lot of bipartisan priorities in this bill. This will have a bipartisan vote when it leaves the Senate. It is a bill worthy of support, and I look forward to our efforts to get this done for the 60th Senate in a row.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I appreciate the opportunity to join with my colleague from the State of Missouri and agree very much with the comments he has just made, and I am here today to express my support for the National Defense Authorization Act this week.

Defense Department leaders always tell me that, if we don't get NDAA done and our Defense appropriations bill—and I am on the Appropriations Committee and on the Defense Appropriations Subcommittee—that those delays really are a challenge and a problem for the military and cost some money. So, obviously, if we can get this bill done this week and get on to our Defense appropriations bill and get those passed, it makes a big, positive difference for our men and women in uniform.

We should be able to move this NDAA legislation quickly because the chairman and the ranking member have put together a good bill for our national security and for our Armed Forces.

This NDAA supports our national defense strategy that is designed to keep us ahead of the Russians, the Chinese, and other adversaries, and it includes things like standing up the Space Force, investing in new technologies like hypersonics and artificial intelligence, and creating a Pacific Deterrence Initiative to help ensure that we have the capabilities we need throughout the Pacific region to deter conflict and coordinate with our allies.

Also, I am very pleased that this bill includes strong support for modernizing our nuclear deterrent, which is vital to our national security, and that certainly includes the dual nuclear mission at the Minot Air Force Base in my State.

This bill moves forward a number of modernization programs, including the modernization program for new intercontinental ballistic missiles, the ICBMs; a new nuclear cruise missile, which is now called the LRSO, the long-range standoff weapon; and upgrades for the B–52, including a new engine—reengining what has been an incredible aircraft for many, many years and has had a longevity that is unbelievable. And the Air Force projects an ongoing longevity for it for quite some time. Part of that is all the upgrades that we have put into this platform, including now new engines, as well as things that include the weapons systems, the ability to carry those weapons systems, communications—just a whole range of upgrades that have been incredibly important for that aircraft.

Of course, there are other aspects that go with the nuclear mission, whether it is the nuclear command and control systems as well as upgrading the nuclear warheads on the weapons that the aircraft delivers.

Also, I support provisions in this bill to place restrictions on the retirement of the RQ–4 Global Hawk, which is headquartered at Grand Forks Air Force Base in North Dakota. Now, our combatant commanders rely on the Global Hawk every single day. These aircraft are highly capable and are not easily replaced, so we are going to need a lot more information from the Air Force about what capabilities could replace the Global Hawk. In other words, what is the follow-on mission? That is particularly true given the Navy's commitment to the Triton, which uses the same airframe as the Global Hawk.

So we would certainly need that for an ISR mission, and we are going to need to know what the follow-on is and when that is going to be available before there is any retirement of the RQ–4, and we have legislation included in this bill to make sure that that is properly and fully addressed.

Also, I support the bill's authorization of additional procurement of MQ–9 aircraft. This fleet is used every day in a variety of missions, and we need to sustain it as well until there are proven replacements for it.

Because we are going to be flying the MQ–9 for many years to come, we have to make sure that we have all the facilities we need to operate that aircraft. Of course, I am talking about the Reaper, which we use all over the globe.

One of the Air National Guard units that flies that mission—one of the first to fly it—is our North Dakota Air National Guard, and I am pleased that this bill includes authorization of $17.5 million for a new operations facility for the North Dakota Air National Guard in Fargo, and I look forward to working in my role on the Defense Appropriations Subcommittee to make sure that that authorization is funded for that facility. It is very important in terms of that MQ–9 mission.

The bill also provides authorization for a 3-percent increase for our forces and authorizes the fiscal year 2021 military construction program. I am looking forward to working on those, as I am also a member of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Subcommittee as well, and we want to make sure that we are providing funding for those priorities—those military construction projects.

Finally, I want to thank the chairman and the ranking member for helping us to clear some of my amendments, which I have included to further this legislation as well.

The committee included an amendment I authored that will require the Air Force to define how its next budget will support activities in the Arctic, which is increasingly important for our national security. The Air Force is starting to refine its strategies to operate in the Arctic region, and my amendment helps ensure that the Air Force translates strategic concepts into real capabilities. It will ensure we do not cede this critical region to our adversaries.

I also appreciate the chairman and ranking member including an amendment I filed in relation to the Ground Based Strategic Deterrent Program, which is to develop a new ICBM. It is critical that we keep this GBSD—which is Ground Based Strategic Deterrent—program on schedule so it can replace the existing Minuteman III at the end of the decade.

Of course, all of our nuclear weapon components have to be capable of withstanding electromagnetic pulses, or EMPs, so my amendment requires that the Air Force report on how it will ensure that these systems and components will be protected from electromagnetic pulses. By planning ahead, we can make sure that we are prepared for something like that.

I also hope that we will be able to include an amendment that Senator UDALL and I have offered, a bipartisan amendment that would reauthorize and reform Native American housing assistance programs as well as authorize a joint Tribal housing initiative between Housing and Urban Development and the Veterans Administration to provide Native Americans who are homeless veterans—now, we are talking about our veterans, and the percentage of Native Americans who serve in the military, I think, is the highest of any ethnic group. So we have a lot of Native American veterans, and for those who are homeless, we have to help them with their housing and their healthcare services. That is what this amendment does.

I chair the committee on Native Americans, and along with our vice chairman, Vice Chairman UDALL, we have put together this legislation, which includes housing and also addressing our Native American veterans in a way that I think is important and helpful. I hope that it can be included in this legislation.

In closing, the NDAA provides vital support for our men and women in uniform. It authorizes important defense priorities for our Nation, including unmanned aerial systems, which is, of course, a huge and growing area—our unmanned aerial systems—and the support for the nuclear mission, which I have mentioned.

Again, I think this is good legislation. It is bipartisan legislation. We need to all work together now to get it done and get it done this week for our men and women in uniform. They do so much for us, and we need to be there for them. We need to support them by passing this legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Ms. ERNST. Madam President, this week we debate, as the Senate should, the annual Defense bill, the National Defense Authorization Act.

I served 23 years in military uniform, as both a company commander in Iraq and Kuwait during Operation Iraqi Freedom and as a logistics battalion commander with the Iowa National Guard. It is because of that experience that I understand that the work we do here on this bipartisan Defense bill matters immensely to our troops.

When the COVID–19 pandemic hit us, 50,000 National Guard and Active-Duty troops answered the call without hesitation and are out there today running test sites, delivering medical supplies by ground and by air, and even running

food banks to ensure no one goes without during this trying time.

During a recent confirmation hearing for Lieutenant General Hokanson to be the head of the National Guard Bureau, I asked what the Governors would do without the National Guard. He said he shuddered to think what they would do because they are America's first response in communities across the Nation.

Just a few weeks ago, on June 7, we had over 120,000 National Guard deployed, and that includes not only those within the United States but those that are deployed overseas.

As a former National Guardsman, I can tell you these are some of our best and brightest. They are ready to go at a moment's notice, to respond to anything, whether it is civil unrest, pandemics, or natural disasters.

That is why I am extremely pleased that this Defense bill includes my provision to provide hazardous duty pay for our National Guard and other troops who are deployed to fight COVID–19.

Now, being a woman in the military has many challenges, and some of these obstacles are preventable and ones we here in the Senate can take action on—for example, ensuring our female servicemembers are properly equipped for the battlefield. Through my efforts and that of my fellow Army veteran, Senator TAMMY DUCKWORTH of Illinois, this Defense bill ensures female troops will have body armor that fits them properly, and DOD will be forced to report to us on their progress in finally getting this done.

It is not just the body armor. We are protecting troops in other areas as well. One issue I have worked on for quite some time is treating and preventing traumatic brain injury—or TBI. This year's NDAA funds effective treatments for TBI, such as noninvasive neurostimulation therapy that has been proven to work in clinical trials.

Through my provisions in the bill, we are also improving safety for military vehicles and ensuring our troops have the best weapons and ammunition. Our soldiers have been carrying the same weapons and ammo for decades, and they are about to jump to the next generation of weapons with a new and better ammunition package.

By bolstering funding for our Army's small arms rifles and automatic weapons, our infantry will finally be carrying the most effective assault weapons on the planet in a few short months.

Now, when we look at waste in our Federal Government, folks know that I call it as I see it. As a former member of our military, I am not proud to say it, but the Department of Defense oftentimes is responsible for some of our most egregious spending.

So to protect Iowa's taxpayers, I made sure in this NDAA that we require all DOD grant recipients who get Federal dollars to include a pricetag disclosing the cost to taxpayers for their projects if they put out a press release for their work.

The Comptroller General will also investigate the most expensive cost overruns in weapons systems, and the Pentagon will tell Congress their top 10 most expensive weapons to fix and maintain.

On duplication and waste, I was proud that my subcommittee—the Subcommittee on Intelligence and Emerging Threats and Capabilities—cut $300 million in research and development programs that were wasteful, duplicative, or simply not a priority; and we redirected this funding toward urgent research needs, such as getting a deployable coronavirus vaccine for our troops and for funding TBI programs.

The NDAA also requires the most senior science and technology leaders to meet and discuss their research to ensure that it is coordinated and that the Pentagon doesn't continue to pay for the same research twice.

Finally, and very importantly, this Defense bill starts the long and hard work to fix our overdependence on China, a near-peer adversary that we should always keep our guard up against. In the defense realm, the United States has grown too reliant on the Chinese Communist Party for components and materials and for our most advanced weapons systems.

Through my efforts in the bill, we are helping secure the U.S. supply chain for rare earth metals and battery components so that we don't rely on China for our weapons.

We are also working to deploy counterdrone weapons to stop unmanned aerial attacks on troops and invest in the latest technology for heads-up displays and wearable tech for our soldiers, sailors, airmen, and marines.

Before I close, I want to remind everyone of something. The National Defense Authorization Act is largely bipartisan. It is through the work we did in our Armed Services Committee, led by Senator JIM INHOFE and Ranking Member JACK REED, that we were able to move quickly and debate it on the floor this week.

In what seems like a never-ending polarization of politics, important work like the NDAA often goes unnoticed or is only highlighted because of the newsworthy provisions in the bill. I wish that were not the case.

As I have said many times over, America does not have a perfect history, and many of our heroes were flawed, but, folks, we still live in the greatest country on the face of this planet. That is because of men and women who have fought and died to protect our freedoms, liberties, and rights, and our troops continuing to serve on the frontlines to protect our homeland. Ensuring our troops are ready for the threats we face now and well into the future is something we should all celebrate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, we are talking about the National Defense Authorization Act. We are talking about preventing and dealing with threats to our country. I want to describe a hypothetical threat—a threat that throws millions of people out of work almost overnight. It causes the stock market to collapse. It cripples the airline industry. It has people afraid to leave their homes and States scrambling for materials to prepare and cope with the attack. The attack comes in waves. Just as it seems to be receding, it comes back. It is difficult to know the sources of the attack. The country is divided. There are conspiracy theories and polarization and politicization of this awful situation.

I am not describing the pandemic. That is what we have experienced. I am describing a potential, catastrophic cyber attack on this country. Everything that I listed would be part of what would happen in the case of such an attack, plus our networks would likely be down—no more working from home, no Zoom, no meetings. The effect on the economy would be twice, at least, the effect of the coronavirus.

The electric grid could likely be compromised. The electric grid—people think about the lights, but in the South, electricity is necessary for air-conditioning. In the North, electricity is necessary for firing oil and gas-fired furnaces. We are talking about no air-conditioning and no heat. It could be in the dead of winter.

We are talking about airports closed.

We are talking about the financial system potentially in tatters. Peoples' lives and livelihoods—their life savings could dissipate at the stroke of a key.

We are talking about thousands of water systems across the country that could be compromised by a cyber attack, making people afraid to drink the tap water in their homes.

We would have uncertainty, economic catastrophe, and an enormous challenge to this country.

By the way, what I just talked about is not entirely hypothetical; it is happening now. Our financial system is under attack. I talked to a utility executive recently whose system is being cyber attacked 3 million times a day—today. I have talked to small banks in Maine that are being attacked thousands of times a day. We have had ransomware attacks on our towns and cities across the country. They have hacked our OPM—the Office of Personnel Management—and gotten the personal data of millions of American citizens. And, of course, we know about the attacks on our election infrastructure and the dangers of those attacks continuing and escalating.

The financial system is at risk. The energy grid is at risk. The transportation sector is at risk. This is a very serious and immediate challenge.

One of the important lessons from the pandemic—I think one of the overall lessons from the pandemic is that

the unthinkable can happen. If you had told any of us a year ago that we wouldn't be leaving our homes, that we would be wearing masks when we went out, and that our restaurants and social gatherings would be closed, nobody would believe that. Well, it has happened. And a catastrophic cyber attack can happen.

That is why, in the National Defense Act last year, the Congress passed and the President signed the creation of something called the Cyberspace Solarium Commission—a 16-member Commission; 4 Members of Congress; totally bipartisan; 4 members from the executive and 6 members from the private sector—to take an in-depth look at this threat and to try to come up with a national strategy and set of plans to cope with it now before it happens. That was the mission of our Commission.

We met over 30 times. We had hundreds of hours of consideration. We had hundreds of witnesses and submissions of information from around the country, thousands of pages of documents, and came up with a report. Ironically, our report was released on March 11. It was probably the last significant large meeting in these buildings before the shutdown occasioned by the pandemic. We had dozens of recommendations. I am proud to say that 11 of our most important recommendations are in the Defense bill that is going to be considered this week. They have been included in the bill that has been reported out by the committee on a totally bipartisan basis. That is an important first step in implementing this project.

The main point I want to make, though, is how urgent this is. Just as the pandemic was unthinkable, nobody can conceive of an attack that would bring down the electric system or the financial system or the transportation system or the internet, but it can happen. The technology is there.

We all think in terms of World War II and conventional forces. I believe the next Pearl Harbor will be cyber. That is going to be the attack that attempts to bring this country to its knees. As we have learned in the pandemic, we have vulnerability, and we have to prepare for it.

We have amendments in the Defense bill that relate to the Department of Defense. That is good, but one of the issues with this subject matter is that it is spread across the government, both in the executive sector and here. We have 18 or 20 amendments that are pending that we hope we are going to be able to improve and get into this bill with the clearance of other committees, but getting 20 amendments cleared—because of the multiplicity of jurisdictions that cover cyber, we had to get 180 clearances from committees across the Congress, in both Houses. That indicates how fractured this policy process is.

The same thing is true in the executive branch. The authority for cyber is in Homeland Security; it is in the CIA; it is in the FBI; it is in the NSA. It is scattered throughout the government. It is something that we proposed that we try to make sense of this process and provide both in the executive branch and in the Congress central points that can have authority and responsibility over this area.

There is a great deal of work left to be done. We had some 80 recommendations. We hope that as many as 15 or more will be in the Defense bill. But there are others that will require other committees, and we look forward to working with them.

Two of our recommendations in terms of making sense of the organization relates to this body, and one relates to the executive. This body—we are recommending that we create a Select Committee on Cyber in the Senate and one in the House—exactly what was done in the 1970s when it was realized that intelligence was too important to be scattered throughout the jurisdiction of all committees. That is when the Select Committee on Intelligence was created. We are recommending the same change here.

In the executive, we are recommending a Senate-approved national cyber director in the Executive Office of the President—analogous to the Trade Representative—who is Senate-approved, appointed by the President, and serves at the pleasure of the President. The idea is to give the President a central point of contact to deal with the multiplicity of authorities that are involved in this issue throughout the executive branch of the Federal Government.

One of my principles of business when I was doing contracts and working in business was that I want one throat to choke. I want one place where I can go to hold someone accountable and to hold them accountable not only for reacting but for planning. That is what we are proposing to be brought forth, and we hope we are going to be able to earn the support of the administration.

The Commission, as I mentioned, had four Members of Congress, four members from the executive branch, who made significant contributions, and six members from the private sector. We had unanimous recommendations after an enormous amount of work and serious thought by very serious people from across this country.

There is plenty of work left to be done. I want to thank the committee chairs and the leads and the staff and all of those who have worked with us to get these recommendations this far. But I also want to leave the Senate and the Congress and the American people with the knowledge that we are not there yet, that we are vulnerable, and that this is something we have to attend to. This is not something that may happen; this is something that is happening now, and it may happen—it will likely happen to a more serious degree in the future.

The pandemic has taught us some important lessons about planning and preparing and providing. That is what we are talking about here. We have to plan for the unthinkable. We have to prepare continuity of the economy, continuity of government. We have to prepare in terms of what our deterrent policy is because the best cyber attack is the one that doesn't occur. We also have to provide the structures and the resources to be sure we are ready to meet and defeat this next challenge.

I consider this one of the most serious threats facing this country. It is easy in the midst of a pandemic and all of the other issues that are swirling around an election year and everything else, but it is so clear that this is an overwhelming risk to the future of this country and that we have to take it seriously, we have to respond, we have to be ready, we have to deter, and we have to prepare.

I deeply hope we will continue the momentum that has begun in this bill and be able to take the next step and the other recommendations and other good ones that may come forward in this process so that we will be prepared and we will be able to respond and prevail.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. That is another way of saying I want to complete my remarks.

Let me say this about the Senator from Maine: Of all the Members of the Senate Armed Services Committee, he is the one who is always there and getting involved in these things with a sense of urgency that he feels in his heart, and I appreciate him as a very valuable member of that committee. I thank the Senator for all of his service.

RUSSIA

Mr. President, earlier this morning, I was at the White House with a few other Members to receive a briefing on the reports of Putin putting bounties on troops in Afghanistan. You have been hearing about this. After a very long briefing, I am confident that President Trump did not know about the reporting. There is some confusion in terms of our own intelligence, and it just didn't rise to the level of the President at that time.

Another takeaway from the briefing is that our intelligence agencies aren't in complete agreement on this even now. This is going to continue to be a Washington, DC, story—one where they try to make the President look bad.

Here is what we also know, and we don't need any special intelligence to tell us. Putin is a murderer, a thug. He hates America. He hates our interests. We know that, and we are doing something about it. President Trump has taken a whole list of steps to protect our troops and stand up against Russia's actions.

In the Senate, the NDAA is focused on our top priority of taking care of our troops and also aligning our military to better deter against China and Russia. As we continue consideration, let me just give a brief update as to where we are right now.

We talk a lot about our troops and our military strength in this bill.

At the end of the day, the bill affects all American families and our communities directly. It is about their security, their freedom, their prosperity.

We introduced an amendment last night that included 79 bipartisan amendments. As we speak, we are working on building a managers' package that includes dozens of bipartisan amendments. We are really doing the job the way it is supposed to be done, the way we did last year and the year before.

The safety of the American people is not negotiable. With the fiscal year 2021 NDAA, we move one step closer to ensuring the safety of and closing the gap between our military and those of China and Russia.

For some reason, this never gets out in the media. Nobody ever talks about this and, to me, it is so significant that during the Obama years—the last 5 years, which would have been between 2010 and 2015—he reduced spending on defense by 25 percent. That is 25 percent in a 5-year period. I don't think we have ever seen that before. At the same time that we were reducing by 25 percent, Russia was increasing by 34 percent. If you think that is bad, at the same time China was increasing by 83 percent. We reduce by 25 percent and China increases by 83 percent.

How do you catch up? It is going to be hard work.

As for some things in this bill, it increases funding for weapons procurement programs, including Tomahawk missiles, long-range anti-ship missiles, ground-based anti-ship missiles, and realigning our weapons capability to match the NDS.

This is the NDS. I like to take this with me so people understand that this is really a well-thought-out short document. This is put together by 12 Democrats and 12 Republicans. All were considered to be experts and all were coming to agreement. Can you believe that 12 Democrats and 12 Republicans were all in agreement?

That is what this is all about. It reestablishes our superiority in the air by focusing on procurement for the Air Force, while also preventing divestment of legacy aircraft like the KC–135. It was envisioned about a year ago that we would be phasing it out, but things have slowed down a little bit. Its replacement is the KC–46. It will take a while for that to get online. In the meantime, we do have an adequate number of working KC–135s. We are talking about a vehicle that is 60 years old, but they are still working and working well. It shows what we are going to come up with when the KC–46 finally comes online.

It reestablishes our superiority on the seas by increasing authorization for shipbuilding and authorization for procurement to achieve the 355-ship Navy. We are still talking about that. It supports the Army's focus on multi-domain capabilities, especially the modernization priorities, and it keeps our eye on Space.

The bill also goes beyond our bases too. A few examples are the Defense Community Infrastructure Program, Impact Aid, STARBASE for science and technology, and research partnerships with universities. This is very significant because I know three universities that have been active in this field for the last 3 years.

It also includes research and experimentation in 5G, which is vital to maintaining both our military and our economic advantages.

One other thing this bill does that I want to highlight is that it protects our GPS signals. This is very important. Recently, the Federal Communications Commission OK'd a proposal by Ligado Networks to make a new cellular network that jeopardizes GPS signals that so many people rely on. That is not just me saying that; we had a hearing. We had the military, and some 12 agencies of government all joined in. Nobody else on the other side was talking about what Ligado is going to do and the jeopardy it puts on our GPS system. That is not just military. We are not just talking about use in the field for these signals, but the pilots in the sky, construction workers on job sites, and even our farmers use GPS to irrigate and harvest their crops.

Even though the Department of Defense and more than a dozen other Federal agencies objected, the FCC went ahead with this deal. To make it even worse, the FCC was aware of the threat that was being posed and the objections that were out there, and they actually had that vote over a weekend. I went back and checked with it and found out that they had never done that before. I don't know. I can't talk about that because I don't have the answers. I have been trying to get the answers.

The NDAA makes sure the DOD is not on the hook for the costly updates if Ligado moves ahead with the deal by prohibiting the use of DOD funds to comply with the order until these three things occur: The Secretary of Defense submits an estimate of the costs associated with the GPS interference; two, it directs the Secretary of Defense to contract with the National Academies of Science and Engineering for an independent technical review; and, three, then the bill further directs the Secretary of Defense to create a process to ensure that our Nation's military is reimbursed directly by Ligado for the interference that they caused. In short, it makes sure that we are not wasting taxpayer money to fix the problems that Ligado is causing.

These are just a few of the reasons this bill is more than just a military bill. First and foremost, it is what it is—a security bill. Every provision in this bill matters to our national security, but it also goes beyond that.

I think it is really important that Americans know that, with the bill, we are leaving a legacy for our children and our grandchildren. It is one that values peace, protects economic prosperity, and safeguards our freedoms.

You have to keep in mind that this bill has passed every year for 60 years. It is very unusual that something like this would happen. In fact, this is the only area where that has happened. We do know that the results are there. We know that it is going to pass. It has passed for 59 years, and it will pass for another year.

We are going to make sure that we put our military back to where it should be—back where it was prior to the last administration.

I think everyone should realize that we are still waiting for the last shot of amendments, and we are ready to go ahead and finish it. Conceivably, we can get this thing done before the Fourth of July recess. That could happen. We are talking about this coming Thursday. We are in the process of getting this done now.

In my opinion, it is the most important bill of the year, and we are going to get it finished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to start by thanking my friend from Oklahoma for his leadership on the NDAA. I think that record of 59 years of getting the bill passed is one I am envious of.

I wanted, personally, to thank him for his willingness to put into the original managers' package the intel authorization bill, which I know sometimes has controversy to it, and I am grateful for the chance for it to ride along on the NDAA.

I thank him for his leadership on this issue.

ELECTION SECURITY

Mr. President, I am here today because I fear the Senate is about to fail once again to protect our elections from foreign interference.

For the last 3 years, I worked as vice chairman of the Intel Committee to investigate Russia's attack on our democracy in 2016. I am proud of the fact that, with all the controversy about this subject matter, we are the only bipartisan investigation of Russian election interference to make it to the finish line.

The fifth volume of our report is at the ODNI right now for declassification. Any member of the public can read the first four volumes of declassified conclusions, and any Member of this body can read additional classified materials.

Our report offers a stark warning of Russia's intent to interfere in future U.S. elections and a clear roadmap for how to defend our democracy from

Russia or any other adversaries copying their playbook.

Unfortunately, the White House and the leadership on the majority side of the Senate seem to be the only ones not taking this threat seriously.

Since 2016, this body has failed to vote on a single piece of stand-alone election security legislation. Four times in the last year, I have come to the floor in an attempt to pass my bipartisan election security legislation, known as the FIRE Act, by unanimous consent, and each time these efforts were blocked by my Republican colleagues.

Of course, when they blocked it, they got what they were looking for. They earned applause from the President on Twitter. In a different time with a different President, this bill wouldn't be controversial at all. It would simply say to all Presidential campaigns going forward that if a foreign power reaches out to their campaign offering assistance or offering dirt on a political opponent, the appropriate response is not to say, thank-you; the appropriate response is to call the FBI.

What a sad statement about partisan politics in our country when we can't even agree on that. We can't even agree that there ought to be a duty to report an offer of foreign assistance in a Presidential campaign.

I introduced this legislation months before the facts came to light about the President's pressuring Ukraine into announcing politically motivated investigations into the Bidens. I am not here to rehash the impeachment trial, but I do want to note one thing. A number of my Republican colleagues justified their vote by saying that, while not impeachable, it was wrong for the President to solicit foreign interference in our elections.

I take my colleagues across the aisle at their word that they believe foreign interference has no place in our elections, but at some point you have to put your money where your mouth is.

We know the President tried to trade election favors with Ukraine. According to the new book from John Bolton, the President tried to trade political favors with Xi Jinping during trade negotiations. Maybe that happened; maybe it didn't. But I would be much more inclined to give the President the benefit of the doubt if he hadn't asked China to investigate the Bidens on national television, if he hadn't asked Russia to hack Hillary Clinton's emails during the 2016 campaign, or if he had shown even a shred of interest in defending our democracy from foreign interference over the last 4 years.

We are under attack from adversaries who see this new area of cyber warfare and disinformation as a golden opportunity to undermine American democracy. We cannot afford to have a system that allows Presidential candidates to welcome this interference with open arms. If we can't trust the President of the United States and his campaign to do the right thing and report foreign interference, then we need to require it by law.

I spent over a year inviting my colleagues across the aisle to work with us on this already—and I point out ''already''—bipartisan legislation. I have tried to answer every objection and work through the right channels to get this legislation to the floor as part of the NDAA. What did we do? We went back to the Intelligence Committee—again, the only committee engaged in a serious effort to prevent foreign election interference. We made sure this year's intel authorization bill included several provisions to strengthen our defenses ahead of the November elections. The committee voted 14 to 1 to pass an intel authorization bill that included the FIRE Act, the act that I just described, so that if a foreign government interferes or offers you assistance or offers you dirt, you don't say thanks; you call the FBI. So you can imagine my surprise and frustration when I learned of a backroom deal to strip the FIRE Act out of the Intelligence Committee's legislation because of a supposed turf war with another committee.

I am back again today because the security of our elections cannot wait. Let's not hide behind process or jurisdictional boundaries. The stakes are far too high to continue the partisan blockade of election security legislation that we have seen over the last 3 years.

If, behind closed doors, my Republican colleagues want to strip this legislation out of the NDAA, then I am going to offer it up as an amendment to force an up-or-down vote and put every Member of this body on the record: Are you for election security or are you for allowing foreign entities to interfere and offer assistance with no requirement to report?

More than ever, it is time to put country over party and defend our democracy from those who would do it harm. I encourage my colleagues to support this amendment and send a clear message: Foreign interference has no place in our elections.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Iowa.

MULTIEMPLOYER PENSION SYSTEM

Mr. GRASSLEY. Madam President, since I reclaimed chairmanship of the Finance Committee at the start of this Congress, one of my top priorities has been to fix the failing multiemployer pension system and to help secure retirement benefits of more than 10 million workers and retirees in these multiemployer plans.

This is especially important since 150 multiemployer plans have failed or terminated, and many others are expected to run out of money in the coming 10 years. In the decade after that, many more plans are expected to fail. In all, more than 1.5 million Americans would be affected by the failure of these multiemployer pension plans.

Now, the coronavirus has had its effect on these plans as well. We don't yet have a firm read on how much the economic downturn has affected plans' funding or even the Pension Benefit Guaranty Corporation's insurance fund backing up those plans that have failed. We expect more details on those issues later this summer.

Now, one thing that we do know for sure is that this problem is only going to get worse and more costly to resolve if we wait longer to solve it. That is why all this concentration at this point. Now we have a real opportunity to get it fixed—and hopefully this year.

Last November, Health, Education, Labor, and Pensions Committee chairman LAMAR ALEXANDER of Tennessee and I released a draft plan to reform the multiemployer pension system, protect retirees, and at the same time secure the PBGC's insurance fund. We received many thoughtful and constructive comments, and we worked over the past several months to address those comments to make our reform plan as effective and balanced as possible.

So what is standing in the way? The usual thing: You have got to have bipartisanship to get anything done in the U.S. Senate. The short answer is that the Democratic leadership doesn't seem to be very interested in working to find that bipartisan solution. They seem to think the no-strings bailout which they tried to force into the CARES Act in March and which now appears in the House's HEROES Act is somehow a take-it-or-leave-it proposition. That doesn't work very well, particularly in the Senate, where it takes bipartisanship to get anything done.

I would also hope that they are not playing election-year politics. If they are, then they are playing those election-year politics with the retirement security of millions of Americans. As every day goes on, the prospects of people retiring on what they thought they were going to retire on—these multiemployer plans—is getting less and less. Delaying a solution until next year is only going to make it more costly, and it will still require bipartisan support.

We can and we must do better if we want a healthy multiemployer system for the long haul. We have a chance to fix this problem long term. Otherwise, we will be right back here in 5 or 10 years dealing with the same problem.

To put this in perspective, let's consider what it means to do nothing and to leave the current law unchanged, versus what Chairman ALEXANDER and I propose in several key areas.

First, for retiree benefits, doing nothing means the PBGC insurance fund runs out of money in 2027. If the fund goes broke, that means the PBGC will only be able to pay benefits equal to the premium revenues that it receives, which are minimal compared to the potential claims. That means retirees could receive cuts in the range of 90 percent.

Let me say that another way. If these plans go broke and these people are forced into the government-run insurance backup plan, they are going to potentially get 90-percent cuts in their retirement. That is the necessity for us to work hard now to get this job done.

Now, in contrast, the plan Senator ALEXANDER and I are proposing would preserve benefits and ensure solvency of the PBGC's multiemployer system over the long run. It would save many failing plans by having the government pay a portion of benefits earlier than under current law. That would help the plan to stretch its assets much longer and at the same time preserve benefits as promised under that plan.

Second, for plans that aren't able to be saved, our proposal would increase the insurance guarantee amount from the current $12,870 maximum for a retiree with 30 years of service to over $20,000.

Benefits will be preserved with the help of additional support from employer and union stakeholders and a modest retiree insurance premium for retirees in plans that face financial challenges. That premium would be no more than 10 percent and eliminated entirely for older and disabled retirees, as well as for plans that are well funded. That is far better than the 90-percent cut that I already told you about if we just do nothing.

Doing nothing also means more and more plans will become underfunded or maybe even worse, insolvent, resulting in major benefit cuts and then only that very small benefit that is covered by the government's guaranty program, the insurance fund that we call the PBGC.

The Grassley-Alexander plan would provide relief to the failing plans, and, without an upfront benefit cut, it would restore the benefit cuts that some plans chose to make under the Multiemployer Pension Reform Act in 2014. It would also increase the PBGC insurance guarantee amount by more than 50 percent.

Third, for other plans not on the brink, doing nothing would mean that the current minority of multiemployer plans that are better funded would continue to shrink, with many more likely to move into the danger zone in the coming years. Our plan would provide significant funding reforms—with emphasis on reforms—to help prevent that from happening. In other words, those that are in pretty good shape wouldn't get worse.

Key variables, like the discount rate that plans use to estimate future assets and liability values, would be subject to new standards to help ensure that plans are funded to provide the benefits they promised. But we have taken to heart comments we have heard from stakeholders that those changes need to be phased in over a sufficient period of time to allow plans to transition smoothly.

Our plan would institute other changes to improve the early warning system so multiemployer plans can avoid flirting with the underfunding danger zone. It also provides needed oversight for plans in trouble, and it would provide unions and employers the opportunity to set up composite plans—a new type of hybrid retirement plan that enjoys wide bipartisan support.

Something pretty important to note, the fundamental tenet of the Grassley-Alexander reform plan is that all stakeholders have a role in fixing the multiemployer pension system that has been on the current path to failure now for four decades.

Employers and unions have a role in ensuring that adequate contributions are made to the plans to ensure sufficient funds to pay the promised benefits.

Plans have a role in ensuring that the PBGC insurance fund backing up those benefits is adequately funded through reasonable premiums, with higher risk plans contributing more for that insurance backup.

Employees and retirees have a role in contributing to the insurance coverage that protects their benefits, just like they do now for auto, home, and life insurance.

Last, but not least, is the Federal Government. I don't want to shock people, but if you study this, you will know that the government had a role in setting out the rules that have governed these plans and regulating the operation of these plans, so the government has a role in fixing the resulting situation we are in this very day. That means taxpayer funds may be needed to help the PBGC provide the partition relief for plans on the brink of failing, but those funds must come with important reforms to ensure that taxpayers are not back here on the hook again in 5 or 10 years.

This legislation I am talking about looks way ahead, solving two problems: the multiemployer pension plans individually—dozens of them—and also the insurance fund, the PBGC, that the government has for backup so it doesn't go broke by 2027. We take care of two big problems all at once. As I just said, we don't want to be back here in 5 or 10 years.

Unfortunately, no matter how sensible of a reform plan we come up with, it has no chance of success unless our Democratic colleagues are willing to sit down and discuss a comprehensive solution.

The other side has the idea of ''my way or the highway.'' That approach is not the pathway to a successful solution. That was clear when they tried that tactic during the negotiations of the CARES Act in March.

So how many times do I have to say it? We all know it, all 100 Senators know it—nothing happens in Congress without bipartisanship.

I invited our colleagues on the other side of the aisle—I have had more than one conversation with Speaker PELOSI—asking all to join me and Senator ALEXANDER in finding a bipartisan solution. That invitation still stands, and we remain ready to talk. Let's use the time that we have to negotiate a balanced, sensible solution to this increasingly critical problem so that we are ready whenever that opportunity presents itself to enact that solution this year. The retirees in each of our States, the businesses in each of our States, and the unions in each of our States that support these pension plans and our long-term Federal budget deserve no less consideration than what I have laid out.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 2740

Mr. LEAHY. Madam President, it may seem like a long time ago, but it was only 3 months ago when Congress came together, in a rare bipartisan fashion, and we passed the CARES Act. We did that to help address the unprecedented needs of the country and the American people as we began to address the global pandemic. It was the third emergency appropriations bill Congress has passed this year to address the impact of the coronavirus. Yet despite its scope and size, we knew then, and we all acknowledged then, that absent a miracle, it would not be the last emergency appropriations bill required.

At that time, we all knew the number of COVID cases would continue to grow at an alarming rate, as would the number of deaths. Each death has left in its wake friends, family, and loved ones, all devastated by a loss that can never be undone. In those 3 months, we have also seen our economy grind to a halt. More than 47 million men and women have filed for unemployment. Families are struggling to pay their bills. They are worried about putting food on the table, paying their rent, and caring for their children. Lines at food banks are at historic highs, including in my home State of Vermont. For many, the situation is desperate.

I wish we could say we were through the worst of it and things could now return to normal. We know that we cannot. Florida, Texas, Arizona, North

Carolina, Alabama, and Oklahoma, just to name a few, are seeing an alarming spike in cases. Health experts are ringing the alarm bell, including the Secretary of Health and Human Services, who had previously spent a lot of time trying to defend this administration's anemic response.

We all know this virus is far from vanquished. As numbers continue to rise across the Nation and new hot spots emerge, it is clear we are going to need another emergency appropriations bill to address this epidemic, and, frankly, we need it now.

At times like this, the country needs real leadership and vision. We need to get out in front of this crisis, not make all kinds of response after the fact. We know our leadership is not coming from the White House. The President has made very clear in his statements that he believes opening the economy and fighting the virus are competing actions. He gives the American people a false choice.

I believe that only if we effectively fight the virus are we then able to open the economy, whether in my State or any other State. Now, 6 weeks ago, the House of Representatives passed the Heroes Act. It is a strong proposal. It provides assistance to struggling families. It supports State and local governments. It battles the virus by sponsoring a responsible testing program. It recognizes the sacrifices being made by grocery store clerks, first responders, nurses, doctors, truckers, and more. It makes critical changes to programs such as SNAP, which supports those among us who are struggling the most.

Let's talk about what we have done. The first week or the second week or the third week or the fourth week or the fifth week or the sixth week since the House passed that bill, what has the Senate done? Nothing. Despite numerous calls from myself and Democratic leadership in the Senate, weeks have gone by and the White House and the Republican majority refuse to move forward on a bill, or even start negotiations.

In fact, the majority leader has publicly stated that he and the White House want to take ''a pause'' before considering any further emergency legislation related to COVID–19. The White House alternates between silence on the issue and sending contradictory messages of what it thinks needs to be done. While we wait, cases continue to climb; the death toll mounts; and people continue to struggle. You cannot tell the people who have COVID to pause and it will go away.

You cannot tell the doctors and nurses who are working around-the-clock and to the point of exhaustion to just pause. That does not work. The fact is, they are dealing with this every single day and night, 7 days a week. They would love to have a pause, but the reality is such that they cannot.

To those who say it is premature to act on another bill—well, let's look at what we already know. At the end of July, the Federal pandemic unemployment compensation program that Congress included in the CARES Act expires. That is next month. Next month starts tomorrow. This program provides an additional $600 per week in unemployment benefits to more than 28 million Americans. In many cases, the money is the difference between paying the rent and getting evicted. The money keeps the electricity on and food on the table. It feeds the children. At the same time, many State-initiated eviction moratoriums expire next month, which begins in just a few hours, as does the eviction moratorium for people in federally assisted housing included in the CARES Act. It is a one-two punch with the end of Federal benefits and the end of eviction protections, which will potentially displace a record number of Americans into homelessness. As eviction proceedings mount and Americans find they have no way to pay for alternative housing, the homeless shelters will almost certainly swell. But the shelters themselves are already over capacity and ill-equipped to handle an influx. We must act.

What about our struggling small businesses? The small businesses in my State of Vermont are the backbone of our economy. What about them? As of today, the Small Business Administration can no longer approve loans for the popular Paycheck Protection Program.

Parents are worried about their children. They struggle to find safe childcare. They wonder, Are schools going to open in the fall or not? And when they open, many schools will be using some form of online instruction. Over 16 million children in this country do not have internet service at home, and 12 million children do not have a home computer or laptop to use. This is the wealthiest nation in the world. We need to close this gap by providing reliable internet and broadband service to the millions of households in this country who do not have it. All kids deserve a good education, not just those from families who can afford it. Coming from a rural State, this is something I am particularly concerned about. We can't wait until the fall to figure this out; it will be too late.

I know that every Senator here has rural areas in his or her State, and in a lot of those areas there is no internet service.

We also know we need to protect our elections. Due to the pandemic, voters are using common sense, and they are choosing to vote by mail in record numbers, something we have already done in Vermont, but many States aren't prepared to meet this demand. They look at us. Every one of us will say, yes, of course we want to protect voters; of course, we want to protect voters; of course, every vote counts; of course, it is the American way to vote; of course, we want people to vote. Ha, ha, and ha. Congress has provided only a fraction of the funding needed by States to prepare for the general election. Voters don't have to choose between exercising their constitutional right of voting or getting very ill.

Now, we know States cannot cover election costs on their own. They are cash-strapped already from responding to the coronavirus pandemic. The Wall Street Journal has estimated that State and local governments have already furloughed or eliminated 1.5 million jobs since the pandemic began. That might look like just a statistic to some, but these are teachers; these are firefighters; and these are healthcare workers. Congress, for the sake of this country, needs to enact another tranche of funding for State and local governments. We have to help them deal with lost revenue or our economy is not going to recover. It will never recover.

As revenues fall and costs to address COVID increase, Native American Tribes have also been forced to furlough workers, curtail healthcare services, and in some cases close down clinics entirely.

There are numerous other examples of urgent needs, too many to list. Due to declining revenues and incoming fees, the United States Citizenship and Immigration Services—USCIS—may be forced to cut back drastically on services and furlough at least 13,000 employees, including up to 1,700 in Vermont, by August 2. That is 4 short weeks from now. The notice to these employees went out this week, leaving these dedicated employees and their families in limbo wondering if they will have a job in August and wondering why Congress will not act to prevent it.

COVID has caused a 3-month delay in field operations for the Census, and the Department of Commerce needs additional money to ensure we get an accurate count. Our federal prisons, a hotspot for COVID, have already depleted the money we provided to them in CARES and need more if they are to prevent further outbreaks. Even the Senate has depleted the funding Congress provided in CARES to conduct deep cleaning of the Capitol and Senate and House buildings and to provide important personal protective equipment for Senators and staff.

It is also imperative for America to step up and address the pandemic abroad. We are part of the world. The COVID-related needs around the world are spiking. We cannot defeat the virus right here at home if we do not act now to assist other countries in the global fight against this pandemic as we have in the past. Senate Republicans and President Trump must demonstrate leadership. You are not going to stop this health crisis by tweets; you are going to stop it by real action.

Now, in a few short days, the Senate is going to recess for 2 weeks. If we do nothing else before the Senate goes out of session, we should do what all the experts agree is needed if we are going to defeat this virus: Create a comprehensive testing and contact tracing

program and provide the resources needed to implement it for all 50 of our States. This is how other countries have succeeded in flattening the curve and containing the spread.

Yet, in a shocking abdication of leadership, the President has thrown up his hands. He has walked away from this issue. He even said at a recent campaign rally that we should be doing less testing, not more. That is not leadership; that is politics. That is not keeping Americans safe. I want all Americans to be safe. I do not care whether they are Republicans, Democrats, or Independents. I want all Americans to be safe.

His political Press Secretary tried to say he was kidding, but he said he was not. The Federal Government recently announced it shut down numerous federally funded testing sites across the country, including seven in Texas where cases are rising. It is astonishing.

I have been in the Senate with Republican and Democratic Presidents alike, from the time of President Ford. All of these Presidents, in both parties, were willing to show leadership in serious matters, but if this President cannot or will not show leadership, then the Congress must step in and do it.

I will tell you what I learned when I came here. I never expected to become the dean of the Senate, but I think about it often. I was told by both Republican and Democratic leaders at that time that the Senate can and should be the conscience of the Nation. I have seen Republicans and Democrats come together and exercise that conscience at times when we so need it. Where is that now? Nobody owns a seat in the U.S. Senate, but we are given 6-year terms in which we should be able to think of doing the right thing and not just worry about the next tweet or the next newsbreak or what is said 5 minutes from now. We have 6-year terms so that we can sit back and do what is right. Let us be the conscience of the Nation. I have always been proud of this body when I have seen Republicans and Democrats come together and do that.

The Heroes Act passed 6 weeks ago in the House. It created the COVID–19 National Testing and Contact Tracing Initiative. It requires the Department of Health and Human Services, in coordination with State and local governments, to develop a comprehensive testing, contact tracing, surveillance, and monitoring system. It provides $75 billion to implement it. If we want to save lives, if we want to reopen the country, and if we want to get our economy going again, we ought to at least pass this initiative. I want my family to be safe. I want my wife and my children to be safe and their children and their spouses to be safe. I want all Vermonters and everybody in all 50 of our States to be safe, and we need testing.

I am soon going to ask unanimous consent on a particular item, and I understand that Senator ALEXANDER is going to come to the floor to object, so I will withhold making that request.

There are only 100 of us. We represent over 320 million Americans, across the political spectrum. They are all races and all economic backgrounds. They are all ages. But they have 100 people who can speak for them and speak for the conscience of this Nation.

I am proud to be a U.S. Senator, but I am not proud when we don't stand up and act as the conscience of the Nation. What is the use of being one of the 100 people who represent this great country, who represent and know and hold the history of this country, who have helped shape the history of this country through treaties, through constitutional amendments, and through debates on everything? What does it do to be a Member of the 100 in this body if we cannot reflect the conscience of the Nation?

Now, as Senator ALEXANDER is not yet here, I am going to suggest the absence of a quorum, but I want to ask unanimous consent that I be the person next recognized to call off that quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, as I noted before, I was withholding a unanimous consent request until the very distinguished senior Senator was here.

So I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 140, H.R. 2740; that the Leahy substitute amendment that would provide funding for COVID testing and tracing and is at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I am glad to see my distinguished friend from Vermont of many years, and what I would like to say to him is that we, all together, appropriated a record amount of $3 trillion—another $3 trillion in credit—most of which, much of which has not even been spent yet, and some of which hasn't been distributed to States yet. We are in the midst of reviewing the spending of that money. I know our own committee has had five hearings this month on COVID and its consequences, and I think the wiser course with the taxpayers' money is to wait until the $3 trillion we have appropriated has been distributed to States, has been spent, and is carefully reviewed. In the meantime, we will work very closely with our friends on the other side to determine what else needs to be done during the month of July. So I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Vermont.

S. 4049

Mr. SANDERS. Madam President, in this unprecedented moment in American history, I think there is a crying out all across this country for us to rethink who we are as a nation and what our national priorities are.

Whether it is fighting against systemic racism and police brutality, whether it is the need to combat climate change and transform our energy system away from fossil fuel, whether it is the absurdity of being the only major country on Earth not to guarantee healthcare to all people as a human right, or whether it is the grotesque level of income and wealth inequality, where three people today own more wealth than the bottom half of our Nation, all across this country people are crying out for change—real change.

When we talk about the need for real change, it is beyond comprehension the degree to which Congress continues to ignore our bloated $740 billion defense budget. We talk about everything. Democrats and Republicans disagree on almost everything, but when it comes to this huge budget, which has gone up by over $100 billion since Trump has been President, there is, unfortunately, a broad consensus, and that is wrong.

Year after year, Democrats and Republicans come together with minimal debate to support an exploding Pentagon budget, which is now higher than that of the next 11 nations combined and represents some 53 percent of our discretionary spending. We are spending more on the military than the next 11 nations combined. That is Russia, China, UK, France, and you name it. That is more than all of them combined, and we are spending on the military budget over half of our discretionary spending.

Incredibly—and I know we don't talk about this too much—after adjusting for inflation, we are now spending more on the military than we did during the height of the Cold War, when we were in opposition to the Soviet Union, a major superpower, or during the wars in Vietnam and Korea. After adjusting for inflation, we are spending more today than we did during the time of the Vietnam war.

This extraordinary level of military spending comes at a time when the Department of Defense is the only agency

of our Federal Government that has not been able to pass an independent audit. It comes at a time when defense contractors are making enormous profits while paying their CEOs exorbitant compensation packages and when the so-called War on Terror will end up costing us some $6 trillion. This is an agency that has not passed an independent audit.

I believe this is a moment in history when it would be a very good idea for the American people and my colleagues here in the Senate to remember the very profound statement made by Republican President Dwight D. Eisenhower back in 1953. I think all of us remember that Eisenhower was a four-star general who led the Allied forces to victory in Europe. He knew a little bit about the military.

Eisenhower said:

> Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

What Eisenhower said 67 years ago was true then. It is true now. If the horrific pandemic we are now experiencing has taught us anything, it is that ''national security'' means a lot more than building bombs, missiles, jet fighters, tanks, submarines, nuclear warheads, and other weapons of mass destruction.

''National security'' also means doing everything that we can to make sure that every man, woman, and child in this country lives with dignity and security, and that includes many people and many communities around this country that have been abandoned by our government decade after decade.

Without a moment's hesitation, we spend billions and billions on the military, while we come to work and step over people who are sleeping out on the streets and move away from communities where children are getting totally inadequate educations and where teachers are underpaid.

I believe that the time is long overdue to begin the transformation of our national priorities, and I cannot think of a better way to do that than by cutting military spending.

I have, for this bill, filed three separate amendments, and I would like to discuss them briefly.

The first amendment would reduce the military budget by 10 percent and use the $74 billion in savings to invest in distressed communities around the country that have been ravaged by extreme poverty, mass incarceration, deindustrialization, and decades of neglect. We are proposing to transfer money from the military into distressed communities all over this country where people are suffering, where people are hurting, where people are unemployed, where people don't have any healthcare, where infrastructure is crumbling, where people need help.

This amendment is being cosponsored by the Senators from Massachusetts—Senator MARKEY and Senator WARREN. Importantly—and I hope my colleagues hear this—this amendment has the support of more than 60 organizations throughout this country, representing millions of workers, environmentalists, and religious leaders, including Public Citizen, Union of Concerned Scientists, Physicians for Social Responsibility, Greenpeace, and the United Methodist Church.

At a time when more Americans have died from the coronavirus than were killed in World War I, when over 30 million people have lost their jobs in recent months, when tens of millions of Americans are in danger of being evicted from their homes, when education in America, from childcare to graduate school, is in desperate need of reform, when over half a million Americans are homeless, when close to 100 million people are either uninsured or underinsured, now is the time to invest in our people, in jobs, in education, in housing, and in healthcare—not in more nuclear weapons, not in more tanks, not in more guns.

Under this amendment, distressed cities and towns in every State in this country would be able to use these funds to create jobs by building affordable housing, building new schools, childcare facilities, community health centers, public hospitals, libraries, sustainable energy projects, and clean drinking water facilities.

These communities would also receive Federal funding to hire more public schoolteachers, provide nutritious meals to children and parents, and offer free tuition at public colleges, universities, or trade schools.

This is a pivotal moment in American history, and it is time to respond to those crises that we are facing by transforming our national priorities.

Do we really want to spend more—billions more—on endless wars in the Middle East, or do we want to provide decent jobs to millions of Americans who are now unemployed? Do we want to spend more money on nuclear weapons, or do we want to invest in a childcare system that is dysfunctional, in an education system where community after community lacks the funds to provide decent, quality education for their kids? Do we want to invest in affordable housing when half a million Americans are homeless and 18 million families in America are spending half of their incomes on housing?

Those are the choices that we face, and I think the American people are clear that the time is now to invest in our people, not in more weapons systems.

When we analyze the Defense Department budget, it is very interesting to note that Congress has appropriated so much money for the Defense Department that the Pentagon literally does not know what to do with it. According to the GAO, between 2013 and 2018, the Pentagon returned more than $80 billion in funding back to the Treasury.

People sleep out on the streets, children go hungry, schools are crumbling, people have no health insurance, but we have given the Department of Defense so much money that they are actually returning some of it back to the government.

In my view, the time is long overdue for us to take a hard look not only at the size of the Pentagon budget but at the enormous amount of waste, cost overruns, fraud, and the financial mismanagement that has plagued the Department of Defense for decades.

Let us be clear. About half of the Pentagon's budget—and people, I think, don't know this—goes directly into the hands of private contractors, not the troops. Over the past two decades, virtually every major defense contractor in the United States has paid millions and millions of dollars in fines and settlements for misconduct and fraud, all while making huge profits on those government contracts. This is at a time when we are not very vigorous in terms of our oversight.

Despite that, since 1995, Boeing, Lockheed Martin, and United Technologies have paid over $3 billion in fines or related settlements for fraud or misconduct—$3 billion. That is what they have been caught doing. That is what they have been found guilty of or agreed to in a settlement. God knows what else is going on that we still don't know about.

Yet those same three companies received around $1 trillion in defense contracts over the past two decades alone.

Further, I find it interesting that the very same defense contractors that have been found guilty or reached settlements for fraud are also paying their CEOs excessive compensation packages.

Last year, the CEOs of Lockheed Martin and Northrup Grumman both made around $20 million in total compensation, while around 90 percent of the companies' revenue came from defense contracts. In other words, these companies—and I am talking about Lockheed Martin and Northrup Grumman—for all intents and purposes, are governmental agencies. Over 90 percent of their revenue comes from the taxpayers. Yet the CEOs of those companies made over 100 times more than the Secretary of Defense. It is not too surprising, therefore, that we have a revolving door where our military people end up on the boards of directors of these major defense companies.

Moreover, as the GAO has told us, there are massive cost overruns in the Defense Department's acquisition budget that we have to address. According to GAO, the Pentagon's $1.8 trillion acquisition portfolio currently suffers from more than $628 billion in cost overruns, with much of the cost growth taking place after production. In other words, they quote a price, and then they come back after they get the contract and say: Oh, we made a slight mistake; you are going to have pay

twice as much or 50 percent more, whatever it might be, for the weapons system you wanted.

GAO tells us that ''many DoD programs fall short of cost, schedule, and performance expectations, meaning DoD pays more than anticipated, can buy less than expected, and, in some cases, delivers less capability to the warfighter.''

A major reason why there is so much waste, fraud, and abuse at the Pentagon is the fact that the Department of Defense remains the only Federal agency that hasn't been able to pass an independent audit. That is why I have filed an amendment with Senators GRASSLEY, WYDEN, and LEE that would require the Defense Department to pass a clean audit no later than fiscal year 2025.

When you have an agency that spends some $700 billion, I don't think it is too much to ask that we have an independent audit of the Department of Defense.

Interestingly enough, many of us will recall what then-Secretary of Defense Donald Rumsfeld—not one of my favorite public officials—told the American people on the day before 9/11 about the serious financial mismanagement at the DOD. Here is what Donald Rumsfeld said. Needless to say, the following day was 9/11. That was the terrorist attack against the United States, so what Rumsfeld said the day before that never got a whole lot of attention. But this is what a conservative Republican Secretary of Defense said:

Our financial systems are decades old. According to some estimates, we cannot track $2.3 trillion in transactions. We cannot share information from floor to floor in this building—

That is the Pentagon.

because it's stored on dozens of technological systems that are inaccessible or incompatible.

And yet, nearly 20 years after Donald Rumsfeld's statement, the Defense Department has still not passed a clean audit, despite the fact that the Pentagon controls assets in excess of $2.2 trillion or, roughly, 70 percent of what the entire Federal Government owns.

The Commission on Wartime Contracting in Iraq and Afghanistan concluded in 2011 that $31 billion to $60 billion spent in Iraq and Afghanistan had been lost to fraud and waste.

Separately, in 2015, the Special Inspector General for Afghanistan Reconstruction reported that the Pentagon could not account for $45 billion in funding for reconstruction projects. More recently, an audit conducted by Ernst & Young for the Defense Logistics Agency found that it could not properly account for some $800 million in construction projects.

It is time to hold the Defense Department to the same level of accountability as the rest of the government. That is not a radical idea. And support for this concept is bipartisan. That is why I am delighted that this amendment is supported by Senators GRASSLEY and LEE, as well as Senator WYDEN, and we hope it will be supported by a strong majority of the Members of the body.

I believe in a strong military, but we cannot continue to give more money to the Pentagon than it needs when millions of children in our country are food insecure—there are kids all over this country, in every State in this country, who are hungry—and when we have 140 million people who cannot afford the basic necessities of life without going into debt.

Further, let us be very clear, when we are talking about the need to protect the American people, we are talking about the need to defeat our most immediate adversary right now, an adversary that has taken in recent months over 120,000 American lives, and that, of course, is the coronavirus.

When we talk about defense, when we talk about protecting the American people, we must get our priorities right and do everything we can to protect the American people from the coronavirus. I don't think nuclear weapons are going to do it. I don't think tanks are going to do it. I don't think F–35s are going to do it. But we need to do everything we can to protect the lives and the health of the American people in terms of the coronavirus.

What virtually every scientist who has studied this issue will tell us—and they just told me that this morning as a member of the HELP Committee—is that the most effective way to prevent the transmission of this deadly virus and to stop unnecessary deaths from COVID–19 is for everybody in this country to wear a mask. It is not rocket science, not very complicated, but if you wear a mask when you are in contact with other people, the likelihood that you will spread the virus or get the virus is significantly reduced.

That is why I have filed an amendment which requires the Trump administration to use the Defense Production Act to manufacture the hundreds and hundreds of millions of high-quality masks that this country needs and to deliver them to every household in America.

This is not a radical idea. It is an idea that is being implemented all across the world, in countries like South Korea, France, Turkey, Austria, and many other countries; that is, they are distributing high-quality face masks to all of their people for free or at virtually no cost. That is what I believe we have to do.

There was a study that just came out from the University of Washington very recently, which suggested that if 95 percent of the American people wore face masks when they interact with others, we could save some 30,000 lives and hundreds of billions of dollars.

I think this is a commonsense amendment. It is beyond my comprehension how in the wealthiest nation in the world, with the strongest economy, we have not been able to produce the personal protective equipment—the masks, gowns, gloves—that our doctors and nurses and medical personnel need. We have to do that, but we also have to produce the masks that the American people need.

As everyone knows, over the past 3 months, the coronavirus has infected more than 2.5 million Americans and caused nearly 130,000 deaths. More Americans have died from the coronavirus than were killed fighting in the wars in Korea, Vietnam, Afghanistan, and Iraq combined.

Sadly, there is new evidence that this pandemic is far from over and may kill many tens of thousands more. In the past few days, new COVID–19 cases in the United States have increased dramatically—jumping to their highest level in 2 months and returning to where they were at the peak of the outbreak.

If we take bold action now, we could prevent tens of thousands of Americans from dying. That is exactly what we have to do. Unfortunately, the Trump administration continues to endanger millions of Americans by ignoring the most basic recommendations of medical professionals and recklessly downplaying the most effective tool we have to contain the pandemic; that is, simply wearing a mask.

This amendment is nothing more than listening to science and saving lives. Again, this morning, I participated in a hearing with Dr. Fauci and many others from the Trump administration. They were very clear: Masks work. Social distancing works. And we should listen to the scientists.

We are, as I mentioned earlier, at a pivotal moment in American history. We as elected officials have to respond in a transformational way. We have to stand up for people. We have to rethink the way we have done things in the past. The amendments I have offered begin the process of changing American priorities. I hope all three of those amendments will pass.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky.

STOPPING IMPROPER PAYMENTS TO DECEASED PEOPLE ACT

Mr. PAUL. Madam President, I think it is a terrible thing that the government pays checks to dead people. The problem is that Social Security is not sharing that information with Treasury. I have a bill to do that and will ask unanimous consent for it to be joined with Senator CARPER's bill and Senator KENNEDY's bill.

At this point, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4104, introduced earlier today. I ask further that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. CARPER. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, 7 years ago, the Government Accountability Office included in its recommendations—something called the High Risk List—a way for us to stop wasting money, which was not to send checks to dead people. It was called improper payments to deceased. The GAO said there was a way to fix this, a way to stop this, and it proposed a way to stop it.

I worked with the late Tom Coburn to craft and introduce that idea from the GAO into legislation. It cleared the Homeland Security and Governmental Affairs Committee not once, not twice, not three times but, I think, four times. Since the departure of Tom Coburn, it has been cosponsored by other Republicans, including, most recently, by JOHN KENNEDY of Louisiana.

Improper payments are a huge deal for our Federal Government. The Government Accountability Office tells us that, last year, improper payments, overpayments, mistaken payments, and so forth were about $150 billion. That is billion with a ''b.'' The GAO thinks we ought to do something about it, and it has been thinking we ought to have done something about it for a long time.

The person who is the leader of the Government Accountability Office is a fellow named Gene Dodaro. He has been the Comptroller General for, I think, gosh, a decade or more. I was talking to Comptroller General Gene Dodaro the other night. It was right after it was reported last week that Treasury had sent out $1.4 billion worth of checks to people who were deceased. It actually sent out checks with the word ''deceased'' printed on the checks for all of these dead people, and one of the people who got a check marked ''deceased'' was Comptroller General Gene Dodaro's mother who died in 2018.

I happened to be on the phone last Thursday—I was talking to somebody on my cell phone—when I got interrupted by a call from a woman in Delaware whom I knew.

She was calling to say: I just heard on MSNBC that Treasury sent $1.4 billion worth of checks to dead people. Why don't you do something about it?

We have been talking and thinking about doing something about it for a long time, and we are still talking about doing something about it. I think the time has come to do something about it. That is sort of where we are at this point in time.

I understand this has been discussed off the floor for a little bit, and maybe one of our colleagues has an objection to the consideration of this bill by unanimous consent. It ain't like it hasn't been out there for people to raise objections to it, to raise concerns. They have had 7 years in which to do that, and for 7 years, the GAO has said to please fix this part of the improper payments program. This doesn't fix $150 billion, but it certainly is a good start. I don't know anybody in his right mind who would say we should send checks and continue to send checks to folks who are deceased. It just makes no sense. It didn't make sense in 2013, when the idea was first presented on the High Risk List by the GAO, and it doesn't make sense today.

Mr. KENNEDY. Will the Senator yield?

Mr. CARPER. I am happy to yield.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Madam President, I want to associate myself with the eloquent remarks of Senator CARPER.

I don't need to remind everyone that we have $25 trillion worth of taxpayer debt—not our debt, taxpayer debt. It is more than $25 trillion. If we add in the mandatory spending—the Medicare, the Medicaid, Social Security—it is over $100 trillion, which is the entire net worth of the American people. For the most prosperous country in all of human history, it is just barely over $100 trillion.

As Senator CARPER said, my constituents ask all the time: Why don't you do something about it? Why don't you just set priorities?

Now, we have had a lot of wasteful spending—all of us in the U.S. Congress—going back years. I don't need to remind everyone of some of the wasteful spending, but this is why people are so cynical.

In the past, this Congress, not this particular Congress, spent $370,000 to study whether mothers love dogs as much as their kids. In the past, the U.S. Congress spent $700,000 to restore a Buddhist temple in Vietnam. In the past, not this Congress but a past Congress spent $400,000, which it gave to a major university—I kid you not—to study the oddity of the duck penis. Yet we just set a record. We just sent $1.4 billion to 1.1 million people in America who are deceased when we owe $25 trillion, and we know they are deceased.

Senator CARPER's bill, which he has been working on for 7 years, and my bill, which I have been working on with him for the last 3½ years, will stop this. It is not a heavy lift.

I am not criticizing the Treasury Department. It did a great job of sending out about $270 billion to 161 million people through the CARES Act, and I thank it for that, but do you know the problem? The problem is it sent $1.4 billion to 1.1 million dead people. Why did that happen?

Here is why: We have what is called the Death Master File. If you die in America, your State or others in your State send to the Social Security Administration the fact that you are dead. The Social Security Administration makes a list that is called the Death Master File. It is not a perfect list, but it is fairly accurate and can be better. The problem is, the Social Security Administration has taken the position for years that it can only share the Death Master File with a few other agencies.

It has said: We don't have the authority to share it with other agencies, only with a couple of agencies.

Guess which one agency it couldn't share the death file with—the Department of the Treasury. That is why we wasted $1.4 billion.

It is a very simple fix, and Senator CARPER has worked on it for 7 years. Here is what our bill will do. It is really quite simple.

First of all, it tells the Social Security Administration to share the death records with everybody in the Federal Government who writes checks so we don't send dead people money. Duh.

It will allow Federal agencies access to each other's databases. Imagine that. They would talk to each other.

It would direct agencies to use this information to curb improper payments, and it would direct the Social Security Administration to do a better job.

Now, how simple is that? How simple is that? We are spending, right now, $800 million a year. That is on top of the $1.4 billion that we just wasted—took and threw it in the dirt. We threw it in the dirt. Like clockwork, every year we send $800 million to dead people. It has all been in the papers, and it is a very easy fix, and that is what Senator CARPER's and my bill does.

I yield the floor.

Mr. PAUL. Madam President, at this point we have a pending motion.

The PRESIDING OFFICER. There is a unanimous consent request pending. There is a reservation and the right to object.

Mr. PAUL. Madam President, I am asking, are there any objections? If there are no objections, I guess it passes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 4104) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4104

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stopping Improper Payments to Deceased People Act''.

SEC. 2. DISTRIBUTION OF DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—

(A) in paragraph (2)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by inserting '', and to ensure the completeness, timeliness, and accuracy of,'' after ''transmitting'';

(B) by striking paragraphs (3), (4), and (5) and inserting the following:

''(3)(A) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency, the Commissioner of Social Security shall, to the extent feasible, provide such information through a cooperative arrangement with such agency for ensuring proper payment of those benefits with respect to such individuals if—

''(i) under such arrangement the agency agrees to such safeguards as the Commissioner determines are necessary or appropriate to protect the information from unauthorized use or disclosure;

''(ii) under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, including the reasonable costs associated with the collection and maintenance of information regarding deceased individuals furnished to the Commissioner pursuant to paragraph (1); and

''(iii) such arrangement does not conflict with the duties of the Commissioner of Social Security under paragraph (1).

''(B) The Commissioner of Social Security shall, to the extent feasible, provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection, through a cooperative arrangement in order for a Federal agency to carry out any of the following purposes, if the requirements of clauses (i), (ii), and (iii) of subparagraph (A) are met:

''(i) Under such arrangement, the agency operating the Do Not Pay working system established under section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 may compare death information disclosed by the Commissioner with personally identifiable information reviewed through the working system, and may redisclose such comparison of information, as appropriate, to any Federal or State agency authorized to use the working system.

''(ii) The tax administration duties of the agency.

''(iii) Oversight activities of the Inspector General of an agency that is provided information regarding all deceased individuals pursuant to this subsection.

''(iv) Civil or criminal enforcement activities that are authorized by law.

''(C) With respect to the reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out a cooperative arrangement described in subparagraph (A) between the Commissioner of Social Security and an agency, the Commissioner shall—

''(i) establish a defined calculation method for purposes of calculating the reasonable cost of carrying out the arrangement that does not take into account any services, information, or unrelated payments provided by the agency to the Commissioner; and

''(ii) reimbursement payments shall be accounted for and recorded separately from other transactions.

''(4) The Commissioner of Social Security may enter into similar arrangements with States to provide information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for use by States in programs wholly funded by the States, or for use in the administration of a benefit pension plan or retirement system for employees of a State or a political subdivision thereof, if the requirements of clauses (i), (ii), and (iii) of paragraph (3)(A) are met. For purposes of this paragraph, the terms retirement system and political subdivision have the meanings given such terms in section 218(b).

''(5) The Commissioner of Social Security may use or provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for statistical purposes and research activities by Federal and State agencies (including research activities conducted under a contract or a cooperative arrangement (as such terms are defined for purposes of sections 6303 and 6305, respectively, of title 31, United States Code) with such an agency) if the requirements of clauses (i) and (ii) of paragraph (3)(A) are met.''; and

(C) in paragraph (8)(A)(i), by striking ''subparagraphs (A) and (B) of paragraph (3)'' and inserting ''clauses (i), (ii), and (iii) of paragraph (3)(A)''.

(2) REPEAL.—Effective on the date that is 5 years after the date of enactment of this Act, the amendments made by this subsection to paragraphs (3), (4), (5), and (8) of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) are repealed, and the provisions of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) so amended are restored and revived as if such amendments had not been enacted.

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Section 6103(d)(4) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraphs (A) and (B), by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''; and

(B) in subparagraph (B)(ii), by striking ''such Secretary'' and all that follows through ''deceased individuals.'' and inserting ''such Commissioner pursuant to such contract, except that such contract may provide that such information is only to be used by the Social Security Administration (or any other Federal agency) for purposes authorized in the Social Security Act or this title.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect 180 days after the date of enactment of this Act.

(c) REPORT TO CONGRESS ON ALTERNATIVE SOURCES OF DEATH DATA.—

(1) REQUIREMENTS.—The Commissioner of Social Security, in coordination with the Secretary of the Treasury, shall conduct a review of potential alternative sources of death data maintained by the non-Federal sources, including sources maintained by State agencies or associations of State agencies, for use by Federal agencies and programs. The review shall include analyses of—

(A) the accuracy and completeness of such data;

(B) interoperability of such data;

(C) the extent to which there is efficient accessibility of such data by Federal agencies;

(D) the cost to Federal agencies of accessing and maintaining such data;

(E) the security of such data;

(F) the reliability of such data; and

(G) a comparison of the potential alternate sources of death data to the death data distributed by the Commissioner of Social Security.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the results of the review and analyses required under paragraph (1). The report shall include a recommendation by the Director of the Office of Management and Budget regarding whether to extend the agency access to death data distributed by the Commissioner of Social Security provided under the amendments made by subsection (a)(1) beyond the date on which such amendments are to be repealed under subsection (a)(2).

SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended by adding at the end the following:

''SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERNMENT AGENCIES.

''(a) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Efficiency and the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget shall issue guidance for each agency or component of an agency that operates or maintains a database of information relating to beneficiaries, annuity recipients, or any purpose described in section 205(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with databases relating to the death of an individual (in this section referred to as death databases) would be relevant and necessary regarding implementation of this section to provide such agencies or components access to the death databases no later than 1 year after such date of enactment.

''(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services and the Secretary of the Treasury shall jointly develop a plan to assist States and local agencies, and Indian tribes and tribal organizations, in providing electronically to the Federal Government records relating to the death of individuals, which may include recommendations to Congress for any statutory changes or financial assistance to States and local agencies and Indian tribes and tribal organizations that are necessary to ensure States and local agencies and Indian tribes and tribal organizations can provide such records electronically. The plan may include recommendations for the authorization of appropriations or other funding to carry out the plan.

''(b) REPORTS.—

''(1) REPORT TO CONGRESS ON IMPROVING DATA MATCHING REGARDING PAYMENTS TO DECEASED INDIVIDUALS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, and in consultation with States and local agencies, Indian tribes and tribal organizations, shall submit to Congress a plan to improve how States and local agencies and Indian tribes and tribal organizations that provide benefits under a federally funded program will improve data matching with the Federal Government with respect to the death of individuals who are recipients of such benefits.

''(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and for each of the 4 succeeding years, the Secretary of the Treasury shall submit to Congress a report regarding the implementation of this section. The first report submitted under this paragraph shall include the recommendations of the Secretary required under subsection (a)(2).

''(c) DEFINITIONS.—In this section, the terms Indian tribe and tribal organization have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COMPLETENESS OF DEATH DATA MAINTAINED AND DISTRIBUTED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall submit to Congress a plan, which shall include an estimate of the cost of implementing the policies and procedures described in such plan, to improve the accuracy and completeness of the death data (including, where feasible and cost-effective, data regarding individuals who are not eligible for or receiving benefits under titles II or XVI of the Social Security Act) maintained and distributed by the Social Security Administration.

(b) CONTENT OF PLAN.—In developing the plan required under subsection (a), the Commissioner of Social Security shall consider whether to include the following elements:

(1) Procedures for—

(A) identifying individuals who are extremely elderly, as determined by the Commissioner, but for whom no record of death exists in the records of the Social Security Administration;

(B) verifying the information contained in the records of the Social Security Administration with respect to individuals described in subparagraph (A) and correcting any inaccuracies; and

(C) where appropriate, disclosing corrections made to the records of the Social Security Administration.

(2) Improved policies and procedures for identifying and correcting erroneous death records, including policies and procedures for—

(A) identifying individuals listed as dead who are actually alive;

(B) identifying individuals listed as alive who are actually dead; and

(C) allowing individuals or survivors of deceased individuals to notify the Social Security Administration of potential errors.

(3) Improved policies and procedures to identify and correct discrepancies in the records of the Social Security Administration, including social security number records.

(4) A process for employing statistical analysis of the death data maintained and distributed by the Social Security Administration to determine an estimate of the number of erroneous records.

(5) Recommendations for legislation, as necessary.

SEC. 5. REPORT ON INFORMATION SECURITY.

Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report to the Committees on Ways and Means, Oversight and Reform, and Homeland Security of the House of Representatives, and the Committees on Finance and Homeland Security and Governmental Affairs of the Senate that—

(1) identifies all information systems of the Social Security Administration containing sensitive information; and

(2) describes the measures the Commissioner is taking to secure and protect such information systems.

SEC. 6. LIMITED ACCESS TO DEATH INFORMATION MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION FOR RECOVERY OF ERRONEOUS REBATE PAYMENTS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 2, is further amended by adding at the end the following new paragraph:

''(10)(A) Notwithstanding any provision or requirement under paragraph (3), not later than 30 days after the date of enactment of this paragraph, the Commissioner of Social Security shall provide the Secretary with access to any records or information maintained by the Commissioner of Social Security pursuant to paragraph (1), provided that—

''(i) such records and information are used by the Secretary solely for purposes of carrying out subsection (h) of section 6428 of the Internal Revenue Code of 1986; and

''(ii) the Secretary agrees to establish safeguards to assure the maintenance of the confidentiality of any records or information disclosed.

''(B) In this paragraph, the term 'Secretary' means the Secretary of the Treasury or the Secretary's delegate.''.

(b) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—Section 6428 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

''(h) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—In the case of any individual who is shown on the records or information disclosed to the Secretary under section 205(r)(10) of the Social Security Act as being deceased before January 1, 2020, if the Secretary has distributed a payment to such individual pursuant to subsection (f), the Secretary shall, to the extent practicable, carry out any measures as are deemed appropriate to suspend, cancel, and recover such payment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. PAUL. Thank you.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I would now like to yield to Senator CARPER. I think I have the floor.

The PRESIDING OFFICER. The Senator has been recognized.

Mr. KENNEDY. I would like to yield to Senator CARPER, who I believe will have a motion with respect to our bill, which I call the Stop Paying Dead People Act.

I believe I still have the floor.

The PRESIDING OFFICER. The Senator does have the floor.

Mr. KENNEDY. I would like to yield, if he wishes the time, to Senator CARPER to make a motion. If he is not prepared to make a motion, I am.

The PRESIDING OFFICER (Mr. BOOZMAN). Is there objection to the yielding?

The Senator from Delaware.

Mr. CARPER. Senator WYDEN has some concerns about the legislation. Would he just take a couple minutes and explain what those are?

Again, I think my friend knows that it is something we have worked on for 7 years—same concept reported out of committee unanimously, repeatedly, and we are still waiting to get it done.

Let me yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, parliamentary inquiry: Has this bill passed now on UC?

The PRESIDING OFFICER. Which bill are you referring to?

The Paul bill passed, S. 4104.

Mr. WYDEN. The Paul bill passed that my colleagues are discussing.

The PRESIDING OFFICER. S. 4104 has passed.

Mr. WYDEN. All right. Well, I will just tell my colleagues—and I made it clear I was on my way here—I think that this is a flawed approach to a very serious problem, and the reason I feel this way, as the ranking Democrat on the Finance Committee, is this gives Social Security more responsibilities without any additional resources, and it comes at a time when I think there are going to be real challenges for Social Security as it tries to pay benefits.

Around here you always have a chance to take another crack at it. I was on my way over here to offer to work with my colleagues—the Senator from Louisiana, the Senator from Delaware—but apparently it was so important that I couldn't come over here and make that offer, and I think the Senate will regret this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to respond to that because the Senator from Oregon knows how much I admire him. But my understanding, after talking with his chief of staff—and as I said, Senator CARPER has been working on this for 7 years. I have been working on it for 3½ years.

We hotlined this bill, I think, last Thursday. We had no objections. Well, actually, I take that back. We had a couple of objections, and we worked them all out.

Then we got down here today at 3:25 to start, and we found out that Senator WYDEN had an objection, so we tried to reach Senator WYDEN. We couldn't. We talked to his chief of staff. I was listening to the call. He said that Senator WYDEN wasn't available. He didn't know when he would be available. We tried to do it tomorrow, but we weren't sure. That is why we—Senator CARPER and I—proceeded.

I am more than willing to sit down and work with Senator WYDEN. He knows that. We are working on a number of other bills together. But I want to reiterate the urgency of this. The American people are laughing at us. They are laughing at us. We sent out 1.1 million checks. Do you know what the check said? ''John Doe, deceased.'' It said: ''John Doe, deceased.'' The time has come to do something about it.

Now, something just passed. I am going to ask for a ruling from the Chair to find out what passed.

The PRESIDING OFFICER. S. 4104.

Mr. KENNEDY. Was that Senator PAUL's bill?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Combined with Senator CARPER's bill and my bill?

The PRESIDING OFFICER. Let me just read this:

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4104, introduced earlier today. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

So that was the entirety of the request.

The title is ''to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.''

Mr. KENNEDY. So if I might ask, does that mean that both bills together have passed?

The PRESIDING OFFICER. I am not sure what is in the bills, but I would assume that that is the case.

We did not have the paperwork beforehand.

Mr. KENNEDY. Mr. President, excuse me. My understanding is that Senator PAUL's bill and the Carper-Kennedy bill were merged together, so we had two bills.

Is my understanding correct?

The PRESIDING OFFICER. To be honest, the Chair cannot answer that.

Mr. KENNEDY. I believe the RECORD will reflect that is correct, that Senator PAUL—I am not asking you to comment on the accuracy of what I am about to say, but I believe the RECORD will reflect that Senator PAUL's bill was merged with the Carper-Kennedy bill and that those bills have passed as one bill.

Now, having said that, if Senator WYDEN or anybody else would like to sit down with Senator CARPER and me and make some improvements to the bill, I am more than happy to do this and to do that.

I will not speak for my good friend and mentor Senator CARPER, but I know he would share in my feelings, and I would extend that courtesy to Senator WYDEN and to any other Senator who would like to make some changes.

Let me reiterate again: This is a serious problem. We hotlined this bill on Thursday. We have worked out many difficult issues, and we found out that there was another Senator who couldn't be available—he said, 5 minutes ago—and that is why we proceeded. But I am willing to unproceed to work with RON or anybody else who wants to improve this bill. But improving this bill, for me, doesn't mean—I have only been here 3 or 4 years, but I have learned—I have learned the hard way—that sometimes negotiations can last years.

Do you know what? I have said it before: Doing nothing is hard. You never know when you are finished, and we need to do something on this.

I am embarrassed to go home. I feel like putting on a bag in the airplane when I get out so that my constituents will not see me. We sent out $1.4 billion of taxpayer money to 1.1 million dead people, and all we had to do was pass a simple bill that says to people at Social Security: Share your death file with the rest of your colleagues. What is controversial about that?

Mr. CARPER. Will the gentleman yield?

Mr. KENNEDY. Certainly.

Mr. CARPER. I think the concern raised by Senator WYDEN is if the Social Security Administration is going to be sharing this information not just with the IRS and a handful of agencies, there is going to be some cost involved in that sharing. That is a legitimate concern. Speaking for myself—and my guess is speaking for my friend from Louisiana—if there is an additional cost incurred by the Social Security Administration, I am sure it is going to be a lot less than $1.4 billion that we have just wasted in sending out these $1,200 checks over the last several months.

I will pledge—and will invite my friend from Louisiana to join me—to assure Senator WYDEN that we will work with him and his staff and the folks at the Social Security Administration to make sure that the Social Security Administration is made whole if the legislation that we have just apparently adopted here—if it actually is adopted and signed into law, we will make the Social Security Administration whole. That is a very fair thing to ask of us, and we should do that.

Mr. KENNEDY. Will the Senator yield?

Mr. CARPER. I would be happy to.

Mr. KENNEDY. Senator, do I understand correctly that one of Senator WYDEN's problems or issues is the cost?

Mr. CARPER. The cost that might be incurred by the Social Security Administration because they would be asked to share this information more widely among Federal agencies than they do today.

Mr. KENNEDY. Well, will the Senator yield for 30 seconds?

Then I would suggest, Senator CARPER, through the Presiding Officer, that we sit down with Senator WYDEN and try to address these very legitimate concerns.

For the moment, I happen to be chairman of the Financial Services and General Government Subcommittee in Appropriations, and it may be that we can address those concerns there, and I would be more than happy to.

But I am equally happy to report to the American people that the U.S. Senate finally did something to stop paying dead people hard-earned taxpayer money, and I want to give most of the credit to Senator CARPER because he is a patient man. He has been working on this for 7 years. He is a more patient man than I am.

I yield the floor.

Mr. CARPER. Mr. President, I thank my colleague for his work, his efforts, and his tenacity.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 4033

Ms. KLOBUCHAR. Mr. President, I come to the floor today to discuss the threats facing our upcoming elections—threats from the coronavirus and threats posed by foreign adversaries—and to once again urge my Republican colleagues to immediately take up legislation to address these threats.

As ranking member of the Rules Committee, I am proud to be speaking on the floor today with my Democratic colleagues—including Senators BLUMENTHAL, WARNER, DURBIN, COONS, and WYDEN—who will speak during the next hour on the need to protect our elections and make voting safe and easy throughout this pandemic and beyond. And that is safe and easy for Democrats, for Republicans, for Independents, for members of any party or anyone who wants to vote. This is not a partisan issue. Voting in our democracy is not a partisan issue. Everyone who wants to vote should be able to vote for whomever they want to vote for.

Today there are primaries happening in Colorado and Utah—two of the five States that vote almost entirely by mail—as well as Oklahoma.

As cases of coronavirus in this country rise, it is vital that all voters be able to cast their ballots from home, to cast their ballots by mail—a system that Colorado and Utah know to be safe and secure. We have heard Senator ROMNEY speak out strongly in defense of vote-by-mail and how it works in Utah. We have heard elected officials in Colorado, both Democrats and Republicans—these two States that have primaries today—say that their system works, that their democracies work.

This week we are also working to pass the National Defense Authorization Act. Colleagues, let me be clear. If we are concerned about defending our country, then we must protect our democracy, and if our elections are not safe, then our democracy is not secure. Election security is national security.

We shouldn't spend more on military bands—I love military bands, but we shouldn't spend more on military bands than we do on securing our elections on a Federal level—especially now, when we have foreign adversaries that the intelligence officials in the Trump administration have long said were emboldened by the last election—as in Russia—and will try to do this again.

We should not be spending more on military bands than securing our election on a Federal level when, in fact, we have a situation where a pandemic has made it unsafe for people to vote, especially seniors and people with preexisting conditions, especially our veterans.

The Government Accountability Office conducted a study and found that between 2012 and 2016, the U.S. military spent $1.5 billion on military bands. Since our elections were attacked by Russia in 2016, Congress has given $805 million to modernize our election systems and protect them from future attacks. That is about 6 percent of the cost of a new aircraft carrier. That was given to the States after the biggest attack on our elections in modern history. We now know they tried to get into every single State. They tried to hack. In Illinois, they got as close as the voter information.

What must we do? Now we face the immediate threat of COVID–19 as well as the threat we have known has been out there for years. I fought hard with Senator COONS and others to help secure $400 million, and I appreciate the work of my colleague Senator BLUNT, the chairman of the Rules Committee, in helping us to secure that funding, as well as Senator SHELBY and Senator LEAHY. We know that is not everything we need.

Election officials are using the money from the $805 million in election security funding that I already mentioned—which is supposed to be used to replace old election equipment and produce a paper record, but now we know that election officials in States that are already strapped for cash and facing enormous debts are having to buy protective masks, cleaning supplies, and are trying to figure out how they are going to keep polling locations open and safe versus postage and envelopes.

Last week I was glad to appear here with my friend Senator BLUNT. He has said that he is open to working with us on funding as well as making some corrections from the last bit of money that was sent out. He is also going to be holding a hearing in our committee on elections, which I truly appreciate during this time of pandemic.

As I said, elections are a matter of national security, and during a global pandemic, they are a matter of public health and safety. Contrary to what the President has been saying, I would rather put ballots in an envelope than put voters in the hospital. Yet our President keeps questioning the security of vote-by-mail. Yet we have Republican Senators like Senator ROMNEY who said security in their States works quite well.

Our job now is to realize that 25 percent of the people have been voting by mail in the last few Federal elections, and we want to greatly increase that number. We know that not everyone will vote by mail. We know part of the solution is having poll workers who are not as susceptible to the virus, who are in safe conditions. We know part of the solution is keeping the polls open as long as possible, early in States, like my State, which keeps the polls open weeks before an election so then voters don't congregate as much. We also know a big part of the solution is making voting by mail available to everyone.

We have seen what has happened when people can't vote safely. No one will forget the images of those voters in line in Milwaukee, in garbage bags and homemade masks, just waiting to exercise their right to vote. No one will forget the numbers—that dozens and dozens of them contracted the coronavirus and that, in fact, poll workers got sick from that day.

No one will forget the image recently in Georgia of people waiting and waiting—of a woman who had marched with Dr. King, now in her eighties, getting there at 6 a.m., waiting, and then actually staying because she wanted to make sure her friends would be able to vote.

We have seen the President's tweets about voting by mail. These tweets are a direct hit on our democracy. They degrade the integrity of our voting system, and people shouldn't fall for it. We know that these States that have been holding elections that are mostly by mail—Utah, Oregon, Colorado, Hawaii, and Washington—have done a good job. Some of those States are blue States, some are purple States, and some are red States. Again, just like the virus, it doesn't know if it is hitting someone who is a Democrat or Republican. Vote-by-mail—it works regardless of what someone's political affiliation is.

So it has really concerned me, what the President has been saying. As the New York Times editorial board noted, States that use vote-by-mail essentially have zero fraud. Oregon, the pioneer in this area, has sent out more than 100 million ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is 0.0000001 percent of all votes cast.

To top it off, while those voters were standing in line in garbage bags and homemade masks in Wisconsin in the rain, the President was voting in the luxury of 1600 Pennsylvania Avenue with his own mail-in ballot that he obtained from Palm Beach, FL. That is what he did. Everyone should have that same right.

So what do we do in the midst of this pandemic? We need to make sure that no voter has to choose between their health and exercising their right to vote. That is why I am urging my colleagues to support legislation with Senator WYDEN that is now cosponsored by 36 other Senators, the National Disaster and Emergency Ballot Act, to help election officials meet this pandemic head-on.

What does it do? Well, it has the funding. I am so pleased that my colleague Senator BLUNT has said he is willing to work with us and work with me on that funding as we work to negotiate COVID-related provisions, I hope, in the next few weeks.

Our legislation does more. It starts with guaranteeing every American the option to vote by mail. Sixteen States require voters to provide an excuse if they want to cast a ballot by mail. I will note that during a pandemic, 13 of these States are allowing all voters to cast a ballot by mail without needing to provide an excuse. They have done it because Governors have waived things, because legislatures have done their job. But it still remains with three States—three States still have those provisions in place. Why, during the midst of a national pandemic that isn't hitting just one State—it is not about just Vermont or Wisconsin or Hawaii; it is about every single State—why would we not at least have a floor requirement that people be able to vote without an excuse?

Why would some States still require a notary? Yes, that is in place. Six States have a provision that you either have to have a notary or two witnesses in order to get a mail-in ballot. Yes, some of these States have waived that. That is a good thing. But why wouldn't we just simply, since they all have not waived it, put in place some simple requirements that everyone knows will guarantee them their right to be able to obtain a ballot?

The bottom line is that it should be easy to vote and not hard to vote.

We are not alone in this fight. Our legislation has been endorsed by more than a dozen organizations, including the group founded by former First Lady Michelle Obama, When We All Vote; the Leadership Conference on Civil and Human Rights; the Lawyers' Committee on Civil Rights; Voto Latino; the National Urban League; and Common Cause.

I think the key here, though, as we head into—I know my friend is going to object to the legislation as is, but I think the key, as we move ahead the next few weeks, is for everyone to step back and talk to your secretaries of state and talk to your Governors. You are going to find that both Democratic and Republican Governors are saying: Look, we are already strapped for cash. We had no idea the pandemic was coming our way. We didn't plan ahead in our budgets last year. We need some help in our State to be able to mail in all the ballots so people will be able to vote.

At the very least, I hope that is what comes out of this.

Last, I will tell you, the American people are ahead of this body right now. Three polls released in the last couple of months show that an overwhelming majority of voters—over 80 percent—favor measures to make voting safe and easy in November by expanding early and mail-in voting. Seventy-four percent of voters want their Senators to support legislation to implement voting reform, including a majority of Republican voters in those States. That is across party lines. That is why I hope my colleagues will join us, and we can get this done.

So, Mr. President, as in legislative session, I ask unanimous consent that the Rules Committee be discharged

from further consideration of S. 4033, the National Disaster and Emergency Ballot Act of 2020, and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BLUNT. Mr. President, reserving the right to object, I could make this really simple by just saying: Look at everything I said last week about this same bill, but I know that Senator KLOBUCHAR is here in good faith trying to be sure we call attention to this issue.

She and I are working together on the Joint Committee for the Presidential Inauguration that we formed just today. Six people were appointed to that bipartisan committee. I was pleased to have her nomination to be the chairman of that event again. We find ways to work together.

I think on this bill, there is really nothing simple about this bill. It is not a bill that just allows the other three States somehow to meet the standard that all but three States have now moved toward—not exactly as this bill would have them, but, as my friend just pointed out, 13 of the 16 States have changed their provisions, some just for this election. Some will look at it, and they will decide whether they did it exactly right or they need to further modify it. Others will make that maybe a permanent part of their process.

I am of the view that this is one of the things States and local governments really do well.

We will have a hearing next month—Senator KLOBUCHAR and I have worked together to talk about what that hearing will look like—where I hope we will have at least one local election official, some State election officials, and some people concerned about the civil rights aspects of voting. That hearing will also get into the challenges that States face and particularly the challenges that States and communities face if they try to change too much too quickly.

I think both Senator KLOBUCHAR and I were pleased to see Georgia, for instance, change their voting system to where they have a voting system—they were one of the handful of States that still had a voting system left that didn't have an audit trail—didn't have a paper audit trail. Well, they changed the system, but they changed it, and I don't know that they had many options. They had gotten behind on this issue, in my view. They changed it on primary election day. It was probably too big an election to try an entirely new system you are not used to, just like some of the changes in this bill. While I might not be for them, I can certainly argue, even if I were for them, this is not something you want to try to change at this moment. Legislators have met; States have acted; and 13 of the 16 have changed their laws to accommodate the moment we are in. The three that haven't will have to be answerable for their decision not to do that.

Not only are we going have a hearing to talk about this, Senator KLOBUCHAR and I have talked about funding on these issues for some time. As she pointed out, we put in over $800 million and made it available to the States. I will also point out that a lot of that money is still not spent. But I am prepared not only to look at more money for the States to use as they see fit for elections this year but also to even consider whatever kind of matching requirement we have to see if that matching requirement is reasonable.

We continue to work toward an election that produces a result that people have confidence in and is done in a way that everybody that wants to vote gets to vote. I continue to feel strongly, and let me, once again, quote President Obama that the diversity of our system is really one of the strengths of the system.

For months, Democrats had legislation very similar to this to federalize the election system because we needed more ballot security. Now we have elections, but the new reason is, well, we have a pandemic. But the goal appears to be always the same—to federalize the election process.

That would have meant that in Nashville, when they had a tornado, hours before the polls were to open on Super Tuesday, the local officials wouldn't have had nearly the flexibility they had to immediately change polling locations, put out the notice they thought was appropriate, and extend voting hours. Nobody in Washington, DC, had to give permission for commonsense decisions that apparently everybody in Tennessee thought were the best things to do.

So, with great appreciation for my friend's dedication to this issue, with certainly a willingness to be sure that money is not an obstacle in States being able to have successful elections this year in areas where we can help—now, we are going to look at what we can do to help financially within the matrix of the elections that a State and local communities in that State have determined should be their election structure. In most cases, it is an election structure that has served them well in the past, that people fully understand, but, still, the need to accommodate the health needs of people who normally were election workers or people who have a great record of being voters or people who are voting for the first time will be part of what we need to discuss. We can do that without a Federal takeover of the election system. With that, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank Chairman BLUNT for his leadership on the Rules Committee and on the inauguration. We have a big group and are working together well on that. I look forward to our hearing.

We, obviously, don't agree about this legislation, but I truly appreciate the olive branch and his willingness to talk about funding at this critical time for our States and our democracy. I look forward to doing that with my many colleagues in the next few weeks.

Now I would like to turn this over to one of our great leaders, my colleague from Illinois, Senator DURBIN.

Mr. DURBIN. Thank you, Senator KLOBUCHAR. No one should have to risk their life to cast a vote. That is why it is so important to have safe opportunities to allow Americans to participate in a democracy and to fulfill their right in November.

Thankfully, in Illinois, Gov. J.B. Pritzker recently signed legislation expanding safe voting opportunities for all Illinois voters. Under the new law, about 5 million voters with active registrations will automatically receive an application to vote by mail for the 2020 election.

Voting by mail and voting safely at home is a necessary option in the midst of a global pandemic that has already killed more than 126,000 Americans and a total of more than half a million around the world. Despite the deceptive and sometimes deceitful narrative being pushed by some, voting by mail is a secure option.

As the Brennan Center for Justice explained in a recent analysis, ''Since [the year] 2000 more than 250 million votes have been cast through mailed-out ballots, in all 50 States, according to the Vote at Home Institute. . . . Despite this dramatic increase in mail voting over time, fraud rates remain infinitesimally small.''

However, some voters still prefer to vote in person. That is why it is important that States offer that option, with safety procedures to protect them. Under the new law in our State, Illinoisans can vote in person if they wish. They can vote early as well. To protect voters and poll workers, the law requires all election authorities to comply with guidance from the Illinois Department of Public Health on early voting. Election authorities in Illinois also may establish curbside voting options. Election day will be designated a State holiday in 2020 to ensure more safe polling places will be available.

Why is it so hard for those who are legally entitled to vote in America—what does it say about a democracy when the key to that democracy of voting by those legally entitled is such a burden and hardship?

These upgrades I have talked about are expensive. That is why the Federal Government needs to help. The CARES Act took a first step. I thank Senator KLOBUCHAR for her role in including provisions that provided $400 million to help States prepare for the 2020 election cycle. Illinois received about $14 million. Another $3.6 billion is needed

in the next package to help all States increase the ability to vote by mail, expand early voting and online registration, and increase the safety of voting in person. The President of the United States votes by mail. What does that tell us? Is he participating in a questionable political procedure? I don't think so.

The House-passed Heroes Act, a few weeks ago, included that money, and I am committed to working with my colleagues to ensure those critical funds are included in any COVID–19 relief package that we may consider.

I am also proud to sponsor Senator KLOBUCHAR's Natural Disaster and Emergency Ballot Act, which would also provide necessary funding and safeguards to protect voters. I was disappointed to see my Republican friends block this important legislation on the floor this afternoon. In the middle of this global health crisis, Americans need to know what the Federal Government is doing, and they need to know that we are doing everything we can to ensure that voters will be able to have their voices heard at the ballot box in November.

If you start with the premise that both political parties don't want anyone who is unentitled or cannot legally cast a vote to do so, you have to ask the basic question, Why does one major political party look for ways to delay, limit, and put hardships on voters and the other believes that an expanded electorate reflects America? It should be encouraged.

Federal funding and guidance is clearly needed. Look at the chaos we have seen in the last few weeks. Is this America when, in Georgia, voters waited more than 6 hours to cast a ballot due to long lines and voting machine failures? Is this America in the State of Wisconsin when thousands of voters didn't receive their requested absentee ballots, leading voters to decide between casting a ballot and protecting their health? Last month, a State official said that 71 people—71—people were exposed and infected by COVID–19 after voting in person and working at the polls in Wisconsin during the primary election. In Kentucky, we saw images of voters banging on the windows of Louisville's only polling location when the doors were locked after traffic at the site prevented a significant number from being able to get in line in time.

These situations are appalling, unacceptable, and downright embarrassing in a democracy. It is time for us to come together and protect the fundamental right to vote, as well as the health and safety of all eligible Americans who seek to exercise it.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Illinois. Next, we will hear from Senator WARNER, who is the ranking member of the Intelligence Committee and a leader in taking on election interference from Russia and other foreign adversaries.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank, first of all, as I see him leave the floor, the Senator from Illinois, for his very strong statement. I am going to echo a lot of the same things. I thank him for his continued leadership. And, of course, I know we are going to hear from Senator COONS shortly and Senator BLUMENTHAL, but a lot of the efforts go to Senator KLOBUCHAR with her leadership on the Senate Rules Committee.

These issues around election security go back to the first bipartisan effort immediately after 2016, the Honest Ads Act. It is unfortunate that we are now heading into the election—126 days, I believe, left—and this body has still not voted on a single stand-alone election bill, even though we have seen the Russian interference of 2016 and even though we know that Russia and other countries are back. I think history will judge those who prevented those votes from happening if we see the kind of potential disruption this fall that we saw in 2016.

Today, I am here to join Senator KLOBUCHAR and Senator BLUMENTHAL, as well, to make sure that everybody has the right to vote in November and that they are able do it in a safe and secure way. As Senator DURBIN said, from Wisconsin to Georgia, to Kentucky, we are seeing a dangerous trend where too many voters are having to choose between their safety and their right to vote. My fear is that as we head into November without a plan and without a strategy for protecting the right to vote and ensuring equal access to the ballot box, we could see levels of voter suppression not seen since the Jim Crow era.

Now, we all know we have enormous challenges with COVID–19, and we have to make sure that our polling places don't become vectors for spreading the virus. The way we do that is not by restricting access to the ballot box, not in the United States of America. That is not how the world's greatest democracy should meet this challenge.

If we are going to preserve the integrity of our elections and the trust of the American people, it is essential that States and the Federal Government adapt to the challenges of this pandemic and actually expand access to the ballot box. In short, we need to make it easier and safer for Americans to exercise their right to vote.

The good news is, we don't have to reinvent the wheel. A number of States—red States, blue States, purple States—have adopted a range of convenient voting procedures that work quite well. Some of these procedures including ample early voting opportunities and no-excuse absentee ballots, all of which reduce the risk but also make sure we continue to be able to increase access.

In my home State of Virginia, due to recent legislative changes, we have curbside voting for seniors and people with disabilities, and we have expanded the no-excuse absentee ballot. Unfortunately, despite all these effective and secure tools at our disposal, we have also seen States implement restrictions in the name of safety that have disenfranchised far too many Americans.

In Wisconsin's April primary, for example, Milwaukee reduced its number of polling places from 180 to just 5. We saw similar moves recently in Georgia and Kentucky. We know whom those restrictions disenfranchise. It is the poor; it is the elderly; it is workers just getting off their shift; and, disproportionately, it is Black and Latino voters who face the brunt of these restrictions. The truth is, this is not right. I think we all know that.

We have a moral obligation to make sure our tools to counter COVID–19 are not used to intimidate and suppress voters. Just last week, Senator KLOBUCHAR and I sent letters raising the warning that bad actors could use testing, immunity, and protective equipment as a pretense to turn away voters or increase the difficulty of reaching the ballot box on election day.

Ideally, our election officials could come together around a national strategy of preparing every polling place and precinct for administering our elections during a pandemic.

Unfortunately, there are those, including the President, who have tried to politicize this issue. In fact, we have seen the President spreading utter misinformation about mail-in voting.

The President seems to have forgotten that he has voted by mail in not simply the last election but in the last three elections. What he fundamentally fails to understand is that the right to vote belongs to the voters, not to the politicians. It is our job to make sure that Americans can exercise their rights in a way that is safe and secure.

That is why Congress must rise to the occasion and ensure Americans can vote safely and securely. The time is now to start serious preparations on contingencies to protect our elections from both the pandemic and those who take advantage of it.

I am a sponsor of the bill that Senator KLOBUCHAR has tried to UC tonight, and I am disappointed that it was blocked from passing, but I look forward to continuing to work with her and all of my other colleagues to make sure we get this job done.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, two other colleagues are here in support of this bill: Senator BLUMENTHAL from the State of Connecticut, who is such a leader when it comes to civil rights and is a member of the Judiciary Committee; and Senator COONS, who is actually one of the leaders of the subcommittee that helped to finance the last expenditure for elections during the pandemic and is working with us, through his role on the Appropriations

Committee, to help the States get the money that they need.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am so honored and proud to join my colleague from Minnesota, who has been such a champion on this issue in all kinds of constitutional weather. She has been a leader for all seasons on this issue, tireless and steadfast in her advocacy. And my colleagues who are here today with us are strong allies and partners, and I am really proud and honored to join them today.

The name of this act is the Natural Disaster and Emergency Ballot Act. We are in a disaster for our democracy if we do not act, if we fail to take the initiative within days, literally, to protect the ballot.

You know, sometimes I think about voters in other countries who literally brave death to vote. In one or more countries their hands are marked so that they can be identified as having voted, but also, they could be identified by opponents of those rights and potentially punished for voting.

Here in this country, there are no such obstacles in the way of physical harm, until now. Now we face the threat of an epidemic which can deter people from coming to the polls, but it has simply added to an ongoing threat from suppression that has existed for years and years and years in some parts of the country.

We need to do everything now to protect voters. It is a shared responsibility—Federal and State. In the Federal Government, we know that this right is in peril. Look at what has happened in Wisconsin and in Georgia: the lines, the closed ballot places, the other kinds of confusion and deterrence that have been created.

In Kentucky's recent primary, fewer than 200 polling places were open instead of the 3,700 usually there in a typical election year. That is unacceptable. But that State is hardly alone, and we will see that pattern repeated unless we act soon.

In the last decade, 25 States—literally, 25 States—have enacted new voting restrictions, including strict photo ID requirements, cutting back on the availability of early voting, and registration restrictions. These constraints should be of paramount concern.

The Supreme Court has gutted the Voting Rights Act, allowing States with long histories of voting discrimination to make it harder for voters of color to cast ballots. Coronavirus has added an additional layer of voter suppression, which will further result in mass disenfranchisement.

A secure and resilient electoral process is critical to our national interest. It should be a matter of pride to all of us, and we should all be ashamed and embarrassed that a free, fair, safe, secure, and accessible process may be made impossible either by health threats or suppression threats.

States should allow no-excuse, mail-in, absentee voting, expand voting periods, and improve the safety of in-person voting. The money that is necessary to assure free, fair, accessible balloting—that $3.6 billion—ought to be a matter of bipartisan acceptance.

Connecticut is known as the Constitution State, but Connecticut has work to do, and its State legislature will, in fact, do that work—hopefully, this month, in July—by expanding mail-in balloting. Those kinds of changes in State law may be necessary across the country, but here we can make it possible, on our watch, to assure that obstacles to fair and full voting are removed.

We simply can't continue to be unprepared. The fight for voting rights remains more critical than ever before. It is a matter of integrity and credibility for our democracy. As we look around the world, we should be leading by example, not by suppression and obstacle.

We need solutions now to protect Americans' health, but the health of our democracy depends on this measure.

I am proud to join my colleagues. I urge that we have bipartisan support for it and that it be expanded.

I yield the floor to my colleague from Delaware, who has been, also, a great advocate in this cause.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I want to thank my colleagues from Connecticut, from Virginia, and in particular my colleague from Minnesota, who has done such a great job—not just today but as the ranking member of the Rules Committee—in fighting for expanding the right to vote in the context of this pandemic.

My colleague from Minnesota has stood to ask for unanimous consent for the enactment of the Natural Disaster and Emergency Ballot Act, which is a broad and bold framework to ensure access to the ballot in every State in the United States in the midst of this ongoing pandemic.

We are just 4 months from the election—126 days to be exact—and as day after day the number of infections has risen, it is clear that this pandemic is far from over. So far, 125,000 Americans have died and 2.5 million have been infected. It is completely reasonable for millions of Americans who are senior citizens, who have preexisting conditions, and who have particular vulnerabilities to be concerned about the risk they might take if they go to a polling place to vote.

Today is primary day in Colorado, in Oklahoma, and in Utah, and we have seen in primary days just passed in Kentucky, in Georgia, and in Wisconsin, example after example where the State officials involved did not have the resources to hold elections where everyone could safely participate in a pandemic and hadn't worked out the plans.

In Georgia, a State long known for voter suppression efforts over decades past, voters waited in line for hours and hours. I was inspired by their passion, their persistence to exercise their right to vote, and concerned, disheartened—even angered—by the fact that no preparations were made sufficient to meet the moment.

In Wisconsin, dozens—more than 50—voters and poll workers tested positive for COVID–19 after exercising their right to vote, one of the most fundamental rights in our democracy.

Across the country we have heard from election officials who have struggled with the infrastructure that is ill-equipped to handle this pandemic.

So, as my colleagues have already said, we should come together to advance this legislation, legislation I introduced with the Senator from Minnesota and the Senator from Oregon, which is a series of commonsense solutions to this obvious challenge.

It would expand early, in-person voting; no-excuse, absentee vote-by-mail; and reimburse States for the additional costs involved in administering an election during a pandemic. It would ensure American voters aren't faced with that untenable choice: risk their health to vote in person or stay home and not vote at all.

Today is June 30. It is also the last day of the Delaware General Assembly, and like several other States, Delaware has passed legislation to provide for no-fault absentee voting in this pandemic, but they lack the resources to fully deliver on this solution.

That is why, in the Appropriations subcommittee where I am the most senior Democrat, I have fought alongside my Democratic colleagues to advocate for money in this next COVID relief package—$3.6 billion—which is what experts across the country say States need for printing ballots, for postage, for new high-speed scanners, for secure drop boxes, for personal protective equipment, and so much more.

I appreciate that the Senator from Missouri who came to the floor to object did say that he would support additional funding, and I look forward to working with my colleague from Minnesota to help ensure that that is actually secured, but we have to do more than just provide financial resources.

We have to provide this bill. We have to provide the legal framework. We have to provide a clear and confident path forward to voting.

Let me close by reminding everyone in this Chamber that voting by mail, voting absentee under exigent circumstances, is nothing new. Our troops back in the Civil War voted by mail so that they could continue to participate in free and fair elections even as they were fighting for the very existence of this Republic.

In every election, hundreds of thousands of American troops, diplomats, and development professionals safely and securely cast their votes from

around the world—election after election. There is no reason we can't do that now.

So let me close by thanking my wonderful colleague from the State of Minnesota, who has been such a passionate, effective, and engaged advocate on this issue.

I call on my Republican colleagues. Let's step up. Let's get this done. Let's ensure that the American people can safely exercise their right to vote this November.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Delaware for all the work he has done and his focus on what is going to be right in front of us, and that is additional help to States both with their needs—their medical needs and other economic needs—but also their democracy needs coming out of this pandemic.

When Hawaii was hit at Pearl Harbor, we did not expect Hawaii to defend itself. When this pandemic hits, it doesn't just hit one State. It hits our entire country. That is why we argue for Federal Government involvement.

With us—last but not least—is the other lead on this bill, and that is Senator RON WYDEN, who has been a longtime advocate, based in the forward-thinking State from which he comes, the State of Oregon, on vote-by-mail.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank you. I thank Senator KLOBUCHAR. I thank Senator COONS, an absolutely invaluable member of this alliance, ensuring that we are going to be able to get the resources for this.

My mother would say, if she looked around, ''Dear, you're running with the right crowd.'' It is a pleasure to be able to team up with both of you.

I want to put this in some kind of context to begin because my colleagues have all done such a good job. I also got a chance to listen to the Senator from Virginia, Senator WARNER. He and I serve on the Intelligence Committee. I can't get into classified information, but certainly we are very much aware of some of the challenges to protecting the integrity of the votes of our citizens from a national security standpoint.

I just want to start with a kind of basic, commonsense proposition. When you do something like making sure, in 2020, that citizens don't have to have a notary to vote, what you are doing is just common sense, and that is what expanded in-person voting is all about. That is what you do when you support voters with disabilities. That is what you do when you make it easier for communities where there are people of modest income, communities of color, to vote.

It has been a pleasure to be able to work with Senator KLOBUCHAR in particular, who is passionately committed to adding those kinds of priorities.

I would only say that when you add these kinds of commonsense steps to enhance the ability of Americans to vote safely, only Donald Trump and Majority Leader MCCONNELL could call it a liberal conspiracy. This is just basic common sense in government 101.

I am particularly concerned because all of us know what is coming. In other words, we have been out here talking about these priorities now for months. We saw it in Wisconsin. We saw it in Georgia. We now know what is coming. If anything, we get additional news every day about what the challenge is.

I don't know whether anybody has touched on it this afternoon, but just today, Dr. Tony Fauci said he would not be surprised to soon see 100,000 new coronavirus cases a day.

The Presiding Officer of the Senate is a physician, and he knows this well. He comes from a State that has faced a lot of challenges. Who are the people who are most vulnerable? It is seniors. It is people who are over the age of 60.

What I would say to my colleagues is, when I introduced the first bill to vote by mail—and that was a full 20 years ago—to give everybody in America the chance to vote the Oregon way—they wouldn't have to vote the Oregon way, but they would all have a chance to vote by mail, a ballot. We knew that this would be a big breakthrough in terms of our special system of government. Our military has always looked to innovative ways to make sure that our courageous men and women in uniform would have a chance to be counted in every election. We knew 20 years ago that vote-by-mail would be an important innovation because we had been doing it for years and years in Oregon.

All the arguments that have been thrown out recently—these arguments about fraud—our late secretary of state, Dennis Richardson, who was very conservative, before he passed—he passed shortly after Donald Trump took office—he wrote the President, Donald Trump, and said: This fraud issue is nonexistent in Oregon. Every election, there are virtually no instances, but a lot of people believe they got a chance to be counted, and they got a chance to do it in a way that was convenient for them.

There are a lot of challenges, certainly, today with the coronavirus. What we do with vote-by-mail, as my colleagues have been talking about, is we need to make it easier to empower voters to vote the way they would like to be able to vote—safely and at home.

Right now, voters are worried about infection. Sixty-six percent recently said they were concerned about going to polling places—and for good reason.

We just had our primary in Oregon, and nobody had to worry about infection in the State of Oregon. We voted safely in the middle of a pandemic—no long lines, no interactions with older people and multiple poll workers, often putting several people at risk of the coronavirus, not just one person. Yes, if you have the possibility of touching a machine used by hundreds of people, there is certainly reason to be worried. Since 66 percent of poll workers are over the age of 60, many of them are staying home to avoid getting sick.

I think my colleagues on the other side of the Chamber know at least some of what I have said this afternoon. I believe they know what is coming this fall because we have already seen a kind of snapshot of it over the last couple of months in terms of the challenge of voting during the era of the coronavirus.

In 2016, we saw what happened when a foreign power tried to interfere with our election. The concerns of 2016 are now magnified in 2020. I put forward the Resilient Elections During Quarantines and Natural Disasters Act, and I would like to think we have been trying to get the facts out to Senators on both sides of the aisle for years now.

It was a pleasure to team up with Senator KLOBUCHAR on the Natural Disaster and Emergency Ballot Act and with Senator COONS, as he was our point person in securing the funds that are a prerequisite to doing this job right. In other words, you have to have funds, and you have to have the reforms.

We don't really think that it is a revolutionary proposition that what you ought to do is everything possible to make sure that every eligible American can vote safely in a pandemic.

Nobody I know in this Chamber is offering the proposition that the Federal Government should just run elections. What we are trying to do is give States and local governments clear guidance about the best way to keep elections running during the pandemic and the resources in order to use that guidance, as Senator KLOBUCHAR and I have talked about—two sides of the same coin—not running the election but giving good facts and clear guidance about how to prevent the pandemic and the dollars to make it possible to carry it out.

If a million members of the military, five U.S. States, and tens of millions of Americans across the country can vote by mail every election, then every voter ought to be able to vote by mail.

It is now online, and I hope my colleagues will look at the wonderful discussions ''60 Minutes'' had about vote-by-mail in Oregon just a couple of days ago with our secretary of state, Bev Clarno. She, too, is a Republican. There are real bipartisan roots on this.

I am the first U.S. Senator ever to be elected by mail. I am a Democrat. The second U.S. Senator to be elected by mail, our former colleague Gordon Smith, was a Republican. You see Democrats, and you see Republicans. You watch ''60 Minutes.'' You hear from our secretary of state, who is a longtime Republican. You heard what I had to say about the late Dennis Richardson, who I would venture to say was just about as conservative as any Member of the Republican caucus. We are going to keep doing everything we can to get the facts out and make sure that

people understand these arguments about, for example, fraud. We have to say, so people really see how strongly we feel about it.

A few years ago, a poll worker tampered with two ballots. We put that person in jail for 90 days and fined him $13,000, and they were barred from ever working in an election again. That is the way to show you are serious about making sure you are sending a strong message about the integrity of every person's vote, addressing the safety questions, and avoiding the proliferation of insecure, overpriced electronic election equipment—something that the voting machine lobby has been pedaling for years and years. Those, again, are not partisan kinds of positions; they are just plain common sense.

I realize that Donald Trump and MITCH MCCONNELL are going to keep doing everything they can to block vote-by-mail on legislation, but I believe that when we really get into negotiating the nuts and bolts of the coronavirus package in the Senate when we come back, I believe, particularly because Senators are going to be home, they are going to hear from voters, and voters are going to say: Don't put our health at risk. Give us the ability to vote in a safe way.

That is what we have tried to do.

I will just say to my colleagues, there really is no plan B. The choice is either vote by mail or through the expanded options that we are offering in our bill, or huge numbers of Americans will not be able to vote at all.

We are better than this, and it is time for Senators to look again.

As I said, there is no plan B here, colleagues. The choice is to take advantage of our options for citizens to be able to vote safely, or huge numbers of Americans will not be able to vote at all.

I think, to close for our side, the lead sponsor, the senior Democrat in the Rules Committee, may have something else to say. As a Senator who has worked on this, as I say, for two full decades, I knew that we were going to face challenges along the way. Back when we started, it was kind of a debate among political scientists. Now it is fundamentally a question of keeping our citizens safe as they exercise the franchise. I think it is very fitting that Senator KLOBUCHAR close for our side.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I want to thank Senator WYDEN for his longtime leadership on this issue. I want to thank all of my colleagues. I want to actually thank Mr. BLUNT, who did object to our bill but is willing to work with us on the funding.

As I said, to sum up, we would rather put ballots in the envelopes than voters in the hospital. It is that simple.

NOMINATION OF MAJOR GENERAL JON JENSEN

Mr. President, I appreciate the kindness of my colleague from the great State of Nebraska.

I am going to briefly address one matter, and that is to express my support for the nomination of MG Jon Jensen of Minnesota to become the Director of the Army National Guard.

Major General Jensen has served in the Army National Guard for more than three decades. He currently serves as an adjunct general of the Minnesota National Guard—a position he has held since November of 2017. As adjunct general, Major General Jensen oversees more than 13,000 soldiers and air men and women in Minnesota.

His record of service and extensive experience in Minnesota and across the world makes him an excellent choice to lead the men and women of the Army National Guard across the country.

We are grateful for Major General Jensen's leadership and service and proud to see a fellow Minnesotan nominated to become the Director of the Army National Guard. I urge my colleagues to join me in supporting his confirmation.

Major General Jensen has led the Minnesota National Guard in unprecedented times, including in the State's response to the coronavirus pandemic. In recent months, our Guard members, as they have in so many States, have provided planning and logistics support and transportation assistance, while also helping to conduct coronavirus tests.

Under Major General Jensen's leadership, the Minnesota National Guard has been critical in our response to natural disasters, including flooding in our State that caused significant challenges for so many farmers in Minnesota during last year's harvest.

In addition to his work in our State, the major general has been a national leader in working with the National Guard in other States to expand partnerships with the Federal Government.

He began his military career in 1982 as an enlisted combat medic, and in August 1989, was commissioned as a second lieutenant in the U.S. Army.

He continued his training in Georgia, and his career eventually took him to assignments in Georgia, Kansas, and Iowa. But then he had major assignments in Italy and Bosnia, Herzegovina, Iraq, and in Kuwait.

His outstanding service is demonstrated by the list of decorations and awards he has earned over his career, including the Legion of Merit, Bronze Star, Meritorious Service Medal, and Army Commendation Medal.

In addition to serving as adjutant general, Major General Jensen has held numerous leadership positions within the Guard, including as commander of the 34th Infantry Division, director of Joint Staff, and assistant adjutant general.

I had the honor of attending the change of command ceremony where he became adjutant general of our Guard. Now I hope to have the honor of seeing him confirmed to help lead the brave citizen soldiers of the Army National Guard nationwide.

I have no doubt that our Nation will benefit from his leadership and from his decades of experience and his commitment to guardsmen and their families, including supporting families through multiple deployments, as well as in my State.

I think we know that dual role of the National Guard has been tested so much in recent decades, including their work, basically, fighting on the frontline over the last decade and then their work here at home through many natural disasters, as well as the current pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

S. 4049

Mrs. FISCHER. Mr. President, I rise today to speak in support of the defense authorization bill for fiscal year 2021.

I want to start off by thanking the chairman and ranking member of the Senate Armed Services Committee. I am grateful for their hard work, their leadership in crafting this bill, conducting a productive markup, and managing the floor process. We came together on this committee during these difficult times, and we passed a strong bipartisan bill, one that supports our servicemembers and provides for the defense of this Nation.

I have said it many times before: Our warfighters are our greatest asset. The brave men and women who serve deserve our utmost respect, support, and gratitude.

This year's bill authorizes a 3-percent pay raise for all members of the uniformed service. It reauthorizes over 30 types of bonuses and special pays and increases incentive pay for healthcare professionals.

The bill also prioritizes support for military families through childcare and spouse employment opportunities. We need to ensure that our warfighters can stay focused on executing their mission and maintaining readiness. This is only possible if they know their families, especially their spouses and children, are taken care of.

As countries like Russia and China rapidly modernize, we face a growing need for intelligence, surveillance, and reconnaissance capabilities despite having a limited fleet of resources.

Over and over again, I have heard from combatant commanders who reiterate the need for ISR. They also note the significant shortfall in supply versus a demand the Department of Defense has called ''insatiable.'' This is a problem I know well, as I am proud to have the honor of representing the Air Force's 55th Wing, the No. 1 provider of large fixed-wing ISR in the Nation.

To continue enhancing the capabilities of the 55th Wing, this bill would authorize nearly $200 million in funding for the continued modernization and upgrading of the RC–135 aircraft. This bill ensures that the platform remains a capable part of the Air Force's ISR system for decades to come. The RC–135 is a core component at the Air Force's ISR system and will be for the foreseeable future.

But as we enter newly contested environments, we need to think creatively about integrating platforms like the RC–135 into new ISR networks. I included language in this year's NDAA that would require an assessment of the overall ISR's shortfall based on combatant commander demand, with details about the planned integration of the RC–135 aircraft into next-generation networks like ABMS.

This provision would task the Department of Defense with exploring the conversion of retiring KC–135 aircraft into the highly sought after RC–135 to grow that ISR capability.

Unfortunately, we also face a broader issue with the size and the age of our Nation's Air Force, which is why I included language encouraging growth to meet the Air Force We Need target of 386 operational squadrons.

Offutt Air Force Base in Nebraska Houses the Air Force's fleet of E–4B aircraft, which serves as the National Airborne Operations Center and plays a key role in our nuclear command, control, and communications architecture. The NAOC provides a highly survivable platform from which to direct U.S. forces, execute emergency war orders, and coordinate actions by civil authorities.

The E–4B fleet, which first entered service in 1974, is aging rapidly and sustainment efforts have grown increasingly difficult and costly. The path forward for recapitalizing this vital strategic capability remains unclear. So I included language in this bill that would encourage the swift recapitalization of this important capability.

Nebraska is also the proud home of the world-class University of Nebraska Medical Center, which is among the Nation's leading specialized medical care and biocontainment units. This made UNMC the logical choice to be the first U.S. location to receive the COVID–19 patients for quarantine and testing. The first clinical trial of a drug to combat coronavirus was conducted there as well.

COVID–19 has placed an exceptional strain on the Nation's healthcare infrastructure, and we need to address our limited capacity to respond to major events. For that reason, I championed language in the NDAA that would authorize $5 million to implement a pilot program on civilian and military partnerships to enhance the interoperability and medical surge capacity of the National Disaster Medical System. This program would improve future Federal responses to pandemics and to other threats while giving institutions with an established expertise in these areas, like UNMC, an opportunity to participate.

Additionally, the Senate NDAA bill makes targeted investments to begin addressing the disruptions caused by the COVID–19 pandemic, including $46 million for coronavirus vaccine research and production, and the bill encourages faster adoption of telehealth services.

We are all aware of the increasing effort by China and Russia to expand their influence, which has underscored the need to work with our partners and allies around the world. Engagement, development, training, and education with partner military forces is crucial to successfully strengthening alliances and attracting new partners, and it is important that we cement new ties in places where we have a lighter presence.

The State Partnership Program, a Department of Defense program that encourages cooperation between National Guard units and partner militaries, is an excellent example of this. To encourage its continued development, I included language in this year's NDAA highlighting the SPP's success in cultivating positive relationships with partner forces.

Nebraska has two such partnerships: a shared one with the Czech Republic and a newly penned partnership with Rwanda.

This mil-to-mil training program allows National Guard units to conduct exercises and education with developing nations, cultivating partnerships that are vital to our success around the world. I also serve as chair of the Strategic Forces Subcommittee, which oversees the Department's nuclear forces and the U.S. Strategic Command, or STRATCOM, which is located in my State of Nebraska.

It also has jurisdiction over national security space and missile defense programs, as well as the Department of Energy's defense activities.

Across the subcommittee's jurisdiction, we reduced funding for underperforming programs in order to better support the priorities of our war fighters.

For example, my subcommittee authorized an additional $76.8 million to begin development of a land-based missile defense capability for Guam. Not only is this a top priority for the INDOPACOM commander, but it is the single largest new activity undertaken as part of the Pacific Deterrence Initiative.

The subcommittee also authorized an increase of $120 million in order to accelerate the development of the space-based Hypersonic and Ballistic Tracking Space Sensor at the Missile Defense Agency. Despite repeated testimony from DOD witnesses about the significance of this program, year after year, budget requests fail to fully fund it. While I am proud of the subcommittee's work to keep this program moving forward, I hope that next year the Department will take the initiative and fully fund this essential program.

To meet additional missile defense priorities, this bill also provides $128 million to increase procurement of SM–3 IIA missiles and an additional $162 million to continue the development of the Homeland Defense Radar-Hawaii, a key unfunded priority of the INDOPACOM commander.

The bill also authorizes an increase of $319.6 million to procure an eighth THAAD battery. As threats continue to increase, the need for THAAD's unique defense capabilities continues to grow.

Most importantly, this year's bill authorizes full funding for the continued modernization of our nuclear deterrent. This includes critical programs such as the Ground Based Strategic Deterrent, which will replace our aging ballistic missile force, and the next-generation nuclear cruise missile, the long range standoff weapon.

It also invests heavily in the modernization of the National Nuclear Security Administration's nuclear complex, a third of which dates to the Manhattan Project and early Cold War era.

I would like to take a moment to remind my colleagues of why maintaining our modernization schedule is so very important. While still effective, our nuclear deterrent is aging. Every leg of our nuclear triad has been extended far beyond its originally planned service life, and we have reached a point where further life extensions are simply not possible. These systems must be replaced.

To this end, the previous administration began the development of a number of programs to recapitalize our nuclear deterrent, including a new ICBM, a new submarine, and a new bomber. Yet these replacements are expected to be delivered just as the current systems are aging out, and as many STRATCOM Commanders have testified, there is no margin for error in this schedule.

Take, for example, the *Ohio*-class submarines. Through life extensions, the submarines will be in service for 42 years—longer than any other submarine in our Navy's history. As the current STRATCOM Commander, ADM Charles Richard, who is a submariner by trade, eloquently explained during his confirmation hearing that it is simply not possible to keep them in service any longer.

However, as a result of previous decisions to delay the development of the *Ohio's* replacement, these submarines will be retiring before the next generation—the *Columbia* class—is ready for service. Let me say that again. The submarines that form one-third of our nuclear triad will begin retiring before their replacements are ready.

STRATCOM believes it can mitigate the risks associated with that schedule, but this reflects the high level of risk that has already been accepted in our planning. It also explains exactly why officials in both the Trump and the Obama administrations have repeatedly emphasized that there is no margin for additional delay.

Admiral Richard testified earlier this year: ''I cannot overemphasize the need to modernize our nuclear forces and recapitalize the supporting infrastructure to ensure we can maintain this deterrent in the future.''

This is why fully funding these programs and maintaining our current modernization schedule is so important. We must continue preparing to

meet and defeat the adversaries of tomorrow.

In closing, I again stress that the Senate's NDAA bill gives our men and women in uniform the resources they need. More than this, it provides for their and their families' futures through much needed pay raises, employment opportunities, and other programs. This bill is good for the nuclear and strategic forces that protect our country. This bill is good for our Nation. This bill is the product of bipartisan consensus. Nearly all of my Republican and Democratic colleagues on the Committee on Armed Services voted for it.

Let's provide for the defense of our Nation and the men and women of our Armed Forces by voting for the bill. I ask my colleagues to join me in supporting its swift passage.

I yield the floor.

The PRESIDING OFFICER (Ms. MCSALLY). The Senator from Utah.

JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, I come to the floor wanting to discuss a case called June Medical Services v. Russo. This was a decision announced by the Supreme Court of the United States yesterday.

This is a decision that hasn't gotten as much attention as many cases that go before the Supreme Court. It is, nonetheless, a significant decision, and it is a decision that, I believe, is deeply flawed and betrays many of the legal and constitutional principles that the Supreme Court of the United States purports to apply and is supposed to be bound by as it decides cases and controversies properly brought before its jurisdiction.

The June Medical Services case involved the constitutionality of a statute enacted by the Louisiana Legislature, known as Act 620. The legislation in question required any doctor performing abortions within Louisiana to hold active admitting privileges at a hospital within 30 miles of the location of the abortion clinic in question. The Act then defined what it meant to have acting admitting privileges, and it did so in terms of a reference to the ability to admit a patient and to provide diagnostic and surgical services to such patient. It is understandable why the State of Louisiana or any State might want to consider adopting such legislation.

I want to be very clear at the outset that this case did not involve any legislation prohibiting abortion. In fact, there is nothing about Act 620 that made abortions illegal in Louisiana nor is there anything about Act 620 that would have made it practically impossible or really difficult for people to obtain an abortion. That is not what it did. It simply acknowledged the fact that an abortion is a type of surgical medical procedure and, in taking into account the fact that it is a medical procedure, is sometimes fraught with medical peril that can sometimes result in people getting hurt and people having to go to the hospital and that it might be helpful in those circumstances to have the person who performed the procedure have admitting privileges at a hospital within 30 miles of the abortion clinic.

The constitutionality of the law was challenged in a lawsuit brought by five abortion clinics and four abortion providers in Louisiana. Now, they challenged the law in Federal district court, and they did so before the act even took effect, arguing that it was unconstitutional because it imposed an undue burden on their patients' right to obtain abortions. The abortion clinics and the medical providers at issue—the doctors and the clinics that challenged it—were quite significantly not arguing that these were their own constitutional rights that were being impaired. They were, instead, arguing that they had standing, that they had the ability to stand in the shoes of those who were among their patients, those whom they served.

So I would like to talk about three critical features of this decision and why I think the decision was wrong in all three respects.

First, let's talk about this standing issue that I alluded to just a moment ago. The concept of standing is rooted in article III of the Constitution. Article III is the part of the Constitution that establishes the judicial branch and sets up the Supreme Court and such inferior courts as Congress might choose to create. Significantly, neither article III nor any other provision of the Constitution gives the courts the authority to make law, to decide policy, or even, for that matter, to announce what the law is or says or should say at any moment unless, of course, there is a case or a controversy before the court.

What that means is that a court cannot issue an advisory opinion. In our Federal court system, the courts have the power to decide actual conflicts, disputes, cases, or controversies between one or more parties who happen to disagree as to the meaning of a particular provision of Federal statutory or constitutional law. Without that type of case or controversy, the court lacks jurisdiction. So, even though this isn't a concept that nonlawyers employ in day-to-day conversation, it is something that lawyers in America and judges, particularly Federal judges and lawyers who practice before Federal courts, are familiar with.

The concept of standing acknowledges that, with very few exceptions not relevant in this context, a party may not sue on behalf of or in order to address an injury sustained by a third party. In order to have standing in Federal court, you have to have an injury in fact—that is concrete and particularized, that is sustained by the plaintiff, that is fairly traceable to the conduct of the defendant—and the conduct at issue must be capable of being remedied by a judicial order within the court's jurisdiction. Without those elements being present, you can't have standing. Without standing, you can't have a case or a controversy, and the court has no jurisdiction.

It is well established that, within the Federal court system, this standing inquiry is what we call part of the court's judiciary doctrine, meaning it is a threshold inquiry that determines jurisdiction. As a result, it can be raised at any moment by any party. It can be, and sometimes will be, addressed by the court acting sua sponte, meaning, regardless of whether any of the parties raises it. It cannot be waived. As a result, at any stage of the litigation—whether at the trial court, at the appellate court, or at the Supreme Court of the United States—it can be raised by any party or any member of the judiciary sitting in that case.

It is significant that in this 5-to-4 ruling, in an oddly configured plurality opinion of four Justices—Justices Ginsburg, Breyer, Kagan, and Sotomayor—being united in a single plurality opinion and joined by Chief Justice Roberts in a concurring opinion, they cobbled together a conclusion that it was just fine for the court to act in this circumstance, notwithstanding the fact that the doctors and the abortion clinics in this case were not even arguing that their own constitutional rights were being impaired. This is significant. This is stunning, in fact. They are asserting the constitutional rights and the alleged injuries of third parties.

Now, in other circumstances, one might imagine a scenario in which you might have someone coming before the court, claiming to be the executor of somebody's estate or, perhaps, the legal guardian of a juvenile or of a person who had been deemed incapacitated. In those circumstances, that person has standing, but the standing belongs to the person suffering the injury. It is just allowed to be asserted by the third person standing in that person's place. That is not what we had here. Neither in the complaint nor in any of the moving papers did any of the plaintiffs argue—that is the clinics and the abortion providers in question—that its own constitutional rights were being impaired. They instead asserted impairment of the rights of third parties not before the court, of would-be patients whom they might have.

The lack of standing in this case is apparent, and the lack of standing was glossed over by this cobbled-together combination of the four-member plurality and Chief Justice Roberts. The plurality glossed over it and, in part, suggested that the standing issue might not have mattered because, perhaps, it was not an argument that was properly raised before the district court. Yet any first-year law student in any American law school, let alone a Federal judge or a Supreme Court Justice, knows that standing isn't waivable. It is a threshold jurisdictional question, and, as such, it cannot

be waived. It is never waived. It is always a live, relevant, legitimate question, one that can be raised sua sponte by the Court itself.

In his dissent, Justice Alito acknowledged this point and explained it well with the following words:

Neither waiver nor stare decisis can justify this holding, which clashes with our general rule on third-party standing. And the idea that a regulated party can invoke the right of a third party for the purpose of attacking legislation enacted to protect the third party is stunning. Given the apparent conflict of interest, that concept would be rejected out of hand in a case not involving abortion.

The conflict of interest to which Justice Alito is referring refers to the fact that you have got here, on the one hand, a State regulating a particular act—here, abortion providers, clinics, and physicians who perform abortions. That entity, like any other entity that is otherwise going to be regulated, has an interest in being not regulated.

It makes it easier, perhaps cheaper, perhaps more lucrative for that entity, for those providers, to be in that business if they are less regulated. It makes it easier for them to do what they do and perhaps more profitable if they don't have to have admitting privileges at a hospital within 30 miles of the location of the abortion clinic.

That is very different than the potential interest of their patients. Their patients have exactly the opposite interest. Their patients have the interest in making sure that the abortion provider provides for a safe, healthy environment in which adequate care can be provided to the patient, such that as complications arise, the doctor can take the patient to a hospital and, with those admitting privileges, can go about setting in order the course of treatment that needs to be pursued.

And so Justice Alito's point was simply that, in this circumstance, you have a completely different set of interests, some that are being advanced by abortion providers, some that the State holds, and some that the patient holds. They are separate; they are distinct; and here, really, they are at odds with each other.

So Justice Alito went on to explain:

This case features a blatant conflict of interest between an abortion provider and its patients. Like any other regulated entity, an abortion provider has a financial interest in avoiding burdensome regulations such as Act 620's admitting privileges requirement. . . . Women seeking abortions, on the other hand, have an interest in the preservation of regulations that protect their health. The conflict inherent in such a situation is glaring.

So with this circumstance, the plaintiffs did not have standing. They didn't even assert the prerogative of asserting the rights of themselves. They didn't claim that they themselves had injuries that were constitutionally cognizable in court.

They instead said that they were asserting them on behalf of an injury that would be suffered, and had not yet arisen, on the part of their patients, and that is a problem.

So the Supreme Court, as far as I can tell, based on the time that I have spent reviewing the decision, the Supreme Court abandoned its ordinary standards and applied a different standard here so as to make it easier for this group of plaintiffs to raise a constitutional challenge.

Madam President, I see the majority leader has entered the Chamber, and I ask unanimous consent for permission to be able to continue my remarks after the majority leader has conducted his business, as if without interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. MCCONNELL. Madam President, I thank my friend from Utah. I will be brief.

LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 718.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget.

Mitch McConnell, Marsha Blackburn, Joni Ernst, John Boozman, Steve Daines, Cory Gardner, Pat Roberts, Mike Rounds, Mike Crapo, Roger F. Wicker, Cindy Hyde-Smith, Lamar Alexander, Shelley Moore Capito, Rob Portman, Roy Blunt, John Barrasso, John Thune.

LEGISLATIVE SESSION

Mr. MCCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2021—Continued

The PRESIDING OFFICER. The Senator from Utah.

JUNE MEDICAL SERVICES V. RUSSO

Mr. LEE. Madam President, that was the first error that I think deserves to be mentioned in this context—the error apparent in the fact that the Supreme Court ignored the fact that the plaintiffs before the Court lacked standing. They just glossed over this issue. Why? Well, because it involves abortion, and I guess abortion is different.

The explanation provided by the plurality and by the Chief Justice—understanding that in order to form a majority, sometimes you have to cobble together a concurring opinion with a plurality opinion, and that is what happened here.

Their analysis on the standing issue in this case simply doesn't wash. It doesn't add up. In fact, I believe it defies what every first-year law student is taught in American law schools. It doesn't work.

Secondly, this draws attention to another problem with the Court's jurisprudence in this area. When abortion is treated differently than other things, it leads to a fair amount of tail-chasing by the Court because the Court has stepped in—starting with Roe v. Wade and continuing with Casey and the other cases since then on this topic—the Court has stepped in essentially as a superlegislative body, and it has attempted to set out a rule saying that you can't undermine what the Court has declared to be a right to access abortion.

So let's set aside, for a moment, that question of what we would be looking at if we were dealing with a law prohibiting abortion, but this isn't that. Again, this was a law, Act 620, adopted by the Louisiana State Legislature that simply required that doctors and clinics performing abortions be run by doctors having admitting privileges at a hospital within 30 miles.

It is not an abortion ban. It is just a public health and safety regulation of the same sort that you might see in effect with respect to surgical centers or other outpatient treatment clinics throughout that State.

And so, nonetheless, you have got Roe v. Wade and its progeny in which the Supreme Court has stepped in, basically, as a superlegislative body saying you can't impose too heavy of a burden on a woman's access to or ability to obtain an abortion.

The problem with that is there is nothing in the Constitution that says that. There is nothing in the Constitution that makes this a Federal issue. There is nothing in the Constitution that takes what is essentially a legislative judgment; namely, the legality or

lack thereof of a particular medical procedure and makes it a question not only of Federal constitutional law but of Federal constitutional law that can be written and then addressed and then allowed to evolve solely within the hermetically sealed chamber of the Supreme Court of the United States.

This is what produces this kind of tail-chasing. This is what produces this nonsense, and it is also, by the way, what produces a whole lot of the political vitriol and venom surrounding the Federal judiciary.

Why? Well, because they exercised will instead of judgment. What do I mean by that? Well, in Federalist No. 78, Alexander Hamilton referred to the difference between what lawmakers do and what judges do. In the legislative branch, they exercise what Hamilton referred to as ''will,'' meaning they decide what the law should be. They adopt policy. They say: We think the law should say x, and they have the ability to do that. Under our system of government, article I gives the lawmaking power, the power to engage in exercises of will, to the legislative branch.

Judgment, by contrast, is what is wielded by the judicial branch. Judgment asks not what should be but what is and, most notably, what has been. It looks, as it were, in the rearview mirror, looking at what the law said as of a particular moment in time.

So it is the job of the jurist not to say what the law should be but, instead, to say what the law is and only when the question of what the law is comes properly before the court's jurisdiction in cases or controversies between multiple litigants properly before the court's jurisdiction.

And so Hamilton explained in Federalist 78 that there is a difference between will and judgment and that you don't ever want the judicial branch exercising will.

Well, why? Because, among other things, it is not their job. Judges are appointed in our Federal system for life so long as they are on good behavior. They are not subject to elections, ever. You don't get elected to get on the court; you don't get elected to stay on the court. You are on there for life.

Why? Well, because your job is a relatively limited one. It looks only in the rearview mirror. Your job is not to set policy but to interpret in very narrow circumstances.

In this circumstance, in Roe v. Wade and its progeny, the Supreme Court stepped in and exercised will. As a result, they have taken decisions away from lawmakers—State and Federal lawmakers alike—for decades.

This has had the predictable result of making a lot of people unhappy at every point along the political continuum—every single point.

Why? Well, because they exercise will instead of judgment. They exercise legislative jurisdiction rather than judicial discretion.

Justice Thomas, in his dissenting opinion in June Medical Services v. Russo, said, referring to Roe v. Wade and its progeny:

> [T]hose decisions created the right to abortion out of whole cloth, without a shred of support from the Constitution's text. Our abortion precedents are grievously wrong and should be overruled.

Justice Thomas wrote in a separate passage, explaining that ''Roe is grievously wrong for many reasons, but the most fundamental is that its core holding—that the Constitution protects a woman's right to abort her unborn child—finds no support in the text of the 14th Amendment.''

So we see that the Court was wrong in pretending that the plaintiffs in that case, not patients, not women who wanted to seek abortions but couldn't, but doctors and clinics who have an interest potentially adverse to their own patients who didn't want to be regulated, were allowed to assert standing as if it were their constitutional injury that were at stake, and it was not. The Court went on to compound the problem by continuing to apply the statutory, effectively legislative, proscriptive framework of Roe and its progeny, which itself finds no support—not in the Constitution, not in Federal statute, not in 400 years of Anglo-American judicial precedent, not in common law. They just made it up, and they said it is important. We, therefore, deem it to be part of the Constitution. These are the first two errors.

There is a third error I want to call out from the Supreme Court's unfortunate and very wrong ruling in June Medical Services v. Russo. The third category of error that is built into this decision relates to the standard by which a court deems something unconstitutional. Separate and apart from the standing issue, separate and apart from the fact that Roe was a made-up doctrine, there is also a problem in that the Court didn't approach this constitutional question the same way that it is supposed to address all other constitutional questions.

Under a well-worn line of cases, including a case called United States v. Salerno, the Supreme Court, with only very rare exceptions—not relevant, not present here—does not declare a statute facially unconstitutional unless that statute is alleged and proven to have been unconstitutional in all of its potential applications.

Let's break that down into more common language. You can't just walk into court and say that a particular law is categorically unconstitutional; you have to wait until that law is unconstitutionally applied to you. That is called an as-applied challenge. As-applied challenges are the norm, the rule, and they are the default. In almost all cases, that is how you get something deemed unconstitutional, is through an as-applied challenge; that is, the Court doesn't just strike it down in its entirety.

But it is striking down the law in its entirety that the Court did here—that the Court was asked to do here and that the Court, in fact, did here under circumstances in which the law had not even yet been implemented and had never been enforced—not once. They didn't even wait to see if it could be or would be or might be implemented in a manner consistent with the text and history and structure of the U.S. Constitution. They just walked in and said: The whole thing is unconstitutional. Get rid of it.

Why is that a problem? It does matter. It matters because ours is a system of rules and laws. It is based on the constitutional text. Yes, precedent factors into it, but precedent can't be the inexorable command.

In any event, precedent here went the other way with respect to the standard by which you deem something unconstitutional in all of its applications.

As Justice Gorsuch explained in his separate dissent, ''In effect, the standard for facial challenges has been flipped on its head: Rather than requiring that a law be unconstitutional in all of its applications to fall, today's decision requires that Louisiana's law be constitutional in all of its applications [in order] to stand.''

In other words, as Justice Gorsuch explained, they applied a completely different set of rules here. Why? Well, simply because this involves abortion, and abortion is different. Somehow abortion—notwithstanding the fact that it makes no appearance in the Constitution—somehow abortion is treated differently. Now abortion is treated differently even in this separate line of cases, even in this separate line of precedents dealing with facial challenges versus as-applied challenges.

If, in fact, the Supreme Court is going to stick to stare decisis, the principle invoked over and over and over again in that frankly awful decision yesterday, for which the Court should be ashamed, stare decisis is the principle that basically says: We as a court, once we have decided something one way, are going to continue to follow that precedent most of the time unless we really really don't want to.

That is, in essence, what stare decisis means. They invoked stare decisis over and over and over again in that case and said that is just how it had to be because, well, stare decisis requires that.

Well, they didn't follow stare decisis. They didn't follow their own precedent when it comes to their standing docket. They didn't follow their own precedent. They didn't adhere to stare decisis when it comes to United States vs. Salerno. They utterly ignored the fact that this is a case in which the statute invalidated by the Supreme Court of the United States yesterday is capable of being applied in a fully constitutional manner.

By the way, they made a number of assertions about the factual record of the case and about the effect of Louisiana's Act 620 that are simply wrong.

They invalidated this law by saying: Look, the Louisiana Legislature claims that this Act 620 was put in place in order to protect women's health. We don't really think that is the case. We don't think they have met that standard here.

First of all, in doing that, they ignored precedent applicable in literally every other scenario in which they defer substantially to the determinations of a legislative body in deciding whether the law that they are passing in fact will have the effect that they want, especially in an area like public health and safety. They ignored the fact that they had abundant testimony before the Louisiana Legislature supporting the basis for what they were doing.

In Justice Gorsuch's dissent, he referred to multiple pieces of information before the legislature. He pointed out that one woman testified that while she was in an abortion clinic after having a procedure and she was hemorrhaging, her abortion provider told her: You are on your own. Get out.

Eventually, the woman went to the hospital, where an emergency room physician removed fetal body parts that the abortion provider had recklessly left in her body.

Another patient who complained of severe pain following her abortion was told simply to go home and lie down.

In another case, a clinic physician allowed a patient to bleed for 3 hours even though a clinic employee testified that the physician would not let her call 911 because of a possible media involvement. In the end, that employee at that clinic called 911 anyway, and emergency room personnel, upon the arrival of that patient, discovered that the patient had a perforated uterus and, as a result, needed a hysterectomy.

A different physician, speaking to the Louisiana State Legislature in connection with their deliberations on Act 620, explained that she routinely treats abortion complications in the emergency room when the physician who performed the abortion lacks admitting privileges. In the experience of that physician, ''The situation puts a woman's health at an unnecessary unacceptable risk that results from a delay of care and a lack of continuity of care.''

It was on this basis that the Louisiana State Legislature concluded that having admitting privileges would help to contain these risks and help protect women because a physician—the same physician who performed that procedure, if he or she has admitting privileges in a hospital within 30 miles of the abortion clinic in question, would be the physician in the very best position to treat that patient.

So, yes, could reasonable minds reach different conclusions as to the exact set of regulations applicable to an abortion clinic or any other type of healthcare clinic? You bet. There are a lot of ways to get at the same issue. There are a lot of ways to protect human health and safety. It is not the job of the Supreme Court of the United States to decide exactly how those laws are written in Louisiana. And make no mistake—that is what the Supreme Court did here. They might as well have removed their robes and pretended simply to be lawmakers. What they are doing is that blatant, and it is very wrong.

There is, moreover, a connection between this logical disconnect that I refer to and the fact that the standing analysis that I alluded to earlier shows something else that the Supreme Court did wrong. This shows that the very same concerns that the Louisiana Legislature had on behalf of the patients—the would-be victims of medical malpractice at many of these abortion clinics—are concerns that were not present before the Court. They were not represented among the plaintiffs in that case. That is yet another reason why the Supreme Court of the United States acted lawlessly, in a shameful manner, in the June Medical Services case.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Texas.

S. 4049

Mr. CORNYN. Mr. President, this weekend, the American people will celebrate 244 years since our Nation's independence. Over these last two and a half centuries, our country has faced and defeated many enemies who have sought to undermine the very foundation of our way of life. They sought to take away our freedom, undermine our values, and destroy our way of life. They also in the process sought to instill fear, hate, and perpetrate violence. But each time, our country has prevailed.

It is really a miracle, if you look back at our Nation's history, that we made it through a civil war, two world wars, and we find ourselves still the beacon of liberty that attracts so many people from around the world who want to live here and become Americans and pursue their dreams here. All of that starts with our security.

As we celebrate our independence and generations of men and women who fought to protect it, we are now engaged in fulfilling our most important responsibility, and that is to provide for the common defense. We do that by advancing the National Defense Authorization Act.

This bill is an annual exercise and is part of Congress's commitment to give our men and women in uniform the support they need to defeat those threats and to prepare for ones that will inevitably come tomorrow. We have done this for the last 59 years. Believe it or not, we have been consistent and done this for the past 59 years. I can't think of any other area where Congress has been so consistent. In doing so, we have managed to overcome our differences and pass this legislation, as we should. This is how we determine how our soldiers, sailors, airmen, and marines are paid; how our alliances are to be strengthened; and how our military facilities are to be modernized and maintained. As the threat continues to evolve, it is how we ensure that we are the best there is.

In 2018, the national defense strategy was crafted to recognize the reality of the global threats we were facing then and we still face today and outline a comprehensive strategy to maintain what Ronald Reagan coined as ''peace through strength.'' The past two Defense bills have supported the implementation of that national defense strategy, and this legislation will continue to build on the progress we have made.

Given the state of our world, preserving our military readiness has never been more important. Both China and Russia have become much more aggressive in their attempts to disrupt the global order. North Korea continues to provoke the United States and our allies with its nuclear aspirations. Iran's hostile and unpredictable actions continue to threaten democracies around the world. Our adversaries are investing in their capabilities in an effort to surpass ours, and in some areas, sadly, they are succeeding.

Simply put, America no longer enjoys the competitive edge we once had on our competitors and adversaries. We can't allow that status quo to be maintained. We must change it, and that is where the NDAA comes in.

This legislation makes tremendous strides in maintaining that technological advantage, in modernizing our weapons, building resilience, and regaining a credible military deterrent. What keeps us safe is our deterrent. We need any foe to realize that if they engage the United States in military conflict, they will be defeated. The moment they believe that they can take us on and gain some advantage, they will do it. That is the nature of the world we live in. So the deterrent value of what we are doing here this week could not be more important.

All told, the defense authorization bill will support $740 billion for our national defense. That is the single biggest ticket item in our Federal spending. It will mark a significant step forward in our efforts to modernize and strengthen our military. But this bill is about more than maintaining our powerful national defense; it is empowering the men and women behind it. America's 2.1 million servicemembers have made a commitment that most of us have not made, and that is to volunteer to serve in the defense of our Nation and in so doing, joining the ranks of America's heroes who have defended our country throughout our history. They make sacrifices each and every day, not because it is good for them but because it is good for all of us. We owe it to them to support them in any way we possibly can, both on duty and off.

This legislation provides for a modest 3-percent pay raise and additional support for our families. Since we have an

all-volunteer military, it is frequently said that it is the individual servicemember who volunteers, but it is the family that determines whether we will retain them in military service. So this bill provides for military spouse employment opportunities and childcare.

I offered one amendment to the bill that would extend this support to help military parents during a time of tragedy. It would change a policy that was brought to my attention by Maj. Matthew Checketts, who is an Active-Duty airman at Joint Base San Antonio-Lackland.

Major Checketts and his wife Jessica spent much of last year preparing for the arrival of their newest family member, a little girl named Elaine. Elaine would be their sixth child, joining a squad of boys who were eager to have a little sister.

When Elaine arrived last fall, Major Checketts was given 21 days of parental leave to spend time with his family, but then they experienced an unimaginable tragedy. Their beautiful daughter passed away. Instead of getting to know their newest family member, the Checketts family was facing a hardship every parent prays they will never have to endure.

For many military families, that loss is made even more difficult because of a Department of Defense policy which ends a servicemember's preapproved parental leave upon the death of a child. There is no time to grieve and no time to regroup. That means no time to be with your grieving family or somehow process this immeasurable loss. The policy of the Department of Defense currently requires servicemembers to leave their family and return to work when that child dies.

In Major Checketts' case, his commander allowed him to take his preapproved leave so he could stay with his family, but not every servicemember will get that same consideration. That is why Senator DUCKWORTH and I introduced the Elaine M. Checketts Military Families Act, named after Elaine. This legislation would amend current leave policy for servicemembers so their preapproved parental leave is not terminated upon the tragic event of a child's death.

This is actually in line with other civilian Federal employees, and there is no reason why servicemembers should be treated differently. The grief of losing a child should not be aggravated or compounded by having to face the grief thousands of miles away from your family.

So, as we begin to debate this year's Defense authorization bill, let's keep at the forefront of our conversation the men and women who are heroically offering themselves, and, indeed, their very lives, on some occasions, to protect against the threats to our country. Let's work in good faith to get this bipartisan bill passed soon.

Let me commend Senator INHOFE, the chairman of the Armed Services Committee, and Senator REED, the ranking member, for their leadership on this bill, as well as all the members of the Senate Armed Services Committee. I particularly appreciate their maintaining the tradition of strong bipartisanship that has historically guided this legislation.

As we get closer and closer to the Fourth of July, let us remember all of America's Armed Forces, what they have all given to protect our freedoms, and let's make sure we do our job both here in Washington, with a strong Defense authorization bill, and at home, with our demonstration of support and expressions of gratitude and appreciation.

The PRESIDING OFFICER. The Senator from Washington.

UNANIMOUS CONSENT REQUEST—S. 4112

Mrs. MURRAY. Mr. President, I thank my colleagues who will be joining me this evening—Senator BALDWIN, Senator HASSAN, and Senator SCHUMER—to advocate for much needed action to protect workers, to provide relief to State and local governments, and to bolster our public health system.

I rise to speak about the steps we need to take to invest in childcare and education. COVID–19 has upended childcare and schools in a way that truly is unprecedented. It has created chaos across our education system.

Since we passed the CARES Act over 3 months ago now, Senate Republicans have not done anything to address the countless challenges that our childcare providers, our educators, our schools, and, of course, our students and families are facing. Instead, they have chosen to pretend that this crisis is over and that we should just return to business as usual, which for them means most often voting on partisan judges and not much else.

As my Republican colleagues continue to delay any response, urging Democrats to pump the brakes and ''wait and see,'' we are hearing from parents who aren't sure if they can go back to work because their childcare provider closed. We are hearing from teachers who aren't sure if they will even have a job to return to in the fall. We are hearing from college students who might be forced to drop out because they desperately need financial assistance during this economic downturn.

We don't need to wait and see to know we need to provide relief immediately. In our childcare system alone, we are now at risk of losing millions of childcare slots because providers across the country are struggling to keep their doors open.

As Senate Republicans are burying their heads in the sand on this, our K–12 schools are now facing some of the biggest cuts to State and local revenue we have seen in a long time, all while struggling with the increased cost of dealing with how to reopen safely and to continue to provide quality education during a pandemic. We know this crisis is hitting, especially hard, students of color, students from low-income families, students who are experiencing homelessness, students with disabilities, and many other students who are marginalized in our education system.

Our higher education system is under serious financial pressure as colleges across our country, especially our Nation's HBCUs and our Tribal colleges and our minority-serving institutions, struggle with the consequences of this pandemic. Many students have been forced to drop out of higher education because they lost their job or they can't meet their basic needs. To address all of these problems, we need a massive investment in our childcare system, in our schools, and in our students and families now.

This is why, today, I am introducing the Coronavirus Child Care and Education Relief Act. This bill creates a Child Care Stabilization Fund, which will provide grants to make sure providers can stay open and that working families get the tuition relief they need. It will provide K–12 schools with the funds they desperately need to help students with increased academic and social emotional supports to address learning loss, to put in place public health measures to make our schools safer for students and educators, to make sure specific funding goes to support students with disabilities, and to address the other growing inequities for students of color and many others.

The bill will also make a $132 billion investment in our higher education system to provide emergency financial aid grants to students for expenses like food and housing, childcare, technology supplies, and to help our colleges to confront the increased cost and financial pressures they are now facing during this COVID–19 pandemic.

Additionally, this bill will reverse Secretary DeVos's cruel attempts to prevent millions of students, including our undocumented students and DACA recipients, from receiving emergency aid, block her from giving special favors to colleges that don't need taxpayer dollars, and stop her from taking funding that was meant for public schools to advance her privatization agenda.

There is a long road ahead to fully address the education and childcare crisis, but this bill is an important step for childcare providers, our students, our families, and our educators. Our schools cannot wait any longer.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4112, the Coronavirus Child Care and Education Relief Act introduced earlier today. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Mr. President, before my colleague from Utah wishes to object, may I say a few words?

The PRESIDING OFFICER. The Democratic leader of the Senate.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington State for introducing this legislation, which I am proud to cosponsor.

Education is the future foundation of our success in America. It has always been. When a crisis occurs, we have to stand by those who educate our kids, and, most importantly, our kids themselves, whether they be in preschool, whether they be in K–12, or whether they be in higher education.

There are so many different ways that this crisis has affected our schools, and, frankly, if our schools can't open in September, millions of Americans who want to go back to work and who could go back to work will not be able to because they have to be home taking care of their kids. There is a need to really step up to the plate in a real way and improve education over the long run, but at the same time not let it deteriorate because the coronavirus has so affected our schools in so many different ways.

I would hope that this body would pass this measure. It is vital—vital—to get our economy going, vital to resume the education of our kids, vital to make sure that classrooms can function in a healthy way, and vital to providing the kind of childcare that people need as well.

I hope that my colleagues, again, would support this legislation. It is so important. If America is going to have a great future—and I hope and pray and believe we will—we are going to have to have the best schools in the country, and if we are a country that lets a pandemic hurt our schools badly so they will take years to recover, woe is us.

So I thank my colleague from Washington State for introducing this measure. I am for it. Even if there is objection here, we will be coming back to this issue because it is so, so important for the future of our country. I appreciate the gentleman from Utah yielding, and I appreciate the good works of my colleagues who have put together this legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, we received this 125-page bill yesterday evening. I have great appreciation and respect for my colleague, the Senator from Washington, and yet I can't look at this 125-page bill we saw for the first time yesterday evening without thinking that hardly enough time has passed since this legislation was introduced to even read the bill, let alone to mark it up in committee or bring it up on the Senate floor and have it passed here.

Even though Congress has acted to provide emergency assistance in response to the current global pandemic, this legislation includes significant additional spending for a number of programs that have not been debated in the Senate. This bill would also create at least one new program, and I say ''at least,'' because, again, we are still trying to figure out what is in it. It creates at least one new program, the Community College and Industry Partnership Grants Program. I am sure this would do a number of good things, but, again, this thing is not ready for prime time. This program is, as far as I can tell, largely duplicative of existing programs. This legislation would provide $2 billion for it anyway.

A bill of this length and a bill that provides for billions of dollars in new spending should not—I would hope would never—be passed this quickly. The Senate should take the time to thoroughly weigh the changes proposed in this legislation. Therefore, on behalf of Senator ALEXANDER and myself, I object.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am sorry that the Senator has objected this evening. This is an issue that is critical to every family in this country. We all want our economy to open. I assure everyone that if people can't get childcare, they cannot go back to work. Our schools are going to be looking immediately into how they are going to be opening. Without the additional resources they need, they will not be able to do it. Our kids and our families are worth this bill.

I know that several colleagues will be speaking here tonight on this, but I want the Senate to know that these are priorities that we are going to be fighting for. I urge the Senate to bring up the next COVID package. I am willing to work with everybody on it, to hear what everybody has to say, but our kids, our families, and the future of this country has to have our support at this critical time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today to join Senator MURRAY and my Democratic colleagues in calling for substantial additional funding for childcare and education as our country continues to grapple with the COVID–19 pandemic.

In New Hampshire and across the country, this pandemic has turned families' lives upside-down. As classrooms shifted to living rooms, many parents have had to take on new roles, balancing teaching their children with their own day-to-day work. Other parents, including those who are on the frontlines of responding to this crisis, have had to figure out new childcare arrangements to ensure that their children are cared for while they go to work. Teachers and educators have had to adapt and find new, innovative ways to meet the needs of all students.

With cases rising across this country, there is significant uncertainty facing families and educators who are trying to navigate what our systems of education and childcare are going to look like in the coming months.

The legislation being offered by Senator MURRAY today would be a strong step forward in helping families and educators prepare for the road ahead, and, as with all preparation, timing matters. Delaying necessary actions doesn't address the new challenges educators and families face; it just makes it harder for them to get their jobs done.

The Coronavirus Childcare and Education Relief Act, which am I proud to cosponsor, is a comprehensive bill that would help meet the needs of students and childcare centers, K–12 schools, and institutions of higher education.

Among its many provisions, this bill makes significant investments in childcare. Childcare centers have already been hit hard by lost revenue during the pandemic, and now they face added costs in implementing new health and safety policies to mitigate the risk of spreading COVID–19. This legislation would provide them with much needed relief.

In addition, this legislation would bolster emergency funding for K–12 schools. This funding would help address challenges with students who have fallen behind. It would help schools institute public health protocols, and it would give schools more resources to ensure that all students—all students—get a quality education, whether it is in person, remotely, or a combination of both.

As we have worked to ensure that schools can effectively educate all students during this pandemic, I have also been focused on preventing students who experience disabilities from being overlooked. Before COVID–19, students with disabilities were already more vulnerable to disruptions in their education since the additional resources they need are often scarce. This pandemic has exacerbated the challenges students with disabilities face, and many have lost meaningful access to the critical services that make their education possible.

We know that large numbers of students will require remedial help when they return to school, and these challenges will be particularly acute for students with disabilities. To address this, Senator MURPHY and I have been calling for additional dedicated funding through the Individuals with Disabilities Education Act, and I am pleased that this legislation meets those calls, providing $12 billion in funding to help ensure that students with disabilities receive the same educational opportunities as do their peers.

Finally, to address the challenges facing institutions of higher education, this bill provides colleges and universities with critical emergency funding, helping strengthen emergency financial aid for students as well as bolstering support to help these institutions follow public health guidelines. It also provides key funding for community colleges as well as career and technical education programs.

This upcoming school year will look different than any other we have ever seen before, and we must be prepared

so that students do not fall further behind. The legislation that Senate Democrats have brought forth today will give schools and families some needed certainty, and this certainty is critical for the planning that needs to happen now. Delay in this moment is irresponsible.

I am grateful to the Senator from Washington for her leadership on this bill and on all the efforts that we make to strengthen education for all of America's children.

I urge my Republican colleagues to support this bill, to join with us to make sure that, as we grapple with this pandemic, we can all help our students thrive and our families get back to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 3677

Ms. BALDWIN. Mr. President, I want to also join in commending Senators MURRAY, SCHUMER, and HASSAN. I am proud to be a part of this effort to make sure that children, from early childhood education to lifelong learning, are able to continue and not fall behind. It is critical that we act on this legislation.

I rise to speak to another measure that has gone undebated in this body. It underlies the reopening of our economy, including K–12 education and many other activities. In fact, I started working on this legislation with Senator DUCKWORTH when it was only essential workers who were reporting to work every day, but now, as we reopen, it is so required.

As our Nation battles an ongoing and deadly pandemic, thousands of American workers have been on the job from the start, keeping our economy running and keeping people safe. They are healthcare workers, food service and grocery store workers, warehouse workers, transportation workers, and all those working on the frontlines every day to confront this pandemic.

Today, even as coronavirus cases continue to rise, many States have already reopened businesses and restaurants, calling more and more people back to work to serve their community. More than 125,000 Americans, including tens of thousands of frontline workers, have died, and these numbers are rising every single day. Yet there is no Federal enforceable standard in place to protect American workers from getting infected with or spreading COVID–19.

I have heard from a nurse in Wisconsin who is having to ration personal protective equipment, or PPE, and wear the same mask for 3 weeks or longer.

I have heard from a grocery store worker in Racine who says their store still lacks basic protections like protective plexiglass partitions.

I have heard from a meatpacking plant worker in Green Bay, WI, who still has to stand shoulder to shoulder with colleagues on the plant floor rather than standing 6 feet apart.

The lack of basic protections are putting Wisconsin workers at risk.

I have repeatedly called on the Trump administration to take action. The Department of Labor and OSHA, the agency in charge of protecting workplace safety and health, need to establish protections that aren't voluntary guidance but are mandatory standards.

OSHA has the authority to issue an emergency temporary standard if employees are exposed to grave danger from new hazards, but this administration has done nothing but recommend voluntary guidelines to workplaces. Voluntary recommendations are not binding, and OSHA currently has no enforceable standard to protect workers from airborne infectious diseases, leaving the Nation's workers at an elevated risk of exposure to the coronavirus. Voluntary compliance is not enough when hundreds of thousands of American lives are on the line.

Now, some businesses are voluntarily making the necessary investments to keep their workers safe, but without a mandatory Federal requirement, businesses doing the right thing are left at a comparative disadvantage.

We cannot combat this pandemic if we do not take immediate action to protect workers.

Months ago, as I said, I introduced legislation with Senator DUCKWORTH to protect U.S. workers from COVID–19 in response to disturbing and widespread reports of unsafe workplaces leading to preventable illnesses and deaths.

The COVID–19 Every Worker Protection Act would require the Occupational Safety and Health Administration to issue emergency temporary standards that establish a legal obligation for all workplaces to implement comprehensive infectious disease exposure control plans and keep workers safe during the COVID–19 pandemic.

This legislation passed the House of Representatives more than 6 weeks ago as part of the HEROES Act, but Leader MCCONNELL has buried this bill in his legislative graveyard.

This legislation is the single best way to require all workplaces to protect the health and safety of their workers and to prevent additional outbreaks and further spread of the coronavirus. It is not enough just to say ''thank you'' and label our frontline workers heroes. We need to create a safe workplace so that these heroes can continue to do their heroic work.

Congress can take immediate action right now to require workplaces and employers to put enforceable standards in place to protect their workers. We can and we should do more in this country to do right by our workers. That is why I am asking right now for unanimous consent to pass my COVID–19 Every Worker Protection Act.

I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 3677, the COVID–19 Every Worker Protection Act of 2020; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, reasonable efforts to protect those working on the frontlines in the middle of a public health crisis should certainly be applied.

There are many individuals across the country steadfastly fulfilling their occupational duties to care for and otherwise help those who have the coronavirus. It is important that those individuals take precautions for their safety and for the safety of other people who happen to be around them. However, the bill under consideration, the bill that is the subject of this unanimous consent request, poses several problems.

First of all, it does not respect the fact that States, localities, and businesses are far better suited than the Federal Government to determine what safety standards might be needed. Instead, the legislation forces State governments to adjust their current plans to protect workers to meet standards determined by some administrative bureaucracy in Washington.

This action is burdensome, and a one-size-fits-all approach to protecting healthcare workers on the frontlines will not work. The reason it will not work is that our frontlines differ across the Nation. States must be permitted the flexibility to enact their own standards based on the needs of each State.

Further, the temporary protection standards for the bill are not truly temporary. They are described as such, but they are not, as the bill calls for permanent standards to be made based on the initially temporary standards to be determined by OSHA.

Finally, the bill broadly subjects all employees at risk of occupational exposure to the emergency standards to be promulgated by OSHA. This means that potentially every worker in every industry could be subjected to these requirements even though each industry has its own unique challenges that need to be addressed. So this broad-brush approach could limit the ability of certain individuals to work during this time even though they might actually be in a good position to do so safely.

It is critically important for our healthcare workers to be protected in a time of crisis, but the most effective way to accomplish that is by continuing to allow States, localities, healthcare facilities, and businesses to set safety standards and to ensure that those who can safely work have the ability to do so. Therefore, on behalf of Senator ALEXANDER and myself, I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am very disappointed. I think this is one of the most critical actions that our country could take in the face of this pandemic that has created so much havoc in our economy and has also has taken too many precious souls from us.

I would state this on examination of this bill: It is not, in fact, a one-size-fits-all. If there is any agency anywhere that has the wherewithal to promulgate an emergency temporary standard, and, ultimately, after 24 months a permanent standard, it is the Department of Labor and its Occupational Safety and Health Administration.

The failure of leadership that this administration—as in OSHA—is not doing its job is unfathomable to me. But I believe that it sits in the best position to issue an emergency temporary standard and protect our workers and customers and students and patients who necessarily interact with these workers. I am disappointed. But, again, we will continue to press this issue until every worker does have these protections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

PROTESTS

Mr. LEE. Mr. President, it is with sadness, concern, and deep disappointment that I come to the floor to acknowledge something very unfortunate that happened just last night in my own hometown of Provo, UT. A group of people were gathered in downtown Provo to protest, to express concern over matters important to them.

At one moment, a car approached University Avenue, preparing to turn right on to Center Street. As that car approached, the car was surrounded by people who were engaged in acts of protests. The car tried to pull through the intersection very slowly, being cautious, and not to move into anyone.

The protesters continued to gather around the car. In the middle of all of this, the driver of that car was shot—was shot—by one of the protesters who was armed, who, according to the video that I saw, looked right into the vehicle and shot into the passenger side window with a gun.

According to eyewitness accounts, after the driver then pulled away from the intersection, trying to get away, the person with the gun fired yet again as the driver was driving away. Moments later, the driver arrived at Utah Valley Regional Medical Center, seeking medical attention. My thoughts and prayers are with that victim and the victim's family

I am saddened that we have to be having this conversation at all, but it is something that has come to so many communities around America. These are protests, in some cases, turning into riots that have visited communities—urban and rural and suburban alike.

In many instances, people have come to those protests in order to vocalize concerns that they have with their government—concerns, perhaps, about law enforcement policy or personnel. In some cases, some protests have been carried out without violence and without incident.

A few weeks ago, I came to the floor of the U.S. Senate to talk about one such gathering in Ogden, UT, where people gathered to express their objections to what happened to George Floyd in Minneapolis about a month ago. They did so in the immediate wake of the killing of a police officer in Ogden. They dual-tracked their expressions of emotion and of concern, expressing support and appreciation to the fallen officer who had given his life enforcing the law and trying to protect his fellow Utahns, his fellow American, his fellow residents of Ogden, while at the same time protesting against what happened to George Floyd in Minneapolis.

They protested in a way that reflected well on this country, on the city of Ogden, and on the State of Utah. They left with not a scrap of trash left in the streets. Perhaps far more importantly, they left the scene without having harmed anyone or anything, without destroying property.

Yes, the American people have the right peaceably to assemble and to express their views without fear of retribution from their government. But, no, that does not encompass the right to harm other people, and, no, that does not encompass the right to engage in acts of lawlessness, whether for the purpose of destroying property or life simply because one is concerned about something.

This violence has to stop. This isn't who we are. It is important also to remember that whenever we voice concern about something in government, we remember that you can't expand government without strengthening government—the same government entity that provides law enforcement officers, the same government entity that collects taxes, that runs any government program. So we do have to keep in mind exactly what it is that we want.

There are many instances that I have observed as a lawyer, as a former prosecutor, and as a citizen in which police authority has been abused. I unequivocally condemn all such abuses. That is the very reason we have a Constitution in place to limit the power of government, of individual officials running them—government entities.

When you send law enforcement in to address a particular situation, you are not doing that for the purpose of persuasion; you do it for the purpose of force. That is the one tool that government has that is uniquely government's. It has the power of force. It is official, collective force. That is what government is.

I hope and I expect that our conversations about this will focus on how force is used by government—where it ought to be entrusted in government, where it shouldn't. I hope, also, we can look to any of the true underlying causes of some of these abuses.

I hope and expect that we can address why on Earth was it that the man who killed George Floyd apparently had 17 complaints filed against him without formal disciplinary action ever having been taken against him. Why and how did this happen? What sort of cabal was it that was protecting him from discipline?

I hope and expect that we can have those conversations, but I hope and expect that we as a country can come together in condemning violence—lawless violence in all of its forms. Whether it is against persons or property or a combination of the two, we are better than that. Don't dress it up in the flag. It doesn't belong there. Don't dress it up in the First Amendment. The First Amendment protects our right peaceably to vocalize our concerns, peaceably to assemble—not lawlessly and, certainly, not violently.

If this can happen in Provo, it can happen anywhere. You don't want it to happen in your community, not in any community. I hope and expect that in the coming days we can come together as a Senate and adopt sense of the Senate legislation unequivocally condemning violence undertaken in a lawless fashion. Regardless of the motivation of those involved in it, it is wrong, and it must never be tolerated—not in this country, not on our watch.

I yield the floor.

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 3768

Mr. CASEY. Mr. President, we are going to be talking tonight about nursing homes in the context of the COVID–19 disease.

I will start with the numbers, which I think most Americans, unfortunately, know by now. Every day we see the number of cases and the number of deaths. I don't know exactly the number today, but it was somewhere around 127,000 deaths.

Yet a number they may not know are the numbers when it comes to nursing homes. More than 54,000 residents of nursing homes or workers have died—more than 54,000. They account for more than 40 percent of all the deaths in the USA.

To say this is unacceptable in no way begins to describe the gravity of this, the tragedy, and the failure by the administration to deal with it and to have a strategy to get that number down.

I hope the administration and I hope Members of Congress would commit themselves today to say that when we come back here 3 months from now, 4

months from now, 5 months from now, that we are not again saying 54,000 more people died in nursing homes. I hope there will be an effort made by the majority in the Senate to make sure we are working together with the administration to get that number down.

I don't sense that the administration has any kind of a strategy here at all because if there were a strategy, that number would never be as high as it is.

I will have more to say later, but there is something we can do in the Senate and that is to pass legislation to do a couple of things. No. 1 is to focus dollars on the problem.

In this case, we have nursing homes across the country that never implemented the kind of practices that would help them to reduce the number of deaths in nursing homes. We know there are best practices that work. We know that when a nursing home is given the resources to separate those with COVID–19 from those who don't have it, so-called cohorting—it is a phrase we should become familiar with, ''cohorting''—if that happens in a long-term care setting, the death number will go down for sure, and the case number will go down, but not enough places are doing that.

We should help them do that. I have legislation to do just that. We also know there are best practices with regard to investing in strategies that will surge medical support for nursing homes to get more professionals to be brought to bear on a problem in a nursing home. There is a lot we can do. I will have more to say about it in a moment, but I know we want to get to a unanimous consent request.

This is not going to be good enough for us to just curse the darkness and say how bad this is and how unacceptable it is. We have to act. That means the Senate has to pass legislation which includes dollars—funding—so we can have better practices in our nursing homes. I hope those who will say that is not what we should do have a good plan, a good strategy.

Let me start with a unanimous consent because I know we have to get that done here.

Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration and the Senate proceed to the immediate consideration of S. 3768, the Nursing Home COVID–19 Protection and Prevention Act of 2020. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Reserving the right to object.

Mr. President, the fact is, the Senate has acted. We acted very generously. In the CARES Act, we passed $100 billion. In the CARES Act 3.5—phase 3.5—we passed $75 billion for a total of $175 billion for the Provider Relief Fund. That fund allowed reimbursement and financial assistance to skilled nursing facilities and nursing homes.

To date, about $76.9 billion—44 percent of that $175 billion—has actually been expended, and $4.9 billion has been expended on skilled nursing facilities and nursing homes, which means we have $98.1 billion left.

Fifty-six percent of that $175 billion has not been spent, and HHS has a great deal of latitude in terms of how to direct that. If more needs to go to skilled nursing facilities and nursing homes, HHS has $98.1 billion to spend.

Before we authorize another $20 billion and try to pass that by unanimous consent, I say we need to take a very close look at what we have already spent—close to $77 billion—and then either redirect, repurpose, or just utilize it as was intended, the $98.1 billion that remains to be spent.

I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 2779

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, first, let me talk a little about the Luke and Alex School Safety Act.

The Luke and Alex School Safety Act of 2020 is named in memory of Luke Hoyer and Alex Schachter, who tragically lost their young lives on February 14, 2018, in the attack at Marjorie Stoneman Douglas High School in Parkland, FL. Luke's parents, Tom and Gena Hoyer, and Alex's father, Max Schachter, turned their tragedy into positive action by dedicating their lives to promoting noncontroversial, commonsense school safety measures so that others don't have to experience tragedies like they have.

Both Tom and Max testified before my committee on July 25, 2019, and presented their recommendations for improving school safety. One of their recommendations was to create a Federal clearinghouse of school safety best practices that schools, teachers, and parents can use as a tool to improve a school's safety posture in a way that best suits that school's community and needs.

Our committee turned this commonsense recommendation into the Luke and Alex School Safety Act of 2020 and passed it unanimously, with bipartisan support, on November 6, 2019. Even though the bill had only cleared our committee, the Department of Homeland Security agreed that it was such a good idea that it actually created and launched this clearinghouse in February of 2020. I ask unanimous consent to codify this clearinghouse within the DHS to ensure it will be continually updated to be useful and relevant for schools and teachers and parents well into the future.

By the way, I just quickly printed out the current web page here. What is on it is just very common sense. It reads: ''Find Resources to Create a Safer School.'' It has the latest news and a coronavirus update. Then it has a number of different parts to the site. You can go on School Safety Tips, like bullying and cyberbullying, threat assessment and reporting, school security personnel, physical security, training, exercises and drills, mental health, school climate, emergency planning and recovery.

Again, this is completely noncontroversial. It is just a clearinghouse of best practices that every school in America can go to and cut through the clutter and, hopefully, find very practical solutions to improve the safety within their schools and, again, hopefully prevent tragedies like those that, unfortunately, befell the folks in Parkland, FL.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 402, S. 2779. I ask unanimous consent that the committee-reported amendments be withdrawn; that the Johnson substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, in reserving the right to object, I don't have a problem—nor do, I am sure, a number of Senators—with Senator JOHNSON's bill. I am objecting on behalf of the Democratic Senators so we can start a conversation about helping all of the air traffic controllers in this country receive 12 weeks of paid parental leave, starting on September 30, 2020.

We did a great thing here in the Senate for other Federal employees last year in the National Defense Authorization Act that the President signed, but these air traffic controllers were accidentally left out. I think—and I am sure this is true of many who agree with me—that if the chairman would take a look at Senator SCHATZ's bill to fix that, these hard-working moms and dads would be very appreciative.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, if I could ask the Senator from Pennsylvania, I am not quite sure what that fix has to do with the school safety bill. They are completely unrelated. By the way, I talked to Senator LANKFORD earlier, and I know he also has a bill to fix that and is trying to get that into the NDAA this year. Again, it seems like there is bipartisan support for that as well.

To me, it doesn't make any sense whatsoever to hold up and not pass a bill that is completely unobjectionable and noncontroversial and that really could marginally improve school safety simply because we have not fixed what

we kind of botched the last time around even though there is bipartisan support to actually fix it. So I guess I am kind of scratching my head and not understanding that objection.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I think the reference was to Senator SCHATZ's bill, and I am just asking, on behalf of the Democratic Senator, if the chairman would take a look at that bill.

Mr. JOHNSON. Yes, I am happy to take a look at that as I am willing to take look at the Lankford bill and get that in the NDAA. So, perhaps, maybe, if that gets included and gets fixed, we can come back at a later date and pass this by unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CORONAVIRUS

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the problem for which Senator CASEY asked unanimous consent, which is of the terrible plague of deaths in nursing homes across the country.

We just heard the chairman say that he is not sure what the air traffic controllers have to do with his proposal on school safety. I am not sure what his proposal on school safety has to do with nursing homes. We came here to talk about nursing homes.

There are over 30,000 residents of nursing homes in this country who have been killed by the COVID virus. If Senator CASEY's numbers are accurate, that is another 20,000 of stats. It is one in four deaths from COVID–19 in the United States. Out of the 1.3 million Americans residing in nursing or intermediate care settings, 30,000-plus have passed away, and in some States, it is much worse.

Senator HASSAN is here from New Hampshire, and she will talk about her State. Senator CASEY is here from Pennsylvania.

In Rhode Island, 60 percent of our deaths have occurred in long-term care facilities. I know it is not just us but that it is going on around the country. One in five nursing homes nationwide has reported a COVID-related death, and as the disease explodes across parts of California, explodes across Florida, and explodes across Arizona, you know that this disease will have many more opportunities to attack many more Americans in many more nursing homes.

So our bill is a really sensible one: resources to nursing homes for staffing, for testing, for personal protective equipment, to support the expense of doing sensible things like cohorting—putting the COVID patients together to help contain the spread of the illness—and having surge teams available for the really dread situation in which the COVID sweeps through a facility with such ferocity that you can't get people to come and work there because they all have to be isolated and quarantined. You need special measures, special equipment, specially trained people—folks beyond the ordinary employee base of the facility—to come in and deal with that explosion, with things like just best practices—identifying them, promulgating them—practices that will keep residents and staff safe.

I am very disappointed that our Nursing Home COVID–19 Protection and Prevention Act has been objected to by the Senate majority. If the majority's notion is that we are doing so well that we can ignore this, that all we need to do is take a very close look at the funding that has already gone out, and that this is another victory we can declare—mission accomplished; we are doing a wonderful job, Brownie; this is great—no, not with 30,000 fatalities and climbing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I thank my colleague from Rhode Island and my other colleagues on the floor for their comments.

I rise to join Senator CASEY and our colleagues in calling for additional action to protect nursing home residents amid the COVID–19 pandemic.

I begin by thanking the Senator from Pennsylvania for his leadership on this issue. I note that the senior Senator from New Hampshire is here, and I know that she will be addressing this issue as well and has been fighting for action to protect people all across our State and across our country who reside and work in nursing homes.

Nowhere is this pandemic being felt more acutely in this country than in nursing homes. Across the United States, 43 percent of COVID–19 deaths have been linked to nursing homes, and in New Hampshire, roughly, 80 percent of our State's deaths from this virus have been in nursing homes and long-term care facilities. The grief of losing a loved one, compounded with the fact that families could not be at their sides, is unimaginable. I know that frontline staff are working as hard as they can to keep their patients and residents safe, but in talking with them, it is clear that these essential workers need more support.

In particular, frontline staff tell me they still do not have sufficient supplies of personal protective equipment. Months into this pandemic, there is still no robust Federal strategy to support the residents and employees of nursing homes. That is inexcusable.

With respect to the argument that I have heard some of my Republican colleagues make—that we have already passed the CARES Act and that it had money to go toward nursing homes—it doesn't address this issue. If the previous bill were sufficient, we wouldn't still be seeing this rate of death in our nursing homes. We need to address the pandemic based on the goals we set and the results we want, not just on how hard we think we have worked or how much money we think we have spent.

The bill that Senator CASEY has put forward today would make a significant difference for nursing homes in New Hampshire and across the country. The Nursing Home COVID–19 Protection and Prevention Act, which I am proud to cosponsor, would help save lives and improve safety among residents and employees in nursing homes.

Specifically, this bill would provide $20 billion in emergency funding for nursing homes, intermediate care facilities, and psychiatric hospitals to support costs related to staffing, testing, PPE, and other essential needs. It would also require the Department of Health and Human Services to collect and publish data and analysis on COVID–19 cases and deaths in these facilities, which would give us a clearer picture of the situation we are facing. In addition, I will continue working to ensure that we are doing all that we can to keep residents and employees of nursing homes safe.

Last week, I joined with Senators Casey, Warren, and Schumer in calling for answers from the Federal Emergency Management Agency, FEMA, about nursing home and long-term care facility access to personal protective equipment—what we commonly know now as PPE—following reports that FEMA was shipping insufficient and defective personal protective equipment to these facilities. These reports are deeply alarming. Equipment arriving with mold on it cannot continue.

As we continue to address this pandemic, the challenges facing nursing homes must be a top priority. Delaying vital assistance to these facilities will have dire consequences for people in New Hampshire and all across our country. I urge my Republican colleagues to support this legislation. I urge them to come to the table and work with the Democrats to strengthen the Federal response to this pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleagues on the floor in support of legislation that would address what is happening in our long-term care facilities across this country as a result of the coronavirus.

I applaud Senator CASEY for his leadership on this legislation and am pleased to be able to join in cosponsoring the bill, along with my colleague from New Hampshire, Senator HASSAN; Senator WHITEHOUSE, who was here; and Senator BLUMENTHAL. We are all here because this country is not doing enough to support long-term care facilities and nursing homes in America.

Before I talk more about the legislation, I begin by expressing my outrage at the fact that this administration has directed the Department of Justice to weigh in to try and overturn the Affordable Care Act at a time when we have millions of Americans who are vulnerable during the coronavirus pandemic. As of today, 2.5 million Americans—nearly 6,000 patients in New

Hampshire—have been infected with the coronavirus.

Nationally, more than 125,000 Americans have died. In New Hampshire, nearly 400 Granite Staters have died from complications from the virus. Yet what this administration is doing is trying to strike down the Affordable Care Act and take away healthcare coverage from 23 million Americans, including over 90,000 residents of New Hampshire.

That means, if they are successful, that we will have millions of Americans with preexisting conditions who will lose protections that they rely on. We will return to the days when insurers can deny coverage to people with preexisting conditions or charge them higher premiums based on their health status. Insurers will, once again, be able to put caps on the dollar value of health services that can be covered in a year or a lifetime.

At a time when unemployment has risen to levels that we have not seen since the Great Depression, this administration is asking the Court to strike down the Affordable Care Act's Medicaid expansion provisions which, in New Hampshire, has been the most significant factor in ensuring that people who are struggling with substance use disorders are able to get treatment.

This Senate should not stand silently by while the administration tries to tear down the Affordable Care Act at a time when people are most in need of assurances that they can get healthcare coverage.

We need to come together to address what needs to change about the Affordable Care Act to make it better, but we need to do that together because if this administration is successful in striking down the Affordable Care Act, they don't have a plan of what is going to replace it.

During this global pandemic, it is not enough just to protect the Affordable Care Act from ongoing sabotage. We have also got to do more to support frontline healthcare providers, especially in nursing homes and long-term care facilities that are caring for vulnerable seniors, and that is what this legislation that we are speaking to is all about.

In the Granite State, we know just how dire the needs of nursing facilities have become, as nursing home residents account for approximately 80 percent of the coronavirus deaths in New Hampshire.

I want to just reemphasize what Senator HASSAN said. Eighty percent of the coronavirus deaths in New Hampshire—we have the highest rate in the Nation of deaths in long-term care facilities, and yet we have nursing facility staff in the State who tell me they are stretched thin due to increased costs from the coronavirus response. They have reduced revenue because they have had to postpone stays in long-term care facilities for patients who need physical rehabilitation.

It is critical that the Senate take action to provide more support to these facilities so they can afford the additional staffing, the testing supplies, the personal protective equipment that will be needed to keep our seniors safe.

That is why I strongly support Senator CASEY's bill that will provide $20 million in new aid to nursing facilities to help them confront this pandemic head-on.

This bill needs to be a central component of any future round of coronavirus response legislation here in the Senate. Our communities are demanding action to respond to the ongoing impact that the virus is having on the public health and on our economy.

As I said last week on the Senate floor, it is long past time for this body to join together and get serious about another coronavirus response bill.

The really impressive thing about what we have done to date in response to this pandemic is the fact that we have worked together to get four really significant packages of legislation done. Yet now it has been 6 weeks since the House passed its coronavirus response package, known as the Heroes Act. During that time, there has been no action here in the Senate to take up the Senate response to the coronavirus. That needs to end.

I mean, even today we heard the Governor of New Hampshire—the Republican Governor, Chris Sununu—announce that in New Hampshire our State expects to experience a budget shortfall of nearly $540 million. That is about a 20-percent drop in State revenues. That is going to have a huge impact in New Hampshire, not just on healthcare but on so many investments that the State needs to make in our schools, in responses for first responders, in roads and water systems and critical infrastructure. Everyone in the State, from town administrators to the Republican Governor, all are describing the tough choices that they are going to have to make if Federal assistance doesn't arrive soon.

Of course, that extends to our nursing home facilities—to the many businesses and organizations in New Hampshire and across this country that need more help.

So I urge our colleagues to support Senator CASEY's legislation. Let's get assistance to those facilities that are so much in need and come together and demand that we get another coronavirus response package of legislation so that people know help is, once again, on the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow my colleagues Senators Shaheen and Hassan from New Hampshire and Senator WHITEHOUSE of my neighboring State of Rhode Island—great advocates and steadfast champions of our elderly, our nursing home and assisted living facilities, and, most important, my wonderful friend and colleague, Senator CASEY of Pennsylvania, who has been such a tremendous champion as the ranking member on the Aging Committee, where I am also privileged to serve.

I have been reading about the 1918, 1919 pandemic which killed Americans and people all around the world with such terror and such relentless cruelty, and it hit particularly hard young people in the prime of their life, in their twenties and early thirties, most especially members of the military who were bunked together and confined on bases or on troop ships on their way to the war. Almost as many American troops died of disease during World War I as they did of wounds they suffered in combat.

Today's pandemic is different. It has hit particularly hard our elderly, and they too have been struck with vicious cruelty because, in many instances, they are confined to facilities or living spaces where they are together, and the disease is transmitted so efficiently.

Today, we have less excuse than the public officials a century ago. They had no idea what this organism looked like, how it lived, what it did, or how it was transmitted. We know. We have pictures of it. They are on the news every night, and we know that transmission is accelerated and exacerbated when people live together in close confinement without the kind of staff and protective gear and treatment and therapeutics and preventive measures that, hopefully, we will develop through research that is ongoing right now.

They had no cure, and they had no prevention back then. We are working to develop it now, but we know, in the meantime, steps can be taken to protect our elderly, especially our elderly who live in nursing homes and assisted living facilities.

We have no excuse, none, for the death rates we have seen in those facilities. In fact, at the height of this pandemic in Connecticut, 70 percent—literally, 7 in 10—deaths were among people in nursing homes and other senior care facilities. That percentage was among the highest in the country. It wasn't the 80 percent of New Hampshire, but 70-plus percent was among the highest.

This death rate nationally is a national scandal and disgrace because we knew enough, and we certainly now know enough to prevent these kinds of deaths.

Now, the numbers of COVID cases and deaths have slowed down in Connecticut as a result of social distancing and mandatory mask wearing, but the pain is still felt in nursing homes. Just last week, another 20 nursing home residents died, and in that same week, 64 nursing home staff contracted COVID–19.

In fact, although we talk about the residents of nursing homes, the staff—the doctors, the nurses, the clinicians, the caregivers, the maintenance workers—were also among the most heavily impacted. Working in a nursing home is not a picnic. Working in a nursing

home is tough physically and emotionally, and it was made all the more so by this pandemic.

That is why I am supporting, avidly, the Heroes Fund, part of the Heroes Act, which would provide hazardous duty pay to those frontline workers who have been on the job reporting for duty despite the risk and the extraordinary emotional and physical toll it has taken on them and their families.

That hazardous duty pay is a reward. It is a recognition for what they have done in service to not only their patients and clients but also to society in Connecticut as a whole. They deserve it, and we need to provide it to retain them and to recruit others, the same as we do for police and fire and first responders—others who work in grocery stores, supermarkets, delivering, postal workers—the unsung heroes of this pandemic.

None has been more courageous and perhaps less appreciated in the way they deserve than those strong and courageous workers in nursing homes in Connecticut and elsewhere. I know, from having talked to them—many of them in Zoom calls, personally, in meetings, on the telephone—they grieved for those losses. They genuinely felt the pain and suffering that they saw. The losses the families suffered were their losses, too, and when their facilities endured a higher than expected rate of fatality, they grieved along with brothers and sisters, sons and daughters, friends, family, and others. They experienced the kind of physical isolation and sometimes emotional isolation that those patients endured when they were separated from their loved ones, cut off from human contact.

So we need to focus—we have an obligation to do so—on our nursing homes because of the fatalities and the other suffering that is endured there. We need to learn from some of the best practices that were finally put into place in Connecticut, such as expert strike teams that focused on testing, the larger numbers of personal protective equipment—masks, gowns, other kinds of equipment necessary to protect the staff as well as the residents—and sometimes cohorting, which has worked in some circumstances, so that the infected are separated from others.

I am proud to support Senator CASEY in fighting for the Nursing Home COVID–19 Protection and Prevention Act, which would provide $20 billion in emergency funding specifically targeted toward protecting nursing home residents as well as individuals in intermediate-care facilities and others in psychiatric hospitals.

This legislation is not a luxury or convenience; it is a necessity. If you care about those extraordinarily vulnerable individuals who cannot care for themselves—that is why they are in these facilities—then we must pass this legislation. If we have any measure of self-respect as well as regard for those brave individuals who work there and the loved individuals who live there, we must take this step.

I have also introduced legislation with Senator BOOKER—the Quality Care for Nursing Home Residents and Workers During COVID–19 Act—that would immediately address the egregious number of nursing home deaths happening in Connecticut and throughout the country by implementing much needed reforms. These reforms and practices are part of the work that must be done, especially for the families of the over 2,500 nursing home residents who lost their lives.

I am pleased that Connecticut has committed itself to a full probe of how COVID–19 impacted nursing homes, how it killed, but Connecticut should not need to go it alone. No State should need to go it alone. This kind of measure puts the full weight of the Federal Government in funding and best practices and reforms behind States like Connecticut that want to do better and feel we must do better. We all bear that responsibility. It is common to all of us. It is on us, and these two measures are a way to fulfill that responsibility.

We should not leave the Capitol for a 2-week recess while nursing home residents remain vulnerable. We should not abdicate our responsibility while those residents in the care of assisted living facilities remain susceptible, and they are continuing to be susceptible. We need greater preparedness in every way, most especially where we know the most vulnerable are right now, and that is our nursing homes and assisted living facilities.

As this administration continues to attack the Affordable Care Act in the Supreme Court of the United States and elsewhere in abhorrent defiance of the need for more healthcare, not less, in the midst of a pandemic, we can send a message to the country that we will stand strong for better healthcare. We will protect senior citizens in nursing homes.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, as we conclude the hour in the next 10 or 15 minutes, let me start my remarks by thanking my colleagues who joined us tonight. I thank Senator WHITEHOUSE, who has worked with us on this legislation from the very beginning, on introduction, and so many who are cosponsors on the legislation—Senator HASSAN from New Hampshire and Senator SHAHEEN, the senior Senator from New Hampshire. I thank her for being here and for her comments about this legislation. I also thank Senator BLUMENTHAL.

I wanted to start just for a few minutes before we conclude with this chart. This is a chart depicting a map of the United States that is dated June 27 from the New York Times. The summary reads: ''In at least 24 states, a majority of deaths are linked to nursing homes.''

Of course, I mentioned at the outset the deaths, as of a few hours ago, of more than 54,000 people, when you add up the residents and the workers, comprising 40 percent of the deaths nationwide.

You can see when you break it down by State, my home State of Pennsylvania is at 68 percent—a majority of the deaths—linked to nursing homes. States just to the south, where there is Virginia at 61, Maryland at 61, Ohio at 57, but even further south, North Carolina is at 57. Then you go out into the middle of the country, and in North Dakota, 64 percent of the deaths were linked to nursing homes; Minnesota, 77 percent. There are not many that are below 30 percent—only a few. Those are the numbers, but of course the numbers don't tell the story.

We need a plan for this. This is not the America we should accept. This isn't America, where we just throw up our hands and say this virus is so terrible, so aggressive, and the COVID–19 disease is so destructive—the results from the virus—that we are going to accept another 54,000-plus deaths in the United States of America and not have an action plan.

There is no action plan right now. The Centers for Medicare and Medicaid Services and other parts of the Federal Government have only recently started to speak to this issue, but there is no plan. Unless we have legislation that the majority not too long ago in this hour just objected to—a big part of the solution is to invest in proven strategies, best practices like cohorting, where you separate COVID–19 residents in nursing homes from residents who do not have the disease—that works; we know that works because it has worked in real time in lots of places in the country—as well as the other investments we can make in surge capacity to add professional help in the form of more doctors, more nurses, and more certified nursing assistants when a nursing home is being overrun.

No one here is saying that the Federal Government is the only entity responsible for this. Nursing homes have to do more, and governments at all levels have to do more. But the Federal Government is the payer and the level of government that comes up with rules and regulations and law that governs what happens in a long-term care setting.

So this bill, S. 3768, which has now been objected to by the majority—and I am still waiting all these weeks and months now for the majority to come up with their nursing home strategy to get the death and case numbers down. We are still waiting for that.

This bill, S. 3768, would provide $20 billion in emergency funding. When you consider all that has been invested in so many other priorities, the least we can do is to invest in proven strategies for our nursing homes. It would provide support for personal protective equipment for nursing home workers who are doing that heroic work every

day. Some of the funding would go for testing, as I mentioned, cohorting, surge teams, and so much else.

The bill is supported by the AARP, the Alzheimer's Association, and 25 other organizations representing seniors, people with disabilities, nursing homes, and other providers.

This is what we need to pass now to have a strategy in place because we cannot wait for the administration because they seem to have no sense of urgency with regard to this problem. This is an American problem that was created here in response to a virus. No one would argue that the American people cannot come up with a strategy to get the death numbers and case numbers down.

Who are we talking about here? We are talking about two groups of Americans, right? The residents and the workers. The residents—we are talking about those residents in nursing homes. These are Americans who fought our wars. These are Americans who worked in our factories and Americans who raised families year after year, decade after decade. These are Americans who built the great American middle class. These are the Americans who built this country, and they gave each of us life and love and a strong foundation personally but also in terms of the strength of our country. The least we can do—the very least this Senate can do is to make sure we at least have a strategy.

Are we just going to throw up our hands and just say there is nothing the most powerful institutions in the world can do to reduce the number of nursing home deaths? As I said before, we don't want to be standing here 3 months from now, 6 months from now, talking about another 54,000 or 55,000 nursing home deaths. Is that really America?

We are still waiting for the administration. We are told that by one estimate, 12 to 18 nursing home residents have died per hour, every hour over the last several months—12 to 18 nursing home residents dying every hour. So we can't and should never allow another hour to pass without action.

The majority has allocated a lot of time for nominations the last 2 months or more, a lot of time for other issues, but not time for COVID–19 strategies to reduce long-term care deaths in nursing homes. So the time now is not for debating nominations for agencies; the time is long overdue for us to take action to deal with this American tragedy of deaths of residents in nursing homes and deaths of workers.

While we are talking about those workers, they do heroic work every day. They go in to do this work, expose themselves to the virus, expose their families to the virus, and they do back-breaking work, often for pay that isn't commensurate with the nature and sacrifice and the dignity of their work. So they are heroic.

If there were ever a group of front-of-the-frontline workers—these are not just frontline workers; they are at the very front of the line. We should make sure they have protections in the nursing homes to do their work but also pandemic premium pay, as we call it, and so much else.

I ask a parliamentary inquiry: How much time is remaining?

The PRESIDING OFFICER. There is no order on time.

Mr. CASEY. Mr. President, I have just a few more minutes, and I will be done.

I won't go through the details of this report, but I want to note for the Senate two things. No. 1, we will be introducing—I will, and Senator PETERS, the ranking member of the Homeland Security and Governmental Affairs Committee, and Senator WYDEN, the ranking member of the Finance Committee—the three of us and our offices will be releasing a report about nursing homes. The report is entitled ''COVID–19 and Nursing Homes: How the Trump Administration Failed Residents and Workers.'' This is a chronicle of deadly delay and a chronicle of a lack of real urgency on behalf of the administration.

I hope the administration is reaching that point of urgency and is going to deliver to the American people a plan to get the death numbers down, to get the case numbers down in nursing homes. We haven't seen that sense of urgency. This report includes nine findings and nine recommendations, so no one can ever accuse us of just cursing the darkness of this tragedy without bringing the light of solutions to this issue.

There is more that I could say, but just for the record, as I conclude, I ask unanimous consent that the written comments that my office received from two constituents with concern about their loved ones in nursing homes be entered into the RECORD.

Just for the record, I will read the names of the family members: Thomas and Barbara Taylor of Coatsville, PA.

The Presiding Officer is a native of Redding and knows what I am talking about when I mention these names.

Joette Peters of Manheim, PA, is also a part of this, as well as Amy Lowenthal, who had a relative. Her dad, David, was a geriatrician in Philadelphia. Her comments are about that.

I ask unanimous consent that these written comments from constituents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOMAS AND BARBARA TAYLOR—COATESVILLE, PENNSYLVANIA

I'd like to share information from Thomas and Barbara Taylor, a couple from Coatesville, Pennsylvania.

My office first heard from Mr. Taylor in early April.

Mr. Taylor is a hospice nurse who now serves as the Chief Operating Officer of a company.

He understands the challenges of caring for a vulnerable population.

And, he knows how important it is to treat people at the end of their life with dignity.

Mr. Taylor reached out to my office after he learned that his sister-in-law, Juanita, age 72, passed away from COVID in her nursing home in Lancaster County.

His mother is also a resident of this facility and recovered from COVID at age 85.

When Thomas and Barbara spoke to my team, they were dismayed that more is not being done at the federal level to ensure transparency with residents and their family.

Mrs. Taylor followed up with my office in writing.

She explained that her sister, Juanita, began showing signs of COVID at the end of March.

Juanita had a cough, a slight fever, did not have an appetite and required oxygen to help with breathing.

At this time, it became painfully clear that the Trump Administration had failed to stockpile the supplies needed to test Americans.

And, still, the President refused to use the Defense Production Act to procure the supplies necessary.

Even after multiple requests that her sister be tested, in Barbara's words ''begging'' doctors, Barbara was told that her sister did ''not have the symptoms'' or ''meet the criteria'' required to be tested.

For the next few days, Barbara and Thomas were kept in the dark.

Then, any family's worst nightmare occurred.

Barbara called the nursing home and spoke to a nurse on the floor.

When Barbara asked about her sister, the nurse said, ''Your sister is not here.''

Barbara pressed for more information.

The nurse told Barbara, ''Juanita died about an hour ago. Didn't anybody call you?''

This was the first Barbara had heard this news. The Taylors were ''horrified by the unexpected news.''

The lack of transparency and human decency is inexcusable and immoral.

Nursing homes must do better. Residents, families and workers deserve better.

As the report that we will be releasing tomorrow states, the Trump Administration provided no leadership.

Nursing homes did not have the supplies necessary to protect residents and workers.

There was a testing shortage across the country. And there continues to be no testing strategy.

Many facilities experienced staffing shortages, which may be the reason why no one bothered to call the Taylors.

We must do more to protect Mr. Taylor's mother who is still at that same nursing home, but also all other nursing home residents across the country.

We need more funding for surge teams to deal with COVID right now, and more funding to implement best practices, like cohorting, separating residents who have COVID from those who do not.

We cannot stop working. We cannot stop legislating. We cannot stop appropriating dollars to help our seniors and people with disabilities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As Barbara wrote, ''My sister Juanita had dementia and could not speak for herself. I was her voice and eyes. I couldn't see her at the time. Please allow me to speak for her and others who have no voice.

We have a sacred responsibility to heed this call to action from the Taylors and so many others.

JOETTE PETERS—MANHEIM, PENNSYLVANIA

My team also spoke with Mrs. Joette Peters from Manheim, Pennsylvania.

Mrs. Peters' parents, Harold and Helen, have been married for 67 years.

For the past 11 years, Harold and Helen have been residents of a nearby retirement community.

As they grew older, they required differing levels of care. They decided to reside in rooms across the hall from each other.

However, like the greatest love affairs, even that separation could not keep them apart.

According to Mrs. Peters, before COVID, ''[t]hey spent the majority of their waking hours together.''

Their love knew no bounds.

Now, COVID is keeping them apart from each other, their daughter and their extended family.

Mrs. Peters explained that in the middle of lunch, her parents were told the facility would be going into ''lock down'' and Helen would need to leave immediately.

Since then, Helen and Harold have only been able to see each other and their daughter through a sliding glass door.

They have tried to visit with each other virtually, but that has its own challenges.

We know from experts that social isolation for seniors can have the same health impact as smoking 15 cigarettes a day.

This very topic was the focus of a recent hearing in the Aging Committee.

Nursing homes and other long-term care facilities need resources in order to safely reopen.

They need dollars for PPE. They need dollars for testing. And they need dollars for their workforce.

My bill would provide nursing homes with those resources.

It would give Harold and Helen the chance to be together. And, it would give their daughter and family peace of mind.

AMY LOWENTHAL—LATE FATHER: DAVID LOWENTHAL, GERIATRICIAN IN PHILADELPHIA

My office also heard from Amy Lowenthal.

Amy's father, Dr. David Lowenthal, was a nephrologist and professor who was trained as a doctor at Temple University and practiced medicine in Philadelphia.

Amy was told that he was the first resident in his nursing home to test positive for COVID–19.

In explaining the care and treatment that her father received after the diagnosis, she told my office about the incredible kindness of the nursing home's workers.

Call after call, looking in on her father, Amy and her sisters said that nurses and doctors ''took the time to talk to her and answer her questions.''

''The COVID ward staff were patient, empathic, and acted like my father was the only patient on the ward.''

In the last hours of his life, Amy heard from a hospice nurse asking if she would like to FaceTime with her father one last time.

She ''thanked the nurse profusely for reaching out.'' And when they connected, the nurse was holding her father's hand and playing classical music for him.

According to Amy, the nurse said, ''This breaks my heart. If it were my dad, I would hope someone would do the same for me.''

As Amy described, she never knew the name of the nurse. She never saw her face through the PPE, but Amy said that she will remember that nurse for the rest of her life. ''She gave me the gift of one more moment with my Dad. And, it would be my last.''

Amy concluded her correspondence with this ''I often wonder what my Dad, a lifelong physician and teacher, would have thought of this last chapter of his life. But I do know for sure that he would have been so grateful to those frontline workers who provided warmth and comfort to his family during his last days.''

We are all eternally grateful to the frontline workers who are caring for our loved ones.

They deserve more than our praise.

They deserve protection. They deserve testing. They deserve premium pay.

The bill that I am hoping the Senate will pass will provide resources for all of that.

Mr. CASEY. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Maryland.

EXTENDING THE AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM

Mr. CARDIN. Mr. President, shortly, I am going to make a UC request. I am not going to do it now because we are still working out some of the specific details, and Senator SCOTT will be on the floor when I do that, but let me just explain while I am on the floor.

My colleague Senator SHAHEEN, a key member of the Small Business Committee and one of the negotiators on the small business package, is on the floor, and we are joined by Senator SCHUMER, who has been a real champion in making sure we get help to America's small businesses. I want to acknowledge the work of Senator COONS, who I expect will be on the floor a little later. One of our key cosponsors in the next round of aid is Senator ROSEN.

I want to acknowledge the cosponsors of the unanimous consent request legislation, including myself and Senator SCHUMER, Senator SHAHEEN, Senator COONS, Senator ROSEN, and Senator COLLINS.

I also want to acknowledge that this is bipartisan. I talked to Senator RUBIO, and he has informed me that this has cleared the hotline, so we are hopeful that we will get this UC done today.

As we are waiting for the paperwork to get to us, let me just explain what the UC does before I make the UC request.

The authority of the Small Business Administration to approve any more Paycheck Protection Program loans expires at midnight tonight. With the deadline we established when we passed the CARES Act in March—that was a reasonable assumption in March. We thought that by the end of June, our economy would be back on track and we would not need to have additional applications after that date.

Well, a lot has changed since March of this year, and we recognized that when we passed the bipartisan Flexibility Act. It changed the time period for use of PPP funds from 8 weeks to up to 24 weeks and changed the allocation that Treasury had established of using 75 percent of the funds for payroll to 60 percent of the funds for payroll. We recognize that times have changed.

The PPP program is extremely popular. As of 5 o'clock tonight, $520.6 billion of forgivable loans have been issued under the PPP program to 4,856,647 small businesses. Quite frankly, these are small businesses that very well may not have been here today but for the PPP program. We kept them alive, and we have saved jobs. The Labor Department's May estimate of 2.5 million jobs added—a large number as a result of the PPP funds.

Small businesses need additional help. They need additional help. Times have changed. We know, for example, that in the State of Texas and Florida, we are seeing a record number of infections just now. The need is still there. We have mandatory closures of bars in those States. We certainly didn't anticipate that when we passed the legislation last March. Small businesses need additional help. We don't want to close the door on the PPP program.

The good news is that we have $130 billion remaining in the coffers for the PPP program. So the resources are there, the need is there, and we just need to change the date. So the UC I am going to be making in a few moments would change the deadline for filing for a PPP loan from June 30 to August 8. We picked August 8 because that is the end of the next work period. We certainly hope that by then, we are going to have the next stimulus package signed by the President of the United States.

I must tell you, we need to do more than just extend this date; we need round two of help for small businesses. I am very pleased that I have had the help of Senator SHAHEEN and Senator COONS. We filed legislation that targets the next round. The first round was to get money out quicker to save small businesses. The second round needs to be targeted to those small businesses that really need the help. That is why our legislation targets it to small businesses under 100 workers and those that have economic needs that can be demonstrated and helping particularly the underserved, underbanked community.

I was very pleased that this type of a second round was acknowledged by Secretary Mnuchin at an oversight hearing before the Small Business and Entrepreneurship Committee. There have been good-faith negotiations with Senator RUBIO. We worked on this bipartisan issue. I think we can get it done today.

I am disappointed, though, that we are going to go into the recess scheduled for the end of this week. We are not coming back until July 20, and small businesses are going to run out of money during that period of time. The small businesses that have used up their PPP money and need additional help are not going to get our attention until we come back July 20. That is wrong.

We should have taken up this bill by now. The House passed the Heroes Act months ago. We should have been taking this up now. As I said, small businesses have exhausted a lot of their PPP funds, and we need to act.

Tonight, we will have the opportunity to extend the June 30 deadline

by the UC request. I am pleased that we are likely to be able to get that done. The last day that we anticipate, the end of the work period—the next work period—we will have time to work together, act together, and hopefully pass additional bipartisan help for small businesses in this country. Small businesses are the growth engine, job creator, innovator, and we need to act, and we need to act tonight.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4116, introduced earlier today. I further ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT of Florida. Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, reserving the right to object. I want to thank my colleague for bringing up this important bill today. This crisis is unprecedented, and leaders across the Nation have taken steps to address the virus and the devastation it has caused both to the health of Americans and to our economy.

The Paycheck Protection Program has helped so many businesses in Florida and across the Nation to stay afloat during this unimaginable time. As we continue to reopen our economy and get Americans back to work, we have to continue looking for ways to help our small businesses that are hurting, and extending the Paycheck Protection Program is one way to do that.

My focus has always been on how we get this money to those who truly need it. We have heard all the stories—stories of big businesses with thousands of employees that found loopholes to qualify for these loans, universities with massive endowments accepting these loans, and even small businesses taking these loans when they haven't seen a downturn in their revenue.

Under my colleague's proposal, companies that are not being harmed at all by the coronavirus crisis will have the ability to receive taxpayer-funded loans that can be forgiven.

This program needs to be reformed so money isn't being taken out of the hands of those who really need it. I have offered an amendment to my colleague's bill today that will prohibit businesses that have not seen a downturn in their revenues to the COVID–19—during the coronavirus pandemic from being eligible for a Paycheck Protection Program loan going forward. My amendment would not be retroactive; it would only apply to those businesses applying for a loan going forward.

It is incumbent on us to create accountability in the Paycheck Protection Program, and I encourage my colleague to accept this commonsense amendment to help those businesses hurt by this crisis.

I ask that Senator CARDIN modify his request and instead the Senate proceed to the immediate consideration of S. 4116, introduced earlier today, but that my amendment at the desk be agreed to; further, that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be considered made and laid upon the table.

Mr. CARDIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. CARDIN. Mr. President, reserving the right to object to modifying the amendment, under my reservation, let me first thank the Senator from Florida. I agree with his concerns, and that is why we are looking at additional help for small businesses.

The legislation that I filed with Senator SHAHEEN and Senator COONS includes a needs-based approach to the next round of PPP loans because we are going to need to do more.

Secretary Mnuchin acknowledged that we are going to have to do more, but he also acknowledges that we can target that aid.

The first round was aimed at getting money out quickly, and we could not have gotten money out quickly if we had underwriting standards that required the needs-based as in the Senator's amendment.

So here is the dilemma that the Senator is offering. We are not looking at this PPP–2 program. This is the original program that we want to keep alive as we negotiate the next round.

So if the Senator's amendment were adopted, you could have a bar owner in Maryland who has been closed, who has been able to get the PPP program, but now you have a bar owner in Florida who just recently got notice that they have to close and wants to apply for a PPP loan and is not going to be able to get it in a timely way because they are going to have to establish—maybe prospectively—the loss of revenue after guidelines are given, et cetera.

That is not fair. It is not fair to treat one small business of one State differently than we treat a small business in another State.

The second point I would point out to the Senator is this: As we have looked at the evolution of the PPP program, the late applications, those that are filing now, they are invariably the smallest of the small businesses, the ones in the greatest need. So why would we want to change the rules for those that had the greatest need when we didn't do it on the original round?

So I would just urge my colleague: Let's work together. I assure you that we want to do this in the next round. I am disappointed we are not doing it this week before we adjourn, but that is a decision made not to bring up the next stimulus package at this point. I would urge my colleague to recognize that this would create an administrative burden, an inequity, and it is not really germane to what we are trying to do in moving forward with the second round of the PPP program.

With that, I would object to modifying my unanimous consent request.

The PRESIDING OFFICER. Objection is heard on the modification.

Is there an objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, first, I want to thank Senator CARDIN for worrying about the businesses. I think the Senator is absolutely right. I think we all can acknowledge that in the original bill, it could have been done better. So some of the businesses that got it shouldn't have probably gotten it in the beginning, and we could have targeted more for some of the smaller businesses.

I thank Senator CARDIN for what he is doing. I am not going to stand in the way of this. I look forward to working with him to try to make sure that the money goes to people who actually need it and that it doesn't go to people who haven't actually had a downturn in their business.

We don't have unlimited resources up here, as we all know. I just want to make sure the money is spent well.

So I am not going to stand in the way.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 4116) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4116

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

SECTION 1. EXTENDING AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM AND SEPARATING AMOUNTS AUTHORIZED FOR OTHER 7(A) LOANS.

Section 1102(b) of title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended to read as follows:

''(b) COMMITMENTS FOR PPP AND OTHER 7(A) LOANS.—

''(1) PPP LOANS.—During the period beginning on February 15, 2020 and ending on August 8, 2020, the amount authorized for commitments under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall be $659,000,000,000.

''(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'BUSINESS LOANS PROGRAM ACCOUNT' under the heading 'SMALL BUSINESS ADMINISTRATION' under title V of the Consolidated Appropriations Act, 2020 (Public Law 116– 93; 133 Stat. 2475) shall apply with respect to any commitments under such section 7(a) other than under paragraph (36) of such section 7(a).''.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank my friend from Florida for allowing this to go forward. I think we do share the same objective. We want

to make sure the money gets out, and we also want to make sure that those who really need it get the funds.

I assure the Senator, I would be happy that we could bring up the second round this week, but let's make sure we work together with your colleague from Florida, Senator RUBIO. We have been in constant contact, and we hope to have a bill ready.

I want to acknowledge on the floor Senator SCHUMER, who has been our leader on our side to make sure that we really target the help for the small businesses that really need it.

I see on the floor Senator COLLINS, who was part of the negotiating team that was able to come up with the PPP program—incredible contributions. Senator SHAHEEN was also part of that negotiating team—with Senator RUBIO—that came up with the PPP program, and I thank you for your support on this unanimous consent request.

Senator COONS, as I have already mentioned earlier, is one of the key members of the Committee on Small Business and Entrepreneurship, one of our cosponsors of round 2 of relief to small businesses.

With that, I yield the floor to my colleague from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be here to join the ranking member of the Committee on Small Business and Entrepreneurship, Senator CARDIN; Democratic Leader SCHUMER; Senator COONS, who is also a member of the Small Business Committee; and Senator COLLINS, who worked so hard with the negotiating team to put in place the Paycheck Protection Program.

I am pleased because we have an agreement to extend the expiration date to August 8. I came here thinking that we would not be able to get agreement, so I am glad that Senator SCOTT was willing to work with us as we try and get not just an extension—because we need an extension of that first round, and that is what tonight does, but we also need another round of PPP.

This has, by far, been the largest business relief effort in our Nation's history—for small businesses, anyway. I am hearing now from so many small businesses in New Hampshire. Those that have used the PPP program effectively have kept their workers on the payroll; they have paid their rent; and they are beginning to open back up again. But that funding is about to run out, and they need more assistance as our economy reopens—particularly those mom-and-pop businesses with very few employees.

In New Hampshire, the tourism and hospitality industries, which have been the first to close and are going to be the last to reopen, are just vital to New Hampshire's economy. And New Hampshire restaurants account for nearly 70,000 jobs, with $3 billion in sales, and hotels represent another 29,000 jobs and $1 billion in wages and salaries.

I have heard from small businesses like LaBelle Winery, which is a beautiful winery, conference, and wedding venue in Southern New Hampshire. It has 100 employees. It is fighting to survive. The owners of LaBelle Winery have put in two decades of work, yet all of their events are canceling for the summer and fall. They have spent their first round of PPP. They are operating now at just a fraction of their capacity. Before the pandemic, this was a thriving business with expansion plans for opening an inn and a second restaurant. Now, if they don't get that second round, they are in real trouble.

Colby Hill Inn and The Grazing Room restaurant, which is in the only Henniker on Earth—Henniker, NH—is about to lose 65 percent of its revenues this year. The revenue from their high-end restaurant isn't even covering payroll or food costs. They had 95 percent of all of their events cancel this year.

The life savings of Bruce, the owner, and his husband Jeff are in this inn, and if they lose their business, they not only lose their business; they lose their home. If they don't get a second round, if they can't apply for that second round, they may not still be here.

So I am really pleased we have gotten this extension tonight. That is progress. But we need a second round.

There is $130 billion left in the Paycheck Protection Program. We need to help those small businesses that need additional assistance.

I am pleased that we are working in a bipartisan fashion to try and get a bill. We have a bill that Senators CARDIN, COONS, and I introduced. Now we are working with Senator RUBIO, chairman of the committee, and Senator COLLINS, who was part of that four-person negotiating team. I am hopeful and cautiously optimistic that, if we work together, we will be able to agree—Republicans and Democrats—on what should be in that second round.

The challenge, then, is to get another package of assistance not just for America's small businesses but for all of the people who have taken such a hit as a result of this global pandemic. Over 128,000 Americans, 339 Granite Staters, have lost their lives.

New Hampshire has an unemployment rate that, before the pandemic, was under 3 percent, and it is now 14.5 percent. We have to help those small businesses get through this period, and I am hopeful that, working together, we can do that. We can get another package of legislation, and we can say to Americans again that help is on the way.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to commend the Senator from Maryland, the ranking member on the Senate Small Business and Entrepreneurship Committee, for bringing this legislation forward this evening.

I also want to commend my neighbor from New England, Senator SHAHEEN. Senator CARDIN and Senator SHAHEEN, along with the chairman of the committee, Senator RUBIO, and I crafted the Paycheck Protection Program that has literally been a lifeline to small businesses and their employees throughout this country.

More than 4.8 million loans have been made under this program. These are forgivable loans. As long as the small business, the employer, uses the percentage that is established now at 60 percent in order to pay for his or her employees, then the loan, at the end of the day, is forgiven.

This has made the difference between a small business shuttering its doors forever, laying off its employees permanently, and surviving this pandemic. Small businesses do not want to lay off their employees. Their employees are their family members, their friends, their neighbors. They are committed to them. They are committed to their communities.

Through no fault of their own, the pandemic has led to government-issued orders that have closed businesses down or their customer base has simply dried up. As a result, these small businesses were facing extreme cashflow problems, with no liquidity, and were unable to keep their businesses going without the assistance from the PPP.

I am proud of what we have been able to do. I know the difference that it has made in the State of Maine, where more than 26,000 small businesses—that is almost 75 percent of small businesses in our State—have received more than $2.2 billion worth of forgivable loans. That is equal to nearly half of the entire State budget for the State of Maine.

Those forgivable loans have sustained paychecks for nearly 200,000 employees in my State. It has allowed small businesses to retain employees; it has allowed them to recall employees; and it has allowed them to send paychecks to employees who have been furloughed due to a lack of work.

Most of all, it has kept that bond between the small business employer and his or her employees intact so that, as restrictions are lifted and as the economy reopens, the small business and its workforce can be quickly reunited. That benefits every community in this country.

So I am very pleased that the legislation that we brought to the Senate floor under the leadership of Senator CARDIN tonight has been approved so that we don't see an interruption in this program.

I, too, understand the concerns raised by Senator SCOTT. In our negotiations on a phase 2 program of the PPP, we are looking at having a revenue test, and I think that is likely to be a provision included in the next stage of this program.

But in the meantime, let us make sure that we continue our efforts to keep our small businesses alive and paychecks flowing to their employees.

I look forward to continuing the negotiations with my colleagues. I want

to thank Senator CARDIN, Senator SHAHEEN, and Senator RUBIO for their extraordinary leadership, and it has been a great pleasure to work with them on such a concrete program that has made literally the difference between going out of business and surviving this terrible pandemic.

Let me end, as Senator SHAHEEN did, with a story of a small business in the tourism industry in my State. This is an innkeeper who has run an inn that has been in her husband's family for generations.

In the month of June, usually—and last year—her occupancy rate is 94 percent. This June, it was 6 percent—6 percent. When I saw her, she told me that but for the Paycheck Protection Program, her business would not be in operation. She was able to keep all of her year-round staff employed because of the PPP. I think it is obvious that this business, like so many others, is going to need additional help to survive this pandemic. And that is what we must do.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, let me salute Senator CARDIN and Senator SHAHEEN for bringing this measure to the floor and forcing our colleagues on the other side of the aisle to relent, who, originally, of course, wanted to block this bill all day long. It is going to benefit two groups of people. The first, very simply, are those businesses whose businesses had gone bad in the last few months.

When this proposal was passed, plain and simple, the economy everyone thought, might get better sooner. It hasn't, and there are large numbers of businesses that are going to need to apply now. Had this program run out today, they would have been out of luck. Now, with this renewal, in short time, August 8, they at least get the chance to reapply.

But there is a second group. This program was rolled out very poorly by the administration. We all know that. We had to come back and fix it twice. There are many businesses in New York and elsewhere that applied initially and were rejected or that went to their bank and their banks said no because this program was not aimed at helping the smaller businesses by the administration, as they rolled it out.

The guidance that was supposed to be issued—and all the other things that happened—didn't happen. There are many businesses that were rejected the first time. I talked to many in New York in the last few weeks: Can I apply again? Now it has been straightened out because of the good work that Cardin and Shaheen and we Democrats did, forcing the Republicans to help small businesses.

They originally just wanted to renew the PP Program as is, and we said no. We said no, and we got a much better bill. These businesses can now apply again with the new guidelines that were passed in COVID 3.5, and that is a very good thing.

I would recommend to our small businesses that have been rejected to reapply because it might be available to you again.

Let me say, this shouldn't have happened. Our Republican colleagues have been missing in action on COVID–19 throughout—on small business, on unemployment insurance, on aid to localities, and on so many other issues. The only reason we are here tonight is that we Democrats said we are going to force you to come here with the unanimous consent statement.

Let us hope—there is always hope here—that this will repeat itself; that our Republican colleagues will see that sticking their heads in the ground, following Leader MCCONNELL, who said that we will have to assess the situation—I guess tonight we are not assessing the situation, but thank God we are acting—that we will move forward on issue after issue after issue.

We have many more UCs this week. The need to pass those UCs is every bit as pressing as to move this UC. Maybe they will relent again, and maybe they will come back and say we need to negotiate.

Speaker PELOSI and I have asked Leader MCCONNELL to sit down and negotiate now. No, no way, no negotiation.

We have had to push our Republican friends to help small business, to help the unemployed, to help those who rent, and so many other people, and to help States and localities. They didn't want to do any of it. But tonight might be a metaphor for what is going to happen in the future as we move to the Heroes Act. Our Republican friends, pressured by the very people in their own States, who desperately need help, will have to say yes, we agree with you.

But I have to say that this happened tonight not because of bipartisan action, as much as I would like to see bipartisan action in this body. It happened because Democrats said we are going to go to the floor and demand a UC. Until the last minute, our Republican friends said we are going to block it for one reason or another. Thank God they didn't. They deserve praise for not doing it. But let's make no mistake about it. This is not the end. This is the beginning. We have a lot more to do for small business and for many other parts of our economy and our healthcare system that are struggling and suffering. They need action. We need bipartisanship like we saw tonight in these areas as well.

I yield floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise to join my colleagues and to express our enthusiasm for the work that lies ahead. I am so grateful to the Senator from Maryland for his leadership in bringing this important effort to the floor tonight.

Senator CARDIN and Senator SHAHEEN have been stalwarts in the Small Business Committee. The ranking member and his talented colleague from New Hampshire have worked tirelessly to shape the PPP, or the Paycheck Protection Program, that was part of the CARES Act enacted more than 2 months ago.

It has delivered, as you heard tonight, remarkable assistance to nearly 4 million businesses, more than $500 billion—I think $526 billion in assistance—and has helped millions of businesses all over our Nation not have to close.

Today—tonight—was supposed to be last minute, the last chapter in the PPP program, but because of the unanimous consent request that was successfully negotiated by Senator CARDIN, there is now 5 more weeks of running room for businesses, large and small, across our States—excuse me, businesses small and smaller, across our States—to have an opportunity to get to the SBA to apply for a loan through their lender of choice and to have another opportunity.

Why do we need this? Because the pandemic is so far from over. Despite the wishes and the rhetoric of the President and others, we all know that in our States and in other States around the country, a record number of new cases were reported several times this week—the highest number of cases so far in this pandemic. Cases are rising in dozens of States, and small businesses in our country face an uncertain future.

In my home State, Governor John Carney, who has made good but hard decisions, has stopped the opening of our economy, like several other States—Maryland, which shares the wonderful Eastern Shore beaches, and New Hampshire, which has wonderful summer and winter hospitality businesses up and down its State. This is a critical time of year for our seasonal businesses. To not have them fully opened is putting a burden and is putting a damper on exactly those hospitality businesses that took the hardest hits right at the beginning of this pandemic.

I want to take a few minutes and talk about just a couple of the small businesses I know in Delaware that have benefited from the resources made possible by this program negotiated by these great colleagues. And $1.4 billion has been delivered to Delaware businesses and nonprofits quickly, helping them to stay open or reopen, helping them to hire or retain workers. Yet, even tonight, $134 billion in this program remains unspent. Rather than shutting it down, we are going to make sure that there are windows of opportunity for small businesses in our States.

This helps a company like Zoup! in Newark, DE. Eric Ames is the owner. I was there at the opening of his first Zoup! franchise years ago. This PPP loan—a loan-to-grant program—has made it possible for him to keep functioning. Jimmy Vennard, who is the

creative, innovative brewer in Newark, DE, of Autumn Arch Brewing has benefited from a PPP loan. Yvonne Gordon, whom I have known for years, who runs Orange Theory Fitness and is a minority business owner in Pike Creek, has been able to stay open and reopen because of her PPP loan. And in Dover, DE, our capital, the wonderful Green Turtle Restaurant was able to stay open because of this loan.

These aren't abstractions. These aren't statistics. These are real flesh-and-blood families and businesses that have benefited because of the PPP. As several of my colleagues have said, in the early stages of this program, not enough small businesses and not enough minority-owned businesses, because of fewer banking connections and because of the unpredictability of the rules, were able to access to the PPP. Some were denied by multiple lenders. That is why it is important that we extend this deadline tonight.

Let me also speak about what we hope will be the next phase—the Prioritized PPP Act. Extending the deadline of this first loan period for 5 weeks is good but not enough. There are other businesses that can and should get access to the lifeline of a prioritized second PPP loan.

As Senators CARDIN and SHAHEEN have mentioned, this would focus on fewer than 100 employees and with more than 50 percent greater revenue loss. I am particularly excited about the set-aside of $25 billion or about 20 percent of the total funding for those with 10 or fewer workers.

I know that Senator CARDIN and Senator SHAHEEN will be working hard in the weeks to come to narrow and to focus and to prioritize where we will go in the next relief bill.

With the forbearance of my colleagues, I want to talk about one other issue. In my home State of Delaware, today, June 30, was the end of the budget year—the end of our General Assembly session by constitution. All of us received a letter from the seven largest organizations representing State, county, and local governments all over our country, saying it is urgent that this next relief bill include not just another round of assistance to small businesses but critically needed assistance to State and local governments.

There are 15 million Americans who work for State and local governments: teachers, paramedics, firefighters, police officers, the folks who make our State and local governments run. And 1.6 million of them have already been laid off as State and local revenues plummet.

We have to work together to make sure this is part of the next program. We have to extend unemployment benefits. We need to ensure the American people can safely vote, and we need to expand national service opportunities. There is so much for us to do.

I look forward to more successful efforts with my colleagues and for the opportunities for us to work together to address the needs of the American people.

Thank you so much to my colleagues, both for tonight's exciting extension of the PPP program and for the work we have yet to do in the days and months ahead.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to thank Senator COONS for his comments and Senator SHAHEEN. Senator COONS is absolutely right. There are many reasons why we needed to bring up the next stimulus package before we go on recess. The issue of the State and local governments are real.

I have heard from Governor Hogan of Maryland. I have heard from Mayor Young of Baltimore City. I have heard from our county execs. Their fiscal year begins at midnight tonight. They have hundreds of millions of dollars of revenue shortfalls that they have to make up because they have to have a balanced budget. That is going to mean they are going to have to consider layoffs. It means it will be difficult to open up schools in the fall. And the list goes on and on and on. They need help from us.

The CARES Act was important. It did provide some meaningful help, but the CARES Act dealt with the direct cost to State and local government of taking care of COVID–19, not the revenue loss as a result of income tax revenues down, as a result of the special fees that local governments receive for parking or for rental cars or hotel taxes. We never made up any of that. They have to balance their budget. We needed to act on that.

Senator COONS is absolutely right when he talks about the fact that in March, when we passed the CARES Act, we thought that the unemployed would have jobs available, certainly, by July, but that is not going to be the case for millions of Americans.

We are going to have to do something about the expiring unemployment insurance, and we have to deal with election security. There are a lot of issues.

We have to deal with pre-K through 12 and higher education. They have direct costs that have yet to be met. They are in danger of not being able to safely reopen in the fall, and we have to act to help them in that regard. I just really want to underscore the point that Senator COONS made.

I want to thank Senator COONS, and I want to thank Senator SHAHEEN because we have put out there for the public to take a look at what the second round of help for small businesses will look like. We put a priority, as I think we should, on the smaller of the small businesses, first, by eligibility—100 employees or less—and, second, by guaranteed set-asides for those that are 10 employees or less. We have a needs-based approach, 50 percent loss in revenue as a result of COVID–19, and we make it easier for the smaller small businesses to be able to get loans by making it more financially rewarding for the financial institutions to make those loans. We have stepped up to say that this is what we need to look at.

I must tell you that we are in a pretty good position in the Small Business Committee because we have open dialogue and negotiations. Today, on two occasions, I was in contact with the chairman of the committee, and we are negotiating this and we will be ready. We want you to know that we put out our proposal, and I want to thank Senator COONS and Senator SHAHEEN for joining me in that effort.

I would hope lightning could strike and perhaps we could bring up the bill this week and get something done. I think that is highly unlikely, knowing the leader's schedule for this week. That is wrong. He should have acted before the July recess. Let's hope we can use the 2 weeks during the recess to put together a bill that cannot only pass the Senate and the House but be signed by the President, to help not just small businesses, not just State and local governments, but all the people in this country get through this horrible pandemic.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. PERDUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MCSALLY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS

Mr. CARDIN. Madam President, as we grapple with the manifestations of racism and intolerance in our society here in the United States, it is important to remember that we have friends and allies across the globe who face similar challenges. They support U.S. leadership and seek our engagement on issues of common concern.

Throughout my career in Congress in both the House and Senate, I have been fortunate to participate in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe—OSCE PA—a critical venue for international engagement. I have served as the OSCE PA Special Representative on Anti-Semitism, Racism, and Intolerance for the last 5 years, after serving as a committee officer and then a vice president of the assembly. It has been a rewarding experience

working with like-minded parliamentarians from Canada and across Europe to advocate for human rights and to promote democratic development.

Of course, as we engage on these issues, we must be candid about our own shortcomings, which I did in a recent web dialogue with dozens of parliamentarians from across the OSCE region on the impact of the current pandemic on diverse societies. I noted how minority and immigrant communities are more vulnerable to the harmful impacts of the pandemic, in part due to past inequalities that inadequate healthcare and economic responses are exacerbating. I also raised the efforts to respond to the killing of George Floyd, including reforms designed to rebuild trust between police officers and the communities they are sworn to protect and serve.

Following this web event, Dr. Hedy Fry, the head of the Canadian Delegation to the OSCE PA, contacted me. She shared with me an opinion editorial she wrote which describes, in equally candid terms, how the events in the United States have made Canadians more aware of inequalities and injustices in their own country and the need for Canada to respond appropriately. Her remarks illustrate that the U.S. can exercise global leadership by serving as an example of self-examination followed by corrective action. If we do it, we can encourage other countries to do the same.

I want to thank our friends in the Canadian Parliament for their collaboration in the OSCE PA and support for U.S. initiatives. I am grateful that we have worked so closely together over the years toward the common goal of making this world a better place, and I look forward to our continued collaboration. I would like to share Dr. Fry's remarks with my Senate colleagues; therefore, I ask unanimous consent to have her op-ed printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF COMMONS,
Canada, June 25, 2020.

The terrible acts of violence against Black persons in the United States has brought racism, to the forefront, in Canada. But, racism has also been systemic, though insidious here, for generations. Not as openly violent, as in the US, but present nonetheless, in our institutions, workplaces, schools and society.

Over the last 30 years, Canada enacted progressive legislation to protect minorities: the Charter of Rights and Freedoms, Employment Equity, the Citizenship Act, the Canadian Human Rights Act, the Multiculturalism Act, and anti-hate laws.

Yet data shows that Indigenous peoples still have the highest suicide rate, poorest health outcomes, and most incarcerations; that visible minorities, despite education, are under employed and under-paid; that Black men are carded and suspected of criminality.

Racism is rooted in colonialism. Colonialism sought to tame the savages, to bring them to Christianity, to de-culturalize native populations ''for their own good''. It also stereotyped them as inferior, less educable, more ''savage and untamed'' in their reactions and therefore less trustworthy and prone to criminality.

Stereotyping is the root of xenophobia.

Residential schools in Canada, apartheid in South Africa, and slavery in the Americas were all based on the presumption that Native peoples were one step above animals, barely. The so-called ''science'' of eugenics, in the early 20th century, confirmed this.

The bubbling cauldron of anti-Black violence and xenophobia has historically never been far from the surface in the USA and is entrenched in all of its institutions.

In Canada, the stereotyping and institutional bias is more insidious and subtle. Though the violence against Black communities is most apparent in some areas of Canada. The violence against Indigenous peoples is evidenced across the country and this age of ubiquitous cameras record and bring them to light.

Systemic racism is never far beneath the surface. COVID 19 exposed this. Crisis brings anger and fear. It cracks the thin veneer of tolerance that seems to exist in quiet, polite times. It seeks to blame ''the other''. Fear caused the eruption of anti-Chinese hate in Canada and amplified the reality of Black and Indigenous lives.

We are all shaken and empathetic.

But our denial and ignorance can no longer stand.

We must listen and act. We need to collect disaggregated data, based on ethnicity, Indigenous status, religion, race, color, sexual orientation, gender identity and expression, age, and disability. We must match that data against employment, incarceration, health outcomes, socioeconomic status and participation in the social political, economic and cultural life of our nation. This is called getting to the factual evidence.

We must use that evidence to educate the public and teach unvarnished history, in our schools. It will then become apparent that the Chinese and Japanese have been in British Columbia for 160 years; that the Chinese built a railroad that united our nation from sea to sea; that they, the Sikhs and Indigenous peoples fought in WWI and II; that they returned to face discrimination and hardship, but stayed and built a nation.

We must teach about the internment of Ukrainians, the arrest of Italians, and the antisemitism that turned away Jews from our shores during World War II. We must acknowledge the ugliness of our past and learn from it.

We must then take steps to train and sensitise our institutions; we must make them welcoming to the diversity of Canadians that live here. We must set policies, programs and measurable goals to eradicate systemic discrimination. We must track our progress and report to Canadians. We must, finally, aim for an inclusive society that will respect and harness the benefits which diversity brings.

It is a long road. But if we begin now, it is a worthy goal to show the world that it is possible to put aside conflict and live together, as many different peoples, in peaceful coexistence.

In order to build a strong, peaceful prosperous nation, everyone must belong—and everyone must build it together.

Stay well,

THE HONOURABLE HEDY FRY, P.C., MP,
Vancouver Centre.

PRIDE MONTH

Mrs. MURRAY. Mr. President, I want to take a few minutes on the floor today to celebrate the LGBTQIA+ community and their long march toward equality, as well as talk a little bit about how the actions of this President and his administration have threatened our hard-fought progress.

As Pride Month comes to a close—a month that has seen communities of every size, in every State, protesting against our Nation's long legacy of police brutality and systemic racism, while also navigating impacts of a global health pandemic.

I am reminded of the Black and Brown transgender women who 51 years ago, stood against the bigotry and violence of the police after they raided the Stonewall Inn and then sought to suppress 6 days of protest.

I am reminded of their courage and how their struggles mirror the intersectional challenges people are facing today and the demands ringing out from protesters in the streets.

I am reminded of Tony McDade, an unarmed Black transgender man killed by police in Tallahassee in late May, and of Nina Pop, a transwoman murdered in her Missouri apartment earlier in May—a fate that meets countless Black transwomen and other transwomen of color.

Mr. President, a half century after Stonewall, I am reminded that while we have made some critical progress, we are still fighting so many of the same battles, and we still have so much, much more work to do.

Thre is no denying President Trump and Vice President Pence have made this work far more difficult. This administration's far-reaching ideological agenda seems aimed at relegating LGBTQIA+ people to second-class citizens.

Back in June of 2017, I sent a letter to President Trump outlining the multitude of ways his actions in the first 100 days of his administration had already threatened to cause harm to LGBTQIA+ people in Washington State and around the Nation.

Three years later, it is sad but safe to say that President Trump has built those threats into an all-out attack on members of the community, from the administration's efforts to strip protections from LGBTQIA+ people seeking access to health care—during a public health emergency, no less—to eliminating protections for Federal contractor and subcontractor LGBTQIA + workers, to rolling back the Obama-era HUD equal access rule, allowing shelters to discriminate against transgender people now, and banning transgender servicemembers inour military.

This is all in addition to this administration's proposed QUOTE ''faith-based'' rules that have allowed multiple federal agencies to begin discriminating against LGTBQIA+ people seeking access to vital taxpayer services and the parade of homophobic and transphobic judicial and executive appointments that have been jammed through with the help of Senate Republicans.

I unfortunately could go on because the list of offenses is long, but let me

say, in closing: As a proud ally of the LGBTQIA+ community in Washington State and across the country and as a voice for our State here in the Senate, I will never stop shining a spotlight on efforts from President Trump or any President to discriminate against our LGBTQIA+ loved ones, friends, neighbors, and coworkers, and I won't stop fighting against hatred in our laws and standing up for what is right, as well as encouraging others to make their voices heard, too, as we work to help our Nation live up to its ideals of justice and equality.

So, Mr. President, this may not be the celebratory Pride we expected or one like we have ever seen before, but it is one we should take as motivation and inspiration for the work ahead this June and in the coming months and years.

Happy Pride, everyone.

TRIBUTE TO RONALD K. MACHTLEY

Mr. REED. Madam President, I rise to join my colleague from Rhode Island in celebrating the career of a distinguished national servant and university leader, the Honorable Ronald K. Machtley, who is retiring from Bryant University after serving as its president for 24 years. Today, marks President Machtley's final day at the helm of Bryant University. He has been an extraordinary leader and has placed the university on a path for continued growth and innovation.

President Machtley brought a deep commitment to public service to Bryant University. A graduate of the Naval Academy, he retired as a captain after 25 years in Active Duty and the Reserves. He was elected to the House of Representatives to represent the First Congressional District of Rhode Island in 1988, where he served for three terms. Two of these terms, we served side by side. In 1996, he was selected to be the eighth president of then-Bryant College, an institution founded in 1863 to provide business education to working people, especially Civil War veterans.

When he arrived at Bryant College, President Machtley found an institution struggling to survive. Enrollment was low, with five empty dormitories, and the budget was in deficit. He began the painstaking work of restoring the college's confidence, finances, and educational programs. By 2004, Bryant College was ready to become Bryant University. Today, applications to Bryant are at alltime highs, and enrollment stands at 3,500 undergraduate students compared to only 2,200 in 1996. President Machtley also led successful capital campaigns and oversaw the transformation of campus facilities, including the 2016 opening of the state-of-the-art Academic Innovation Center. He expanded Bryant's reach around the globe, opening a campus in Zhuhai, China. These investments in the university have paid off. Bryant has climbed in the national rankings, and Bryant graduates are highly competitive. Recent data show that 99 percent of Bryant University students have jobs or are in graduate school within 6 months of graduation.

Bryant University will also miss the contributions of Mrs. Kati C Machtley, who has served as an ambassador for the university and spearheaded important campus initiatives. Since 1997, Mrs. Machtley has led the annual Women's Summit at Bryant, which has provided a forum to inspire, empower, and advance women.

The Machtley's have helped lay the foundation that will launch Bryant University into the future. Now that future is in the good hands of the faculty, administration, students, and alumni. They continue to inspire us all with their example. I thank them for their service and wish them well in retirement.

Mr. WHITEHOUSE. Madam President, I rise today to recognize former Congressman Ron Machtley from Rhode Island on his last day as president of Bryant University. President Machtley has led Bryant for almost a quarter century. During that time, he shepherded Bryant's transition from a regionally focused business college to a university that prepares students to succeed in a global economy.

A graduate of the U.S. Naval Academy, Ron began his career in Active Duty with the Navy and retired from the U.S. Naval Reserves in 1995 with the rank of captain. He practiced law for a time before winning election to the U.S. House of Representatives. After leaving Congress, Machtley stepped into the role of president at Bryant University, where he has served for the past 24 years.

Bryant University was founded in Smithfield, RI, in 1863, in the middle of the Civil War. Bryant was originally intended to be a place Civil War veterans could learn the fundamentals of business and get a fresh start. When Ron Machtley moved into the president's office, Bryant College was still narrowly focused on business education. In 2004, President Machtley announced that Bryant would officially become a university with two distinct colleges: the College of Business and the College of Arts and Sciences.

President Machtley has put Bryant on the map in many other ways—increasing enrollment, revitalizing the campus, and joining competitive NCAA Division I athletics. Last year, an alltime high of more than 7,700 students from across the world applied for a spot in Bryant University's freshman class. To help prepare students to compete in a global economy, President Machtley established a new campus in Zhuhai, China, and expanded the university's study abroad options. Bryant has excelled at equipping students with the skills to earn success in business and many other fields. Employers clearly recognize the value of a degree from Bryant—99 percent of the class of 2019 was employed or pursuing an advanced degree within 6 months of graduation.

I wish President Machtley an active and enjoyable retirement, and I thank him for his dedicated service to the Bryant community.

TRIBUTE TO REVEREND BRIAN J. SHANLEY

Mr. REED. Madam President, I rise to join my colleague from Rhode Island in celebrating the tenure of Reverend Brian J. Shanley as the 12th president of Providence College. As he completes his service, we thank him for his many contributions to the intellectual, social, and spiritual life in Providence.

A native of Warwick, RI, and a graduate of Toll Gate High School, Father Shanley raised the national profile of Providence College, strengthening its academic programs, transforming and modernizing the campus, and fielding championship athletic teams. During his presidency, the college established its first Center for Global Education, the East and West Campuses were finally connected, and the Friars brought home the 2014 Big East Men's Basketball Championship and the 2015 NCAA Men's Hockey Championship.

But the extent of his impact on students and the community is much broader than academic rankings, innovative land use, and sports. He advanced the mission of the college as an ''institution of higher education and a community committed to academic excellence in pursuit of the truth, growth in virtue, and service of God and neighbor.''

The motto of Providence College and the Dominican Order is ''Veritas'' or ''Truth.'' As president, Father Shanley worked to create an environment where students could discover truth both academically and spiritually. He established an Office of Mission and Ministry. Under his leadership, Providence College students have performed thousands of hours of community service in the city and beyond. The search for truth has also led to a greater commitment to racial and social justice on campus. When students occupied his office, calling for action on diversity and inclusion, Father Shanley met with them and agreed to concreate actions to promote diversity and inclusion in academics and other aspects of campus life. During his tenure the college also established the Office of Institutional Diversity, Equity, and Inclusion.

As a scholar of philosophy, Father Shanley follows the teachings of Saint Thomas Aquinas, another Dominican friar, who wrote that it is ''better to illuminate than merely shine to deliver to others contemplated truths than merely to contemplate.'' That is the kind of leadership Father Shanley has provided to Providence College for these past 15 years. He will be missed on campus and around town. I wish him well in his next endeavors and thank him for his service.

Mr. WHITEHOUSE. Madam President, I rise today, along with my senior

colleague Senator REED, to mark the last day of Father Brian Shanley's tenure at Providence College, where he has served as president for 15 years. Father Shanley is the longest serving president in the history of Providence College and the only native Rhode Islander to have had the role.

A graduate of Providence College himself, Father Shanley has led the Catholic liberal arts college—the country's only higher learning institution run by the Dominican Friars—through a decade and a half of change. He has greatly increased P.C.'s national profile and overseen major capital improvements to the campus, all while ensuring the school remains true to its principles and a good neighbor in the Elmhurst section of Providence. Father Shanley created a College of Business to expand the school's offerings beyond its signature liberal arts curriculum and a Center for Global Education to foster opportunities abroad for students. He has taken strides to increase diversity by investing in financial aid, transitioning to a test-optional admissions model, and recruiting students and faculty from different backgrounds. And, of course, P.C. has cultivated a national reputation for its stellar basketball and hockey programs with Father Shanley at the helm.

I would like to add on a personal note how cordial and gracious Father Shanley has been in all my dealings with him and with Providence College in his tenure. It has been a true pleasure to work and interact with him.

I wish Father Shanley the very best in his well-earned retirement. Go Friars!

ADDITIONAL STATEMENTS

TRIBUTE TO SAM ROSS

● Mr. CASSIDY. Madam President, Sam Ross is a farmer from Pioneer, LA, and is recognized as a top producer of the year finalist, a great honor in the farming community. Ross's family has been farming for years, and after graduating high school, he got into the trade with his first 100 acres. Fast-forward to now, and Sam owns over 10,000 acres of crops. His farm is a fourth-generation family-run operation. I would like to thank Sam and all the other farmers in America for the great work they do.●

VERMONT STATE OF THE UNION ESSAY CONTEST FINALISTS

● Mr. SANDERS. Madam President, I ask to have printed in the RECORD some of the finalist essays written by Vermont High School students as part of the 10th annual ''State of the Union'', essay contest conducted by my office.

The material follows:

HUSSEIN AMURI, WINOOSKI HIGH SCHOOL, JUNIOR

''Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door!''

Emma Lazarus, a native-born American, included these sentiments in the sonnet ''The New Colossus'' engraved on the pedestal that supports the Statue of Liberty. The words and the statue embody the greatness and intellect of this country. I am a teenage immigrant from Tanzania, whose family fled the Second Congo Civil War to enter the ''golden door.'' Those words are not just words to me, they represent my reality. Yet, I think America is moving away from these values, dishonoring the hard-won identity of countless immigrants. I think America needs to reclaim these values because diversity forms this country's strength and its path to renaissance.

People fleeing wars, persecution, and conflict founded the United States to build better lives. Our founders, like my family, arrived poor and desperate. Today, however, Americans attack newcomers, blame them for economic tribulations and cultural disruption. Do we steal jobs and fail to pay taxes? No, these so-called beliefs are myths. According to the National Foundation for American Policy, 55% of the country's $1 billion start-up companies-such as Uber, SpaceX, and Avant—had at least one immigrant founder and each start-up created more than 760 jobs. In my hometown of Winooski, we have popular ethnic restaurants like Pho Dang Vietnamese Cafe and Tiny Thai; grocery stores like Sagarthama Grocery and Asian Market; businesses built and owned by immigrants, the ''huddled masses yearning to breathe free.'' Many people from around Vermont find job opportunities here, including myself. Native-born Americans come to shop and enjoy themselves at these shops and restaurants.

In 2017, working immigrant households paid $405 billion dollars in taxes; DACAeligible residents paid $4 billion, according to the New America Economy Coalition. Legal and unauthorized immigrants pay taxes. Poor, ''wretched refuse,'' struggling in our home countries, we decided that America offered more opportunities, and brought our cultures, ways of life, and strong wills here. We enhance the economy and introduce new perspectives to American life. My beautiful mother hardly speaks English and works two jobs to support herself and my brothers. She pays taxes. We see her seldom because she's usually at work. From where we sit, she's contributing a lot to the economy.

We are ''your tired, your poor.'' We are ''the homeless, tempest-tost.'' We are here today and contributing to this country. We are the New Colossus and represent the words engraved on the pedestal supporting the Statue of Liberty. Can we keep the legacy of this sonnet alive, a legacy that truly defines this country's strength, roots to renaissance, and diversity? Listen and acknowledge stories from my mother and thousands of other immigrants. Those stories are full of hardship and revitalization. In despair, we came to ''lift our lamps, beside the golden door,'' and we found hope for ourselves and the United States of America.

MAELY BRIGHTMAN, ST. JOHNSBURY ACADEMY, SOPHOMORE

Today in many schools, students are receiving inadequet sex education and it's negatively impacting their health and well-being. In the United States only 24 states require public schools to have sex education and 20 of them require it to be medically accurate. The lack of coverage on subjects such as safe sex, LGBTQ topics, menstruation, and body image is damaging the well-being of today's youths.

Research shows that having accurate comprehensive sex education classes leads to lower rates of teen pregnancy and contracting an STI. Teens understand the importance of using protection and contraceptives. In fact, NCLS states that people age 15–25 make up 25% of the sexually active population but the rate of them contracting is disproportionately high. By teaching teens accurate information, they have more knowledge to make safer decisions. Medically accurate information has been shown to have a higher influence than no sex education at all or abstinence-until-marriage education.

It is also important that we do not just teach about heterosexual intercourse, but have an LGBTQ inclusive ciriculum. The lack of awareness and information about the LGBTQ community leads to teens and adults who don't know how to have safe same-sex intercourse. A surprising amount of people don't know what a dental dam is. It's a protection from STis when performing oral sex. Furthermore, teaching children about healthy, normal LGBTQ relationships would help normalize same-sex relationships and non-cisgender identities. It is an important component in supporting LGBTQ youth.

In addition, accurate sex education would help defeat the stigma in teens, specifically boys, that surrounds menstruation and other natural things that happen to girls and boys during puberty. Because of society's influence, many people end up believing that normal, healthy processes are bad or gross. This can cause bullying, low self esteem, or abuse. Sex education would help normalize these natural occurances. That is why the government should require all public schools to have medically accurate sex education classes.

While it would be a difficult and long process, the outcome would be worth the effort. Many people are against this idea, under beliefs that kids shouldn't be exposed to the world yet or for religious reasons, however by shielding them from the truth parents ensure that their children have less knowledge and information to rely on when they reach adulthood. Typically in schools that teach sex education, they start in middle school. I feel that it is a good starting point for schools. The law would have to be changed at a federal level, so that it affects the whole nation. This would be a tedious process, however I believe it would bring a much needed improvement for American youths.

ISABELLE CHEN, OXBOW HIGH SCHOOL, FRESHMAN

As everyone starts to shift into the next decade, there is one prominent issue that can no longer be silenced. This problem not only applies to Americans but includes every living species who wanders this earth. Despite our state of ignorance, earth has continuously given us telltale signs that climate change is quickly altering our planet. Yet many of us still refuse to see the consequences that climate change has created thus far. Unstable air quality, increase in hotter temperatures, and the rise of sea levels are a few of the repercussions that mankind has generated. Before we can solve other pressing matters like gun control or inequality, we must make global warming our top priority, for it is destroying the very ground we stand on.

According to NASA, the exploitation of fossil fuels is the main driving force in the production of atmospheric carbon dioxide. The action of burning fossil fuels leads to the consolidation of carbon and oxygen in the air to forge CO2. The depositing of excess CO2 in the atmosphere is solely based upon human activities. We lack the action needed from the government to prevent such happenings.

Additional grants and federal funding should go towards companies whose mission is to use sustainable energy sources. Those companies will improve further with the increased funding and influence others to reject coal and oil for the more sustainable utilization of solar energy, geothermal energy, hydroelectric energy, etc. The cessation of fossil fuel use will decrease stock and mass production for oil and coal companies, ultimately weakening the usage of greenhouse gases.

What also needs special attention drawn to is the deliberation of entering America back into the Paris Climate Agreement. The agreement states that all countries signed into the arrangement will focus their efforts on the prevention of global warming and greenhouse gas emissions. Nearly 200 countries plus the European Union are currently in the agreement. If America joins back into the Paris Agreement, not only would we be establishing trust and a working relationship alongside other countries, but America would be delivering a message to all citizens living in it that fighting climate change is crucial to the outcome of our future. Not to mention, the United States is one of the most vigorous advocates for climate action. We must not abandon our efforts now in a time like this.

The world cannot prosper with the threat of climate change looming over our heads. In the words of President Obama, ''Climate change is no longer some far-off problem; it is happening here, and it is happening now.'' Denial of the present and our own ignorance to believe the earth will fix itself will simply not stand. Acknowledging that climate change is legitimate would be an essential element in hindering the ongoing growth of global warming. Switching over to viable energy sources and providing government funding to sustainable corporations will decrease the advancements of CO2 emissions by a large sum. This is our planet, and we must protect our only home.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The message received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 4091. An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned foreign countries, and for other purposes.

At 2:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1425. An act to amend the Patient Protection and Affordable Care Act to provide for a Improve Health Insurance Affordability Fund to provide for certain reinsurance payments to lower premiums in the individual health insurance market,

H.R. 5332. An act to amend the Fair Credit Reporting Act to ensure that consumer reporting agencies are providing fair and accurate information reporting in consumer reports, and for other purposes.

H.R. 7301. An act to prevent evictions, foreclosures, and unsafe housing conditions resulting from the COVID–19 pandemic, and for other purposes.

H.J. Res. 90. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to ''Community Reinvestment Act Regulations''.

The message further announced that pursuant to section 7221(b)(l)(A)(x) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), the Minority Leader appoints the following member to the Commission on Combating Synthetic Opioid Trafficking: Ms. Karen Tandy of Annandale, Virginia.

The message also announced that pursuant to section 7221(b)(l)(A)(x) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), the Minority Leader appoints the following Member to the Commission on Combating Synthetic Opioid Trafficking: The Honorable Fred Upton of Michigan.

ENROLLED BILL SIGNED

At 7:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 4091. An act to amend section 1113 of the Social Security Act to provide authority for fiscal year 2020 for increased payments for temporary assistance to United States citizens returned from foreign countries, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 7259. An act to allow acceleration certificates awarded under the Patents for Humanity Program to be transferable.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4912. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General David L. Goldfein, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–4913. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Mali that was declared in Executive Order 13882 of July 26, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–4914. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–4915. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13219 of June 26, 2001, with respect to the Western Balkans; to the Committee on Banking, Housing, and Urban Affairs.

EC–4916. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2019 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–4917. A communication from the Director of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules, Fee Recovery for Fiscal Year 2020'' (RIN3150–AK10) received in the Office of the President of the Senate on June 24, 2020; to the Committee on Environment and Public Works.

EC–4918. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Annual Update: Identification of Quality Measurement Priorities and Associated Funding for the Consensus-Based Entity (currently the National Quality Forum) and Other Entities''; to the Committee on Finance.

EC–4919. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Rules under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) For Calendar Year 2019''; to the Committee on Finance.

EC–4920. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''2018 Actuarial Report on the Financial Outlook for Medicaid''; to the Committee on Finance.

EC–4921. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress: Social Risk Factors and Performance under Medicare's Value-Based Purchasing Programs''; to the Committee on Finance.

EC–4922. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Elder Justice Coordinating Council 2016–2018 Report to Congress''; to the Committee on Finance.

EC–4923. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice: Adjusted Applicable Dollar Amount for Fee Imposed by sections 4375 and 4376'' (Notice 2020–44) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC–4924. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''Relief for Qualified Opportunity Funds and Investors Affected by Ongoing COVID–19 Pandemic'' (Notice 2020–39) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC–4925. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Amounts Paid to Section 170(c) Organizations Under Employer Leave-Based Donation Programs to Aid Victims of the Ongoing Coronavirus Disease 2019'' (Notice 2020–46) received in the Office of the President of the Senate on June 25, 2020; to the Committee on Finance.

EC–4926. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Additional Policy and Regulatory Revisions in Response to the COVID–19 Public Health Emergency'' (RIN0938–AU32) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Finance.

EC–4927. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2019 Annual Report to Congress on the Open Payments Program''; to the Committee on Finance.

EC–4928. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the 1963 Polaris Sales Agreement, as amended, the notification of a sale and transfer to the United Kingdom of four shipsets of Common Missile Compartment (CMC) shipboard weapon system equipment, facilities equipment, ancillary equipment, and follow-on support services; to the Committee on Foreign Relations.

EC–4929. A communication from the Regulations Coordinator, Office for Civil Rights, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination in Health and Health Education Programs or Activities'' (RIN0945–AA11) received in the Office of the President of the Senate on June 15, 2020; to the Committee on Health, Education, Labor, and Pensions.

EC–4930. A communication from the Special Counsel, Office of the Special Counsel, transmitting, pursuant to law, a report entitled ''Annual Report to Congress for Fiscal Year 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–4931. A communication from the Executive Director, Office of General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors; Required Minimum Distributions'' (5 CFR Part 1605, 1650, and 1651) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–4932. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from October 1, 2019 through March 31, 2020; to the Committee on Homeland Security and Governmental Affairs.

EC–4933. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Year 2017''; to the Committee on Indian Affairs.

EC–4934. A communication from the Chief of the Regulatory Coordination Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I–765 Employment Authorization Applications'' (RIN1615–AC19) received in the Office of the President of the Senate on June 29, 2020; to the Committee on the Judiciary.

EC–4935. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Liquefied Natural Gas by Rail'' (RIN2137–AF40) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4936. A communication from the Program Analyst, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Authorizing Permissive Use of the Next Generation Broadcast Television Standard'' ((FCC 20–72) (GN Docket No. 16–142)) received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2020; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WICKER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2381. A bill to require review by the Government Accountability Office of screening protocols of the Transportation Security Administration relating to breast milk and formula, and for other purposes (Rept. No. 116–238).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRUZ (for himself, Mr. RUBIO, Mrs. CAPITO, and Mr. TILLIS):

S. 4101. A bill to expand the payment of principal, interest, and fees for certain disaster loans under the CARES Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BLUMENTHAL (for himself and Mr. BOOKER):

S. 4102. A bill to ensure that institutions of higher education take steps to protect their college athletes from COVID–19, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PORTMAN (for himself and Mr. WHITEHOUSE):

S. 4103. A bill to amend title XVIII of the Social Security Act to increase the use of telehealth for substance use disorder treatment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL (for himself, Mr. KENNEDY, and Ms. COLLINS):

S. 4104. A bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes; considered and passed.

By Mr. COTTON:

S. 4105. A bill to impose a 1-year minimum prison sentence for the destruction of veterans' memorials; to the Committee on the Judiciary.

By Mr. BRAUN (for himself, Mr. KENNEDY, Mrs. LOEFFLER, Mr. GRASSLEY, Mr. ENZI, Ms. ERNST, and Mr. BARRASSO):

S. 4106. A bill to amend the Public Health Service Act to provide for hospital and insurer price transparency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. BENNET, and Mr. BOOKER):

S. 4107. A bill to amend the Social Security Act to establish a new employment, training, and supportive services program for unemployed and underemployed individuals and individuals with barriers to employment, to provide employment services to individuals who are unemployed or underemployed as a result of COVID–19, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Ms. CORTEZ MASTO, Mr. BROWN, Mr. BENNET, Mr. WYDEN, Ms. ROSEN, Ms. SMITH, Mr. MERKLEY, Mr. TESTER, Ms. STABENOW, Mrs. SHAHEEN, Mr. BOOKER, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. PETERS, and Mr. MENENDEZ):

S. 4108. A bill to amend title XIX of the Social Security Act to increase Federal support to State Medicaid programs during economic downturns, and for other purposes; to the Committee on Finance.

By Mr. BURR (for himself, Ms. MURKOWSKI, and Mr. MANCHIN):

S. 4109. A bill to require the Administrator of General Services to establish an agency electronic recycling program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Mr. MENENDEZ, Mr. YOUNG, Mr. CARDIN, and Mr. MERKLEY):

S. 4110. A bill to designate residents of the Hong Kong Special Administrative Region as Priority 2 refugees of special humanitarian concern, and for other purposes; to the Committee on the Judiciary.

By Ms. MCSALLY:

S. 4111. A bill to amend title 46, United States Code, to provide for a cause of action by the family of a military service member who dies from a collision on the high seas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. LEAHY, Ms. ROSEN, Mr. KAINE, Ms. BALDWIN, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MURPHY, Ms. SMITH, Mr. CASEY, Ms. STABENOW, Mr. MARKEY, Ms. WARREN, Mr. REED, Ms. HASSAN, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 4112. A bill to support education and child care during the COVID–19 public health emergency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET:

S. 4113. A bill to amend the Communications Act of 1934 to provide grants to States and Indian Tribes to deploy affordable, high-speed broadband to unserved and underserved areas; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for Mr. MARKEY (for himself and Mr. SANDERS)):

S. 4114. A bill to prohibit Federal law enforcement officers from using riot control agents and kinetic impact projectiles, and to

incentivize States and local governments to prohibit State and local law enforcement officers from using riot control agents and kinetic impact projectiles; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. BALDWIN, and Mr. BROWN):

S. 4115. A bill to reduce child poverty in the United States, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. COONS, Ms. ROSEN, and Ms. COLLINS):

S. 4116. A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; considered and passed.

By Mr. CRAMER (for himself, Mr. MENENDEZ, Mr. TILLIS, and Ms. SINEMA):

S. 4117. A bill to provide automatic forgiveness for paycheck protection program loans under $150,000, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. HARRIS:

S. 4118. A bill to require the President to appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall develop and implement a diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. MANCHIN, Mr. KAINE, Mr. WARNER, Mr. JONES, Ms. SMITH, Ms. HIRONO, Mr. REED, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BROWN, Mr. BENNET, Mr. CARPER, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. HARRIS, Mr. CARDIN, Mrs. MURRAY, Ms. ROSEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. HASSAN, Mr. PETERS, Ms. KLOBUCHAR, Mr. HEINRICH, Ms. WARREN, Ms. SINEMA, Mr. KING, Mr. UDALL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. SCHATZ, Mr. COONS, Mr. LEAHY, Mr. SANDERS, Mr. BOOKER, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. CANTWELL, Mr. CASEY, and Ms. DUCKWORTH):

S. Res. 638. A resolution expressing the sense of the Senate that the Department of Justice should defend the Patient Protection and Affordable Care Act (Public Law 111–148 Stat. 119) and halt its efforts to repeal, sabotage, or undermine health care protections for millions of people in the United States in the midst of the public health emergency relating to the Coronavirus Disease 2019 (COVID–19); to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Ms. HIRONO, Mr. MARKEY, Ms. WARREN, Ms. HARRIS, and Mr. CARDIN):

S. Res. 639. A resolution recognizing June 2020 as ''Immigrant Heritage Month'', a celebration of the accomplishments and contributions immigrants and their children have made in making the United States a healthier, safer, more diverse, and prosperous country, and acknowledging the importance of immigrants to the future successes of the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 177

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 177, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 360

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 360, a bill to amend the Securities Exchange Act of 1934 to require the submission by issuers of data relating to diversity, and for other purposes.

S. 383

At the request of Mr. BARRASSO, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 383, a bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

S. 560

At the request of Ms. BALDWIN, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 560, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect.

S. 633

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 633, a bill to award a Congressional Gold Medal to the members of the Women's Army Corps who were assigned to the 6888th Central Postal Directory Battalion, known as the ''Six Triple Eight''.

S. 1333

At the request of Mr. CARPER, the names of the Senator from Montana (Mr. DAINES) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1333, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1602

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 1602, a bill to amend the United States Energy Storage Competitiveness Act of 2007 to establish a research, development, and demonstration program for grid-scale energy storage systems, and for other purposes.

S. 3419

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 3419, a bill to amend the Packers and Stockyards Act, 1921, to provide for the establishment of a trust for the benefit of all unpaid cash sellers of livestock, and for other purposes.

S. 3672

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3672, a bill to provide States and Indian Tribes with flexibility in administering the temporary assistance for needy families program due to the public health emergency with respect to the Coronavirus Disease (COVID–19), to make emergency grants to States and Indian Tribes to provide financial support for low-income individuals affected by that public health emergency, and for other purposes.

S. 3721

At the request of Ms. HARRIS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3721, a bill to provide for the establishment of a COVID–19 Racial and Ethnic Disparities Task Force to gather data about disproportionately affected communities and provide recommendations to combat the racial and ethnic disparities in the COVID–19 response.

S. 3732

At the request of Mr. CORNYN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3732, a bill to amend title 18, United States Code, to further protect officers and employees of the United States, and for other purposes.

S. 3768

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Hampshire (Ms. HASSAN), the Senator from California (Ms. HARRIS), the Senator from Michigan (Ms. STABENOW) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3768, a bill to protect older adults and people with disabilities living in nursing homes, intermediate care facilities, and psychiatric hospitals from COVID–19.

S. 3814

At the request of Mr. BENNET, the names of the Senator from Maine (Mr. KING) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 3814, a bill to establish a loan program for businesses affected by COVID–19 and to extend the loan forgiveness period for paycheck protection program loans made to the hardest hit businesses, and for other purposes.

S. 3874

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3874, a bill making additional supplemental appropriations for disaster relief requirements for the fiscal year ending September 30, 2020, and for other purposes.

S. 3902

At the request of Mr. BLUMENTHAL, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3902, a bill to amend the Insurrection Act to curtail violations against the civil liberties of the people of the United States, and for other purposes.

S. 3909

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3909, a bill to require Federal law enforcement officers, including contract employees, and members of the armed forces engaged in crowd control, riot control, or arrest or detainment of individuals engaged in civil disobedience, demonstrations, protests, or riots to visibly display identifying information.

S. 3910

At the request of Mr. MANCHIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3910, a bill to establish a presumption that certain firefighters who are Federal employees and have COVID–19 contracted that disease while in the performance of their official duties, and for other purposes.

S. 4001

At the request of Mr. SCOTT of South Carolina, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 4001, a bill to amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations.

S. 4014

At the request of Mr. CARDIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 4014, a bill to provide for supplemental loans under the Paycheck Protection Program.

S. 4019

At the request of Mr. MANCHIN, his name was added as a cosponsor of S. 4019, a bill to amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday.

S. 4033

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 4033, a bill to require States to establish contingency plans for the conduct of elections for Federal office in response to national disasters and emergencies, and for other purposes.

S. 4098

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Virginia (Mr. KAINE) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 4098, a bill to provide funding for the Neighborhood Reinvestment Corporation Act, and for other purposes.

S. RES. 539

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 539, a resolution supporting the rights of the people of Iran to determine their future, condemning the Iranian regime for its crackdown on legitimate protests, and for other purposes.

AMENDMENT NO. 1690

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1690 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1691

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1691 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1693

At the request of Mr. MORAN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1693 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1694

At the request of Mr. MORAN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of amendment No. 1694 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1697

At the request of Mr. CARDIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 1697 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1702

At the request of Mr. CARDIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 1702 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1709

At the request of Mr. HAWLEY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of amendment No. 1709 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1712

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1712 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1715

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1715 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1721

At the request of Mr. KING, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1721 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1731

At the request of Mrs. SHAHEEN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1731 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1755

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1755 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1756

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1756 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1761

At the request of Mr. MORAN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of amendment No. 1761 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1762

At the request of Mr. MURPHY, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1762 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1763

At the request of Mr. HOEVEN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1763 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1777

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1777 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1787

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 1787 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1788

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 1788 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1797

At the request of Mr. JONES, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1797 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1799

At the request of Mr. ENZI, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of amendment No. 1799 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1800

At the request of Mr. WARNER, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 1800 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1803

At the request of Mr. WARNER, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of amendment No. 1803 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1813

At the request of Mr. GRAHAM, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of amendment No. 1813 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1830

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1830 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1833

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 1833 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1861

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1861 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1864

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1864 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1876

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 1876 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1881

At the request of Mrs. HYDE-SMITH, the names of the Senator from Nevada (Ms. ROSEN), the Senator from Nebraska (Mrs. FISCHER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of amendment No. 1881 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. VAN HOLLEN, his name was added as a cosponsor of amendment No. 1881 intended to be proposed to S. 4049, supra.

AMENDMENT NO. 1883

At the request of Mr. ROMNEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1883 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1889

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Colorado (Mr. GARDNER) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of amendment No. 1889 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1894

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of amendment No. 1894 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1895

At the request of Mr. RUBIO, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of amendment No. 1895 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1899

At the request of Mr. LANKFORD, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1899 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1932

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of amendment No. 1932 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1940

At the request of Ms. ROSEN, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of amendment No. 1940 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1945

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 1945 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1974

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1974 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1986

At the request of Mr. KENNEDY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1986 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1988

At the request of Mr. KENNEDY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 1988 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2001

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2001 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2038

At the request of Mr. CASEY, the names of the Senator from Arizona (Ms. SINEMA) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of amendment No. 2038 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2086

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2086 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2087

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2087 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2091

At the request of Mr. CORNYN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2091 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2092

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2092 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2104

At the request of Ms. HASSAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2104 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2107

At the request of Ms. ROSEN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of amendment No. 2107 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2111

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 2111 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2112

At the request of Ms. BALDWIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2112 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2115

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2115 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2130

At the request of Ms. MCSALLY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2130 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2133

At the request of Ms. MCSALLY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2133 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2136

At the request of Mr. CRUZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 2136 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2138

At the request of Mr. CRUZ, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of amendment No. 2138 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2162

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2162 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2165

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 2165 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2172

At the request of Mr. BENNET, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 2172 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2208

At the request of Ms. MCSALLY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 2208 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2211

At the request of Mr. CARDIN, the name of the Senator from Maryland

(Mr. VAN HOLLEN) was added as a cosponsor of amendment No. 2211 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2217

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of amendment No. 2217 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. WARNER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2219 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2244

At the request of Mr. CORNYN, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of amendment No. 2244 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2245

At the request of Mr. CORNYN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of amendment No. 2245 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2252

At the request of Mr. SCHATZ, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Colorado (Mr. BENNET), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Vermont (Mr. SANDERS), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Ohio (Mr. BROWN), the Senator from Connecticut (Mr. MURPHY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 2252 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2259 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2268

At the request of Ms. HIRONO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2268 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2269

At the request of Ms. HIRONO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 2269 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2277

At the request of Mr. TOOMEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2277 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2296

At the request of Mr. BLUMENTHAL, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of amendment No. 2296 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2302

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 2302 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2309

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2309 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2317

At the request of Ms. HARRIS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2317 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2323

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2323 intended to be proposed to S. 4049, an original bill to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. PAUL (for himself, Mr. KENNEDY, and Ms. COLLINS):

S. 4104. A bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes; considered and passed.

S. 4104

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stopping Improper Payments to Deceased People Act''.

SEC. 2. DISTRIBUTION OF DEATH INFORMATION FURNISHED TO OR MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended—

(A) in paragraph (2)—

(i) by striking ''may'' and inserting ''shall''; and

(ii) by inserting '', and to ensure the completeness, timeliness, and accuracy of,'' after ''transmitting'';

(B) by striking paragraphs (3), (4), and (5) and inserting the following:

''(3)(A) In the case of individuals with respect to whom federally funded benefits are provided by (or through) a Federal or State agency, the Commissioner of Social Security shall, to the extent feasible, provide such information through a cooperative arrangement with such agency for ensuring proper payment of those benefits with respect to such individuals if—

''(i) under such arrangement the agency agrees to such safeguards as the Commissioner determines are necessary or appropriate to protect the information from unauthorized use or disclosure;

''(ii) under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, including the reasonable costs associated with the collection and maintenance of information regarding deceased individuals furnished to the Commissioner pursuant to paragraph (1); and

''(iii) such arrangement does not conflict with the duties of the Commissioner of Social Security under paragraph (1).

''(B) The Commissioner of Social Security shall, to the extent feasible, provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection, through a cooperative arrangement in order for a Federal agency to carry out any of the following purposes, if the requirements of clauses (i), (ii), and (iii) of subparagraph (A) are met:

''(i) Under such arrangement, the agency operating the Do Not Pay working system established under section 5 of the Improper Payments Elimination and Recovery Improvement Act of 2012 may compare death information disclosed by the Commissioner with personally identifiable information reviewed through the working system, and may redisclose such comparison of information, as appropriate, to any Federal or State agency authorized to use the working system.

''(ii) The tax administration duties of the agency.

''(iii) Oversight activities of the Inspector General of an agency that is provided information regarding all deceased individuals pursuant to this subsection.

''(iv) Civil or criminal enforcement activities that are authorized by law.

''(C) With respect to the reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out a cooperative arrangement described in subparagraph (A) between the Commissioner of Social Security and an agency, the Commissioner shall—

''(i) establish a defined calculation method for purposes of calculating the reasonable cost of carrying out the arrangement that does not take into account any services, information, or unrelated payments provided by the agency to the Commissioner; and

''(ii) reimbursement payments shall be accounted for and recorded separately from other transactions.

''(4) The Commissioner of Social Security may enter into similar arrangements with States to provide information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for use by States in programs wholly funded by the States, or for use in the administration of a benefit pension plan or retirement system for employees of a State or a political subdivision thereof, if the requirements of clauses (i), (ii), and (iii) of paragraph (3)(A) are met. For purposes of this paragraph, the terms retirement system and political subdivision have the meanings given such terms in section 218(b).

''(5) The Commissioner of Social Security may use or provide for the use of information regarding all deceased individuals furnished to or maintained by the Commissioner under this subsection for statistical purposes and research activities by Federal and State agencies (including research activities conducted under a contract or a cooperative arrangement (as such terms are defined for purposes of sections 6303 and 6305, respectively, of title 31, United States Code) with such an agency) if the requirements of clauses (i) and (ii) of paragraph (3)(A) are met.''; and

(C) in paragraph (8)(A)(i), by striking ''subparagraphs (A) and (B) of paragraph (3)'' and inserting ''clauses (i), (ii), and (iii) of paragraph (3)(A)''.

(2) REPEAL.—Effective on the date that is 5 years after the date of enactment of this Act, the amendments made by this subsection to paragraphs (3), (4), (5), and (8) of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) are repealed, and the provisions of section 205(r) of the Social Security Act (42 U.S.C. 405(r)) so amended are restored and revived as if such amendments had not been enacted.

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Section 6103(d)(4) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraphs (A) and (B), by striking ''Secretary of Health and Human Services'' each place it appears and inserting ''Commissioner of Social Security''; and

(B) in subparagraph (B)(ii), by striking ''such Secretary'' and all that follows through ''deceased individuals.'' and inserting ''such Commissioner pursuant to such contract, except that such contract may provide that such information is only to be used by the Social Security Administration (or any other Federal agency) for purposes authorized in the Social Security Act or this title.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect 180 days after the date of enactment of this Act.

(c) REPORT TO CONGRESS ON ALTERNATIVE SOURCES OF DEATH DATA.—

(1) REQUIREMENTS.—The Commissioner of Social Security, in coordination with the Secretary of the Treasury, shall conduct a review of potential alternative sources of death data maintained by the non-Federal sources, including sources maintained by State agencies or associations of State agencies, for use by Federal agencies and programs. The review shall include analyses of—

(A) the accuracy and completeness of such data;

(B) interoperability of such data;

(C) the extent to which there is efficient accessibility of such data by Federal agencies;

(D) the cost to Federal agencies of accessing and maintaining such data;

(E) the security of such data;

(F) the reliability of such data; and

(G) a comparison of the potential alternate sources of death data to the death data distributed by the Commissioner of Social Security.

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress on the results of the review and analyses required under paragraph (1). The report shall include a recommendation by the Director of the Office of Management and Budget regarding whether to extend the agency access to death data distributed by the Commissioner of Social Security provided under the amendments made by subsection (a)(1) beyond the date on which such amendments are to be repealed under subsection (a)(2).

SEC. 3. IMPROVING THE USE OF DATA BY GOVERNMENT AGENCIES TO CURB IMPROPER PAYMENTS.

The Improper Payments Elimination and Recovery Improvement Act of 2012 (31 U.S.C. 3321 note) is amended by adding at the end the following:

''SEC. 8. IMPROVING THE USE OF DEATH DATA BY GOVERNMENT AGENCIES.

''(a) GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) GUIDANCE TO AGENCIES.—Not later than 1 year after the date of enactment of this section, and in consultation with the Council of Inspectors General on Integrity and Efficiency and the heads of other relevant Federal, State, and local agencies, and Indian tribes and tribal organizations, the Director of the Office of Management and Budget shall issue guidance for each agency or component of an agency that operates or maintains a database of information relating to beneficiaries, annuity recipients, or any purpose described in section 205(r)(3)(B) of the Social Security Act (42 U.S.C. 405(r)(3)(B)) for which improved data matching with databases relating to the death of an individual (in this section referred to as death databases) would be relevant and necessary regarding implementation of this section to provide such agencies or components access to the death databases no later than 1 year after such date of enactment.

''(2) PLAN TO ASSIST STATES AND LOCAL AGENCIES AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services and the Secretary of the Treasury shall jointly develop a plan to assist States and local agencies, and Indian tribes and tribal organizations, in providing electronically to the Federal Government records relating to the death of individuals, which may include recommendations to Congress for any statutory changes or financial assistance to States and local agencies and Indian tribes and tribal organizations that are necessary to ensure States and local agencies and Indian tribes and tribal organizations can provide such records electronically. The plan may include recommendations for the authorization of appropriations or other funding to carry out the plan.

''(b) REPORTS.—

''(1) REPORT TO CONGRESS ON IMPROVING DATA MATCHING REGARDING PAYMENTS TO DECEASED INDIVIDUALS.—Not later than 1 year after the date of enactment of this section, the Secretary of the Treasury, in consultation with the heads of other relevant Federal agencies, and in consultation with States and local agencies, Indian tribes and tribal organizations, shall submit to Congress a plan to improve how States and local agencies and Indian tribes and tribal organizations that provide benefits under a federally funded program will improve data matching with the Federal Government with respect to

the death of individuals who are recipients of such benefits.

''(2) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and for each of the 4 succeeding years, the Secretary of the Treasury shall submit to Congress a report regarding the implementation of this section. The first report submitted under this paragraph shall include the recommendations of the Secretary required under subsection (a)(2).

''(c) DEFINITIONS.—In this section, the terms Indian tribe and tribal organization have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

SEC. 4. PLAN FOR ENSURING THE ACCURACY AND COMPLETENESS OF DEATH DATA MAINTAINED AND DISTRIBUTED BY THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security shall submit to Congress a plan, which shall include an estimate of the cost of implementing the policies and procedures described in such plan, to improve the accuracy and completeness of the death data (including, where feasible and cost-effective, data regarding individuals who are not eligible for or receiving benefits under titles II or XVI of the Social Security Act) maintained and distributed by the Social Security Administration.

(b) CONTENT OF PLAN.—In developing the plan required under subsection (a), the Commissioner of Social Security shall consider whether to include the following elements:

(1) Procedures for—

(A) identifying individuals who are extremely elderly, as determined by the Commissioner, but for whom no record of death exists in the records of the Social Security Administration;

(B) verifying the information contained in the records of the Social Security Administration with respect to individuals described in subparagraph (A) and correcting any inaccuracies; and

(C) where appropriate, disclosing corrections made to the records of the Social Security Administration.

(2) Improved policies and procedures for identifying and correcting erroneous death records, including policies and procedures for—

(A) identifying individuals listed as dead who are actually alive;

(B) identifying individuals listed as alive who are actually dead; and

(C) allowing individuals or survivors of deceased individuals to notify the Social Security Administration of potential errors.

(3) Improved policies and procedures to identify and correct discrepancies in the records of the Social Security Administration, including social security number records.

(4) A process for employing statistical analysis of the death data maintained and distributed by the Social Security Administration to determine an estimate of the number of erroneous records.

(5) Recommendations for legislation, as necessary.

SEC. 5. REPORT ON INFORMATION SECURITY.

Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit a report to the Committees on Ways and Means, Oversight and Reform, and Homeland Security of the House of Representatives, and the Committees on Finance and Homeland Security and Governmental Affairs of the Senate that—

(1) identifies all information systems of the Social Security Administration containing sensitive information; and

(2) describes the measures the Commissioner is taking to secure and protect such information systems.

SEC. 6. LIMITED ACCESS TO DEATH INFORMATION MAINTAINED BY THE SOCIAL SECURITY ADMINISTRATION FOR RECOVERY OF ERRONEOUS REBATE PAYMENTS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 2, is further amended by adding at the end the following new paragraph:

''(10)(A) Notwithstanding any provision or requirement under paragraph (3), not later than 30 days after the date of enactment of this paragraph, the Commissioner of Social Security shall provide the Secretary with access to any records or information maintained by the Commissioner of Social Security pursuant to paragraph (1), provided that—

''(i) such records and information are used by the Secretary solely for purposes of carrying out subsection (h) of section 6428 of the Internal Revenue Code of 1986; and

''(ii) the Secretary agrees to establish safeguards to assure the maintenance of the confidentiality of any records or information disclosed.

''(B) In this paragraph, the term 'Secretary' means the Secretary of the Treasury or the Secretary's delegate.''.

(b) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—Section 6428 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsection (h) as subsection (i), and

(2) by inserting after subsection (g) the following new subsection:

''(h) RECOVERY OF REBATE PAYMENTS TO DECEASED INDIVIDUALS.—In the case of any individual who is shown on the records or information disclosed to the Secretary under section 205(r)(10) of the Social Security Act as being deceased before January 1, 2020, if the Secretary has distributed a payment to such individual pursuant to subsection (f), the Secretary shall, to the extent practicable, carry out any measures as are deemed appropriate to suspend, cancel, and recover such payment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. CARDIN (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. COONS, Ms. ROSEN, and Ms. COLLINS):

S. 4116. A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; considered and passed.

S. 4116

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

SECTION 1. EXTENDING AUTHORITY FOR COMMITMENTS FOR THE PAYCHECK PROTECTION PROGRAM AND SEPARATING AMOUNTS AUTHORIZED FOR OTHER 7(A) LOANS.

Section 1102(b) of title I of division A of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) is amended to read as follows:

''(b) COMMITMENTS FOR PPP AND OTHER 7(A) LOANS.—

''(1) PPP LOANS.—During the period beginning on February 15, 2020 and ending on August 8, 2020, the amount authorized for commitments under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) shall be $659,000,000,000.

''(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'BUSINESS LOANS PROGRAM ACCOUNT' under the heading 'SMALL BUSINESS ADMINISTRATION' under title V of the Consolidated Appropriations Act, 2020 (Public Law 116– 93; 133 Stat. 2475) shall apply with respect to any commitments under such section 7(a) other than under paragraph (36) of such section 7(a).''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 638—EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF JUSTICE SHOULD DEFEND THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (PUBLIC LAW 111–148 STAT. 119) AND HALT ITS EFFORTS TO REPEAL, SABOTAGE, OR UNDERMINE HEALTH CARE PROTECTIONS FOR MILLIONS OF PEOPLE IN THE UNITED STATES IN THE MIDST OF THE PUBLIC HEALTH EMERGENCY RELATING TO THE CORONAVIRUS DISEASE 2019 (COVID–19)

Mr. TESTER (for himself, Mr. SCHUMER, Mrs. SHAHEEN, Mr. MANCHIN, Mr. KAINE, Mr. WARNER, Mr. JONES, Ms. SMITH, Ms. HIRONO, Mr. REED, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BROWN, Mr. BENNET, Mr. CARPER, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. HARRIS, Mr. CARDIN, Mrs. MURRAY, Ms. ROSEN, Ms. STABENOW, Mr. MURPHY, Mr. WYDEN, Ms. HASSAN, Mr. PETERS, Ms. KLOBUCHAR, Mr. HEINRICH, Ms. WARREN, Ms. SINEMA, Mr. KING, Mr. UDALL, Mr. WHITEHOUSE, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. SCHATZ, Mr. COONS, Mr. LEAHY, Mr. SANDERS, Mr. BOOKER, Mrs. GILLIBRAND, Mr. MERKLEY, Ms. CANTWELL, Mr. CASEY, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 638

Whereas more than 2,500,000 people in the United States have tested positive for the Coronavirus Disease 2019 (referred to in this preamble as ''COVID–19''), with many requiring costly health care;

Whereas, prior to 2010, a diagnosis of COVID–19 likely would have been considered a pre-existing medical condition;

Whereas, in 2010, Congress passed and President Barack Obama signed the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) (referred to in this preamble as the ''ACA'');

Whereas, prior to the enactment of the ACA, more than 133,000,000 nonelderly people in the United States with a pre-existing medical condition were consistently charged unaffordable premiums for health insurance coverage, were subject to exorbitant out-of-pocket costs for care, faced annual and lifetime limits on coverage, or were denied health care coverage altogether;

Whereas, prior to the enactment of the ACA, millions of seniors with Medicare coverage encountered steep out-of-pocket prescription drug costs once those seniors hit a threshold known as the Medicare ''donut

hole'', and since the donut hole began closing in 2010, millions of Medicare beneficiaries have saved billions of dollars on prescription drug costs;

Whereas, on February 26, 2018, 18 State attorneys general and 2 Governors filed a lawsuit in the United States District Court for the Northern District of Texas, Texas v. United States, No. 4:18–cv–00167–O (N.D. Tex.) (referred to in this preamble as ''Texas v. United States''), arguing that the requirement of the ACA to maintain minimum essential coverage is unconstitutional;

Whereas the State and individual plaintiffs in Texas v. United States also seek to strike down the entire ACA as not severable from the requirement to maintain minimum essential coverage;

Whereas, despite the well-established duty of the Department of Justice to defend Federal statutes where reasonable arguments can made in their defense, Attorney General Jefferson Sessions announced in a letter to Congress on June 7, 2018, that the Department of Justice would not defend the constitutionality of the minimum essential coverage provision;

Whereas, in the June 7, 2018, letter to Congress, then Attorney General Jefferson Sessions announced that the Department of Justice would instead argue that provisions protecting individuals with pre-existing medical conditions (specifically the provisions commonly known as ''community rating'' and ''guaranteed issue'') are not severable from the minimum essential coverage provision and ought to be invalidated;

Whereas the United States District Court for the Northern District of Texas issued an order on December 14, 2018, that struck down the ACA in its entirety, including protections for individuals with pre-existing conditions, based on the ruling of that court that the requirement to maintain minimum essential coverage was unconstitutional;

Whereas, on March 25, 2019, the Department of Justice, in a letter to the United States Court of Appeals for the Fifth Circuit, changed its position and announced that the central holding of the United States District Court for the Northern District of Texas should be upheld and the entire ACA should be declared inseverable from the minimum essential coverage provision and struck down;

Whereas, on December 18, 2019, the United States Court of Appeals for the Fifth Circuit in Texas v. United States, 945 F.3d 355 (5th Cir. 2019), upheld the decision of the United States District Court for the Northern District of Texas striking down the minimum essential coverage provision, but vacated the decision on severability and remanded the case to the United States District Court for the Northern District of Texas;

Whereas the Supreme Court of the United States granted, on Monday, March 2, 2020, a petition for a writ of certiorari filed by 21 State attorneys general and will review, in California v. Texas, No. 19–804 (U.S.) and Texas v. California, No. 19–19109 (U.S.), the decisions of the United States Court of Appeals for the Fifth Circuit in Texas v. United States, 945 F.3d 355 (5th Cir. 2019);

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, seniors enrolled in Medicare would face the reopening of the Medicare donut hole and be subject to billions of dollars in new prescription drug costs;

Whereas, as of June 2020, 37 States and the District of Columbia have expanded or voted to expand Medicaid to individuals with incomes below 138 percent of the Federal poverty level, providing health coverage to more than 12,000,000 newly eligible people;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the millions of individuals and families who receive coverage from Medicaid could lose access to health care coverage altogether;

Whereas, as of April 2020, more than 7,200,000 consumers who purchase individual health insurance are eligible for tax credits to subsidize the cost of premiums and assistance to minimize out-of-pocket health care costs such as copays and deductibles, which has made individual health insurance coverage affordable for millions of people in the United States for the first time;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States—

(1) the individual health insurance marketplaces established under the ACA would be eliminated;

(2) the millions of people in the United States who buy health insurance on those marketplaces could lose coverage; and

(3) the premium expenses for individual health insurance would increase exorbitantly;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the permanent reauthorization of the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) would also be repealed and millions of American Indians and Alaska Natives would have less access to health services, less options for care, and worsened health disparities;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, the nearly 500,000 veterans who have gained health insurance coverage, including the nearly 1 in 10 veterans that have gained coverage through Medicaid expansion, would lose access to care;

Whereas, if the ruling of the United States District Court for the Northern District of Texas in Texas v. United States is upheld by the Supreme Court of the United States, people in the United States would lose numerous consumer protections, including the requirements that—

(1) plans offer preventive care without cost-sharing;

(2) young adults can remain on their parents' insurance plan until age 26;

(3) many health insurance plans offer a comprehensive set of essential health benefits such as maternity care, addiction treatment, and prescription drug coverage;

(4) individuals cannot be denied coverage due to, and coverage cannot be medically underwritten to reflect, gender; and

(5) individuals cannot be denied coverage due to, and coverage cannot be medically underwritten to reflect, a pre-existing medical condition;

Whereas, on March 11, 2020, the World Health Organization declared the outbreak of COVID–19 a pandemic;

Whereas, as of June 30, 2020, more than 2,545,000 people in the United States have been diagnosed with COVID–19;

Whereas, during the ongoing COVID–19 pandemic, millions of people in the United States have relied on the ACA for coverage, health care access, and diagnoses;

Whereas, as of June 25, 2020, more than 30,000,000 people in the United States have filed for unemployment benefits;

Whereas a ruling by the Supreme Court of the United States that the ACA must be struck down would cost the United States an estimated 3,000,000 jobs at a time when national unemployment as a result of the global pandemic exceeds 13 percent;

Whereas, in the midst of a global pandemic, the Department of Justice is continuing to pursue a strategy to have the ruling of the United States District Court for the Northern District of Texas in Texas v. United States upheld by the Supreme Court of the United States, which would result in health care coverage being torn away from millions of people in the United States;

Whereas people in the United States who are facing the economic and physical risks of a global pandemic cannot also face an ongoing threat that a ruling by the Supreme Court of the United States could invalidate their health care coverage; and

Whereas dismantling the health care system in the United States in the midst of a global pandemic, when millions of people in the United States have lost work and the ACA provides an alternative to employer-based health insurance, would trigger chaos: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Department of Justice should—

(1) defend the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) rather than doubling down on its position with respect to the decision of the United States District Court for the Northern District of Texas in Texas v. United States, No. 4:18–cv–00167–O (N.D. Tex.); and

(2) protect the millions of people in the United States who newly gained health insurance coverage since 2014 and rely on that coverage in the midst of the public health emergency relating to the Coronavirus Disease 2019 (COVID–19).

SENATE RESOLUTION 639—RECOGNIZING JUNE 2020 AS ''IMMIGRANT HERITAGE MONTH'', A CELEBRATION OF THE ACCOMPLISHMENTS AND CONTRIBUTIONS IMMIGRANTS AND THEIR CHILDREN HAVE MADE IN MAKING THE UNITED STATES A HEALTHIER, SAFER, MORE DIVERSE, AND PROSPEROUS COUNTRY, AND ACKNOWLEDGING THE IMPORTANCE OF IMMIGRANTS TO THE FUTURE SUCCESSES OF THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Ms. HIRONO, Mr. MARKEY, Ms. WARREN, Ms. HARRIS, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 639

Whereas the United States is stronger when all individuals have the opportunity to live up to their full potential;

Whereas, in the United States, more than 16 percent of health care workers are immigrants, and foreign-born individuals comprise—

(1) 29.1 percent of physicians;

(2) 23.7 percent of dentists;

(3) 23.1 percent of nursing, psychiatric, and home health aides;

(4) 20.3 percent of pharmacists;

(5) 17.4 percent of dieticians and nutritionists;

(6) 17.3 percent of medical assistants;

(7) 16.5 percent of dental assistants;

(8) 16.2 percent of optometrists;

(9) 16 percent of registered nurses; and

(10) 15 percent of licensed practical and licensed vocational nurses;

Whereas immigrants working in a health care occupation range from individuals with Temporary Protected Status and individuals who have been granted deferred action pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012 (referred to in this preamble as 'DACA recipients') to naturalized citizens;

Whereas more than 12 percent of immigrants with Temporary Protected Status or who are DACA recipients, or 310,000 individuals, are humanitarian migrants, including refugees, asylees, special immigrant visa holders, and entrants from Cuba and Haiti;

Whereas 41,700 DACA recipients perform critical roles in the health care industry;

Whereas immigrants working in health care professions serve throughout the United States and often serve in rural or underserved communities;

Whereas each medical student, resident, and physician who relies on being a DACA recipient for the ability to practice medicine provides medical care to an average of between 1,533 and 4,600 patients each year;

Whereas immigrants have filled nearly ⅓ of physician roles in the United States for a decade;

Whereas the Association of American Medical Colleges attested to the Supreme Court of the United States that the health care system of the United States relies on immigrant health care providers;

Whereas, in response to the COVID–19 pandemic, immigrants are putting their own lives at risk to save lives every day by working as diagnosing and treating practitioners, physician assistants, nurses, health aides, nursing assistants and orderlies, health care support workers, medical students and residents, and health technologists and technicians;

Whereas nearly ⅓ of all DACA recipients, or 200,000 individuals, and more than 130,000 of the estimated 411,000 individuals with Temporary Protected Status, are serving on the frontlines of the response to the COVID–19 pandemic and are considered essential critical infrastructure workers;

Whereas immigrant essential workers, including first responders, health care workers, agricultural workers, meat packers, childcare providers, and hospitality and transportation workers, have heroically helped provide medical care, food, shelter, and comfort to individuals in the United States impacted by COVID–19;

Whereas the majority of farm workers in the United States are immigrants, and, regardless of politics, have been deemed ''essential workers'' by the President of the United States to maintain a safe food supply for the United States during the COVID–19 pandemic;

Whereas immigrants have served in the Armed Forces since the founding of the United States and have fought in every major conflict in the history of the United States, including the Civil War, World Wars I and II, and conflicts in Vietnam, Afghanistan, and Iraq;

Whereas immigrants have put their lives at risk to protect the ideals of the United States and democracy and the lives of individuals in the United States by serving as translators and interpreters for the Armed Forces and performing sensitive and trusted activities for United States military personnel stationed at the International Security Assistance Force;

Whereas immigrants who serve in emerging industries in the United States with pronounced labor shortages that rely on science, technology, engineering, and math (referred to in this preamble as ''STEM'') skills, such as artificial intelligence, bolster the economy and enhance the national security and global leadership of the United States;

Whereas, when immigrants have a trusting relationship with local law enforcement agencies, they report crime and work with police on neighborhood crime reduction strategies;

Whereas more immigrants reside in the United States than any other country in the world, and immigrants in the United States come from almost every country in the world, contributing to the rich diversity of individuals, cultures, cuisine, literature, art, language, academia, music, media, fashion, and customs in the United States;

Whereas the United States is more diverse than ever before in history, evidenced by the fact that—

(1) an increased percentage of immigrants to the United States have come from countries such as India, China (including Hong Kong and Macao but not Taiwan), the Philippines, El Salvador, Vietnam, Cuba, the Dominican Republic, South Korea, and Guatemala; and

(2) the number of Black immigrants to the United States from across the African continent, the Caribbean, and the Americas has increased by 30 percent since 2010;

Whereas Black immigrants and their children make up roughly ⅛, or 18 percent, of the overall Black population of the United States;

Whereas, in response to recent civil unrest in the United States, immigrants of all backgrounds have pledged their support to fight hand-in-hand with Black immigrants to—

(1) fight against racial injustice and for accountability from law enforcement agencies and the criminal justice system; and

(2) demand that law enforcement agencies protect individuals, regardless of their skin color;

Whereas celebrating racial, ethnic, linguistic, and religious differences of immigrants has resulted in a unified, patriotic, and prosperous United States;

Whereas immigration has long been one of the greatest competitive advantages of the United States;

Whereas immigrants of all skill levels have helped make the economy of the United States the strongest in the world, complementing existing businesses in the United States in times of need and founding successful businesses of their own;

Whereas, although immigrants account for only 13.7 percent of the total population of the United States, nearly half of Fortune 500 companies were founded by immigrants or their children, and those businesses create more than $6,000,000,000,000 in annual revenue and employ millions of individuals in the United States;

Whereas 72.5 percent of immigrants believe that hard work is necessary to succeed in the United States, and immigrants are responsible for half of the total labor force growth in the United States in the last decade;

Whereas, in the United States in 2019—

(1) 66 percent of immigrants who were 16 years of age or older were employed; and

(2) 62.5 percent of individuals born in the United States who were 16 years of age or older were employed;

Whereas immigrants are entrepreneurial self-starters who—

(1) create their own opportunity and employment opportunities; and

(2) are more likely to be entrepreneurs than individuals born in the United States;

Whereas the high-skilled immigration system of the United States—

(1) has not been updated in more than 25 years;

(2) is outdated and overburdened; and

(3) puts the global leadership of the United States at risk;

Whereas national security experts agree that it is essential for the United States to maintain its military exceptionalism by being the leader in advanced technologies such as artificial intelligence, cyber and quantum technologies, robotics, and directed-energy and hypersonic weapons, which are STEM fields in which immigrants fill dangerous labor shortages in the United States;

Whereas, in the future, immigrants in the United States are expected to fill a crucial need for health care workers brought on by an aging population and a longer life expectancy, and, by filling that need, immigrants will keep individuals in the United States healthy;

Whereas meaningful immigration policy reform would reduce the Federal deficit by $1,200,000,000,000 in just 20 years, contributing to greater economic stability and safety;

Whereas, if Dreamers were provided a pathway to citizenship, the cumulative gains for the economy of the United States could be up to $1,000,000,000,000;

Whereas, because immigrants in the United States are more likely to be working-age than individuals born in the United States, immigrants are more likely to contribute to the labor force and economy as both consumers and taxpayers, thereby helping to fund social services and programs like Medicare and Social Security and making individuals in the United States healthier, safer, and economically prosperous; and

Whereas the continued integration of immigrants from around the world and encouraging a pathway to citizenship, economic and social mobility, and civic engagement for those immigrants will—

(1) perpetuate the prosperity of the United States; and

(2) reinforce the patriotism that the people of the United States feel for the United States, no matter their color of skin, country of origin, or religious background: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes June 2020 as ''Immigrant Heritage Month'' in honor of the contributions immigrants and their children have made to the United States throughout its history;

(2) pledges to celebrate immigrant contributions to, and immigrant heritages in, each State;

(3) welcomes immigrants presently in the United States and individuals seeking to immigrate to the United States to contribute to the health, safety, diversity, and prosperity of the United States by finding their place in the vibrant, multiethnic, and integrated society of the United States;

(4) encourages the people of the United States to work with their immigrant neighbors and colleagues to advance the current and future well-being of the United States; and

(5) commits to working with fellow Members of Congress, the executive agencies that administer immigration laws and policies, and the President to promote smart and just immigration policy for immigrants presently in the United States, their families, and individuals seeking to immigrate to the United States in the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2326. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal

year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2327. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2328. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2329. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2330. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2331. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2332. Mr. CRAMER (for himself, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. TESTER, Mrs. SHAHEEN, Mr. LANKFORD, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. COLLINS, Ms. HASSAN, Mr. ROUNDS, Mr. BOOKER, and Ms. MCSALLY) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2334. Mr. COTTON (for himself, Mr. TILLIS, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2335. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2336. Mr. WARNER (for himself and Mr. KING) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2337. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2338. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2339. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2340. Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. HEINRICH, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2341. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2342. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2343. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2344. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2345. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2346. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2347. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2348. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2349. Mr. KENNEDY (for himself, Ms. BALDWIN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2350. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2351. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2352. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, Mr . CRAMER, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2353. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2354. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2355. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2357. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2358. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2359. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2360. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2361. Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2364. Mr. RUBIO (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. CASSIDY, Mr. COTTON, Mr. CARDIN, Ms. HIRONO, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2365. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2366. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2367. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2368. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2369. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2370. Mrs. BLACKBURN (for herself, Mr. THUNE, Mr. GARDNER, Mr. CRAMER, Mr. JOHNSON, Mr. CORNYN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2371. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2372. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2373. Ms. KLOBUCHAR (for herself and Mr. LANKFORD) submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2374. Mr. MANCHIN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2375. Mr. REED submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2376. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2377. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2378. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2379. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2380. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2381. Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act , and for other purposes; which was ordered to lie on the table.

SA 2382. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2384. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2385. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2386. Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2387. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, supra; which was ordered to lie on the table.

SA 2388. Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

TEXT OF AMENDMENTS

SA 2326. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3152.

SA 2327. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. STUDY AND PLAN ON THE USE OF ADDITIVE MANUFACTURING AND THREE-DIMENSIONAL BIOPRINTING IN SUPPORT OF THE WARFIGHTER.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of additive manufacturing and three-dimensional bioprinting across the Military Health System.

(b) ELEMENTS.—The study required by subsection (a) shall examine the activities currently underway by each of the military services and the Department agencies, including costs, sources of funding, oversight, collaboration, and outcomes.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under subsection (a).

SA 2328. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title IX.

SA 2329. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1532.

SA 2330. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1210. MODIFICATION TO AND HIRING AUTHORITY FOR THE GLOBAL ENGAGEMENT CENTER.

(a) ELIMINATION OF TERMINATION DATE FOR THE GLOBAL ENGAGEMENT CENTER.—Section 1287 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note) is amended—

(1) in subsection (h), by striking the second sentence; and

(2) by striking subsection (j).

(b) HIRING AUTHORITY FOR GLOBAL ENGAGEMENT CENTER.—Notwithstanding any other provision of law, the Secretary of State, during the five-year period beginning on the date of the enactment of this Act and solely to carry out functions of the Global Engagement Center established by such section, may—

(1) appoint employees without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service; and

(2) fix the basic compensation of such employees without regard to chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates.

SA 2331. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 235, strike the section heading and insert the following:

SEC. 235. REPORT ON MICRO NUCLEAR REACTOR PROGRAMS.

In section 235, strike subsections (e) and (f).

SA 2332. Mr. CRAMER (for himself, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Mrs. CAPITO, Mr. TESTER, Mrs. SHAHEEN, Mr. LANKFORD, Mr. BLUMENTHAL, Mr. SCHUMER, Ms. COLLINS, Ms. HASSAN, Mr. ROUNDS, Mr. BOOKER, and Ms. MCSALLY) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10_____. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall authorize the inclusion on the Vietnam Veterans Memorial Wall in the District of Columbia of the names of the 74 crew members of the U.S.S. Frank E. Evans killed on June 3, 1969.

(b) REQUIRED CONSULTATION.—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battlefield Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(c) NONAPPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United

States Code (commonly known as the ''Commemorative Works Act''), shall not apply to any activities carried out under subsection (a) or (b).

SA 2333. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1602 and insert the following:

SEC. 1602. DISTRIBUTION OF LAUNCHES FOR PHASE TWO OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.

In carrying out phase two of the acquisition strategy for the National Security Space Launch program, the Secretary of the Air Force shall ensure—

(1) that launch services are procured only from launch service providers that the Secretary assesses will meet all payload-to-reference orbit requirements, as outlined in the phase two acquisition strategy; and

(2) the viability of the domestic space launch industrial base while providing for cost-effective and reliable launch services.

SA 2334. Mr. COTTON (for himself, Mr. TILLIS, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 377 and insert the following:

SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) IN GENERAL.—The Secretary of Defense shall establish a commission relating to the naming or other commemorative properties of assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (in this section referred to as the ''Commission'').

(b) DUTIES.—The Commission shall—

(1) develop procedures and criteria to assess whether an asset of the Department of Defense commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(2) using the procedures and criteria developed in paragraph (1), develop a list of all assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America; and

(3) for each asset identified under paragraph (2), gather information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of such asset.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President, one of whom shall be designated by the President as the Chair of the Commission;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(d) INITIAL MEETING.—The Commission shall hold its initial meeting at the call of the Chair, but not later than 60 days after the date of the enactment of this Act.

(e) OTHER PROCEDURES; VOTING.—The Commission may establish the procedures of the Commission by majority vote, except that in the case of a tied vote the position of the Chair shall be adopted as the majority vote of the Commission.

(f) DETAIL OF EMPLOYEES AND ACCESS TO INFORMATION.—

(1) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request by the Commission, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) ACCESS TO OTHER RESOURCES.—

(A) IN GENERAL.—The Commission shall have reasonable access to materials, resources, and other information the Commission determines necessary to carry out its duties from—

(i) the Library of Congress;

(ii) the Department of Defense;

(iii) the National Archives and Records Administration;

(iv) the Smithsonian Institution; and

(v) any other agency of the executive or legislative branch of the Federal Government.

(B) REQUESTS FOR RESOURCES.—The Chair of the Commission shall make requests for access to materials, resources, and other information described in subparagraph (A) in writing when necessary.

(g) BRIEFINGS AND REPORTS.—

(1) BRIEFING.—Not later than October 1, 2021, the Commission shall brief the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the progress of the Commission in carrying out the requirements of the Commission under subsection (b).

(2) FINAL BRIEFING AND REPORT.—Not later than October 1, 2022, the Commission shall brief and provide a written report to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the results of the work of the Commission under subsection (b), including—

(A) a list of assets of the Department of Defense identified by the Commission as commemorating the Confederate States of America or any person who served voluntarily with the Confederate States of America;

(B) a description of the criteria and procedures used to identify such assets;

(C) information relating to the history, heritage, and local sensitivities regarding the naming or other commemorative properties of each such asset; and

(D) for each such asset, information relating to whether the asset is a grave marker.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army, sub activity group 434, other personnel support is hereby reduced by $2,000,000.

(i) DEFINITIONS.—In this section:

(1) ASSETS OF THE DEPARTMENT OF DEFENSE.—The term ''assets of the Department of Defense'' includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, plaque, monument, memorial, or any other property owned or controlled by the Department of Defense.

(2) COMMEMORATIVE PROPERTIES.—The term ''commemorative properties'' includes any name, symbol, design, display, or other property of an asset of the Department of Defense that is intended to commemorate or has the effect of commemorating an individual, group, idea, or historical event.

(3) GRAVE MARKER.—The term ''grave marker'' includes any monument, memorial, plaque, or other item which, due to its nature, location, or presentation, may be reasonably viewed as commemorating the death or final resting place of war dead.

SA 2335. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021.

''(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.''.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 801 note) is repealed.

SA 2336. Mr. WARNER (for himself and Mr. KING) submitted an amendment intended to be proposed by him

to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 815. NATIONAL INFORMATION AND COMMUNICATIONS TECHNOLOGY INDUSTRIAL BASE STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and once every 4 years thereafter, the President shall develop and submit to Congress a comprehensive report on the national strategy for the information and communications technology (ICT) industrial base for the following 4-year period, or a longer period, if appropriate. The report should include inputs from the Department of Defense, the Department of Homeland Security, the Department of Commerce, the Department of State, the Office of the Director of National Intelligence, and relevant private sector entities.

(2) ELEMENTS.—The strategy required under paragraph (1) shall—

(A) delineate a national ICT industrial base strategy consistent with—

(i) the most recent national security strategy report submitted pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

(ii) the strategic plans of other relevant departments and agencies of the United States; and

(iii) other relevant national-level strategic plans;

(B) assess the ICT industrial base, to include identifying—

(i) critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;

(ii) industrial capacity of the United States, as well as its allied and partner nations necessary for the manufacture and development of ICT deemed critical to the United States national and economic security; and

(iii) areas of supply risk to ICT critical technologies, trusted components, products, and materials that comprise or support the ICT industrial base;

(C) identify national ICT strategic priorities and estimate Federal monetary and human resources necessary to fulfill such priorities and areas where strategic financial investment in ICT research and development is necessary for national and economic security; and

(D) assess the Federal government's structure, resourcing, and authorities for evaluating ICT components, products, and materials and promoting availability and integrity of trusted technologies.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after developing the strategy under subsection (a), the President shall submit a report to the appropriate congressional committees with the strategy.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term ''information and communications technology'' means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, protection, or transmission of electronic data and information, as well as any associated content.

SA 2337. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (50 U.S.C. 1541 note) is repealed.

SA 2338. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subtitle A—General Provisions

SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 1712. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 1713. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 1714. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located in a geographic area that—

''(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

''(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least one student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) serve in the commissioned officer corps for not fewer than four years;

''(D) enroll in—

''(i) a four-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit

from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

''SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

Subtitle B—Parity and Recruitment

SEC. 1721. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy one of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than three years of service on active duty;

''(3) is the debtor on one or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than five academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to three years if the person received less than three years of assistance; and

''(ii) up to five years if the person received at least three years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 415, relating to initial uniform allowances.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

Subtitle C—Appointments and Promotion of Officers

SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least three years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

(3) by amending subsection (e) to read as follows:

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least four years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement

of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

Subtitle D—Separation and Retirement of Officers

SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

Subtitle E—Sexual Harassment and Assault Prevention at the National Oceanic and Atmospheric Administration

SEC. 1751. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking ''confidentially'' and inserting ''anonymously''; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking ''confidentially'' and inserting ''anonymously''.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

''SEC. 3546. INVESTIGATION REQUIREMENT.

''(a) REQUIREMENT TO INVESTIGATE.—

''(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

''(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

''(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

''SEC. 3547. CRIMINAL REFERRAL.

''If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

''Sec. 3546. Investigation requirement.
''Sec. 3547. Criminal referral.
''Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
''Sec. 3549. Sexual assault defined.''.

Subtitle F—Environmental Sensitivity Index Products

SEC. 1761. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary $7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

SA 2339. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. PLAN FOR USE OF COMMERCIAL SOLUTIONS FOR WIDEBAND SATELLITE COMMUNICATIONS ROAMING AND MULTIDOMAIN COMMAND AND CONTROL CAPABILITIES.

No later than 180 days after enactment of this Act, the Department of Defense shall submit to the congressional defense committees a plan for integrating a digital ground architecture that will utilize commercial innovations and solutions to enable wideband satellite communications roaming and multidomain command and control capabilities without unnecessary additional investment in terminal hardware.

SA 2340. Mr. MANCHIN (for himself, Ms. MURKOWSKI, Mr. HEINRICH, Mrs. MURRAY, Ms. CANTWELL, and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3111.

SA 2341. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2703. PLAN TO FINISH REMEDIATION ACTIVITIES CONDUCTED BY THE SECRETARY OF THE ARMY IN UMATILLA, OREGON.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a plan to finish remediation activities conducted by the Secretary in Umatilla, Oregon, by not later than three years after such date of enactment.

SA 2342. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XXXI, add the following:

SEC. 3168. SENSE OF THE SENATE REGARDING URANIUM MINING AND NUCLEAR WEAPONS TESTING.

It is the sense of the Senate that the United States should compensate and recognize all of the miners, workers, downwinders, and others suffering from the effects of uranium mining and nuclear weapons testing carried out during the Cold War.

SA 2343. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XXXI, add the following:

SEC. 3168. EXTENDING RADIATION EXPOSURE COMPENSATION TRUST FUND.

(a) IN GENERAL.—Section 3(d) of the Radiation Exposure Compensation Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended—

(1) by striking ''22 years'' and inserting ''24 years''; and

(2) by striking ''22-year'' and inserting ''24-year''.

(b) LIMITATION ON CLAIMS.—Section 8(a) of such Act (Public Law 101–426; 42 U.S.C. 2210 note) is amended by striking ''22 years'' and inserting ''24 years''.

SA 2344. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. OUTREACH TO UNITED STATES DUAL-USE SECTORS RELATING TO PREVENTION OF INDUSTRIAL AND CYBER ESPIONAGE.

The Director of the Federal Bureau of Investigation, in coordination with the Under Secretary of Commerce for International Trade, the Securities and Exchange Commission, the Secretary of Homeland Security, the interagency working group established by section 1746(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92), and the heads of such other agencies as the Director considers appropriate, shall expand outreach to, and develop educational materials and tools for, United States academics, businesses, venture capitalists, and startups in sectors that produce technology that has both military and civilian applications, with respect to—

(1) the potential risks associated with investors and partners who reside in, or are subject to the jurisdiction of, malign actors, including the Russian Federation, Iran, and the People's Republic of China;

(2) the role of the governments of malign actors, including the Russian Federation, Iran, and the People's Republic of China, in acquiring, directly or indirectly, technology through programs such as the Thousand Talents Program and Project 11 of the People's Republic of China;

(3) steps that can be taken to prevent industrial and cyber espionage; and

(4) such other issues related to undue influence from governments of malign actors, including the Russian Federation, Iran, and the People's Republic of China, or entities owned or controlled by such governments, as the Director considers important.

SA 2345. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, insert the following:

SEC. 156. REPORT ON LC–130 AIRCRAFT INVENTORY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report describing how the Department of Defense plans to modernize the LC–130 aircraft in its inventory.

SA 2346. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1026. SENSE OF CONGRESS ON THE NAMING OF A NAVAL VESSEL IN HONOR OF SENIOR CHIEF PETTY OFFICER SHANNON KENT.

It is the sense of Congress that the Secretary of the Navy should name the next available naval vessel appropriate for such name in honor of Senior Chief Petty Officer Shannon Kent.

SA 2347. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, insert the following:

SEC. 1656. SENSE OF CONGRESS ON SUPPORT FOR UNITED STATES URANIUM PRODUCERS.

It is the sense of Congress that the Secretary of Defense should provide support to producers of uranium in the United States in light of the threat to national security posed by uranium producers owned or controlled by foreign governments, as identified in the report of the Department of Commerce on its investigation into uranium production under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

SA 2348. Mr. INHOFE submitted an amendment intended to be proposed to

amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, insert the following:

SEC. 320. PARTICIPATION IN POLLUTANT BANKING AND WATER QUALITY TRADING PROGRAMS.

(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged in an authorized activity that may or will result in the discharge of pollutants, may make payments to a pollutant banking program or water quality trading program approved in accordance with the Water Quality Trading Policy dated January 13, 2003, set forth by the Office of Water of the Environmental Protection Agency, or any successor administrative guidance or regulation.

(b) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

(c) DISCHARGE OF POLLUTANTS DEFINED.—In this section, the term ''discharge of pollutants'' has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the ''Clean Water Act'').

SA 2349. Mr. KENNEDY (for himself, Ms. BALDWIN, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SBIR AND STTR PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(vv) DEPARTMENT OF DEFENSE PILOT PROGRAM.—

''(1) DEFINITION.—In this section, the term 'Department' means the Department of Defense.

''(2) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to provide small business concerns an increased level of assistance under the SBIR and STTR programs of the Department.

''(3) ACTIVITIES.—Under the pilot program, the Department, and any component agency thereof, may—

''(A) in any case in which the Department seeks to make a Phase II SBIR or STTR award to a small business concern based on the results of a Phase I award made to the small business concern by another agency, establish a streamlined transfer and fast track approval process for that Phase II award;

''(B) establish a phase during which additional funding may be provided during the gap between a Phase I and Phase II award—

''(i) which shall be limited to small business concerns located in eligible States, as defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR); and

''(ii) under which the Department may provide SBIR and STTR awards—

''(I) to provide funding for 12 to 24 months to continue the development of technology;

''(II) of not more than $1,000,000, for each individual award; and

''(III) of not more than $30,000,000, in the aggregate, per year; and

''(C) carry out subparagraph (B) along with other mentorship programs.

''(4) DURATION.—The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

''(5) REPORT.—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in eligible States, as defined by the Defense Established Program to Stimulate Competitive Research (DEPSCoR).''.

SA 2350. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Joint Assault Bridge, strike the amount in the Senate Authorized column and insert ''72,178''.

In the funding table in section 4101, in the item relating to Total Procurement of W&TCV, Army, strike the amount in the Senate Authorized column and insert ''3,651,740''.

SA 2351. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. AMENDMENT TO SECTION 151 OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991 TO ALLOW DANGER PAY FOR THE U.S. MARSHALS SERVICE.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 5 U.S.C. 5928 note) is amended—

(1) by striking ''or'' after ''Drug Enforcement Administration'' and inserting '', the''; and

(2) by inserting '', or the United States Marshals Service'' after ''Federal Bureau of Investigation''.

SA 2352. Mr. HAWLEY (for himself, Mr. SCOTT of Florida, Mr. CRAMER, Mr. WICKER, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 377 and insert the following:

SEC. 377. COMMISSION ON THE NAMING OF ASSETS OF THE DEPARTMENT OF DEFENSE THAT COMMEMORATE THE CONFEDERATE STATES OF AMERICA OR ANY PERSON WHO SERVED VOLUNTARILY WITH THE CONFEDERATE STATES OF AMERICA.

(a) IN GENERAL.—The Secretary of Defense shall establish a commission relating to the assigning, modifying, keeping, or removing of names, symbols, displays, monuments, and paraphernalia of assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America (in this section referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of eight members, of whom—

(A) two shall be appointed by the President;

(B) two shall be appointed by the Secretary of Defense;

(C) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(E) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(F) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(c) INITIAL MEETING.—The Commission shall hold its initial meeting on the date that is 60 days after the date of the enactment of this Act.

(d) DUTIES.—The Commission shall do the following:

(1) Assess the cost of renaming or removing names, symbols, displays, monuments, or paraphernalia on assets of the Department of Defense that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(2) Develop criteria to assess whether an existing name, symbol, display, monument, or paraphernalia commemorates or valorizes the Confederate States of America or any person who served voluntarily with the Confederate States of America.

(3) Develop criteria to assess whether the predominant meaning now given by the local community to an existing name, symbol, display, monument, or paraphernalia that commemorates the Confederate States of America or any person who served voluntarily with the Confederate States of America has changed since the name, symbol, monument, display, or paraphernalia first became associated with an asset of the Department of Defense.

(4) Nominate names, symbols, displays, monuments, or paraphernalia to be potentially renamed or removed from assets of the Department of Defense based on the criteria developed under paragraphs (2) and (3).

(5) Develop proposed procedures for renaming or removing names, symbols, displays, monuments, or paraphernalia that commemorate the Confederate States of America or any person who served voluntarily with the Confederate States of America that the Commission nominates as suitable candidates for renaming or removal, as the case may be, if such procedures do not already exist within directives, issuances, or regulations issued by the Department of Defense.

(6) Ensure that input from State and local stakeholders is substantially reflected in the criteria developed under paragraphs (2) and (3), nominations made under paragraph (4), and procedures developed under paragraph (5), including by—

(A) conducting public hearings on such criteria, nominations, and procedures in the States that would be affected by any renaming or removal; and

(B) soliciting input on such criteria, nominations, and procedures from the State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by any renaming or removal.

(e) PROCEDURES.—

(1) HEARINGS.—Not later than 14 days before a hearing to be conducted under subsection (d)(6)(A), the Commission shall publish on a website of the Department of Defense—

(A) an announcement of such hearing; and

(B) an agenda for the hearing and a list of materials relevant to the topics to be discussed at the hearing.

(2) SOLICITATION OF INPUT.—Not later than 60 days before soliciting input under subsection (d)(6)(B) with respect to a renaming or removal, the Commission shall provide notice to State entities, local government entities, military families, veterans service organizations, military service organizations, community organizations, and other non-government entities that would be affected by the renaming or removal to provide those individuals and entities time to consider and comment on the criteria, nominations, and procedures being developed under subsection (d).

(f) EXEMPTION FOR GRAVE MARKERS.—

(1) IN GENERAL.—Any renaming or removal proposed under this section or conducted pursuant to this section shall not apply to grave markers.

(2) GRAVE MARKERS DEFINED.—For purposes of this subsection, the term ''grave marker'' has the meaning given that term by the Commission.

(g) BRIEFINGS AND REPORTS.—

(1) BRIEFING.—Not later than October 1, 2021, the Commission shall brief the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the progress of the Commission in carrying out the requirements of the Commission under subsection (d).

(2) BRIEFING AND REPORT.—Not later than October 1, 2022, the Commission shall brief and provide a written report to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives detailing the results of requirements of the Commission under subsection (d), including the following:

(A) A list of assets of the Department of Defense to be renamed or removed.

(B) The costs associated with the renaming or removal of such assets.

(C) A description of the criteria used to nominate such assets for renaming or removal.

(D) A description of the feedback received and incorporated from State and local stakeholders pursuant to subsection (d)(6), including a detailed explanation of any decision by the Commission to overrule concerns raised by State or local stakeholders when developing and issuing recommendations on the criteria, nominations, and proposed procedures described in paragraphs (2) through (5) of subsection (d).

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Operation and Maintenance, Army, sub activity group 434, other personnel support is hereby reduced by $2,000,000.

(i) ASSETS OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''assets of the Department of Defense'' includes any base, installation, street, building, facility, aircraft, ship, plane, weapon, equipment, or any other property owned or controlled by the Department of Defense.

SA 2353. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 144 to read as follows:

SEC. 144. MINIMUM AIR FORCE BOMBER AIRCRAFT LEVEL.

(a) MINIMUM.—The Secretary of Defense shall submit to the congressional defense committees recommendations for a minimum number of bomber aircraft, including penetrating bombers in addition to B–52H aircraft, to enable the Air Force to carry out its long-range penetrating strike capability.

(b) REPORTS ON B–1 FLEET SUSTAINMENT.—

(1) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the current state of readiness and continued sustainment of the B–1 fleet and any gaps or necessary steps to ensure that the mission capable rate of the B–1 fleet is not less than 70 percent and the structural life of such fleet is sufficient to 2040. The report shall include a cost benefit analysis for bombers versus arsenal planes.

(2) QUARTERLY BRIEFING.—If the mission capable rate and structural life levels specified in paragraph (1) have not been met, not later than 60 days after the report is submitted under such paragraph, and not less frequently than quarterly thereafter until such levels have been met, the Secretary of the Air Force shall brief the congressional defense committees on, with respect to the B–1 fleet, the following:

(A) A description of any structural issues or technical deficiencies.

(B) A plan for continued structural deficiency data analysis and training.

(C) A description of projected repair timelines to address issues identified under subparagraph (A).

(D) A description of future mitigation strategies, including an analysis of the support requirement for each aircraft.

(E) An aircrew maintainer training plan, including a plan to ensure that the training pipeline remains steady for any degradation period.

(F) An identification of any deficiencies in equipment or funds required to address issues identified under subparagraph (A).

(G) A recovery timeline to resolve issues identified under subparagraph (A).

(c) LIMITATION.—None of the funds authorized to be appropriated by this Act or any other Act for the Department of Defense may be obligated or expended in support of the Air Force Arsenal Plane program, and the Department may not otherwise implement any such activity, until the report required under subsection (b)(1) is submitted.

SA 2354. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROPERTY OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1361 of title 18, United States Code, is amended by adding at the end the following:

''If such property is property of or which has been or is being manufactured or constructed for the Department of Defense or the Department of Veterans Affairs, the maximum fine under this section shall be twice the otherwise applicable maximum fine under section 3571.''.

SA 2355. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. PROCUREMENT OF LITTER-ATTACHED LOAD STABILITY SYSTEMS FOR UH–60 AIRCRAFT.

(a) INCREASE.—The amount authorized to be appropriated by this Act for fiscal year 2021 for Aircraft Procurement, Army for Utility Helicopters/UH–60 mods is increased by $11,091,000, with the amount of such increase to be available for the procurement of additional litter-attached load stability systems to be deployed at the bottom of the helicopter hoist, on 39 aircraft.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2021 for Operation and Maintenance, Air Force for Other Combat Operations Support Programs is reduced by $11,091,000.

SA 2356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Sanctions Relating to South China Sea and East China Sea

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''South China Sea and East China Sea Sanctions Act of 2020''.

SEC. 1292. DEFINITIONS.

In this subtitle:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) ALIEN.—The term ''alien'' has the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) CHINESE PERSON.—The term ''Chinese person'' means—

(A) an individual who is a citizen or national of the People's Republic of China; or

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T), (Y), or (Z) of section 5312(a)(2) of title 31, United States Code.

(6) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in section 1010.605 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) PERSON.—The term ''person'' means any individual or entity.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1293. POLICY OF THE UNITED STATES WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

It is the policy of the United States—

(1) to support the principle that disputes between countries should be resolved peacefully consistent with international law;

(2) to reaffirm its unwavering commitment and support for allies and partners in the Asia-Pacific region, including longstanding United States policy—

(A) regarding Article V of the Mutual Defense Treaty, signed at Washington, August 30, 1951 (3 UST 3947), between the United States and the Philippines; and

(B) that Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan, applies to the Senkaku Islands, which are administered by Japan; and

(3) to support the principle of freedom of navigation and overflight and to continue to use the sea and airspace wherever international law allows.

SEC. 1294. SENSE OF CONGRESS WITH RESPECT TO THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

It is the sense of Congress that—

(1) the United States—

(A) opposes all claims in the maritime domains that impinge on the rights, freedoms, and lawful use of the seas that belong to all countries;

(B) opposes unilateral actions by the government of any country seeking to change the status quo in the South China Sea through the use of coercion, intimidation, or military force;

(C) opposes actions by the government of any country to interfere in any way in the free use of waters and airspace in the South China Sea or East China Sea;

(D) opposes actions by the government of any country to prevent any other country from exercising its sovereign rights to the resources of the exclusive economic zone and continental shelf by making claims that have no support in international law; and

(E) upholds the principle that territorial and maritime claims, including with respect to territorial waters or territorial seas, must be derived from land features and otherwise comport with international law;

(2) the People's Republic of China should not continue to pursue illegitimate claims and to militarize an area that is essential to global security;

(3) the United States should—

(A) continue and expand freedom of navigation operations and overflights;

(B) reconsider the traditional policy of not taking a position on individual claims; and

(C) respond to provocations by the People's Republic of China with commensurate actions that impose costs on any attempts to undermine security in the region;

(4) the Senkaku Islands are covered by Article V of the Mutual Defense Assistance Agreement, with Annexes, signed at Tokyo, March 8, 1954 (5 UST 661), between the United States and Japan; and

(5) the United States should firmly oppose any unilateral actions by the People's Republic of China that seek to undermine Japan's control of the Senkaku Islands.

SEC. 1295. SANCTIONS WITH RESPECT TO CHINESE PERSONS RESPONSIBLE FOR CHINA'S ACTIVITIES IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) INITIAL IMPOSITION OF SANCTIONS.—On and after the date that is 60 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to—

(1) any Chinese person that contributes to construction or development projects, including land reclamation, island-making, lighthouse construction, building of base stations for mobile communications services, building of electricity and fuel supply facilities, or civil infrastructure projects, in areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations;

(2) any Chinese person that is responsible for or complicit in, or has engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of areas of the South China Sea contested by one or more members of the Association of Southeast Asian Nations or areas of the East China Sea administered by Japan or the Republic of Korea, including through the use of vessels and aircraft to impose the sovereignty of the People's Republic of China in those areas;

(3) any Chinese person that engages, or attempts to engage, in an activity or transaction that materially contributes to, or poses a risk of materially contributing to, an activity described in paragraph (1) or (2); and

(4) any person that—

(A) is owned or controlled by a person described in paragraph (1), (2), or (3);

(B) is acting for or on behalf of such a person; or

(C) provides, or attempts to provide—

(i) financial, material, technological, or other support to a person described in paragraph (1), (2), or (3); or

(ii) goods or services in support of an activity described in paragraph (1), (2), or (3).

(b) SANCTIONS DESCRIBED.—

(1) BLOCKING OF PROPERTY.—The President shall block and prohibit, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of any person subject to subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCLUSION FROM UNITED STATES.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any person subject to subsection (a) that is an alien.

(3) CURRENT VISA REVOKED.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to any person subject to subsection (a) that is an alien, regardless of when issued. The revocation shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(c) EXCEPTIONS; PENALTIES.—

(1) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of subsection (b)(1).

(2) COMPLIANCE WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Paragraphs (2) and (3) of subsection (b) shall not apply if admission of an alien to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, June 26, 1947, and entered into force, November 21, 1947, between the United Nations and the United States.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under subsection (b)(1) to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) ADDITIONAL IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 60 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for a person subject to subsection (a) if the Director of National Intelligence determines that the Government of the People's Republic of China has—

(A) declared an air defense identification zone over any part of the South China Sea;

(B) initiated reclamation work at another disputed location in the South China Sea, such as at Scarborough Shoal;

(C) seized control of Second Thomas Shoal;

(D) deployed surface-to-air missiles to any of the artificial islands the People's Republic of China has built in the Spratly Island chain, including Fiery Cross, Mischief, or Subi Reefs;

(E) established territorial baselines around the Spratly Island chain;

(F) increased harassment of Philippine vessels; or

(G) increased provocative actions against the Japanese Coast Guard or Maritime Self-Defense Force or United States forces in the East China Sea.

(2) REPORT.—

(A) IN GENERAL.—The determination of the Director of National Intelligence referred to in paragraph (1) shall be submitted in a report to the President and the appropriate congressional committees.

(B) FORM OF REPORT.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1296. DETERMINATIONS AND REPORT ON CHINESE COMPANIES ACTIVE IN THE SOUTH CHINA SEA AND THE EAST CHINA SEA.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that identifies each Chinese person the Secretary determines is engaged in the activities described in section 1295(a).

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary shall make specific findings with respect to whether each of the following persons is involved in the activities described in section 1295(a):

(1) CCCC Tianjin Dredging Co., Ltd.

(2) CCCC Dredging (Group) Company, Ltd.

(3) China Communications Construction Company (CCCC), Ltd.

(4) China Petroleum Corporation (Sinopec Group).

(5) China Mobile.

(6) China Telecom.

(7) China Southern Power Grid.

(8) CNFC Guangzhou Harbor Engineering Company.

(9) Zhanjiang South Project Construction Bureau.

(10) Hubei Jiangtian Construction Group.

(11) China Harbour Engineering Company (CHEC).

(12) Guangdong Navigation Group (GNG) Ocean Shipping.

(13) Shanghai Leading Energy Shipping.

(14) China National Offshore Oil Corporation (CNOOC).

(15) China Oilfield Services Limited (COSL).

(16) China Precision Machinery Import/Export Corporation (CPMIEC).

(17) China Aerospace Science and Industry Corporation (CASIC).

(18) Aviation Industry Corporation of China (AVIC).

(19) Shenyang Aircraft Corporation.

(20) Shaanxi Aircraft Corporation.

(21) China Ocean Shipping (Group) Company (COSCO).

(22) China Southern Airlines.

(23) Zhan Chaoying.

(24) Sany Group.

(25) Chinese persons affiliated with any of the entities specified in paragraphs (1) through (24).

(c) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act and every 180 days thereafter until the date that is 3 years after such date of enactment.

(2) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if the Secretary determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary shall publish the unclassified part of the report required by subsection (a) on a publicly available website of the Department of State.

SEC. 1297. PROHIBITION AGAINST DOCUMENTS PORTRAYING THE SOUTH CHINA SEA OR THE EAST CHINA SEA AS PART OF CHINA.

The Government Publishing Office may not publish any map, document, record, electronic resource, or other paper of the United States (other than materials relating to hearings held by committees of Congress or internal work product of a Federal agency) portraying or otherwise indicating that it is the position of the United States that the territory or airspace in the South China Sea contested by one or more members of the Association of Southeast Asian Nations or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea is part of the territory or airspace of the People's Republic of China.

SEC. 1298. PROHIBITION ON FACILITATING CERTAIN INVESTMENTS IN THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) IN GENERAL.—No United States person may take any action to approve, facilitate, finance, or guarantee any investment, provide insurance, or underwriting in the South China Sea or the East China Sea that involves any person with respect to which sanctions are imposed under section 1295(a).

(b) ENFORCEMENT.—The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of such rules and regulations, as may be necessary to carry out the purposes of this section.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in subsection (a) of such section 206.

(d) EXCEPTION.—Subsection (a) shall not apply with respect to humanitarian assistance, disaster assistance, or emergency food assistance.

SEC. 1299. DEPARTMENT OF JUSTICE AFFIRMATION OF NON-RECOGNITION OF ANNEXATION.

In any matter before any United States court, upon request of the court or any party to the matter, the Attorney General shall affirm the United States policy of not recognizing the de jure or de facto sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

SEC. 1299A. NON-RECOGNITION OF CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) UNITED STATES ARMED FORCES.—The Secretary of Defense may not take any action, including any movement of aircraft or vessels that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(b) UNITED STATES FLAGGED VESSELS.—No vessel that is issued a certificate of documentation under chapter 121 of title 46, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(c) UNITED STATES AIRCRAFT.—No aircraft operated by an air carrier that holds an air carrier certificate issued under chapter 411 of title 49, United States Code, may take any action that implies recognition of the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

SEC. 1299B. PROHIBITION ON CERTAIN ASSISTANCE TO COUNTRIES THAT RECOGNIZE CHINESE SOVEREIGNTY OVER THE SOUTH CHINA SEA OR THE EAST CHINA SEA.

(a) PROHIBITION.—Except as provided by subsection (c) or (d), no amounts may be obligated or expended to provide foreign assistance to the government of any country identified in a report required by subsection (b).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 3 years after such date of enactment, the Secretary of State shall submit to the appropriate congressional committees a report identifying each country that the Secretary determines recognizes, after such date of enactment, the sovereignty of the People's Republic of China over territory or airspace contested by one or more members of the Association of Southeast Asian Nations in the South China Sea or the territory or airspace of areas of the East China Sea administered by Japan or the Republic of Korea.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Secretary of State determines it is necessary for the national security interests of the United States to do so.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required by paragraph (1) on a publicly available website of the Department of State.

(c) EXCEPTION.—This section shall not apply with respect to Taiwan, humanitarian assistance, disaster assistance, emergency food assistance, or the Peace Corps.

(d) WAIVER.—The President may waive the application of subsection (a) with respect to the government of a country if the President determines that the waiver is in the national interests of the United States.

SA 2357. Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MORATORIUM ON OIL AND GAS LEASING IN CERTAIN AREAS OF GULF OF MEXICO.

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended, in the matter preceding paragraph (1), by striking ''June 30, 2022'' and inserting ''June 30, 2032''.

SA 2358. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. ___. REPORT ON THE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA IN THE WESTERN HEMISPHERE.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress a report on the economic, trade, environmental, military, security, and political activities of the People's Republic of China in the Western Hemisphere, including direct investment, development financing, loan deals, and state-owned enterprises in infrastructure and telecommunications projects.

(b) ELEMENT.—The report required by subsection (a) shall include, but is not limited to, an assessment of the activities of the People's Republic of China with respect to the following projects:

(1) The Port of Panama, Posorja Deepwater Port in Ecuador.

(2) The Port of Paranagual in Brazil.

(3) The China Harbor in the Bahamas.

(4) The telecom infrastructure carried out by Chinese companies, including Huawei and ZTE, in Colombia and Canada.

(5) The construction of the building for the Ministry of Foreign Affairs and Foreign Trade in Kingston, Jamaica.

(6) The building of the Coca Codo Sinclair Dam in Ecuador.

(7) The space-observation station in Argentina.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 2359. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, insert the following:

SEC. 520. REPORTS ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.

(a) REPORT ON FINDINGS OF DEFENSE BOARD ON DIVERSITY AND INCLUSION IN THE MILITARY.—

(1) IN GENERAL.—Upon the completion by the Defense Board on Diversity and Inclusion in the Military of its report on actionable recommendations to increase racial diversity and ensure equal opportunity across all grades of the Armed Forces, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the report of the Defense Board, including the findings and recommendations of the Defense Board.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A comprehensive description of the findings and recommendations of the Defense Board in its report referred to in paragraph (1).

(B) A comprehensive description of any actionable recommendations of the Defense Board in its report.

(C) A description of the actions proposed to be undertaken by the Secretary in connection with such recommendations, and a timeline for implementation of such actions.

(D) A description of the resources used by the Defense Board for its report, and a description and assessment of any shortfalls in such resources for purposes of the Defense Board.

(b) REPORT ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the report required by subsection (a), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The mission statement or purpose of the Advisory Committee, and any proposed objectives and goals of the Advisory Committee

(B) A description of current members of the Advisory Committee and the criteria used for selecting members.

(C) A description of the duties and scope of activities of the Advisory Committee.

(D) The reporting structure of the Advisory Committee.

(E) An estimate of the annual operating costs and staff years of the Advisory Committee.

(F) An estimate of the number and frequency of meetings of the Advisory Committee.

(G) Any subcommittees, established or proposed, that would support the Advisory Committee.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate to extend the term of the Advisory Committee beyond the proposed termination date of the Advisory Committee.

(c) REPORT ON CURRENT DIVERSITY AND INCLUSION IN THE ARMED FORCES.—

(1) IN GENERAL.—At the same time the Secretary of Defense submits the reports required by subsections (a) and (b), the Secretary shall also submit to the Committee on Armed Services of the Senate and the House of Representatives a report on current diversity and inclusion in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of the current racial and ethnic composition of each Armed Force generally.

(B) An identification of the current racial and ethnic composition of each Armed Force by grade.

(C) A comparison of the participation rates of minority populations in officer grades, warrant officer grades, and enlisted member grades in each Armed Force with the percentage of such populations among the general population.

(D) A comparison of the participation rates of minority populations in each career field in each Armed Force with the percentage of such populations among the general population.

(E) A comparison among the Armed Forces of the percentage of minority populations in each officer grade above grade O–4.

(F) A comparison among the Armed Forces of the percentage of minority populations in each enlisted grade above grade E–6.

(G) A description and assessment of barriers to minority participation in the Armed Forces in connection with accession, assessment, and training.

(d) SENSE OF SENATE ON DEFENSE ADVISORY COMMITTEE ON DIVERSITY AND INCLUSION IN THE ARMED FORCES.—It is the sense of the Senate that the Defense Advisory Committee on Diversity and Inclusion in the Armed Forces—

(1) should consist of diverse group of individuals, including—

(A) a general or flag officer from each regular component of the Armed Forces;

(B) a retired general or flag officer from not fewer than two of the Armed Forces;

(C) a regular officer of the Armed Forces in a grade O–5 or lower;

(D) a regular enlisted member of the Armed Forces in a grade E–7 or higher;

(E) a regular enlisted member of the Armed Forces in a grade E–6 or lower;

(F) a member of a reserve component of the Armed Forces in any grade;

(G) a member of the Department of Defense civilian workforce;

(H) an member of the academic community with expertise in diversity studies; and

(I) an individual with appropriate expertise in diversity and inclusion;

(2) should include individuals from a variety of military career paths, including—

(A) aviation;

(B) special operations;

(C) intelligence;

(D) cyber;

(E) space; and

(F) surface warfare;

(3) should have a membership such that not fewer than 20 percent of members possess—

(A) a firm understanding of the role of mentorship and best practices in finding and utilizing mentors;

(B) experience and expertise in change of culture of large organizations; or

(C) experience and expertise in implementation science; and

(4) should focus on objectives that address—

(A) barriers to promotion within the Armed Forces, including development of recommendations on mechanisms to enhance and increase racial diversity and ensure equal opportunity across all grades in the Armed Forces;

(B) participation of minority officers and senior noncommissioned officers in the Armed Forces, including development of recommendations on mechanisms to enhance and increase such participation;

(C) recruitment of minority candidates for innovative pre-service programs in the Junior Reserve Officers' Training Corps (JROTC), Senior Reserve Officers' Training Corps (SROTC), and military service academies, including programs in connection with flight instruction, special operations, and national security, including development of recommendations on mechanisms to enhance and increase such recruitment;

(D) retention of minority individuals in senior leadership and mentorship positions in the Armed Forces, including development

of recommendations on mechanisms to enhance and increase such retention; and

(E) achievement of cultural and ethnic diversity in recruitment for the Armed Forces, including development of recommendations on mechanisms to enhance and increase such diversity in recruitment.

SA 2360. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. IMPOSITION OF SANCTIONS WITH RESPECT TO MILITARY COOPERATION BETWEEN KHALIFA HAFTAR AND PMC WAGNER IN LIBYA.

(a) FINDINGS.—Congress makes the following findings:

(1) On September 20, 2018, the Department of State added PMC Wagner to the list, maintained pursuant to section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), of persons that are part of, or operate for or on behalf of, the defense or intelligence sectors of the Government of the Russian Federation.

(2) The Commander of United States Africa Command, Stephen Townsend, testified to the Committee on Armed Services of the Senate on January 20, 2020, that Russian ''private military companies (PMCs), such as the Wagner Group with strong links to the Kremlin, are leading the fight for the self-styled 'Libyan National Army' against the UN-backed and U.S.-recognized Government of National Accord''.

(3) On May 26, 2020, United States Africa Command stated that the Government of the Russian Federation had deployed military fighter aircraft to Libya in order to support private military contractors sponsored by that Government and operating on the ground in support of the Libyan National Army, and assessed that the military actions of the Russian Federation have prolonged the conflict in Libya and exacerbated casualties and human suffering on both sides.

(4) Commander Stephen Townsend stated on May 26, 2020, ''For too long, Russia has denied the full extent of its involvement in the ongoing Libya conflict. Well, there is no denying it now. . . Neither the [Libyan National Army] nor private military companies can arm, operate and sustain these fighters without state support—support they are getting from Russia. If Russia seizes basing on Libya's coast, the next logical step is they deploy permanent long-range anti-access area denial (A2D2) capabilities. If that day comes, it will create very real security concerns on Europe's southern flank.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that continued violations of the United Nations arms embargo on Libya by actors including the Russian Federation, the United Arab Emirates, Egypt, and Turkey are detrimental to peace and stability in Libya.

(c) TREATMENT OF MILITARY COOPERATION AS SANCTIONABLE TRANSACTION.—For the purposes of section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), the military cooperation between Libyan National Army leader Khalifa Haftar and PMC Wagner, with direct support from military fighter aircraft provided by the Government of the Russian Federation, shall be considered to be a significant transaction described in that section.

(d) IMPOSITION OF SANCTIONS.—Not later than 30 days after the date of the enactment of this Act, the President shall, in accordance with section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525), impose the sanctions described in paragraphs (8) and (9) of section 235(a) of that Act (22 U.S.C. 9529(a)) and 3 or more additional sanctions described in that section with respect to Khalifa Haftar and his immediate family members.

SA 2361. Mr. MANCHIN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle B of title XXXI.

SA 2362. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION FOR CERTAIN CHILDCARE FACILITIES.

The amount authorized to be appropriated by this Act for fiscal year 2021 for military construction for the Army is increased by $6,000,000, with the amount of such increase to be used to construct childcare facilities for the 7th Special Forces Group based in Crestview, Florida.

SA 2363. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN INFLUENCE TRANSPARENCY.

(a) LIMITING EXEMPTION FROM FOREIGN AGENT REGISTRATION REQUIREMENT FOR PERSONS ENGAGING IN ACTIVITIES IN FURTHERANCE OF CERTAIN PURSUITS TO ACTIVITIES NOT PROMOTING POLITICAL AGENDA OF FOREIGN GOVERNMENTS.—

(1) LIMITATION ON EXEMPTION.—Section 3(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(e)) is amended by striking the semicolon at the end and inserting the following: '', but only if the activities do not promote the political agenda of a government of a foreign country;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to activities carried out on or after the date of the enactment of this Act.

(b) DISCLOSURES OF FOREIGN GIFTS.—

(1) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(A) in subsection (a), by striking ''the value of which is $250,000 or more, considered alone or in combination with all other gifts from or contracts with'' and inserting ''the value of which is $50,000 or more for such gift from or contract with'';

(B) in subsection (b)—

(i) in paragraph (1), in the first sentence, by inserting before the period at the end the following: '', and the content of each such contract''; and

(ii) in paragraph (2), by inserting before the period the following: '', and the content of each such contract'';

(C) in subsection (e), by inserting '', including the contents of any contracts,'' after ''reports''; and

(D) in subsection (h)(3), by inserting before the semicolon at the end the following: '', or the fair market value of an in-kind gift''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to gifts received or contracts entered into, or other activities carried out, on or after the date of enactment of this Act.

SA 2364. Mr. RUBIO (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. CASSIDY, Mr. COTTON, Mr. CARDIN, Ms. HIRONO, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AIR AMERICA.

(a) FINDINGS.—Congress finds the following:

(1) Air America, Incorporated (referred to in this section as ''Air America'') and its related cover corporate entities were wholly owned and controlled by the United States Government and directed and managed by the Department of Defense, the Department of State, and the Central Intelligence Agency from 1950 to 1976.

(2) Air America, a corporation owned by the Government of the United States, constituted a ''Government corporation'', as defined in section 103 of title 5, United States Code.

(3) It is established that the employees of Air America and the other entities described in paragraph (1) were Federal employees.

(4) The employees of Air America were retroactively excluded from the definition of the term ''employee'' under section 2105 of title 5, United States Code, on the basis of an administrative policy change in paperwork requirements implemented by the Office of Personnel Management 10 years after the service of the employees had ended and, by extension, were retroactively excluded from the definition of the term ''employee'' under section 8331 of title 5, United States Code, for retirement credit purposes.

(5) The employees of Air America were paid as Federal employees, with salaries subject to—

(A) the General Schedule under subchapter III of chapter 53 of title 5, United States Code; and

(B) the rates of basic pay payable to members of the Armed Forces.

(6) The service and sacrifice of the employees of Air America included—

(A) suffering a high rate of casualties in the course of employment;

(B) saving thousands of lives in search and rescue missions for downed United States airmen and allied refugee evacuations; and

(C) lengthy periods of service in challenging circumstances abroad.

(b) DEFINITIONS.—In this section—

(1) the term ''affiliated company'', with respect to Air America, includes Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport; and

(2) the term ''qualifying service'' means service that—

(A) was performed by a United States citizen as an employee of Air America or an affiliated company during the period beginning on January 1, 1950 and ending on December 31, 1976; and

(B) is documented in the attorney-certified corporate records of Air America or any affiliated company.

(c) TREATMENT AS FEDERAL EMPLOYMENT.—Any period of qualifying service—

(1) is deemed to have been service of an employee (as defined in section 2105 of title 5, United States Code) with the Federal Government; and

(2) shall be treated as creditable service by an employee for purposes of subchapter III of chapter 83 of title 5, United States Code.

(d) RIGHTS.—An individual who performed qualifying service, or a survivor of such an individual, shall be entitled to the rights, retroactive as applicable, provided to employees and their survivors for creditable service under the Civil Service Retirement System under subchapter III of chapter 83 of title 5, United States Code, with respect to that qualifying service.

(e) DEDUCTION, CONTRIBUTION, AND DEPOSIT REQUIREMENTS.—The deposit of funds in the Treasury of the United States made by Air America in the form of a lump-sum payment apportioned in part to the Civil Service Disability & Retirement Fund in 1976 is deemed to satisfy the deduction, contribution, and deposit requirements under section 8334 of title 5, United States Code, with respect to all periods of qualifying service.

(f) APPLICATION TIME LIMIT.—Section 8345(i)(2) of title 5, United States Code, shall be applied with respect to the death of an individual who performed qualifying service by substituting ''2 years after the effective date under section 1085(g) of the National Defense Authorization Act for Fiscal Year 2021'' for ''30 years after the death or other event which gives rise to title to the benefit''.

(g) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date of enactment of this Act.

SA 2365. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. MODIFICATION OF RULES OF ORIGIN RELATING TO GOVERNMENT PROCUREMENT FOR PHARMACEUTICAL PRODUCTS.

(a) TRADE AGREEMENTS.—Section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)) is amended—

(1) in clause (i), by striking ''instrumentality, or'' and inserting ''instrumentality,'';

(2) in clause (ii)—

(A) by inserting '', other than an active pharmaceutical ingredient,'' after ''part of materials''; and

(B) by striking the period at the end and inserting '', or''; and

(3) by inserting before the period at the end the following: ''(iii) in the case of an article which consists of an active pharmaceutical ingredient, the pharmaceutical ingredient is wholly the growth, product, or manufacture of that country or instrumentality''.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the President shall prescribe regulations to update sections 52.225–5 and 25.003 of title 48, Code of Federal Regulations (or successor regulations) to be consistent with rules of origin determinations for active pharmaceutical ingredients made under section 308(4)(B) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(B)), as amended by subsection (a).

SA 2366. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section G of title XII, add the following:

SEC. ___. WESTERN HEMISPHERE SECURITY STRATEGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to appropriate committees of Congress a strategy for enhancing security cooperation and security assistance, and advancing United States strategic interests, in the Western Hemisphere.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Activities to expand bilateral and multilateral security cooperation in Latin America and the Caribbean so as to maintain consistent United States presence in the region.

(2) Activities to build the defense and security capacity (other than civilian law enforcement) of partner countries in Latin America and the Caribbean.

(3) Activities to counter malign influence of state actors and transnational criminal organizations with connections to illicit trafficking, terrorism, or weapons proliferation.

(4) Efforts to disrupt, degrade, and counter transregional and transnational illicit trafficking, with an emphasis on illicit narcotics and precursor chemicals that produce illicit narcotics.

(5) Activities to provide transparency and support for strong and accountable defense institutions in the region through institutional capacity-building efforts, including efforts to ensure compliance with internationally-recognized human rights standards.

(6) Steps to expand bilateral and multinational military exercises and training with partner countries in Latin America and the Caribbean.

(7) The provision of assistance to such partner countries for regional defense and security organizations and institutions and national military or other security forces (other than civilian law enforcement) that carry out national or regional security missions.

(8) The provision of training and education to defense and security ministries, agencies, and headquarters-level organizations for organizations and forces described in paragraph (7).

(9) Activities to counter misinformation and disinformation campaigns and highlight corrupt, predatory and illegal practices.

(10) The provision of Department of Defense humanitarian assistance and disaster relief to support partner countries by promoting the development and growth of responsive institutions through activities such as—

(A) the provision of equipment, training, logistical support;

(B) transportation of humanitarian supplies or foreign security forces or personnel;

(C) making available, preparing, and transferring on-hand nonlethal Department stocks for humanitarian or health purposes to respond to unforeseen emergencies;

(D) the provision of Department humanitarian demining assistance and conducting physical security and stockpile-management activities; and

(E) as appropriate, conducting medical support operations or medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation.

(11) Continued support for the women, peace, and security efforts of the Department of State to support the capacity of partner countries in the Western Hemisphere—

(A) to ensure that women and girls are safe and secure and the rights of women and girls are protected; and

(B) to promote the meaningful participation of women in the defense and security sectors.

(12) The provision of support to increase the capacity and effectiveness of Department educational programs and institutions, such as the William J. Perry Center, and international institutions, such as the Inter-American Defense Board and the Inter-American Defense College, that promote United States defense objectives through bilateral and regional relationships.

(13) Professional military education initiatives, including International Military and Education Training (IMET) assistance.

(14) The allocation of Navy maritime vessels to the United States 4th Fleet, including the use of ships scheduled to be decommissioned.

(15) A detailed assessment of the resources required to carry out such strategy and a plan to be executed in fiscal year 2022.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 2367. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INELIGIBILITY FOR FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:

(1) ANARCHIST JURISDICTION.—The term ''anarchist jurisdiction'' means a State or political subdivision of a State that has a statute, ordinance, policy, or practice in effect that, despite ongoing danger to individuals or property, allows any entity or official of the State or political subdivision of the State to purposefully—

(A) abdicate the reserved powers of the State or political subdivision of the State, to be performed by non-governmental actors in a manner that is detrimental to the health, safety, and welfare of the citizens of the State or political subdivision of the State; and

(B) refuse to provide police, fire, or emergency medical services to 1 or more individuals in the State or political subdivision of the State as a consequence of an abdication described in subparagraph (A).

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term ''Federal financial assistance'' has the meaning given the term in section 7501 of title 31, United States Code.

(4) NON-GOVERNMENTAL ACTOR.—The term ''non-governmental actor''—

(A) means an individual who—

(i) is not an officer, employee, or contractor of a State or political subdivision of a State; and

(ii) attempts to circumvent the rule of law; and

(B) does not include a nonprofit organization.

(5) RESERVED POWER.—The term ''reserved power'' means a power—

(A) reserved to a State under the Tenth Amendment to the Constitution of the United States;

(B) transferred by Congress to the District of Columbia or any territory or possession of the United States; or

(C) described in subparagraph (A) or (B) that is delegated to a political subdivision of a State.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(b) INELIGIBILITY.—For fiscal year 2021, and each fiscal year thereafter, a State or political subdivision of a State that is an anarchist jurisdiction at any time during a fiscal year may not receive Federal financial assistance from an executive agency during that fiscal year.

(c) RETURNED AMOUNTS.—If a State or political subdivision of a State that is ineligible to receive Federal financial assistance during a fiscal year under subsection (b) receives Federal financial assistance during that fiscal year from an executive agency, the head of the executive agency shall—

(1) direct the State or political subdivision of the State to immediately return the Federal financial assistance to the executive agency; and

(2) reallocate the Federal financial assistance returned under paragraph (1) to States or political subdivisions of States that are not anarchist jurisdictions.

SA 2368. Mr. MORAN (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS

SEC. 1701. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

Subtitle A—General Provisions

SEC. 1711. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is one-half, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 1712. RECALLED OFFICERS.

(a) IN GENERAL.—Section 215 (33 U.S.C. 3005) is amended to read as follows:

''SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.

''(a) IN GENERAL.—The total number of authorized commissioned officers on the lineal list of the commissioned officer corps of the Administration shall not exceed 500.

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Number of authorized commissioned officers.''.

SEC. 1713. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) REGULATIONS.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirements of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, continuations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) is, for all purposes, a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the

Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 1714. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1713(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, midcareer training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with educational materials.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1713(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 1715. AVIATION ACCESSION TRAINING PROGRAMS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1714(a), is further amended by adding at the end the following:

''SEC. 218. AVIATION ACCESSION TRAINING PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Under Secretary of Commerce for Oceans and Atmosphere and the Administrator of the National Oceanic and Atmospheric Administration.

''(2) MEMBER OF THE PROGRAM.—The term 'member of the program' means a student who is enrolled in the program.

''(3) PROGRAM.—The term 'program' means an aviation accession training program of the commissioned officer corps of the Administration established pursuant to subsection (b).

''(b) AVIATION ACCESSION TRAINING PROGRAMS.—

''(1) ESTABLISHMENT AUTHORIZED.—The Administrator, under regulations prescribed by the Secretary, shall establish and maintain one or more aviation accession training programs for the commissioned officer corps of the Administration at institutions described in paragraph (2).

''(2) INSTITUTIONS DESCRIBED.—An institution described in this paragraph is an educational institution—

''(A) that requests to enter into an agreement with the Administrator providing for the establishment of the program at the institution;

''(B) that has, as a part of its curriculum, a four-year baccalaureate program of professional flight and piloting instruction that is accredited by the Aviation Accreditation Board International;

''(C) that is located in a geographic area that—

''(i) experiences a wide variation in climate-related activity, including frequent high winds, convective activity (including tornadoes), periods of low visibility, heat, and snow and ice episodes, to provide opportunities for pilots to demonstrate skill in all weather conditions compatible with future encounters during their service in the commissioned officer corps; and

''(ii) has a climate that can accommodate both primary and advanced flight training activity at least 75 percent of the year; and

''(D) at which the Administrator determines that—

''(i) there will be at least one student enrolled in the program; and

''(ii) the provisions of this section are otherwise satisfied.

''(3) LIMITATIONS IN CONNECTION WITH PARTICULAR INSTITUTIONS.—The program may not be established or maintained at an institution unless—

''(A) the senior commissioned officer or employee of the commissioned officer corps who is assigned as an advisor to the program at that institution is given the academic rank of adjunct professor; and

''(B) the institution fulfills the terms of its agreement with the Administrator.

''(4) MEMBERSHIP IN CONNECTION WITH STATUS AS STUDENT.—At institutions at which the program is established, the membership of students in the program shall be elective, as provided by State law or the authorities of the institution concerned.

''(c) MEMBERSHIP.—

''(1) ELIGIBILITY.—To be eligible for membership in the program, an individual must—

''(A) be a student at an institution at which the program is established;

''(B) be a citizen of the United States;

''(C) contract in writing, with the consent of a parent or guardian if a minor, with the Administrator, to—

''(i) accept an appointment, if offered, as a commissioned officer in the commissioned officer corps of the Administration; and

''(ii) serve in the commissioned officer corps for not fewer than four years;

''(D) enroll in—

''(i) a four-year baccalaureate program of professional flight and piloting instruction; and

''(ii) other training or education, including basic officer training, which is prescribed by the Administrator as meeting the preliminary requirement for admission to the commissioned officer corps; and

''(E) execute a certificate or take an oath relating to morality and conduct in such form as the Administrator prescribes.

''(2) COMPLETION OF PROGRAM.—A member of the program may be appointed as a regular officer in the commissioned officer corps if the member meets all requirements for appointment as such an officer.

''(d) FINANCIAL ASSISTANCE FOR QUALIFIED MEMBERS.—

''(1) EXPENSES OF COURSE OF INSTRUCTION.—

''(A) IN GENERAL.—In the case of a member of the program who meets such qualifications as the Administrator establishes for purposes of this subsection, the Administrator may pay the expenses of the member in connection with pursuit of a course of professional flight and piloting instruction under the program, including tuition, fees, educational materials such as books, training, certifications, travel, and laboratory expenses.

''(B) ASSISTANCE AFTER FOURTH ACADEMIC YEAR.—In the case of a member of the program described in subparagraph (A) who is enrolled in a course described in that subparagraph that has been approved by the Administrator and requires more than four academic years for completion, including elective requirements of the program, assistance under this subsection may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.

''(2) ROOM AND BOARD.—In the case of a member eligible to receive assistance under paragraph (1), the Administrator may, in lieu of payment of all or part of such assistance, pay the room and board expenses of the member, and other educational expenses, of the educational institution concerned.

''(3) FAILURE TO COMPLETE PROGRAM OR ACCEPT COMMISSION.—A member of the program who receives assistance under this subsection and who does not complete the course of instruction, or who completes the course but declines to accept a commission in the commissioned officer corps when offered, shall be subject to the repayment provisions of subsection (e).

''(e) REPAYMENT OF UNEARNED PORTION OF FINANCIAL ASSISTANCE WHEN CONDITIONS OF PAYMENT NOT MET.—

''(1) IN GENERAL.—A member of the program who receives or benefits from assistance under subsection (d), and whose receipt of or benefit from such assistance is subject to the condition that the member fully satisfy the requirements of subsection (c), shall repay to the United States an amount equal to the assistance received or benefitted from if the member fails to fully satisfy such requirements and may not receive or benefit from any unpaid amounts of such assistance after the member fails to satisfy such requirements, unless the Administrator determines that the imposition of the repayment requirement and the termination of payment of unpaid amounts of such assistance with regard to the member would be—

''(A) contrary to a personnel policy or management objective;

''(B) against equity and good conscience; or

''(C) contrary to the best interests of the United States.

''(2) REGULATIONS.—The Administrator may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to repayment may be granted. The Administrator may specify in the regulations the conditions under which financial assistance to be paid to a member of the program will not be made if the member no longer satisfies the requirements in subsection (c) or qualifications in subsection (d) for such assistance.

''(3) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed to the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1714(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Aviation accession training programs.''.

SEC. 1716. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 1715(a), is further amended by adding at the end the following:

"SEC. 219. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1715(b), is further amended by inserting after the item relating to section 218 the following:

''Sec. 219. Use of recruiting materials for public relations.''.

SEC. 1717. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

Subtitle B—Parity and Recruitment

SEC. 1721. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

"SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy one of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than one year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(4) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 1722. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1721(a), is further amended by adding at the end the following:

"SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on one or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than three years of service on active duty;

''(3) is the debtor on one or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1721(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 1723. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 1722(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than five academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to three years if the person received less than three years of assistance; and

''(ii) up to five years if the person received at least three years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of educational materials.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than five consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and orders as the Secretary considers appropriate to carry out this section.

''(j) CONCURRENT COMPLETION OF SERVICE OBLIGATIONS.—A service obligation under this section may be completed concurrently with a service obligation under section 216.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1722(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 1724. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this title is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 1721(a)), section 268 of such Act (as added by section 1722(a)), and section 269 of such Act (as added by section 1723(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 1735(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service, exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in paragraph (4) of section 212(b) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 1735(c).

SEC. 1725. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR

FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 1726. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 415, relating to initial uniform allowances.

''(5) Section 488, relating to allowances for recruiting expenses.

''(6) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414(a)(2) of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 1727. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 1725(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may prescribe regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by prescribing such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 1728. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 1729. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 1730. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this title, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least three years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 1723(b), the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

Subtitle C—Appointments and Promotion of Officers

SEC. 1731. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from the basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least three years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served two or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) ORDER OF PRECEDENCE.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. The order of precedence of appointees whose dates of commission are the same shall be determined by the Secretary.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 1732. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of five or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of two successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

''(e) AUTHORITY FOR OFFICERS TO OPT OUT OF PROMOTION CONSIDERATION.—

''(1) IN GENERAL.—The Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps may provide that an officer, upon the officer's request and with the approval of the Director, be excluded from consideration for promotion by a personnel board convened under this section.

''(2) APPROVAL.—The Director shall approve a request made by an officer under paragraph (1) only if—

''(A) the basis for the request is to allow the officer to complete a broadening assignment, advanced education, another assignment of significant value to the Administration, a career progression requirement delayed by the assignment or education, or a qualifying personal or professional circumstance, as determined by the Director;

''(B) the Director determines the exclusion from consideration is in the best interest of the Administration; and

''(C) the officer has not previously failed selection for promotion to the grade for which the officer requests the exclusion from consideration.''.

SEC. 1733. POSITIONS OF IMPORTANCE AND RESPONSIBILITY.

Section 228 (33 U.S.C. 3028) is amended—

(1) in subsection (c)—

(A) in the first sentence, by striking ''The Secretary shall designate one position under this section'' and inserting ''The President shall designate one position''; and

(B) in the second sentence, by striking ''That position shall be filled by'' and inserting ''The President shall fill that position by appointing, by and with the advice and consent of the Senate,'';

(2) in subsection (d)(2), by inserting ''or immediately beginning a period of terminal leave'' after ''for which a higher grade is designated'';

(3) by amending subsection (e) to read as follows:

''(e) LIMIT ON NUMBER OF OFFICERS APPOINTED.—The total number of officers serving on active duty at any one time in the grade of rear admiral (lower half) or above may not exceed five, with only one serving in the grade of vice admiral.''; and

(4) in subsection (f), by inserting ''or in a period of annual leave used at the end of the appointment'' after ''serving in that grade''.

SEC. 1734. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 1735. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations, which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the basic officer training program of the Administration, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least four years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under subsection (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rates equal to the basic pay of an enlisted member in the pay grade E–5 with less than two years of service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 1736. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1735(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1735(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

SEC. 1737. CAREER INTERMISSION PROGRAM.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 1736(a), is further amended by adding at the end the following:

''SEC. 236. CAREER FLEXIBILITY TO ENHANCE RETENTION OF OFFICERS.

''(a) PROGRAMS AUTHORIZED.—The Secretary may carry out a program under which officers may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

''(b) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

''(1) IN GENERAL.—The period of inactivation from active duty under a program under this section of an officer participating in the program shall be such period as the Secretary shall specify in the agreement of the officer under subsection (c), except that such period may not exceed three years.

''(2) EXCLUSION FROM RETIREMENT.—Any period of participation of an officer in a program under this section shall not count toward eligibility for retirement or computation of retired pay under subtitle C.

''(c) AGREEMENT.—Each officer who participates in a program under this section shall enter into a written agreement with the Secretary under which that officer shall agree as follows:

''(1) To undergo during the period of the inactivation of the officer from active duty under the program such inactive duty training as the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps shall require in order to ensure that the officer retains proficiency, at a level determined by the Director to be sufficient, in the technical skills, professional qualifications, and physical readiness of the officer during the inactivation of the officer from active duty.

''(2) Following completion of the period of the inactivation of the officer from active duty under the program, to serve two months on active duty for each month of the period of the inactivation of the officer from active duty under the program.

''(d) CONDITIONS OF RELEASE.—The Secretary shall—

''(1) prescribe regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (c); and

''(2) at a minimum, prescribe the procedures and standards to be used to instruct an officer on the obligations to be assumed by the officer under paragraph (1) of such subsection while the officer is released from active duty.

''(e) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary, an officer participating in a program under this section may, in the discretion of the Secretary, be required to terminate participation in the program and be ordered to active duty.

''(f) PAY AND ALLOWANCES.—

''(1) BASIC PAY.—During each month of participation in a program under this section, an officer who participates in the program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the officer would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the officer when the officer commences participation in the program.

''(2) SPECIAL OR INCENTIVE PAY OR BONUS.—

''(A) PROHIBITION.—An officer who participates in a program under this section shall not, while participating in the program, be paid any special or incentive pay or bonus to which the officer is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(B) NOT TREATED AS FAILURE TO PERFORM SERVICES.—The inactivation from active duty of an officer participating in a program under this section shall not be treated as a failure of the officer to perform any period of service required of the officer in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the officer commences participation in the program.

''(3) RETURN TO ACTIVE DUTY.—

''(A) SPECIAL OR INCENTIVE PAY OR BONUS.—Subject to subparagraph (B), upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(i) any agreement entered into by the officer under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the officer commenced participation in the program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the officer commenced participation in the program; and

''(ii) any special or incentive pay or bonus shall be payable to the officer in accordance with the terms of the agreement concerned for the term specified in clause (i).

''(B) LIMITATION.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, at the time of the return of the officer to active duty as described in that subparagraph—

''(I) such pay or bonus is no longer authorized by law; or

''(II) the officer does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the officer to active duty.

''(ii) PAY OR BONUS CEASES BEING AUTHORIZED.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an officer if, during the term of the revived agreement of the officer under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

''(C) REPAYMENT.—An officer who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the officer under chapter 5 of title 37, United States Code.

''(D) REQUIRED SERVICE IS ADDITIONAL.—Any service required of an officer under an agreement covered by this paragraph after the officer returns to active duty as described in subparagraph (A) shall be in addition to any service required of the officer under an agreement under subsection (c).

''(4) TRAVEL AND TRANSPORTATION ALLOWANCE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an officer who participates in a program under this section is entitled, while participating in the program, to the travel and transportation allowances authorized by section 474 of title 37, United States Code, for—

''(i) travel performed from the residence of the officer, at the time of release from active duty to participate in the program, to the location in the United States designated by the officer as the officer's residence during the period of participation in the program; and

''(ii) travel performed to the residence of the officer upon return to active duty at the end of the participation of the officer in the program.

''(B) SINGLE RESIDENCE.—An allowance is payable under this paragraph only with respect to travel of an officer to and from a single residence.

''(5) LEAVE BALANCE.—An officer who participates in a program under this section is entitled to carry forward the leave balance

existing as of the day on which the officer begins participation and accumulated in accordance with section 701 of title 10, but not to exceed 60 days.

''(g) PROMOTION.—

''(1) IN GENERAL.—An officer participating in a program under this section shall not, while participating in the program, be eligible for consideration for promotion under subtitle B.

''(2) RETURN TO SERVICE.—Upon the return of an officer to active duty after completion by the officer of participation in a program under this section—

''(A) the Secretary may adjust the date of rank of the officer in such manner as the Secretary shall prescribe in regulations for purposes of this section; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

''(h) CONTINUED ENTITLEMENTS.—An officer participating in a program under this section shall, while participating in the program, be treated as a member of the uniformed services on active duty for a period of more than 30 days for purposes of—

''(1) the entitlement of the officer and of the dependents of the officer to medical and dental care under the provisions of chapter 55 of title 10; and

''(2) retirement or separation for physical disability under the provisions of subtitle C.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 1736(b), is further amended by inserting after the item relating to section 235 the following:

''Sec. 236. Career flexibility to enhance retention of officers.''.

Subtitle D—Separation and Retirement of Officers

SEC. 1741. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well-being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferment of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 1742. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

Subtitle E—Other National Oceanic and Atmospheric Administration Matters

SEC. 1751. CHARTING AND SURVEY SERVICES.

(a) IN GENERAL.—Not later than 270 days after the development of the strategy required by section 1002(b) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (33 U.S.C. 892a note), the Secretary of Commerce shall enter into not fewer than 2 multi-year contracts with 1 or more private entities for the performance of charting and survey services by vessels.

(b) CHARTING AND SURVEYS IN THE ARCTIC.—In soliciting and engaging the services of vessels under subsection (a), the Secretary shall particularly emphasize the need for charting and surveys in the Arctic.

SEC. 1752. LEASES AND CO-LOCATION AGREEMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, in fiscal year 2020 and each fiscal year thereafter, the Administrator of the National Oceanic and Atmospheric Administration may execute noncompetitive leases and co-location agreements for real property and incidental goods and services with entities described in subsection (b) for periods of not more than 30 years, if each such lease or agreement is supported by a price reasonableness analysis.

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) the government of any State, territory, possession, or locality of the United States;

(2) any Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(3) any subdivision of—

(A) a government described in paragraph (1); or

(B) an organization described in paragraph (2); or

(4) any organization that is—

(A) organized under the laws of the United States or any jurisdiction within the United States; and

(B) described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(c) FISCAL YEAR LIMITATION.—The obligation of amounts for leases and agreements executed under subsection (a) is limited to the fiscal year for which payments are due, without regard to sections 1341(a)(1), 1501(a)(1), 1502(a), and 1517(a) of title 31, United States Code.

(d) COLLABORATION AGREEMENTS.—Upon the execution of a lease or agreement authorized by subsection (a) with an entity, the Administrator may enter into agreements with the entity to collaborate or engage in projects or programs on matters of mutual interest for periods not to exceed the term of the lease or agreement. The cost of such agreements shall be apportioned equitably, as determined by the Administrator.

SEC. 1753. SATELLITE AND DATA MANAGEMENT.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended—

(1) in subsection (c)(1), by striking subparagraph (D) and inserting the following:

''(D) improve—

''(i) weather and climate forecasting and predictions; and

''(ii) the understanding, management, and exploration of the ocean.''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''data and satellite systems'' and inserting ''data, satellite, and other observing systems''; and

(ii) by striking ''to carry out'' and all that follows and inserting the following: ''to carry out—

''(A) basic, applied, and advanced research projects and ocean exploration missions to meet the objectives described in subparagraphs (A) through (D) of subsection (c)(1); or

''(B) any other type of project to meet other mission objectives, as determined by the Under Secretary.'';

(B) in paragraph (2)(B)(i), by striking ''satellites'' and all that follows and inserting ''systems, including satellites, instrumentation, ground stations, data, and data processing;''; and

(C) in paragraph (3), by striking ''2023'' and inserting ''2030''.

SEC. 1754. IMPROVEMENTS RELATING TO SEXUAL HARASSMENT AND ASSAULT PREVENTION AT THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) ANONYMOUS REPORTING.—Subtitle C of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (33 U.S.C. 894 et seq.) is amended—

(1) in section 3541(b)(3)(B) (33 U.S.C. 894(b)(3)(B)), by striking ''confidentially'' and inserting ''anonymously''; and

(2) in section 3542(b)(5)(B) (33 U.S.C. 894a(b)(5)(B)), by striking ''confidentially'' and inserting ''anonymously''.

(b) INVESTIGATIVE REQUIREMENT.—Such subtitle is amended—

(1) by redesignating sections 3546 and 3547 as sections 3548 and 3549, respectively; and

(2) by inserting after section 3545 the following:

''SEC. 3546. INVESTIGATION REQUIREMENT.

''(a) REQUIREMENT TO INVESTIGATE.—

''(1) IN GENERAL.—The Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere, shall ensure that each allegation of sexual harassment reported under section 3541 and each allegation of sexual assault reported under section 3542 is investigated thoroughly and promptly.

''(2) SENSE OF CONGRESS ON COMMENCEMENT OF INVESTIGATION.—It is the sense of Congress that the Secretary should ensure that an investigation of an alleged sexual harassment reported under section 3541 or sexual assault reported under section 3542 commences not later than 48 hours after the time at which the allegation was reported.

''(b) NOTIFICATION OF DELAY.—In any case in which the time between the reporting of an alleged sexual harassment or sexual assault under section 3541 or 3542, respectively, and commencement of an investigation of the allegation exceeds 48 hours, the Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives of the delay.

''SEC. 3547. CRIMINAL REFERRAL.

''If the Secretary of Commerce finds, pursuant to an investigation under section 3546, evidence that a crime may have been committed, the Secretary shall refer the matter to the appropriate law enforcement authorities, including the appropriate United States Attorney.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the items relating to sections 3546 and 3547 and inserting the following new items:

''Sec. 3546. Investigation requirement.
''Sec. 3547. Criminal referral.
''Sec. 3548. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.
''Sec. 3549. Sexual assault defined.''.

SEC. 1755. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT

LAKES.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Oceans and Atmosphere shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 7 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environments; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this section, the term ''environmental sensitivity index product'' means a map or similar tool that is utilized to identify sensitive shoreline, coastal, or offshore resources prior to an oil spill event in order to set baseline priorities for protection and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary $7,500,000 to carry out subsection (a).

(2) AVAILABILITY.—Amounts appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

SA 2369. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. LIMITATION ON REALIGNMENT OF MARINE FORCES NORTH COMMAND.

(a) IN GENERAL.—The Secretary of Defense may not realign Marine Forces North Command from New Orleans, Louisiana, to Norfolk, Virginia, until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report addressing the impact of the proposed realignment on the following:

(1) The readiness of the Armed Forces.

(2) The National Defense Strategy and supporting service strategies.

(3) The organizational structure for the Marine Corps and the administrative control, operational control, and tactical control relationships.

(4) Long-term costs for the Marine Corps, including an assessment of any requirements for new infrastructure or relocation of equipment and assets.

(5) Total force integration and general officer progression for the Marine Corps, including with respect to the reserve components.

(b) APPLICABILITY.—The prohibition under subsection (a) shall apply with respect to—

(1) any action that is not completed as of the date of the enactment of this Act; and

(2) any action commencing after such date.

SA 2370. Mrs. BLACKBURN (for herself, Mr. THUNE, Mr. GARDNER, Mr. CRAMER, Mr. JOHNSON, Mr. CORNYN, and Mr. LEE) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 212, strike subsection (c) and insert the following:

(c) CROSS-FUNCTIONAL TEAM FOR FIFTH-GENERATION WIRELESS NETWORKING.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall, in accordance with section 911(c) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note), establish a cross-functional team for fifth-generation wireless networking in order—

(A) to advance the adoption of commercially available next generation wireless communication technologies, capabilities, security, and applications by the Department of Defense and the defense industrial base; and

(B) to support public-private partnership between the Department and industry regarding fifth-generation wireless networking.

(2) PURPOSE.—The purpose of the cross-functional team established pursuant to paragraph (1) shall be the—

(A) oversight of the implementation of the strategy developed as required by section 254 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) for harnessing fifth-generation wireless networking technologies, coordinated across all relevant elements of the Department;

(B) coordination of research and development, implementation and acquisition activities, warfighting concept development, spectrum policy, industrial policy and commercial outreach and partnership relating to fifth-generation wireless networking in the Department, and interagency and international engagement;

(C) integration of the Department's fifth-generation wireless networking programs and policies with major Department initiatives, programs, and policies surrounding secure microelectronics and command and control; and

(D) oversight, coordination, execution, and leadership of initiatives to advance fifth-generation wireless network technologies and associated applications developed for the Department.

SA 2371. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. STUDY ON USE OF EMERGING TECHNOLOGIES BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) STUDY.—The Commissioner of U.S. Customs and Border Protection shall carry out a study, in consultation with appropriate private sector stakeholders and the heads of other Federal agencies, with respect to—

(1) the status of implementation and internal use of emerging technologies, including blockchain technology and other innovative technologies, within U.S. Customs and Border Protection; and

(2) how applications of blockchain technology, cloud and edge computing, and other innovative technologies can—

(A) make the data analysis of U.S. Customs and Border Protection more efficient and effective;

(B) be used to support strategic initiatives of U.S. Customs and Border Protection; and

(C) be further leveraged to improve the informed compliance model of U.S. Customs and Border Protection and enhance the transparency of supply chains.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the appropriate congressional committees a report to containing—

(1) all findings and determinations made in carrying out the study required under subsection (a); and

(2) any recommendations identified in carrying out the study for using blockchain technology and other innovative technologies with respect to efforts by U.S. Customs and Border Protection—

(A) to combat money laundering and other forms of illicit finance; and

(B) to detect and deter trade-based money laundering, the distribution of counterfeit goods, and goods made with convict labor, forced labor, or indentured labor.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(2) INFORMED COMPLIANCE MODEL.—The term ''informed compliance model'' means a model based on shared responsibility between U.S. Customs and Border Protection and importers under which—

(A) U.S. Customs and Border Protection effectively communicates its requirements to importers; and

(B) importers conduct their activities in accordance with those requirements and the statutes and regulations of the United States.

SA 2372. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1085. AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950 TO ENSURE SUPPLY OF CERTAIN MEDICAL PRODUCTS ESSENTIAL TO NATIONAL DEFENSE.

(a) STATEMENT OF POLICY.—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502(b)) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

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

''(3) authorities under this Act should be used when appropriate to ensure the availability of medical products essential to national defense, including through measures designed to secure the drug and medical device supply chains, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;''.

(b) STRENGTHENING DOMESTIC CAPABILITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

(1) in subsection (a), by striking ''and industrial resources'' and inserting ''industrial resources, and medical products''; and

(2) in subsection (b)(1), by striking ''and industrial resources'' and inserting ''industrial resources, and medical products essential to national defense''.

(c) STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.—Title I of the Defense Production Act of 1950 (50 U.S.C. 4511 et seq.) is amended by adding at the end the following:

''SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL PRODUCTS.

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

''(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical products essential to national defense, to the extent necessary for the purposes of this Act.

''(2) An analysis of vulnerabilities to existing supply chains for such medical products, and recommendations to address the vulnerabilities.

''(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense.

''(4) A discussion of—

''(A) any significant effects resulting from the plan and measures described in this subsection on the production, cost, or distribution of medical products, including vaccines;

''(B) a timeline to ensure that essential components of the supply chain for medical products are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

''(C) efforts to mitigate any risks resulting from the plan and measures described in this subsection to United States competitiveness, scientific leadership, and innovative capacity, including efforts to cooperate and proactively engage with United States allies.

''(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

''(c) APPROPRIATE MEMBERS OF CONGRESS.—The term 'appropriate Members of Congress' means—

''(1) the Speaker, majority leader, and minority leader of the House of Representatives;

''(2) the majority leader and minority leader of the Senate;

''(3) the chairman and ranking member of the Committee on Financial Services of the House of Representatives; and

''(4) the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

SA 2373. Ms. KLOBUCHAR (for herself and Mr. LANKFORD) submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. WAIVER OF MATCHING REQUIREMENT.

The last proviso under the heading ''Election Assistance Commission, Election Security Grants'' in the Financial Services and General Government Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2461) shall not apply with respect to any payment made to a State using funds appropriated or otherwise made available to the Election Assistance Commission under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

SA 2374. Mr. MANCHIN (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to MQ–4 TRITON, strike the amount in the Senate Authorized column and insert ''411,570''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Navy, strike the amount in the Senate Authorized column and insert ''17,718,878''.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to ''UNDISTRIBUTED'', strike the amount in the Senate Authorized column and insert ''-358,901''.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Excessive standard price for fuel, strike the amount in the Senate Authorized column and insert ''[-35,400]''.

In the funding table in section 4301 for Operation and Maintenance, Army relating to Undistributed, in the item relating to Subtotal, Undistributed, strike the amount in the Senate Authorized column and insert ''-358,901''.

In the funding table in section 4301 for Operation and Maintenance, Army, in the item relating to Total Operation and Maintenance, Army, strike the amount in the Senate Authorized column and insert ''40,206,327''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Joint Chiefs of Staff, strike the amount in the Senate Authorized column and insert ''378,111''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Operating Forces, in the item relating to Subtotal Operating Forces, strike the amount in the Senate Authorized column and insert ''7,111,746''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Defense Human Resources Activity, strike the amount in the Senate Authorized column and insert ''749,952''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Office of the Secretary of Defense, strike the amount in the Senate Authorized column and insert ''1,513,946''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide relating to Administrative and Service-Wide Activities, in the item relating to Subtotal Administrative and Service-Wide Activities, strike the amount in the Senate Authorized column and insert ''31,388,885''.

In the funding table in section 4301 for Operation and Maintenance, Defense-Wide, in the item relating to Total Operation and Maintenance, Defense-Wide, strike the amount in the Senate Authorized column and insert ''38,619,740''.

SA 2375. Mr. REED submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. _____. INDEPENDENT STUDY ON IDENTIFYING AND ADDRESSING THREATS THAT INDIVIDUALLY OR COLLECTIVELY AFFECT NATIONAL SECURITY, FINANCIAL SECURITY, OR BOTH.

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of the Treasury in the Secretary's capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, shall seek to enter into a contract with a federally funded research and development center under which the center will conduct a study on identifying and addressing threats that individually or collectively affect national security, financial security, or both.

(b) ELEMENTS OF STUDY.—In carrying out the study referred to in subsection (a), the selected Federally funded research and development center shall be contractually obligated to —

(1) identify threats that individually or collectively affect national security, financial security, or both, including—

(A) foreign entities and governments acquiring financial interests in domestic companies that have access to critical or sensitive national security materials, technologies, or information;

(B) other currencies being used in lieu of the United States Dollar in international transactions;

(C) foreign influence in companies seeking to access capital markets by conducting initial public offerings in other countries;

(D) the use of financial instruments, markets, payment systems, or digital assets in ways that appear legitimate but may be part of a foreign malign strategy to weaken or undermine the economic security of the United States;

(E) the use of entities, such as corporations, companies, limited liability companies, limited partnerships, business trusts, business associations, or other similar entities to obscure or hide the foreign beneficial owner of such entities; and

(F) any other known or potential threats that individually or collectively affect national security, financial security, or both currently or in the foreseeable future.

(2) assess the extent to which the United States Government is currently able to identify and characterize the threats identified under paragraph (1);

(3) assess the extent to which the United States Government is currently able to mitigate the risk posed by the threats identified under paragraph (1);

(4) assess whether current levels of information sharing and cooperation between the United States Government and allies and partners has been helpful or can be improved upon in order for the United States Government to identify, characterize, and mitigate the threats identified under paragraph (1); and

(5) recommend opportunities, and any such authorities or resources required, to improve the efficiency and effectiveness of the United States Government in identifying the threats identified under paragraph (1) and mitigating the risk posed by such threats.

(c) SUBMISSION TO DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected to conduct the study under subsection (a) shall submit to the Director of National Intelligence a report on the results of the study in both classified and unclassified form.

(d) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Director of National Intelligence receives the report under subsection (c), the Director shall submit to the appropriate committees of Congress an unaltered copy of the report in both classified and unclassified form, and such comments as the Director, in coordination with the Secretary of Treasury in his capacity as the Chair of the Financial Stability Oversight Council and the heads of other relevant departments and agencies, may have with respect to the report.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 2376. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Sanctions With Respect to the Russian Federation

SEC. 1291. DEFINITIONS.

In this subtitle:

(1) ADMISSION; ADMITTED; ALIEN.—The terms ''admission'', ''admitted'', and ''alien'' have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ''appropriate congressional committees and leadership'' means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(3) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(4) FOREIGN FINANCIAL INSTITUTION.—The term ''foreign financial institution'' has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(5) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(6) UNITED STATES FINANCIAL INSTITUTION.—The term ''United States financial institution'' has the meaning given that term in regulations prescribed by the Secretary of the Treasury.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1292. IMPOSITION OF SANCTIONS WITH RESPECT TO GOVERNMENT OF RUSSIAN FEDERATION RELATING TO BOUNTIES ON MEMBERS OF ARMED FORCES AND ALLIED FORCES IN AFGHANISTAN.

(a) CERTIFICATION AND REPORT.—

(1) CERTIFICATION REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees and leadership a certification with respect to—

(A) whether or not the Government of the Russian Federation, or proxies of that Government, was responsible for offering bounties for the killing of members of the Armed Forces of the United States or members of the Resolute Support Mission led by the North Atlantic Treaty Organization (commonly referred to as ''NATO'') in Afghanistan;

(B) whether the information described in subparagraph (A) was provided to—

(i) senior officials of the United States Government, including the President and the Vice President, and, if so, when that information was provided to those officials; and

(ii) allies of the United States serving in Afghanistan under the NATO-led Resolute Support Mission.

(2) REPORT REQUIRED.—Not later than 15 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and leadership a report describing the measures taken by the Department of Defense to provide greater protection to members of the Armed Forces of the United States in Afghanistan.

(3) FORM.—The certification required by paragraph (1) and the report required by paragraph (2) shall be submitted in unclassified form but may include a classified annex.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—If the Director of National Intelligence certifies under subsection (a)(1)(A) that the Government of the Russian Federation or any its proxies was responsible for bounties described in that subsection, the President shall, not later than 15 days after the date of the certification, impose the following sanctions:

(A) PROPERTY BLOCKING.—The President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (2) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (2) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(C) REJECTION OF TRANSACTIONS WITH DEFENSE AND INTELLIGENCE SECTORS OF RUSSIAN FEDERATION.—The Secretary of the Treasury shall instruct all United States financial institutions to reject all financial transactions involving any person on the list, as of the date of the enactment of this Act, produced by the Secretary of State pursuant to section 231(e) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(e)).

(2) PERSONS DESCRIBED.—A person described in this paragraph is any of the following:

(A) Vladimir Putin or any person acting for or on behalf of Vladimir Putin, including any person managing any of his assets anywhere in the world.

(B) Any senior official of the Government of the Russian Federation determined by the

President to have been involved in the activity described in subsection (a)(1)(A).

(C) Any official of a defense or intelligence unit of that Government, including the Main Intelligence Agency of the General Staff of the Armed Forces of the Russian Federation, if that unit is determined by the President to have been involved in the activity described in subsection (a)(1)(A).

SEC. 1293. IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS WITH CERTAIN RUSSIAN POLITICAL FIGURES AND OLIGARCHS.

(a) IN GENERAL.—On and after the date that is 30 days after the date of the enactment of this Act, the President shall block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in property and interests in property of each person described in subsection (b), if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) PERSONS DESCRIBED.—The persons described in this subsection are—

(1) political figures, oligarchs, and other persons that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin, and persons acting for or on behalf of such political figures, oligarchs, and persons;

(2) Russian parastatal entities that facilitate illicit and corrupt activities, directly or indirectly, on behalf of the President of the Russian Federation, Vladimir Putin;

(3) family members of persons described in paragraph (1) or (2) that derive significant benefits from such illicit and corrupt activities; and

(4) persons, including financial institutions, that knowingly engage in significant transactions with persons described in paragraph (1), (2), or (3).

(c) UPDATED REPORT ON OLIGARCHS AND PARASTATAL ENTITIES OF THE RUSSIAN FEDERATION.—Section 241 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44; 131 Stat. 922) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

''(b) UPDATED REPORT.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2021, the Secretary of the Treasury, in consultation with the Director of National Intelligence and the Secretary of State, shall submit to the appropriate congressional committees an updated report on oligarchs and parastatal entities of the Russian Federation that builds on the report submitted under subsection (a) on January 29, 2018, by—

''(1) including the matters described in paragraphs (1) through (5) of subsection (a); and

''(2) excluding from the portion of the report responsive to paragraph (1) of subsection (a) any individual with respect to which there is no credible information suggesting the individual has the close financial or political relationships, or engages in the illicit activities, described in subsection (a).''; and

(3) in subsection (c), as redesignated by paragraph (1), by striking ''The report required under subsection (a)'' and inserting ''The reports required by subsections (a) and (b)''.

(d) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and leadership a strategy describing how the President will coordinate with the European Union and its individual member countries with respect to efforts to deny Russian persons described in the updated report required by subsection (b) of section 241 of the Countering America's Adversaries Through Sanctions Act, as amended by subsection (c), access to financial institutions or real estate in the European Union or United States.

SEC. 1294. IMPLEMENTATION; PENALTIES.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this subtitle.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of the provisions of subparagraph (A) or (C) of section 1292(b)(1) or section 1293(a), or any regulation, license, or order issued to carry out such provisions, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

SEC. 1295. EXCEPTIONS.

(a) INTELLIGENCE ACTIVITIES.—This subtitle shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(b) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.—Sanctions under section 1292(b)(1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(1) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(2) to carry out or assist law enforcement activity in the United States.

(c) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term ''good'' means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(d) EXCEPTION RELATING TO ACTIVITIES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—

(1) IN GENERAL.—This subtitle shall not apply with respect to activities of the National Aeronautics and Space Administration.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle or the amendments made by this title shall be construed to authorize the imposition of any sanction or other condition, limitation, restriction, or prohibition, that directly or indirectly impedes the supply by any entity of the Russian Federation of any product or service, or the procurement of such product or service by any contractor or subcontractor of the United States or any other entity, relating to or in connection with any space launch conducted for—

(A) the National Aeronautics and Space Administration; or

(B) any other non-Department of Defense customer.

SEC. 1296. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed—

(1) to supersede the limitations or exceptions on the use of rocket engines for national security purposes under section 1608 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3626; 10 U.S.C. 2271 note), as amended by section 1607 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1100) and section 1602 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2582); or

(2) to prohibit a contractor or subcontractor of the Department of Defense from acquiring components referred to in such section 1608.

SA 2377. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 10_____. ST. MARY UNIT AND MILK RIVER PROJECT INFRASTRUCTURE INVESTMENT.

(a) DEFINITIONS.—In this section:

(1) OPERATION, MAINTENANCE, AND REPLACEMENT.—The term ''operation, maintenance, and replacement'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of the St. Mary Unit;

(B) any activity relating to scheduled or unscheduled maintenance of the St. Mary Unit; and

(C) any activity relating to replacing a feature of the St. Mary Unit.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (acting through the Commissioner of Reclamation).

(3) ST. MARY UNIT.—The term ''St. Mary Unit'' has the meaning given the term in section 3703 of the Water Infrastructure Improvements for the Nation Act (130 Stat. 1816).

(b) USE OF APPROPRIATED FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use appropriated funds for the operation, maintenance, and replacement of the St. Mary Unit.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of any activity relating to the operation, maintenance, and replacement of the St. Mary Unit shall be 75 percent, which shall be nonreimbursable to the United States.

(B) NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be paid by the State or any other non-Federal interest.

(c) PARTICIPATION OF BLACKFEET TRIBE.—The Secretary shall coordinate with the Blackfeet Tribe in all phases relating to the replacement of a feature of the St. Mary Unit.

(d) OFFSET.—The St. Mary Diversion and Conveyance Works project authorized under section 5103 of the Water Resources Development Act of 2007 (121 Stat. 1234) is deauthorized.

SA 2378. Mrs. BLACKBURN (for herself, Mr. MENENDEZ, Mr. SCOTT of Florida, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII of division A, insert the following:

SEC. 12___. OPEN TECHNOLOGY FUND.

(a) SHORT TITLE.—This section may be cited as the ''Open Technology Fund Authorization Act''.

(b) FINDINGS.—Congress finds the following:

(1) The political, economic, and social benefits of the internet are important to advancing democracy and freedom throughout the world.

(2) Authoritarian governments are investing billions of dollars each year to create, maintain, and expand repressive internet censorship and surveillance systems to limit free association, control access to information, and prevent citizens from exercising their rights to free speech.

(3) Over ⅔ of the world's population live in countries in which the internet is restricted. Governments shut down the internet more than 200 times every year.

(4) Internet censorship and surveillance technology is rapidly being exported around the world, particularly by the Government of the People's Republic of China, enabling widespread abuses by authoritarian governments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that it is in the interest of the United States—

(1) to promote global internet freedom by countering internet censorship and repressive surveillance;

(2) to protect the internet as a platform for—

(A) the free exchange of ideas;

(B) the promotion of human rights and democracy; and

(C) the advancement of a free press; and

(3) to support efforts that prevent the deliberate misuse of the internet to repress individuals from exercising their rights to free speech and association, including countering the use of such technologies by authoritarian regimes.

(d) ESTABLISHMENT OF THE OPEN TECHNOLOGY FUND.—

(1) IN GENERAL.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by inserting after section 309 the following:

''SEC. 309A. OPEN TECHNOLOGY FUND.

''(a) AUTHORITY.—

''(1) ESTABLISHMENT.—There is established a grantee entity, to be known as the 'Open Technology Fund', which shall carry out this section.

''(2) IN GENERAL.—Grants authorized under section 305 shall be available to award annual grants to the Open Technology fund for the purpose of—

''(A) promoting, consistent with United States law, unrestricted access to uncensored sources of information via the internet; and

''(B) enabling journalists, including journalists employed by or affiliated with the Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks, the Office of Cuba Broadcasting, or any entity funded by or partnering with the United States Agency for Global Media to create and disseminate news and information consistent with the purposes, standards, and principles specified in sections 302 and 303.

''(b) USE OF GRANT FUNDS.—The Open Technology Fund shall use grant funds received pursuant to subsection (a)(2)—

''(1) to advance freedom of the press and unrestricted access to the internet in repressive environments overseas through technology development, rather than through media messaging;

''(2) to research, develop, implement, and maintain—

''(A) technologies that circumvent techniques used by authoritarian governments, nonstate actors, and others to block or censor access to the internet, including circumvention tools that bypass internet blocking, filtering, and other censorship techniques used to limit or block legitimate access to content and information; and

''(B) secure communication tools and other forms of privacy and security technology that facilitate the creation and distribution of news and enable audiences to access media content on censored websites;

''(3) to advance internet freedom by supporting private and public sector research, development, implementation, and maintenance of technologies that provide secure and uncensored access to the internet to counter attempts by authoritarian governments, nonstate actors, and others to improperly restrict freedom online;

''(4) to research and analyze emerging technical threats and develop innovative solutions through collaboration with the private and public sectors to maintain the technological advantage of the United States Government over authoritarian governments, nonstate actors, and others;

''(5) to develop, acquire, and distribute requisite internet freedom technologies and techniques for the United States Agency for Global Media, in accordance with paragraph (2), and digital security interventions, to fully enable the creation and distribution of digital content between and to all users and regional audiences;

''(6) to prioritize programs for countries, the governments of which restrict freedom of expression on the internet, that are important to the national interest of the United States in accordance with section 7050(b)(2)(C) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2020 (division G of Public Law 116–94); and

''(7) to carry out any other effort consistent with the purposes of this Act or press freedom overseas if requested or approved by the United States Agency for Global Media.

''(c) METHODOLOGY.—In carrying out subsection (b), the Open Technology Fund shall—

''(1)(A) support fully open-source tools, code, and components, to the extent practicable, to ensure such supported tools and technologies are as secure, transparent, and accessible as possible; and

''(B) require that any such tools, components, code, or technology supported by the Open Technology Fund remain fully open-source, to the extent practicable;

''(2) support technologies that undergo comprehensive security audits to ensure that such technologies are secure and have not been compromised in a manner detrimental to the interests of the United States or to individuals or organizations benefitting from programs supported by the Open Technology Fund;

''(3) review and periodically update, as necessary, security auditing procedures used by the Open Technology Fund to reflect current industry security standards;

''(4) establish safeguards to mitigate the use of such supported technologies for illicit purposes;

''(5) solicit project proposals through an open, transparent, and competitive application process to attract innovative applications and reduce barriers to entry;

''(6)(A) seek input from technical, regional, and subject matter experts from a wide range of relevant disciplines; and

''(B) to review, provide feedback, and evaluate proposals to ensure that the most competitive projects are funded;

''(7) implement an independent review process, through which proposals are reviewed by such experts to ensure the highest degree of technical review and due diligence;

''(8) maximize cooperation with the public and private sectors, foreign allies, and partner countries to maximize efficiencies and eliminate duplication of efforts; and

''(9) utilize any other methodology approved by the United States Agency for Global Media in furtherance of the mission of the Open Technology Fund.

''(d) GRANT AGREEMENT.—Any grant agreement with, or grants made to, the Open Technology Fund under this section shall be subject to the following limitations and restrictions:

''(1) The headquarters of the Open Technology Fund and its senior administrative and managerial staff shall be located in a location which ensures economy, operational effectiveness, and accountability to the United States Agency for Global Media.

''(2) Grants awarded under this section shall be made pursuant to a grant agreement requiring that—

''(A) grant funds are only used only activities consistent with this section; and

''(B) failure to comply with such requirement shall result in termination of the grant without further fiscal obligation to the United States.

''(3) Each grant agreement under this section shall require that each contract entered into by the Open Technology Fund specify that all obligations are assumed by the grantee and not by the United States Government.

''(4) Each grant agreement under this section shall require that any lease agreements entered into by the Open Technology Fund shall be, to the maximum extent possible, assignable to the United States Government.

''(5) Administrative and managerial costs for operation of the Open Technology Fund—

''(A) should be kept to a minimum; and

''(B) to the maximum extent feasible, should not exceed the costs that would have been incurred if the Open Technology Fund had been operated as a Federal entity rather than as a grantee.

''(6) Grant funds may not be used for any activity whose purpose is influencing the passage or defeat of legislation considered by Congress.

''(e) RELATIONSHIP TO THE UNITED STATES AGENCY FOR GLOBAL MEDIA.—

''(1) IN GENERAL.—The Open Technology Fund shall be subject to the oversight and governance by the United States Agency for Global Media in accordance with section 305.

''(2) ASSISTANCE.—The United States Agency for Global Media, its broadcast entities, and the Open Technology Fund should render such assistance to each other as may be necessary to carry out the purposes of this section or any other provision under this Act.

''(3) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this section may be construed to make the Open Technology Fund an agency or instrumentality of the Federal Government.

''(4) DETAILEES.—Employees of a grantee of the United States Agency for Global Media may be detailed to the Agency, in accordance with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and Federal employees may be detailed to a grantee of the United States Agency for Global Media, in accordance with such Act.

''(f) RELATIONSHIP TO OTHER UNITED STATES GOVERNMENT-FUNDED INTERNET FREEDOM PROGRAMS.—The United States Agency for Global Media shall ensure that internet freedom research and development projects of the Open Technology Fund are deconflicted with internet freedom programs of the Department of State and other relevant United States Government departments. Agencies should still share information and best practices relating to the implementation of subsections (b) and (c).

''(g) REPORTING REQUIREMENTS.—

''(1) ANNUAL REPORT.—The Open Technology Fund shall highlight, in its annual report, internet freedom activities, including a comprehensive assessment of the Open Technology Fund's activities relating to the implementation of subsections (b) and (c), which shall include—

''(A) an assessment of the current state of global internet freedom, including—

''(i) trends in censorship and surveillance technologies and internet shutdowns; and

''(ii) the threats such pose to journalists, citizens, and human rights and civil society organizations; and

''(B) a description of the technology projects supported by the Open Technology Fund and the associated impact of such projects in the most recently completed year, including—

''(i) the countries and regions in which such technologies were deployed;

''(ii) any associated metrics indicating audience usage of such technologies; and

''(iii) future-year technology project initiatives.

''(2) ASSESSMENT OF THE EFFECTIVENESS OF THE OPEN TECHNOLOGY FUND.—Not later than 2 years after the date of the enactment of this section, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees that indicates—

''(A) whether the Open Technology Fund is—

''(i) technically sound;

''(ii) cost effective; and

''(iii) satisfying the requirements under this section; and

''(B) the extent to which the interests of the United States are being served by maintaining the work of the Open Technology Fund.

''(h) AUDIT AUTHORITIES.—

''(1) IN GENERAL.—Financial transactions of the Open Technology Fund that relate to functions carried out under this section may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places at which accounts of the Open Technology Fund are normally kept.

''(2) ACCESS BY GAO.—The Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Open Technology Fund pertaining to financial transactions as may be necessary to facilitate an audit. The Government Accountability Office shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Open Technology Fund shall remain in the possession and custody of the Open Technology Fund.

''(3) EXERCISE OF AUTHORITIES.—Notwithstanding any other provision of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Open Technology Fund.''.

(2) CONFORMING AMENDMENTS.—The United States International Broadcasting Act of 1994 is amended—

(A) in section 304(d) (22 U.S.C. 6203(d)), by inserting ''the Open Technology Fund,'' before ''the Middle East Broadcasting Networks'';

(B) in sections 305(a)(20) and 310(c) (22 U.S.C. 6204(a)(20) and 6209(c)), by inserting ''the Open Technology Fund,'' before ''or the Middle East Broadcasting Networks'' each place such term appears; and

(C) in section 310 (22 U.S.C. 6209), by inserting ''the Open Technology Fund,'' before ''and the Middle East Broadcasting Networks'' each place such term appears.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Open Technology Fund, which shall be used to carry out section 309A of the United States International Broadcasting Act of 1994, as added by paragraph (1)—

(A) $20,000,000 for fiscal year 2021; and

(B) $25,000,000 for fiscal year 2022.

(e) UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.— Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking ''October 1, 2020'' and inserting ''October 1, 2025''.

SA 2379. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF NATIVE AMERICAN AFFAIRS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1)) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established under section 49(b).'';

(2) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(3) by inserting after section 48 (15 U.S.C. 657u) the following:

''SEC. 49. NATIVE AMERICAN OUTREACH PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator appointed under subsection (b)(2);

''(2) the terms 'Indian tribe' and 'Native Hawaiian Organization' have the meanings given those terms in section 8(a);

''(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration to provide Native American outreach assistance.

''(2) ASSOCIATE ADMINISTRATOR.—

''(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

''(B) QUALIFICATIONS.—The Associate Administrator shall have—

''(i) knowledge of Native American cultures; and

''(ii) experience providing culturally tailored small business development assistance to Native Americans.

''(C) EMPLOYMENT STATUS.—The Associate Administrator shall—

''(i) be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code; and

''(ii) report and be directly responsible to the Administrator.

''(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

''(i) administer and manage the Native American outreach program described in subsection (c);

''(ii) act as an ombudsman for Native Americans in all programs of the Administration;

''(iii) enhance assistance to Native Americans by—

''(I) formulating and promoting policies, programs and assistance that better address their entrepreneurial, capital access, business development and contracting needs;

''(II) collaborating with the Associate Administrators of the Administration, including the Associate Administrators of Capital Access, Government Contracting and Business Development, and Entrepreneurial Development, on the development of policies and plans to implement Administration programs in ways that better serve identified capital access, government contracting, and business and entrepreneurial development needs;

''(iv) execute policies and plans formulated and developed under this section and section 1103 of the Coronavirus Aid, Relief and Economic Security Act (Public Law 116–136); and

''(v) recommend the annual administrative and program budgets for the Office of Native American Affairs.

''(c) OUTREACH PROGRAM.—

''(1) IN GENERAL.—The Associate Administrator shall carry out an outreach program to provide assistance to—

''(A) Indian tribes and Native Hawaiian Organizations, as defined section 8(a); and

''(B) small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian.

''(2) ASSISTANCE.—In carrying out the outreach program under this subsection, the Associate Administrator may—

''(A) provide financial assistance by grant, contract, cooperative agreement, or other assistance to deploy training and educational outreach through business development workshops and other mechanisms to advance the start up, operation, financing, and expansion of small business concerns owned and controlled by individuals who are members of an Indian tribe or a Native Hawaiian Organization or who are Alaska Native or Native Hawaiian;

''(B) hold Tribal consultations to solicit input and provide interested parties an opportunity to discuss potential modifications to programs of the Administration, including the program under section 8(a) and the HUBZone program under section 31; and

''(C) provide such other assistance as the Associate Administrator may determine necessary.''.

(b) TRANSFER PROVISIONS.—Effective on the date of enactment of this Act—

(1) the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall be known as the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a);

(2) the Office of Native American Affairs of the Small Business Administration, as established under section 49 of the Small Business Act, as added by subsection (a), shall retain the functions, personnel, assets, and liabilities held by, acquired, or incurred before the date of enactment of this Act the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act; and

(3) the individual serving as Associate Administrator of the Office of Native American Affairs of the Small Business Administration, as in effect on the day before the date of enactment of this Act, shall continue to serve as the Associate Administrator appointed under section 49 of the Small Business Act, as added by subsection (a), until a successor is appointed.

SA 2380. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 355. REPORT ON COSTS AND BENEFITS OF MAINTAINING A MINIMUM OF 12 PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF SPECIALTY MISSION AIRCRAFT.

(a) SENSE OF SENATE.—It is the sense of the Senate that it is important to maintain safety and increase mission readiness and interoperability of the weather reconnaissance, aerial spray, and firefighting system specialty mission capabilities of the Air Force Reserve Command.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs and benefits of maintaining a minimum of 12 primary aircraft authorized for each type of specialty mission aircraft.

SA 2381. Mr. SCOTT, of Florida submitted an amendment intended to be proposed by him to the bill S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 2. AMENDMENTS TO THE PAYCHECK PROTECTION PROGRAM.

(a) IN GENERAL.—Section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(36)(G)) is amended—

(1) in clause (i)—

(A) by striking subclause (I); and

(B) by redesignating subclauses (II), (III), and (IV) as subclauses (I), (II), and (III), respectively; and

(2) by adding at the end the following:

''(ii) SUBSTANTIAL REDUCTION IN REVENUE.—An eligible recipient shall not receive a covered loan unless the eligible recipient demonstrates that the eligible recipient has incurred a substantial reduction in revenue due to COVID–19.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) made after the date of enactment of this Act.

(c) RULEMAKING OR GUIDANCE.—

(1) IN GENERAL.—Not later than 7 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Administrator of the Small Business Administration, shall issue a rule or guidance defining a substantial reduction in revenue, as used in clause (ii) of section 7(a)(36)(G) of the Small Business Act (15 U.S.C. 636(a)(G)), as added by subsection (a), which shall include the documentation necessary to verify a substantial reduction in revenue.

(2) EXEMPTION FROM RULEMAKING REQUIREMENTS.—The notice and comment requirements under section 553 of title 5, United States Code, shall not apply with respect to the rule or guidance issued under paragraph (1).

SA 2382. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII of division A, add the following:

SEC. 1287. IMPROVING PANDEMIC PREPAREDNESS AND RESPONSE THROUGH DIPLOMACY.

(a) SHORT TITLE.—This section may be cited as the ''Improving Pandemic Preparedness and Response Through Diplomacy Act''.

(b) FINDINGS.—Congress finds the following:

(1) According to the annual report of the Global Preparedness Monitoring Board (an independent panel of experts convened by the World Bank Group and the World Health Organization), ''The world is at acute risk for devastating regional or global disease epidemics or pandemics that not only cause loss of life but upend and create social chaos.''.

(2) The World Health Organization—

(A) declared the outbreak of the novel coronavirus disease 2019 (COVID–19) a Public Health Emergency of International Concern on January 30, 2020;

(B) raised its global risk assessment to ''Very High'' on February 28, 2020; and

(C) ultimately declared the outbreak a pandemic on March 11, 2020.

(3) The risks associated with future outbreaks of infections disease and other global health emergencies, whether naturally-occurring, accidental, or deliberate, are increasing due to a number of factors, including—

(A) the spillover of pathogens from animals to humans;

(B) the development of antimicrobial resistance;

(C) population growth and resulting strains on the environment;

(D) urbanization;

(E) international travel and trade;

(F) forced and voluntary migration;

(G) climate change;

(H) weak public health infrastructures; and

(I) potential acts of bioterrorism.

(4) Vulnerable populations, including those who live in poverty and in countries with weak public health and government infrastructure, and at-risk groups, such as the sick, older people, ethnic and religious minorities, women, people with disabilities, LGBTQ people, indigenous, migrants, refugees, and children, are particularly susceptible to the outbreak of infectious disease and its consequences.

(5) According to an April 2020 report of the International Monetary Fund—

(A) ''It is very likely that this year the global economy will experience its worst recession since the Depression, surpassing that seen during the global financial crisis a decade ago.''; and

(B) ''As a result of the pandemic, the global economy is projected to contract sharply by 3% in 2020.''.

(6) As of May 14, 2020, the Department of Labor estimated that 36,500,000 workers filed for first-time unemployment claims during the previous 8 weeks, which coincides with the timeframe during which the impact of the coronavirus became widespread across the United States.

(7) The United States Government, along with the medical, scientific, and public health communities, has historically promoted global public health through—

(A) multilateral cooperation;

(B) funding of relevant research activities; and

(C) the provision of development assistance to prepare for, detect, respond to, and recover from the outbreak of infectious disease.

(8) The Global Health Security Agenda is a multi-faceted, multi-country initiative intended to improve partner countries' measurable capabilities to prevent, detect, and respond to infectious disease, which the United States is committed to advancing.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) no country, acting alone, can effectively protect the health and safety of all its people from the outbreak and spread of infectious disease and other global health emergencies;

(2) efforts to prepare for, detect, respond to, and recover from disease outbreaks and pandemics globally—

(A) are in the interests of the United States; and

(B) are consistent with the promotion of core values of peace, prosperity, health, and equal dignity and rights of all peoples;

(3) robust diplomacy, including multilateral diplomacy and development assistance, is an essential part of a well-coordinated, whole-of-government strategy to prepare for, detect, respond to, and recover from disease outbreak and spread and other global health emergencies; and

(4) support for, and active participation in, multilateral organizations, such as the United Nations and the World Health Organization, enhance the efforts of the United States to prepare for, detect, respond to, and recover from disease outbreaks and pandemics, both domestically and globally.

(d) SPECIAL PRESIDENTIAL ENVOY FOR PANDEMIC PREPAREDNESS AND RESPONSE.—

(1) DEFINED TERM.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Armed Services of the Senate;

(E) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
(F) the Committee on Commerce, Science, and Transportation of the Senate;
(G) the Select Committee on Intelligence of the Senate;
(H) the Committee on Foreign Affairs of the House of Representatives;
(I) the Committee on Ways and Means of the House of Representatives;
(J) the Committee on Energy and Commerce of the House of Representatives;
(K) the Committee on Education and Labor of the House of Representatives;
(L) the Committee on Homeland Security of the House of Representatives;
(M) the Committee on Armed Services of the House of Representatives;
(N) the Committee on Agriculture of the House of Representatives; and
(O) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) OFFICE OF THE SPECIAL PRESIDENTIAL ENVOY.—There is established in the Office of the Secretary of State, an Office of the Special Presidential Envoy, which—

(A) shall be led by the Special Presidential Envoy for Pandemic Preparedness and Response (referred to in this section as the ''Special Presidential Envoy'') appointed pursuant to paragraph (3);

(B) shall be staffed with—

(i) detailees from the bureaus and offices under the jurisdiction of the Under Secretary for Economic Growth, Energy, and the Environment;

(ii) detailees from the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) any other Department of State personnel the Secretary considers necessary.

(3) APPOINTMENT.—The President, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall appoint a Special Presidential Envoy for Pandemic Preparedness and Response, who shall have the rank and status of Ambassador-at-Large.

(4) QUALIFICATIONS.—The Special Presidential Envoy shall have extensive experience in global public health, diplomacy, medicine, or a related field.

(5) DUTIES.—

(A) IN GENERAL.—The principal duty of the Special Presidential Envoy shall be the overall supervision, including policy oversight of resources, of diplomatic efforts to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease. The Special Presidential Envoy shall exercise such powers as the Secretary of State may prescribe.

(B) STRATEGY DEVELOPMENT.—The Special Presidential Envoy shall develop, and, in coordination with the heads of relevant departments and agencies, direct the implementation of the diplomatic strategy described in subsection (e).

(6) REPORTS.—

(A) REPORT ON COVID–19 PANDEMIC.—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5 with respect to the COVID–19 pandemic.

(B) GENERAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Special Presidential Envoy shall submit a report to the appropriate congressional committees that describes his or her efforts to develop and implement a diplomatic strategy comprised of the elements specified in section 5 with respect to any and all future outbreaks of infectious disease or pandemics.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for the Office of the Special Presidential Envoy to carry out this subsection.

(e) ELEMENTS OF DIPLOMATIC STRATEGY.—The diplomatic strategy to prepare for, detect, respond to, and recover from pandemics and other global outbreaks of infectious disease should address—

(1) the development of medical countermeasures, including vaccines, antimicrobials, therapeutics, and diagnostics for emerging infectious diseases;

(2) zoonotic disease prevention, detection, and response;

(3) the development of disease surveillance systems;

(4) the promotion of disease reporting and greater transparency of disease-related information;

(5) increasing the capabilities and capacity of national laboratories;

(6) combating the spread of antimicrobial resistant microorganisms;

(7) scientific workforce development and training;

(8) the mitigation of, disruptions to, and other issues related to, global medical supply chains;

(9) efforts to prevent the outbreak and spread of infectious diseases among displaced persons and other vulnerable populations;

(10) the development and use of standards and best practices for the imposition and lifting of disease mitigation measures, including travel restrictions, social distancing, quarantining, and other restrictions on economic and social activities; and

(11) efforts to combat the spread of disinformation and racial discrimination related to the outbreak and spread of infectious disease.

(f) INTERAGENCY STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an interagency steering committee to aid in the development, coordination, and implementation of the diplomatic strategy described in subsection (e).

(2) MEMBERSHIP.—The interagency steering committee referred to in paragraph (1)—

(A) should be led by the Special Presidential Envoy; and

(B) shall include, as members—

(i) the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs;

(ii) the Global AIDS Coordinator and United States Special Representative for Global Health Diplomacy;

(iii) any other Department of State personnel the Secretary considers necessary;

(iv) the Director of the Office of Global Affairs of the Department of Health and Human Services; and

(v) at least 1 representative from each of the following agencies:

(I) The United States Agency for International Development.

(II) The Department of Health and Human Services.

(III) The Centers for Disease Control and Prevention.

(IV) The National Institutes of Health.

(V) The Department of Agriculture.

(VI) The Department of Homeland Security.

(VII) The Department of the Treasury.

(VIII) The Department of Commerce.

(IX) The Office of the United States Trade Representative.

(X) The Department of Labor.

(XI) The White House Office of Science and Technology Policy.

(XII) The Office of the Director of National Intelligence.

(XIII) The Department of Defense.

(g) OUTSIDE PANEL OF EXPERTS.—

(1) IN GENERAL.—The Secretary of State, acting through the Special Presidential Envoy for Pandemic Preparedness and Response, shall regularly convene an outside panel of experts—

(A) to advise the Special Presidential Envoy regarding scientific, technical, and other policy matters; and

(B) to make recommendations for the development and implementation of the diplomatic strategy described in subsection (e).

(2) COMPOSITION.—The Special Presidential Envoy, in consultation with the interagency steering committee established pursuant to subsection (f), shall determine who will be included on the panel convened pursuant to paragraph (1).

(3) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App. shall not apply to the panel convened pursuant to paragraph (1).

(h) HONORING FINANCIAL COMMITMENTS TO THE WORLD HEALTH ORGANIZATION.—Subject to the availability of appropriations, but notwithstanding any other provision of law, the Secretary of the Treasury shall remit all United States assessed contributions to the World Health Organization not later than the date on which such contributions are due and payable.

SA 2383. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1287. SUPPORT FOR A ROBUST GLOBAL RESPONSE TO THE COVID–19 PANDEMIC.

(a) UNITED STATES POLICIES AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) to use the voice and vote of the United States at that institution—

(A) to seek to ensure adequate fiscal space for world economies in response to the global coronavirus disease 2019 (commonly referred to as ''COVID–19'') pandemic through—

(i) the suspension of all debt service payments to the institution; and

(ii) the relaxation of fiscal targets for any government operating a program supported by the institution, or seeking financing from the institution, in response to the pandemic;

(B) to oppose the approval or endorsement of any loan, grant, document, or strategy that would lead to a decrease in health care spending or in any other spending that would impede the ability of any country to prevent or contain the spread of, or treat persons who are or may be infected with, the SARS–CoV–2 virus; and

(C) to require approval of all Special Drawing Rights allocation transfers from wealthier member countries to countries that are emerging markets or developing countries, based on confirmation of implementable transparency mechanisms or protocols to ensure the allocations are used for the public good and in response the global pandemic.

(2) IMF ISSUANCE OF SPECIAL DRAWING RIGHTS.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to support the issuance of a special allocation of not less than 2,000,000,000,000 Special Drawing Rights so that governments are able to access additional resources to finance their responses to the global COVID–19 pandemic.

(b) REPORT REQUIRED.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the annual report required by section 1701 of the International Financial Institutions Act (22 U.S.C. 262r) a description of progress made toward advancing the policies described in subsection (a).

(c) TERMINATION.—Subsections (a) and (b) shall have no force or effect after the earlier of—

(1) the date that is one year after the date of the enactment of this Act; or

(2) the date that is 30 days after the date on which the Secretary of the Treasury submits to the Committee on Foreign Relations of the Senate and the Committee on Financial Services of the House of Representatives a report stating that the SARS–CoV–2 virus is no longer a serious threat to public health in any part of the world.

SA 2384. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. ___. PERMANENCY OF SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking ''TERMINATION'' and inserting ''SBIR PROGRAM AUTHORIZATION''; and

(2) by striking ''terminate on September 30, 2022'' and inserting ''be in effect for each fiscal year''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''through fiscal year 2022''.

SA 2385. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. RESPONSE TO RELEASE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a task force to address the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances from activities of the Department of Defense (in this subsection referred to as the ''PFAS Task Force'').

(2) MEMBERSHIP.—The members of the PFAS Task Force are the following:

(A) The Assistant Secretary of Defense for Sustainment.

(B) The Assistant Secretary of the Army for Installations, Energy, and Environment.

(C) The Assistant Secretary of the Navy for Energy, Installations, and Environment.

(D) The Assistant Secretary of the Air Force for Installations, Environment, and Energy.

(E) A liaison from the Department of Veterans Affairs to be determined by the Secretary of Veterans Affairs.

(3) CHAIRMAN.—The Assistant Secretary of Defense for Sustainment shall be the chairman of the PFAS Task Force.

(4) SUPPORT.—The Under Secretary of Defense for Personnel and Readiness and such other individuals as the Secretary of Defense considers appropriate shall support the activities of the PFAS Task Force.

(5) DUTIES.—The duties of the PFAS Task Force are the following:

(A) Analysis of the health aspects of exposure to perfluoroalkyl substances and polyfluoroalkyl substances.

(B) Establishment of clean-up standards and performance requirements relating to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(C) Finding and funding the procurement of an effective substitute firefighting foam without perfluoroalkyl substances or polyfluoroalkyl substances.

(D) Establishment of standards that are supported by science for determining exposure to and ensuring clean up of perfluoroalkyl substances and polyfluoroalkyl substances.

(E) Establishment of interagency coordination with respect to mitigating the effects of the release of perfluoroalkyl substances and polyfluoroalkyl substances.

(6) REPORT.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter, the Chairman of the PFAS Task Force shall submit to Congress a report on the activities of the task force.

(b) BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

(1) IN GENERAL.—Beginning on October 1, 2020, the Secretary of Defense shall make available, on an annual basis, to each member of the Armed Forces and their dependents blood testing to determine and document potential exposure to perfluoroalkyl substances and polyfluoroalkyl substances (commonly known as ''PFAS'').

(2) DEPENDENT DEFINED.—In this subsection, the term ''dependent'' has the meaning given that term in section 1072(2) of title 10, United States Code.

(c) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Air Force, SAG 12C, other combat operations support programs, is hereby reduced by $100,000,000.

SA 2386. Mrs. GILLIBRAND (for herself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 320. INCREASE IN AUTHORIZATIONS FOR PURPOSES OF REMEDIATION OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—The amount authorized to be appropriated by this Act for fiscal year 2021 for the accounts of the Department of Defense specified in subsection (b) shall be increased by the amounts specified in such subsection and the amount of such increase shall be used for purposes of remediation of perfluoroalkyl substances and polyfluoroalkyl substances.

(b) ACCOUNTS INCREASED.—The accounts of the Department specified in this subsection, and the amounts of any increase so specified, are the following:

(1) The amount authorized to be appropriated for Environmental Restoration, Navy shall be increased by $17,000,000.

(2) The amount authorized to be appropriated for Operation and Maintenance, Navy shall be increased by $13,600,000.

(3) The amount authorized to be appropriated for Operation and Maintenance, Army National Guard shall be increased by $20,000,000.

(4) The amount authorized to be appropriated for Operation and Maintenance, Air National Guard shall be increased by $15,000,000.

(c) OFFSET.—The amount authorized to be appropriated by this Act for fiscal year 2021 for operation and maintenance for the Air Force, SAG 12C, shall be reduced by $65,600,000.

SA 2387. Mr. UDALL submitted an amendment intended to be proposed to amendment SA 2301 proposed by Mr. INHOFE to the bill S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDIAN WATER RIGHTS SETTLEMENT EXTENSION.

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended—

(1) in subsection (b)(1), by inserting ''and for each of fiscal years 2031 through 2040'' after ''fiscal years 2020 through 2029'';

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) EXPENDITURES.—

''(i) IN GENERAL.—Subject to subparagraph (B)—

''(I) for each of fiscal years 2020 through 2029, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued from the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3); and

''(II) subject to clause (ii), for each of fiscal years 2031 through 2045, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraph (2).

''(ii) LIMITATION.—Of the amount described in clause (i)(II) for each of fiscal years 2031 through 2045, the Secretary may expend an amount not to exceed $90,000,000 for an individual Indian water rights settlement, unless the Secretary determines that an expenditure of more than $90,000,000 would not adversely affect the funding of the implementation of other congressionally approved settlement agreements.'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation'' and inserting ''claims concerning Indian water resources, if the settlement agreement or implementing legislation authorizes the Secretary''; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) in subclause (I), by striking ''the entire period in which the Fund is in existence'' and inserting ''the period of fiscal years 2020 through 2029''; and

(bb) in subclause (II), by inserting ''during the period of fiscal years 2020 through 2029'' after ''into the Fund''; and

(II) in clause (ii), by inserting ''or are deposited into the Fund after fiscal year 2029'' after ''subparagraph (B)'';

(ii) in subparagraph (B), in clauses (i)(II)(bb), (iii)(II)(bb), and (iv)(II)(bb), by striking ''the entire period in which the Fund is in existence'' each place it appears and inserting ''the period of fiscal years 2020 through 2029'';

(iii) in subparagraph (C)—

(I) by striking ''December 31, 2019'' and inserting ''December 31, 2021''; and

(II) by striking ''for any authorized use'' and inserting ''for any use authorized under paragraph (2)''; and

(iv) by adding at the end the following:

''(D) SUFFICIENCY OF FUNDS.—The Secretary may use amounts in the Fund in a fiscal year for multiple settlements under subparagraph (B), without regard to the priorities described in clauses (ii) through (iv) of subparagraph (B), to ensure that sufficient funds are available to meet the enforceability date or substantial completion date of a settlement.''; and

(3) in subsection (f), by striking ''September 30, 2034'' and inserting ''September 30, 2045''.

SA 2388. Mr. PERDUE (for Mr. MERKLEY) proposed an amendment to the bill S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Pursuant to the reclamation laws and subject'' and inserting ''Subject''; and

(ii) by striking ''may'' and inserting ''is authorized to''; and

(B) in subparagraph (A), by inserting '', including conservation and efficiency measures, land idling, and use of groundwater,'' after ''administer programs'';

(2) in paragraph (3)(A), by inserting ''and'' after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking ''; or'' and inserting a period; and

(C) by striking ''the Secretary—'' and all that follows through ''to develop'' in subparagraph (A) and inserting ''the Secretary to develop''.

SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the ''Kinsey Irrigation Company'' in Custer County, Montana and the ''Sidney Water Users Irrigation District'' in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 10 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10:15 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing on the Nomination of The Honorable Derek T. Kan to be Deputy Director, Office of Management and Budget.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, a 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, a 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

The Subcommittee on Transportation and Safety of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, June 9, 2020, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON INTERNATIONAL TRADE, CUSTOMS, AND GLOBAL COMPETITIVENESS

The Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 30, 2020, at 2:30 p.m., to conduct a hearing.

ENSURING QUALITY CARE FOR OUR VETERANS ACT

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 422, S. 123.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 123) to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs.

Mr. PERDUE. I ask unanimous consent that the bill be considered read a

third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 123) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 123

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ensuring Quality Care for Our Veterans Act''.

SEC. 2. THIRD PARTY REVIEW OF APPOINTEES IN VETERANS HEALTH ADMINISTRATION WHO HAD A LICENSE TERMINATED FOR CAUSE AND NOTICE TO INDIVIDUALS TREATED BY THOSE APPOINTEES IF DETERMINED THAT AN EPISODE OF CARE OR SERVICES TO WHICH THEY RECEIVED WAS BELOW THE STANDARD OF CARE.

(a) THIRD PARTY REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract or other agreement with an organization that is not part of the Federal Government to conduct a clinical review for quality management of hospital care or medical services furnished by covered providers.

(2) QUALIFICATIONS.—The Secretary shall ensure that each review of a covered provider under this subsection is performed by an individual who is licensed in the same specialty as the covered provider.

(b) NOTICE TO PATIENTS TREATED BY COVERED PROVIDERS.—With respect to hospital care or medical services furnished by a covered provider under the laws administered by the Secretary, if a clinical review for quality management under subsection (a) determines that the standard of care was not met during an episode of care, the Secretary shall notify the individual who received such care or services from the covered provider as described in applicable policy of the Veterans Heath Administration.

(c) DEFINITIONS.—In this section:

(1) COVERED PROVIDER.—The term ''covered provider'' means an individual who—

(A) was appointed to the Veterans Health Administration under section 7401 of title 38, United States Code; and

(B) had a license terminated for cause by a State licensing board for hospital care or medical services provided in a facility that is not a facility of the Veterans Health Administration.

(2) HOSPITAL CARE OR MEDICAL SERVICES.—The terms ''hospital care'' and ''medical services'' have the meanings given those terms in section 1701 of title 38, United States Code.

AMENDING THE KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TO MAKE CERTAIN TECHNICAL CORRECTIONS

Mr. PERDUE. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3758 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3758) to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. PERDUE. I ask unanimous consent that the Merkley amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2388) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. KLAMATH BASIN WATER SUPPLY ENHANCEMENT ACT OF 2000 TECHNICAL CORRECTIONS.

Section 4(b) of the Klamath Basin Water Supply Enhancement Act of 2000 (114 Stat. 2222; 132 Stat. 3887) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Pursuant to the reclamation laws and subject'' and inserting ''Subject''; and

(ii) by striking ''may'' and inserting ''is authorized to''; and

(B) in subparagraph (A), by inserting '', including conservation and efficiency measures, land idling, and use of groundwater,'' after ''administer programs'';

(2) in paragraph (3)(A), by inserting ''and'' after the semicolon at the end;

(3) by redesignating the second paragraph (4) (relating to the effect of the subsection) as paragraph (5); and

(4) in paragraph (5) (as so redesignated)—

(A) by striking subparagraph (B);

(B) in subparagraph (A), by striking ''; or'' and inserting a period; and

(C) by striking ''the Secretary—'' and all that follows through ''to develop'' in subparagraph (A) and inserting ''the Secretary to develop''.

SEC. 2. CONTINUED USE OF PICK-SLOAN MISSOURI BASIN PROGRAM PROJECT USE POWER BY THE KINSEY IRRIGATION COMPANY AND THE SIDNEY WATER USERS IRRIGATION DISTRICT.

(a) AUTHORIZATION.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of the Interior (acting through the Commissioner of Reclamation) shall continue to treat the irrigation pumping units known as the ''Kinsey Irrigation Company'' in Custer County, Montana and the ''Sidney Water Users Irrigation District'' in Richland County, Montana, or any successor to the Kinsey Irrigation Company or Sidney Water Users Irrigation District, as irrigation pumping units of the Pick-Sloan Missouri Basin Program for the purposes of wheeling, administration, and payment of project use power, including the applicability of provisions relating to the treatment of costs beyond the ability to pay under section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(b) LIMITATION.—The quantity of power to be provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District (including any successor to the Kinsey Irrigation Company or the Sidney Water Users Irrigation District) under subsection (a) may not exceed the maximum quantity of power provided to the Kinsey Irrigation Company and the Sidney Water Users Irrigation District under the applicable contract for electric service in effect on the date of enactment of this Act.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PERDUE. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3758), as amended, was passed.

Mr. PERDUE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERGEANT DANIEL SOMERS VETERANS NETWORK OF SUPPORT ACT OF 2019

Mr. PERDUE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 414, S. 2864.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2864) to require the Secretary of Veterans Affairs to carry out a pilot program on information sharing between the Department of Veterans Affairs and designated relatives and friends of veterans regarding the assistance and benefits available to the veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sergeant Daniel Somers Veterans Network of Support Act of 2019''.

SEC. 2. PILOT PROGRAM ON INFORMATION SHARING BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DESIGNATED RELATIVES AND FRIENDS OF VETERANS REGARDING THE ASSISTANCE AND BENEFITS AVAILABLE TO THE VETERANS.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence carrying out a pilot program—

(A) to encourage members of the Armed Forces who are transitioning from service in the Armed Forces to civilian life, before separating from such service, to designate up to 10 persons to whom information regarding the assistance and benefits available to the veterans under laws administered by the Secretary shall be disseminated using the contact information obtained under paragraph (7); and

(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information.

(2) DURATION.—The Secretary shall carry out the pilot program during a period beginning on the date of the commencement of the pilot program that is not less than two years.

(3) DISSEMINATION.—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program no less frequently than quarterly.

(4) TYPES OF INFORMATION.—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding the following:

(A) Services and benefits offered to veterans and their family members by the Department of Veterans Affairs.

(B) Challenges and stresses that might accompany transitioning from service in the Armed Forces to civilian life.

(C) Services available to veterans and their family members to cope with the experiences and challenges of service in the Armed Forces and transition from such service to civilian life.

(D) Services available through community partner organizations to support veterans and their family members.

(E) Services available through Federal, State, and local government agencies to support veterans and their family members.

(F) The environmental health registry program, health and wellness programs, and resources for preventing and managing diseases and illnesses.

(G) A toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program.

(H) Such other matters as the Secretary, in consultation with members of the Armed Forces and such persons who elect to receive information under the pilot program, determines to be appropriate.

(5) PRIVACY OF INFORMATION.—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (4) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(6) NOTICE AND MODIFICATIONS.—In carrying out the pilot program, the Secretary shall, with respect to a veteran—

(A) ensure that such veteran is notified of the ability to modify designations made by such veteran under paragraph (1)(A); and

(B) upon the request of a veteran, authorize such veteran to modify such designations at any time.

(7) CONTACT INFORMATION.—In making a designation under the pilot program, a veteran shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the assistance and benefits available to the veteran under laws administered by the Secretary.

(8) OPT-IN AND OPT-OUT OF PILOT PROGRAM.—

(A) OPT-IN BY MEMBERS.—A veteran may participate in the pilot program only if the veteran voluntarily elects to participate in the program. A veteran seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary shall specify for purposes of the pilot program.

(B) OPT-IN BY DESIGNATED RECIPIENTS.—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) OPT-OUT.—In carrying out the pilot program, the Secretary shall, with respect to a person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) SURVEY AND REPORT ON PILOT PROGRAM.—

(1) SURVEY.—

(A) IN GENERAL.—Not later than one year after the date of the commencement of the pilot program and not less frequently than once each year thereafter for the duration of the pilot program, the Secretary shall administer a survey to persons who elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section.

(B) ELEMENTS.—Each survey conducted under subparagraph (A) shall include solicitation of the following:

(i) Feedback on the following:

(I) The nature of information disseminated under the pilot program.

(II) Satisfaction with the pilot program.

(III) The utility of the pilot program.

(IV) Overall pilot program successes and challenges.

(ii) Recommendations for improving the pilot program.

(iii) Reasons for opting in or out of the pilot program.

(iv) Such other feedback or matters as the Secretary considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the pilot program commences, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a final report on the pilot program.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) The results of the survey administered under paragraph (1).

(ii) The number of participants enrolled in the pilot program who are veterans.

(iii) The number of persons designated under subsection (a)(1)(A).

(iv) The number of such persons who opted in or out of the pilot program under subsection (a)(8).

(v) The average period such persons remained in the pilot program.

(vi) An assessment of the feasibility and advisability of making the pilot program permanent.

(vii) Identification of legislative or administrative action that may be necessary if the pilot program is made permanent.

(viii) A plan to expand the pilot program if the pilot program is made permanent.

(ix) If the Secretary finds under clause (vi) that making the pilot program permanent is not feasible or advisable, a justification for such finding.

Mr. PERDUE. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2864), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JULY 1, 2020

Mr. PERDUE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of Calendar No. 483, S. 4049.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW.

Mr. PERDUE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:04 p.m., adjourned until Wednesday, July 1, 2020, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF THE INTERIOR

WILLIAM PERRY PENDLEY, OF WYOMING, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE NEIL GREGORY KORNZE.

EXTENSIONS OF REMARKS

CELEBRATING GREAT OUTDOORS MONTH

HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. GIBBS. Madam Speaker, from coast to coast and in every state and territory, the United States is home to a diverse array of scenic views, pristine wilderness, and breathtaking natural landscapes. Great Outdoors Month, designated every June, is our opportunity to celebrate and enjoy these lands.

Whether it's the forests and mountains of Appalachia or the deserts and mesas of the Southwest, Americans have opportunities to explore the beauty of our great outdoors. Every year millions of people experience the splendor of our National Parks, National Forests; and other recreation lands administered by the federal government.

We also enjoy state park systems, local parks departments, and private recreational lands, which play an important part in maintaining our heritage and history of outdoorsmanship. Hiking, camping, hunting, fishing, and geocaching are just a few of the many activities available in these parks.

These great outdoors provide a source of leisure and entertainment, a sense of wonder and awe, and the ability to cherish and appreciate the picturesque lands with which America has been blessed. Studies show outdoor activity is also beneficial to one's physical and mental health, as the simple act of being outdoors can lower blood pressure, heart rate, and stress while outdoor exercise can reduce the risk of diabetes and cardiovascular disease.

Great Outdoors Month honors the grandeur of nature and our responsibility to preserve it for future generations. Many organizations' efforts to emphasize and spread awareness of the principles of ''Leave No Trace'', which seeks to minimize our impact on preserved land, are important to this responsibility.

As are the conservation efforts of America's sportsmen and sportswomen. Responsible use of our nation's hunting grounds and respectful observance of harvesting regulations play a critical role in wildlife management and habitat protection. These hunters, trappers, and anglers are among the most ardent stewards—of our nation's most precious lands.

To celebrate Great Outdoors Month, I encourage all Americans who can, to spend some time at any of our Nation's parks, national or state forests, hunting lands, or other outdoor spaces.

HONORING ERIC TEWS

HON. RASHIDA TLAIB

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. TLAIB. Madam Speaker, I rise today in tribute to Fire Fighter Eric Tews on the occasion of his retirement from the Garden City, Michigan Fire Department.

It is evident that Mr. Tews has a strong sense of duty and public service. After he graduated from high school, Mr. Tews immediately enrolled in the United States Navy, serving for four years. He explored a career in welding before once again taking up the mantle of public service and becoming a fire fighter in 1990. In September of 1997, Mr. Tews joined the Garden City Fire Department as a full-time firefighter. Not satisfied with stopping there, he went on to earn his paramedic license. Beyond proudly performing his duties in an exemplary manner, Eric Tews has served as a mentor to newer members, sharing his knowledge and experience.

Please join me in recognizing Garden City Fire Fighter Eric Tews' twenty-three years of service as we wish him well on his retirement.

PERSONAL EXPLANATION

HON. JACKIE WALORSKI

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. WALORSKI. Madam Speaker, on June 26, I was unavoidably detained and unable to make it in time to vote. Had I been present, I would have voted NAY on Roll Call No. 120, YEA on Roll Call No. 121, and NAY on Roll Call No. 122.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. KING of Iowa. Madam Speaker, I was unable to vote on June 29, 2020 due to not being in D.C. Had I been present, I would have voted as follows: YES on Roll Call No. 123; NO on Roll Call No. 124; YES on Roll Call No. 125; NO on Roll Call No. 126; YES on Roll Call No. 127; NO on Roll Call No. 128; and NO on Roll Call No. 129.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. GRANGER. Madam Speaker, I was unable to attend votes due to circumstances beyond my control. Had I been present, I would have voted YEA on Roll Call No. 123; NAY on Roll Call No. 124; YEA on Roll Call No. 125; NAY on Roll Call No. 126; YEA on Roll Call No. 127; NAY on Roll Call No. 128; and NAY on Roll Call No. 129.

HONORING DR. MOORE

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. FOXX of North Carolina. Madam Speaker, I include in the RECORD this letter to honor Dr. Moore.

AN EXTRAORDINARY ORDINARY MAN

MADISON, NC.—In full disclosure, I don't really believe in luck, but if I did, I would have to say I won the mega-powerball lottery when I was born in the spring of 1981. This premise rests entirely on the fact that God, in His great mercy and goodness, predestined me to have two incredible parents, Don and Sue Moore. Since it is Father's Day, I would like to take a moment and reflect on my dad whom many lovingly know as ''Dr. Moore.''

As the middle of three daughters, I was without a doubt the most challenging of the Moore girls and received more disciplinary correction than both of my sisters combined. Discipline was often administered by my mother because my dad was working. Just to aggravate my mother, I would tell her that the punishment didn't bother me. One can imagine my mother's level of frustration with me. Yet, it was my dad's authoritative words that prompted sincere reflection. For anyone who knows my dad, they will know he has the most kind, gentle and sensitive soul, but is equally firm and desires others to improve under his ''care.'' So for me as a child, his words not only called me to repentance, but more importantly, urged me to become a better friend, daughter, sister and ultimately, a mother.

As a complement to this, my dad rarely missed an occasion to remind us that we were beautiful and loved. There were many times during my childhood and early adult years when my dad would return from a long medical conference out of state with the most beautiful dresses as gifts—each handpicked for my sisters and me with the most exquisite eye. By bestowing us with lovely things, he was reminding us how beautiful we were to him.

Growing up along the Mayo River, my sisters and I had many adventures with my dad. As a little girl I was definitely the tom-boy of the Moore girls. I enjoyed getting muddied in the creek, hunting for crawdads under the rocks, and picking up field mice for show and tell. Like my dad, I was always curious and ready for adventure. I was my dad's ''right hand man,'' clearing trails and highlighting nature's beauty for friends and family when they visited us. Many people asked me as a young girl whether my dad played golf regularly. I laughed and would say no, unless you call a chainsaw or weed eater a golf club. These were the tools he used, not to manicure nature, but to clear it enough so others could see its beauty. True and genuine beauty is an important quality to my dad.

One of my favorite memories as a child was in the early fall of 1990. I vividly remember my dad and me waking up early with the ambitious task of planting over 1000 daffodil bulbs alongside, our family home. We were so motivated that we easily planted another 1000 alongside our loop road. Over thirty

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years the blooms have multiplied yielding over 10,000 daffodils each spring. This proliferation of beauty in many ways reflects the sensitive yet tenacious spirit of my dad in his forty years of practicing medicine in Madison, NC. His servant leadership has exponentially improved the lives he has loved, prayed over, and had the privilege of caring for over four decades.

I know most little girls think of their dads as their Prince Charming; however, I have to admit I have always believed my father to be a superhero. I think there's very little my dad is not able to do. Whether creatively giving insight or executing new ideas, my father faces all challenges with excellence. When my sisters and I had school projects as little girls, he would assist with childlike zeal, not to do the project for us, but to give us artistic vision and insight into how to make it the most innovative and well-designed piece. His perfectionism did not come with judgment or criticism, but instead inspired us to think outside the box and do all things exceptionally well.

One of my dad's superpowers is that he is an animal whisperer. There are more times than I can remember when an animal on our property, wild or domesticated, would find itself badly injured and my dad would heal them with his adept medical knowledge. He has a particular love for swans, and over the years, we have had upwards of twenty of them reside on our pond. I distinctly remember carrying swan eggs on the bus in an incubator and watching them hatch in my classroom as a young child. My dad always encouraged us to make observations and to care for animals with the utmost concern. On several occasions we had swans with large gaping wounds which he would pack and suture in our backyard. The swans he would heal seemed to know that Dad loved them and would protect them at any cost. To this day, many of them will come right up to him and just lay their heads on his lap. He's able to hold them with such tenderness and peace that they will wrap their necks around his neck as if to say ''thank you.''

My sisters and I are the most grateful for the endless educational opportunities my parents offered us. In fact, we would often laugh when our parents wondered why jobs were difficult to obtain upon our graduations. We would smile and remind them that if they had only taken us to the beach instead of museums while on vacation, we wouldn't have ended up as history and art history majors. These trips were prompted by my dad's love of education and his desire to be a perpetual student and to experience new places and cultures. Although we did visit the beach on occasion, it was important to our parents that we experienced mmm educational, yet fun, family togetherness.

Community members, in fact, remember my dad well as an avid learner as a young student. Always the inquisitive scientist at heart with the vision and creativity of an artist, my now seventy-year-old dad, was known as a youngster for his love and care of animals and his tremendous organizational and visionary abilities. These qualities were nurtured by his parents, Leland and Lucille Moore, who worked respectively at a family owned welding and service station and Gem Dandy. They were quiet and kind parents of two sons. My dad's older brother, Leland ''Butch'' Moore Jr., was a starting defensive back at Catawba College and later served as an officer in the U.S. Navy in Vietnam. My dad, seven years his junior, however, was a renaissance man.

There was truly very little he could not do as a child and even less as an adult. He rode horses, he scientifically categorized whole butterfly and insect collections, molded images of friends with clay as an artistic pursuit and was a straight A student throughout all twelve years of school earning him the title of Valedictorian at Madison-Mayodan High School. He attended UNC Chapel Hill majoring in biology and was accepted at Bowman Gray Wake Forest School of Medicine where he also achieved academic excellence as a medical student. Upon graduation, my dad had many opportunities presented to him that might have awarded him more comfort and stability in life, but for my dad this was not the primary goal. Instead, his heart dreamed of returning home to care for the teachers, family members and friends who had loved him and equipped him to pursue medicine.

After nearly six years of wooing his high school sweetheart, my dad finally convinced my mom to be his wife. They were married the spring of his final year in medical school and spent their honeymoon years in Roanoke, VA, where my dad completed his three-year residency in family medicine. With my mom and older sister in tow, he returned home in 1980 to the county and people he loved so dearly. Dr. Joyce, my dad's predecessor, was aging and needed help with the growing population of the Madison-Mayodan area. At the time, the practice cared for just under 2,000 patients. Now, more than forty years later, Western Rockingham Family Medicine boasts over 15,000 patients.

As a physician, he listens not only with his ears, but with his very heart strings, always going above and beyond what insurance would dictate to care for patients both young and old. He always recommends the very best resources and referrals to alleviate his patients' pain, but he will also work diligently toward getting them answers. He walks with them as if they were family through their emotional, physical, intellectual and spiritual needs until they feel completely at peace and confident with what they are facing. Any patient upon entering his exam room can expect a gigantic, warm hug and the sweetest and most sincere eyes meeting their own gaze. For most, the healing starts the moment they walk in. While his medical knowledge is first-class, his sincerity, authenticity, and willingness to go above and beyond to care for others has been a mainstay of his superpowers.

It is certainly true that behind every great man is a great woman so I'd be remiss without saying that my dad would not be the man he is without my mom. Over the years she has quietly and gracefully empowered my dad by advising and praying for him, even as he sacrificed important moments with our family to serve the greater community. In her own way, and as a family, we've each sacrificed, but I know my mom's has been the greatest. She has, humbly and with love, encouraged him to provide the very best care for each and every patient that walks into his exam room.

My gratitude on this Father's Day for my dad, my hero, really cannot be described in words. From his early years as a great thinker and creative spirit to the present day, my dad is steadfast and serves all who cross his path with love and selflessness. In the world we live in today, he's a rare gift, and if the very qualities of his heart could be harvested by all of mankind, the ripple effect would radically change the culture of our country. My dad is a man whose heart is rooted in his faith in the Almighty, which is the true and eternal source of his superpowers. My dad knows that ultimate healing comes from our Creator and that my dad is merely a humble instrument that God uses to care for those He has entrusted to him.

CS Lewis once famously wrote in his book, The Four Loves:

''To love at all is to be vulnerable. Love anything and your heart will be wrung and possibly broken. If you want to make sure of keeping it intact you must give it to no one, not even an animal. Wrap it carefully round with hobbies and little luxuries; avoid all entanglements. Lock it up safe in the casket or coffin of your own selfishness. But in that casket, safe, dark, motionless, airless, it will change. It will not be broken; it will become unbreakable, impenetrable, irredeemable. To love is to be vulnerable.''

If you wish to see a life fully lived with genuine love, look no further than my dad. He epitomizes Lewis' idea of loving and serving others versus choosing a life of self protection and insincerity. While the loss of beloved patients, systemic changes in healthcare and decreased time with our family have been challenging at times, the rewards of providing compassionate medical care have produced infinite beauty in my life and my family's life. Even more so, this outpouring of love has extended to the lives of those throughout Rockingham County and beyond. My dad will be the first to say that his time as a physician has yielded much more in his life than what he's invested. He credits this entirely to the wonderful patients he's had the great joy of loving and serving.

There's not a day I don't think about my dad's prayer each morning on our childhood rides to school. It was very simple: he prayed he would be the very best doctor he could be that day. In the same way, I thank God for the privilege of having one of the very best of men guide me through this life.

What a gift, what an extraordinary ordinary father.

Thank you, Dad, for exemplifying what it means to live a life well lived with humility, integrity and service to others, a love that is so vulnerable that it is contagious to all whom you encounter.

THE 2020 OBSERVANCE OF THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. JACKSON LEE. Madam Speaker, 155 years ago, on June 19, 1865, General Gordon Granger rode into Galveston, Texas and announced the freedom of the last American slaves; belatedly freeing 250,000 slaves in Texas nearly two and a half years after Abraham Lincoln signed the Emancipation Proclamation.

Juneteenth was first celebrated in the Texas state capital in 1867 under the direction of the Freedmen's Bureau.

Today, Juneteenth remains the oldest known celebration of slavery's demise. It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great nation the more conscious and accepting country that it has become.

As the nation prepares to celebrate July 4th, our nation's independence day later this week, it is a time to reflect on the accomplishments of our nation and its people.

I want to thank the Members of the House for their bipartisan support of this Resolution, which has over 214 cosponsors, of which 202 are original sponsors.

General Granger's reading of this order ended chattel slavery, a form of perpetual servitude that held generations of Africans in

bondage in the United States for two-hundred and forty-eight years and opened a new chapter in American history.

Recognizing the importance of this date, former slaves coined the word ''Juneteenth'' to mark the occasion with a celebrations the first of which occurred in the Texas state capital in 1867 under the direction of the Freedmen's Bureau.

Juneteenth was and is a living symbol of freedom for people who did not have it.

Juneteenth remains the oldest known celebration of slavery's demise.

It commemorates freedom while acknowledging the sacrifices and contributions made by courageous African Americans towards making our great nation the more conscious and accepting country that it has become.

The celebration of Juneteenth followed the most devastating conflict in our country's history, in the aftermath of a civil war that pitted brother against brother, neighbor against neighbor and threatened to tear the fabric of our union apart forever that America truly became the land of the free and the home of the brave.

The Rev. Dr. Martin Luther King, Jr. once said, ''Freedom is never free,'' and African American labor leader A. Phillip Randolph often said ''Freedom is never given. It is won.''

Truer words were never spoken.

We should all recognize the power and the ironic truth of those statements, and we should pause to remember the enormous price paid by all Americans in our country's quest to realize its promise.

Juneteenth honors the end of the 400 years of suffering African Americans endured under slavery and celebrates the legacy of perseverance that has become the hallmark of the African American experience in the struggle for equality.

In recent years, a number of National Juneteenth Organizations have arisen to take their place alongside older organizations—all with the mission to promote and cultivate knowledge and appreciation of African American history and culture.

Juneteenth celebrates African American freedom while encouraging self-development and respect for all cultures.

But it must always remain a reminder to us all that liberty and freedom are precious birthrights of all Americans, which must be jealously guarded and preserved for future generations.

PHOEBE A. HADDON

HON. DONALD NORCROSS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. NORCROSS. Madam Speaker, I rise today to honor and commend the Chancellor of Rutgers University Camden, Phoebe A. Haddon.

Phoebe Haddon was born in Washington, D.C. and spent her childhood in Passaic, New Jersey. She later earned her bachelor's degree from Smith College in 1972, Juris Doctor, cum laude, from Duquesne University School of Law in 1977 and in 1985 she earned her Master of Laws from Yale Law School. She practiced law at Wilmer Cutler and Pickering in Washington, D.C. and has written extensively on issues including equal access to counsel for civil litigants and issues surrounding access to education.

Prior to her time at Rutgers University Camden, she had tenured as a distinguished faculty member at Temple University Beasley School of Law for over 25 years. During her time at Temple she made it a priority of hers to fight against the racial and gender biases of the Pennsylvania bench and bar and she has served on numerous federal, state, city, and committee bodies.

Chancellor Haddon stepped into the role as chancellor of Rutgers's University Camden in 2014 and as the executive administrator she has had the responsibility of overseeing the daily administration of over 1,300 employees at a campus that enrolls more than 7,000 students. In addition, as Chief Executive of Rutgers University—Camden she is a leader both on and off campus by expanding the role of the civic engagement program by working with community partners in the Camden and the Delaware Valley region. Additionally, under her leadership the college has greatly expanded its enrollment through exceptional initiatives such as launching the Bridging the Gap Program. Through the installation of this landmark program, in Fall 2017 Rutgers-Camden achieved the highest enrollment in the entire history of the campus.

Chancellor Haddon earned numerous honors and is respected nationally as a constitutional scholar and leader in higher education. We honor Chancellor Haddon's commitment to Rutgers University—Camden and her dedication to diversity and equality in higher education.

Madam Speaker, I ask you to join me in honoring the achievements of Chancellor Phoebe A. Haddon of Rutgers University Camden and thank her for all that she has done to advance Rutgers University Camden and the surrounding communities of South Jersey.

PERSONAL EXPLANATION

HON. RALPH LEE ABRAHAM

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. ABRAHAM. Madam Speaker, on Monday, June 29, 2020 I was unavoidably detained on Roll Call Votes No. 124, No. 126, No. 128, and No. 129. Had I been present to vote, I would have voted NAY on Roll Call Votes No. 124, No. 126, No. 128, and No. 129.

PERSONAL EXPLANATION

HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. GOTTHEIMER. Madam Speaker, unfortunately, I was unavoidably detained from the floor on Monday, June 29, 2020. I missed roll call vote No. 129.

Had I been present to vote on roll call No. 129, I would have voted YEA.

HONORING THE LIFE OF PAUL LOGGAN

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. BROOKS of Indiana. Madam Speaker, I rise today to honor the life and legacy of Paul Loggan, a friend, a mentor, a teacher, a coach and a father-figure among his many roles at North Central High School in Indianapolis, where he worked for more than three decades. Paul was a tremendous leader in our community including his role in the athletics department when my children attended North Central High School. He was a constant presence for Indiana high school football and his dedication to Indiana students will be missed greatly. His impact on high school athletics was honored on the evening of April 13 when football stadiums across the state of Indiana turned on their lights in his memory.

Paul Loggan was born on April 5, 1963, in Shelbyville, Indiana. He was an outstanding athlete at Rushville High School, where he graduated in 1981. Paul went on to the University of Indianapolis, where he was an All-American linebacker and team captain on the football team before graduating in 1985. He went on to receive his master's degree from Ball State University. In 2012 Paul was inducted into the University of Indianapolis Athletics Hall of Fame.

Paul's love for sports did not end with playing sports. In addition to his time at Franklin Central and Roncalli, he spent over three decades at North Central as a teacher, coach, department chair, Assistant Athletic Director and in 2014 became the Athletic Director. He went on to become the President of the Indiana Football Coaches Association (IFCA) and stayed active in the IFCA even after his time as president was over. Paul spent over three decades as the game director for the North/South All-Star football game hosted by North Central. He was dedicated to students and athletes for a large part of his life.

Though athletics were very important to him, Paul held something even closer, his family. It was often said that it was rare to see Paul out without at least one of his children. This is what truly defined Paul. He had three kids, sons Michael and Will and his daughter Sami. He was married to his wife Kathy for nearly twenty-nine years. Paul is also survived by his mother, Marjorie Loggan, brothers Ted (Gena) and Bo, sister Kelly, and several nieces and nephews. Hoosiers everywhere mourn the loss of this great man. Our community will forever be thankful for the contributions Paul made to students and athletes across the state of Indiana. On behalf of the Fifth District of Indiana, I send my thoughts and prayers to his family and friends during this difficult time.

SUPPORTING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. CLYBURN. Madam Speaker, recent events have underscored the inequities that

still exist in American society, and there is a cry for systemic change. We must reaffirm our commitment to leveling the playing field and doing what is fair to empower women- and minority-owned businesses to reach parity.

The Disadvantaged Business Enterprise (DBE) program at the Department of Transportation was established in 1980 under Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race and gender. The intent of the program is to remedy past discrimination in federal transportation contracts by setting goals for awarding contracts to women- and minority-owned businesses.

The long record of discrimination this program seeks to remedy is undeniable. During the Great Depression, President Roosevelt invested extraordinary resources in infrastructure projects as part of the Works Progress Administration. His federal investments came with a tag in the South that said, ''No Blacks allowed.'' The same was true for women, since the jobs were intended for men, who were assumed to be the primary family breadwinner. As a result, many white American households headed by men built themselves out of the depression, while most Blacks and women-led households remained in abject poverty without the means to recover.

Today, if we were to dismiss equity and fairness in our federal transportation contracting, we would see the disparities in unemployment and income grow.

There is indisputable and overwhelming evidence that discrimination still exists in the federal transportation marketplace against women- and minority-owned businesses. Data-driven disparity studies illustrate the need for the DBE program to continue. One study revealed that Black architecture and engineering businesses' receipts are 42 percent and 45 percent lower, respectively, than their white counterparts. Non-minority women-owned architecture and engineering businesses earned 39 and 38 percent less than businesses owned by white men.

Underrepresented businesses achieve better outcomes on construction, architecture, engineering, and other service contracts when goal-oriented programs are implemented to encourage the participation of these business groups in government contracts. Without these goals and measures in place, many of these businesses report that they would be completely shut out of government contracting opportunities.

In this time of reckoning over historic inequities in our country, we must reaffirm our commitment to essential programs like DBE to continue making progress toward a more perfect Union with liberty and justice for all.

CELEBRATING SARAH AND GEORGE ROBERTS

HON. HALEY M. STEVENS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. STEVENS. Madam Speaker, I rise today to recognize Sarah and George Roberts of Detroit, Michigan on the very special occasion of their first wedding anniversary.

Sarah and George were married on July 20, 2019 in Hague, New York. Surrounded by friends and family from around the globe, they committed to a lifetime of love and support for one another.

Their nuptials marked the beginning of a journey that I know they will navigate with the same ease that Sarah has guided me with throughout my first term in Congress. The positive impact that Sarah and George make in their professional lives and in their communities cannot be overstated; I cannot wait to see all the good that will continue to result from the partnership of these two dynamic leaders.

As they reflect on their first anniversary, may their commitment grow even stronger to cherish and honor one another for many years to come.

Madam Speaker, I ask my colleagues in the United States House of Representatives to join me in congratulating Sarah and George on this momentous occasion.

PERSONAL EXPLANATION

HON. BOB GIBBS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. GIBBS. Madam Speaker, I was unable to be present for the second vote series due to a previously scheduled doctor's appointment. Had I been present, I would have voted NAY on rollcall No. 115.

RECOGNIZING THE RETIREMENT OF PHI DELTA THETA FRATERNITY CHIEF EXECUTIVE OFFICER ROBERT A. BIGGS

HON. DAVID ROUZER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. ROUZER. Madam Speaker, I am honored and privileged to recognize Robert A. Biggs in tribute to his 44 years of service to the Phi Delta Theta International Fraternity as well as his lifelong dedication to the collegiate and interfraternal movement.

I have been a very proud member of Phi Delta Theta since joining the North Carolina Delta Chapter in the Spring of 1992 when I attended North Carolina State University and later served as president in 1993.

Phi Delta Theta is a values-based college fraternity with nearly 200 chapters, 12,000 undergraduate members, and more than 280,000 lifelong members.

Robert A. Biggs, outgoing chief executive officer of both the Phi Delta Theta Fraternity and its Foundation, has served the Phi Delta Theta organization since he graduated from Georgia Southern University in 1976. He began his career as a chapter consultant, and later served as director of chapter services for more than a decade until 1990 and has led the Fraternity as its executive vice president since 1991. His decades of leadership as the organization's fourth executive during its 172-year history has provided great stability and bedrock support for its future growth.

Since 2011, Bob has simultaneously held dual leadership posts by leading both the Foundation and the Fraternity. Since its humble beginnings in 1958, the Phi Delta Theta Foundation has awarded more than $4.1 million in scholarships and fellowships to outstanding young Phis. The Foundation has also granted nearly $10 million toward the Fraternity's premier leadership and educational programs, including the Kleberg Emerging Leaders Institute, the Presidents Leadership Conference, the Leadership Consultant Program, and the Alcohol-Free Housing initiative. The Foundation president position has only been held by two individuals during the past 20 years. It was his leadership and work with the Phi Delta Theta Foundation board of trustees that grew the assets of the Foundation from $4 million in 2011 to more than $20 million in 2018. Under Bob's watch and leadership, the combination of long-term strategic planning and a focus on the development of financial support blended both organizations into effective and streamlined systems, complementing each and working toward clearly defined, measurable goals.

Phi Delta Theta was one of the first fraternities of its size to implement an Alcohol-Free Housing policy, requiring that all Phi Delta Theta chapter facilities remain alcohol-free to support the health and safety of its members and create an environment of brotherhood without the distractions of alcohol and/or substance abuse. An Alcohol-Free Housing Alliance of several fraternities was formed in the late 1990s. This initiative was one of the most controversial in the organization's history. Bob Biggs and the Fraternity's governing board, the General Council, led this charge with staunch determination and a resolute confidence that this was in the long-term best interest of its members. Bob had to lead in the face of threats, and even lawsuits, to move past a small group of detractors and keep the Fraternity on course. He did so with a positive attitude and clear vision, taking the lead among peer organizations. In 2018, three additional fraternities committed to alcohol and substance-free housing by 2020, bringing positive change to collegiate campuses and Greek communities everywhere.

Along with the decision of Alcohol-Free Housing came an entire overhaul of how the organization would manage its undergraduate chapters, facilities, and volunteer leadership, including the need for fundraising to support the initiative and re-education efforts. As a result of Bob's resolve, the Fraternity was strong enough to not only withstand, but overcome the pressures from inside and outside the organization.

Bob Biggs has been a leader in many fraternal associations, including the North American Interfraternity Conference (NIC), the Fraternity Executives Association, of which he is a past president, the Edgewater Conference, and the Cincinnati Society of Association of Executives. Bob has been a Certified Association Executive since 1986. In each organization, it has been the relationships with his peers that meant the most to Bob, and he continues to nurture and cherish them.

In 2006, Bob was awarded Phi Delta Theta's Legion of Honor Award. This high honor recognizes a member who has made a major contribution of his time, effort and energy to serve the Fraternity and improve its stature, has distinguished himself in representing the Fraternity's principles of friendship, sound learning and rectitude, is widely recognized as a leader of fraternity men and

identified with the promotion of fraternities, and has widely advanced and enlarged the opportunities for growth and leadership among college men through fraternities. Phi Delta Theta asserts that fraternities, and the education of their members therein, are a microcosm of university life. Bob Biggs has been instrumental in collaborating with various college and university presidents during his tenure.

In Bob's own reflections recently when questioned about his impact on the Fraternity, he was emphatic that if not for his role at Phi Delta Theta, he would not have had the opportunity to meet and work with so many top level university and college officials, business executives, entrepreneurs, Nobel laureates, astronauts, and other citizens of great influence.

In addition to his Fraternity related service, he has always been dedicated to his community of Oxford, Ohio where he and his wife Coni raised their three children, Lori, Kyle and Amy. He has been president or chairman of several local organizations, including the Oxford Rotary Club, Oxford Jaycees, Oxford Community Foundation, has volunteered as a troop leader with Boy Scouts of America, and served St. Mary Catholic Church on the Finance Committee.

Throughout his career, Mr. Biggs has been an ambassador and advocate for all Greek organizations. Based on his many achievements and long, distinguished tenure within the Greek movement and Phi Delta Theta, I am honored and proud, as one of his Fraternity brothers and a colleague in the collegiate Greek movement, to acknowledge with gratitude the distinguished career of Robert A. Biggs, on the occasion of the culmination of his career of selfless service to the Phi Delta Theta International Fraternity and the Phi Delta Theta Foundation.

HONORING THE LIFE OF MR. JOHN SWING

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. SCHIFF. Madam Speaker, I rise today to honor the memory of the late John Swing, whose life was tragically cut short by COVID–19.

John Swing was a veteran of the United States Marine Corps and widely respected community leader in my district. He was recently appointed Executive Director of Search to Involve Pilipino Americans (SIPA), a group serving LA's Filipino community. I was honored to join their event last month to discuss the effects of the COVID–19 pandemic on the Filipino community in Los Angeles. In addition, Mr. Swing was active in a variety of other community groups, including the Filipino American Services Group, Inc., the Coalition of Filipino American Chambers of Commerce, and the Festival of Pilipino Arts and Culture.

Mr. Swing also served on the Riverside County Foundation on Aging, where he served as Board Director; as an employee of the Riverside County Probation Department; and in the United States Marine Corps. He was passionate about improving our city and helping those most in need and was particularly involved in the efforts to combat the scourge of homelessness throughout Los Angeles.

Mr. Swing is survived by his wife Ellen Rodriguez-Swing and his children, Zachary, Joshua, Chloe, Mackenzie, Nico, and Sasha. My deepest condolences are with them, and the entire Los Angeles Filipino community who has lost a dedicated and energetic leader to this horrific disease.

John Swing was a true public servant and he will be deeply missed. His work will continue in all the lives he touched. Please join me in honoring his legacy.

PERSONAL EXPLANATION

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. ROBY. Madam Speaker, I was unable to vote on Monday, June 29. Had I been present I would have voted as follows: YEA on Roll Call No. 123; NAY on Roll Call No. 124; YEA on Roll Call No. 125; NAY on Roll Call No. 126; YEA on Roll Call No. 127; NAY on Roll Call No. 128; and NAY on Roll Call No. 129.

PERSONAL EXPLANATION

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. AUSTIN SCOTT of Georgia. Madam Speaker, on Roll Call No. 123 on the motion to recommit for H.R. 1425, I am not recorded because I was unavoidably detained. Had I been present, I would have voted YEA.

On Roll Call No. 124 on passage of H.R. 1425, I am not recorded because I was unavoidably detained. Had I been present, I would have voted NAY.

On Roll Call No. 125 on the motion to recommit for H.R. 5332, I am not recorded because I was unavoidably detained. Had I been present, I would have voted YEA.

On Roll Call No. 126 on passage of H.R. 5332, I am not recorded because I was unavoidably detained. Had I been present, I would have voted NAY.

On Roll Call No. 127 on motion to recommit for H.R. 7301, I am not recorded because I was unavoidably detained. Had I been present, I would have voted YEA.

On Roll Call No. 128 on passage of H.R. 7301, I am not recorded because I was unavoidably detained. Had I been present, I would have voted NAY.

On Roll Call No. 129 on passage of H.J. Res. 90, I am not recorded because I was unavoidably detained. Had I been present, I would have voted NAY.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. RODGERS of Washington. Madam Speaker, due to a family commitment I unfortunately missed votes yesterday. Had I been present, I would have voted YEA on Roll Call No. 123; NAY on Roll Call No. 124; YEA on Roll Call No. 125; NAY on Roll Call No. 126; YEA on Roll Call No. 127; NAY on Roll Call No. 128; and NAY on Roll Call No. 129.

HONORING THE LIFE OF PATRICK KENNEDY

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. BROOKS of Indiana. Madam Speaker, I rise today to honor the life and legacy of Patrick William Kennedy, a friend to many in the Indianapolis community, including me. Pat passed away on April 12, 2020, after a courageous battle with Covid–19. He will be forever missed by his friends, family and colleagues.

Pat Kennedy was born June 27, 1956, in Indianapolis, Indiana. After graduating from Brebeuf Jesuit Preparatory School, Pat went on to Notre Dame University where he graduated in 1978. Upon his graduation from Notre Dame, Pat joined the Kennedy family business and ultimately became the 4th-generation president of the three Kennedy family companies: Kennedy Tank & Manufacturing in Indianapolis; Southern Tank in Owensboro, Kentucky; and STAFCO in Columbia City, Indiana. Pat worked along side family including his three sons to gain national recognition in quality fabrication of steel tanks, pressure vessels, and heat exchangers.

In addition to Pat's success in the business world, he was heavily involved in bettering the Indianapolis community. He had a deep passion for auto racing that led to him attending fifty-seven consecutive Indianapolis 500 races, but spectating was not all that he did. Pat served on the board of the 500 Mile Oldtimers Organization, sponsored race car drivers, and wrote two books on race trivia, collaborating with Indianapolis Motor Speedway (IMS) historian and friend Donald Davidson as a technical advisor. Pat was a former director of the 500 Festival Board and was a director of the 500 Festival Foundation Board at the time of his death. Pat was very involved in bettering the experience for Hoosiers and fans all around the world when it came to his beloved Indy 500.

The 500 was not the only way Pat served our community. He supported numerous organizations including Wheeler Mission, CYO, United Way, Friends of Holliday Park, Little Sisters of the Poor, Indianapolis Motor Speedway Foundation, and many schools and parishes in the Archdiocese of Indianapolis. Pat was a passionate sports fan, rarely missing a game played by those in his family, but his interest extended to any great competitive event. Pat was a devoted supporter and longtime season ticket holder of the Indiana Pacers and the Indianapolis Colts.

Pat was preceded in death by his beloved parents, William and Frances Kennedy. He is survived by his wife of 35 years, Cheryl Kennedy; children Maura (Chris Page), Bill (Ellen), Jimmy (Anna Grace Sterry), Patrick, and Joey Gaines; grandchildren Kate, Grace, Luke, and Bo; sisters Peggy Shorter (Mark), Kathy Fairchild (Thom), and Ann Bolin (Paul); and nieces and nephews Kelly Schneider (Matt), Mickey Shorter (Ashley); Kimmie Rumer (Justin) and Kyle Fairchild; and Courtney, Kevin, and Brian Bolin.

On behalf of the Fifth District of Indiana I offer my deepest condolences to the family and friends of Pat Kennedy. The Hoosier community will greatly miss him and his extensive contributions.

REMEMBERING ARIKA SAMANTHA TRIM

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mr. SCOTT of Virginia. Madam Speaker, it is with great sadness that I rise today to honor and remember the life of Arika Samantha Trim, my former committee press secretary. Arika tragically passed away at the age of 29 on June 23, 2020, just a week after giving birth to her son Djai.

I first had the honor of meeting Arika shortly after I became ranking member on what was then the Committee on Education and the Workforce. Arika joined my committee staff in April 2015 as our press secretary and was later promoted to deputy communications director.

Arika brought significant experience to the Committee's press team. A native of Tobago, Arika was a 2008 graduate of Oxon Hill High School in Maryland. After graduating Lee University in Tennessee in 2012 with a degree in public relations, she interned with the Office of First Lady Michelle Obama. She then went on to join the communications staff at the U.S. Department of Agriculture as a press assistant. She was critical to communicating and amplifying the important work of Democrats on the Education and the Workforce Committee to the media and the American people. Arika played a key role in many of our key legislative successes during my first three years as the top Democrat on the Committee, including defending the Affordable Care Act, promoting the importance of school meals and child nutrition, and original introduction of the Raise the Wage Act. I will forever be grateful for her work and dedication to America's students, workers, and families.

Arika left the committee in early 2018 to join the communications staff of the American Hospital Association. I know Arika played an outsized role there communicating the needs of hospitals, most recently the impact on our hospitals of the COVID–19 pandemic.

Losing someone at such a young age with so much more to give to the world is tragic, and I cannot fathom the loss that Arika's mother Donna, family, and many friends are going through at this time.

The untimely death of Arika challenges us as policy makers to reckon with the disturbing reality that plagues far too many women, especially Black women in this country. That is, regardless of income or educational achievement, Black mothers are three to four times more likely to die of pregnancy related illnesses than White mothers.

The COVID–19 pandemic has only worsened the systemic health and social racial inequities in our nation. The Black maternal health crisis is only getting worse and has gone unaddressed for far too long. Congress must take bold action and immediately pass comprehensive legislation to address this issue, including the Black Maternal Health Momnibus Act and the Mothers and Offspring Mortality and Morbidity Awareness Act or MOMMA's Act. These bills would make critical investments to support Black mothers, including 12-month postpartum Medicaid coverage, investing in rural maternal health, promoting a more diverse perinatal workforce, and addressing implicit bias in our health care system.

Madam Speaker, I hope that we can honor the life and legacy of Black mothers like Arika and finally end the Black maternal health crisis. I hope that Arika's family knows that her legacy of public service will continue to endure and motivate our important work.

Madam Speaker, I would like to include in the RECORD a statement from the American Hospital Association in honor of Arika Trim.

STATEMENT FROM THE AMERICAN HOSPITAL ASSOCIATION ON THE PASSING OF ARIKA TRIM

(By Rick Pollack, AHA President and CEO, June 30, 2020)

Starting in January 2018 until her passing, Arika Trim served as Associate Director of Media Relations at the American Hospital Association. We convey to the nation the association's expression of grief. As a communications professional at the AHA, Arika was passionate about her work to ensure that all patients have access to affordable health care. Her warm manner a gentle smile let everyone who had the privilege of working with her know that in Arika, they had found a friend. She has left us far too soon.

We grieve for her family and her beautiful new son, and that her time with us as our friend and colleague has ended. Please know that Arika will always live on in the hearts and memories of her friends at the AHA, and that our thoughts and prayers are with her family and all those who were fortunate to have known her.

REMEMBERING NUR OMAR MOHAMED

HON. HALEY M. STEVENS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Ms. STEVENS. Madam Speaker, I rise today to recognize the exceptional life and light of Nur Omar Mohamed, father of my dear colleague, Congresswoman ILHAN OMAR.

Nur passed away on June 15, 2020 of complications arising from the coronavirus at the age of 67. He was taken from his family far too soon, but he leaves behind a distinguished legacy as the "Superdad" to his children, community, and all of those in our nation who had the good fortune to know him.

After the outbreak of the Somali civil war, Nur kept his family safe and secure until their ultimate move to the United States in 1995. He became a mentor to many in the Minneapolis Somali community, and encouraged his children to pursue their dreams no matter how unconventional. He was an open-minded trailblazer who believed in the unique power of young people to make positive change—all qualities that we admire about our colleague, Representative OMAR, today.

Nur is survived by his seven children and many grandchildren, including Congresswoman OMAR's three children, Isra, Adnan and Ilwad Hirsi. He will be remembered for his laugh, listening ear, and open heart.

Madam Speaker, I ask my colleagues to join me in reflecting on the life of Nur Omar Mohamed and the incredible impact he made on our society.

HONORING KIMBERLY BAXTER AS IOWAN OF THE WEEK

HON. CYNTHIA AXNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 2020

Mrs. AXNE. Madam Speaker, I rise today to ask the House of Representatives to join me in recognizing Kimberly Baxter, Executive Director of Special Projects and Director of the Iowa Accountability Program for the Iowa Judicial Branch, as our Iowan of the Week.

To those who know her, Director Baxter's mission is very clear: leave things better than how she found them. She strives to shine a light on all voices—making sure everyone is not only heard but also understood—and to unite our communities. She is a firm believer that change starts when we make the effort to stop and listen to each other.

Over the years, Director Baxter has had many opportunities to further that mission in the State of Iowa. She helped to establish Iowa's first-ever domestic violence court and other innovative programs that offer safety and resources to victims as well as offender rehabilitation. In her current role as Executive Director of Special Projects, she continues to provide assistance to and perspective on underserved populations. Through the Iowa Accountability Program, she seeks to make "Good Courts—Great Courts" by examining how the Iowa Judicial Branch can improve policies on handling domestic violence cases and enhancing access to justice.

In partnership with the Iowa Judicial Branch's Education Division, Director Baxter also was instrumental in the development and co-facilitation of an implicit bias training program; it included Harvard's Implicit Association Test—which helps people to identify subconscious preferences and gives them the chance to educate themselves based on the results. This training was given to the Iowa Supreme Court and became a requirement for all judicial employees to participate.

Previously, Kimberly Baxter served as the Division Director for the Iowa Department of Human Rights' Commission on the Status of African Americans—where she tackled racial disparities and disproportionate actions against Black Iowans. In this role, she also helped to create programs to help educate Black leaders concerning domestic violence and help people to understand the impacts of violence.

Kimberly Baxter also served as Board President of the Friends of Iowa Civil Rights Commission, where she helped develop annual diversity conferences that offered workshops on social awareness, self-care, implicit bias, discrimination, and expanding organizational outreach to communities of color. She also helped organize annual Friends Luncheons to recognize Iowans' recent and lifetime efforts to improve civil efforts across the state.

In addition to all this important work, Director Baxter also has produced an annual statewide African American Resource Guide over the past 15 years, mapping out Iowa's Black-owned small businesses, organizations, and resources to help support Black communities

across our state. Currently, Director Baxter is in the process of making this Resource Guide digital, so it can be accessed from anywhere and updated in real-time.

This week, we celebrate Juneteenth—a time to rejoice on the steps towards greater freedom and justice but also a time to really reflect on the choices that our country has made. Director Baxter called this a time of recognition—knowing how far we have come, but also understanding that there is still so much work to be done.

Today, I extend that spirit of recognition back to Kimberly Baxter. Her goal has been—and remains—bettering Iowa's communities with each passing day. We can honor the work she has done for our state while holding her words with us to acknowledge that there is still much more work to be done. In reflecting on the road ahead, she said that while she doesn't believe justice has been delayed, she believes true equality has been. She referenced the march at Selma—the images of people of all colors and creeds locking arms and marching as a community—seemed to be repeating itself with this current movement and community activism. She expressed hope that this new movement would go even further than we have before.

Iowa, and our entire nation, have come a long way since those steps were taken 55 years ago. But we still must recognize that there is a long road ahead to true equality. I want to recognize one of the women who has worked so hard to get us to where we are today, but also who encourages us to never settle and to continue fighting to leave things better than we found them. It is my distinct honor to recognize Kimberly Baxter as our Iowan of the Week.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3979–S4081

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 4101–4118, and S. Res. 638–639. **Pages S4032–33**

Measures Reported:

S. 2381, to require review by the Government Accountability Office of screening protocols of the Transportation Security Administration relating to breast milk and formula, with an amendment in the nature of a substitute. (S. Rept. No. 116–238)

Page S4032

Measures Passed:

Stopping Improper Payments to Deceased People Act: Senate passed S. 4104, to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay Initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals. **Pages S3999–S4002**

Paycheck protection program: Senate passed S. 4116, to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act. **Page S4023**

Ensuring Quality Care for Our Veterans Act: Senate passed S. 123, to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care.

Pages S4079–80

Klamath Basin Water Supply Enhancement Act Corrections: Committee on Energy and Natural Resources was discharged from further consideration of S. 3758, to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Page S4080

Perdue (for Merkley) Amendment No. 2388, in the nature of a substitute. **Page S4080**

Sergeant Daniel Somers Veterans Network of Support Act: Senate passed S. 2864, to require the Secretary of Veterans Affairs to carry out a pilot program on information sharing between the Department of Veterans Affairs and designated relatives and friends of veterans regarding the assistance and benefits available to the veterans, after agreeing to the committee amendment in the nature of a substitute.

Pages S4080–81

Measures Considered:

National Defense Authorization Act—Agreement: Senate continued consideration of S. 4049, to authorize appropriations for fiscal year 2021 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto:

Pages S3980–93, S3993–98, S4002–11, S4011–23

Pending:

Inhofe Amendment No. 2301, in the nature of a substitute. **Page S3980**

McConnell (for Portman) Amendment No. 2080 (to Amendment No. 2301), to require an element in annual reports on cyber science and technology activities on work with academic consortia on high priority cybersecurity research activities in Department of Defense capabilities. **Page S3980**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Wednesday, July 1, 2020.

Page S4081

Vought Nomination—Cloture: Senate began consideration of the nomination of Russell Vought, of Virginia, to be Director of the Office of Management and Budget. **Page S4011**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the

Senate, a vote on cloture will occur on Thursday, July 2, 2020. **Page S4011**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S4011**

Nomination Received: Senate received the following nomination:

William Perry Pendley, of Wyoming, to be Director of the Bureau of Land Management. **Page S4081**

Messages from the House: **Page S4031**

Measures Placed on the Calendar: **Page S3980**

Executive Communications: **Pages S4031–32**

Additional Cosponsors: **Pages S4033–38**

Statements on Introduced Bills/Resolutions: **Pages S4038–42**

Additional Statements: **Pages S4030–31**

Amendments Submitted: **Pages S4042–79**

Authorities for Committees to Meet: **Page S4079**

Adjournment: Senate convened at 10 a.m. and adjourned at 9:04 p.m., until 9:30 a.m. on Wednesday, July 1, 2020. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4081.)

Committee Meetings

(Committees not listed did not meet)

DIGITIZATION OF MONEY AND PAYMENTS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the digitization of money and payments, including S. 2563, to improve laws relating to money laundering, and S. 3571, to require member banks to maintain pass-through digital dollar wallets for certain persons, after receiving testimony from J. Christopher Giancarlo, Willkie Farr and Gallagher, and Charles Cascarilla, Paxos, both of New York, New York, and Nakita Q. Cuttino, Duke University School of Law, Durham, North Carolina.

TRAFFIC SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Transportation and Safety concluded a hearing to examine safety on our roads, focusing on an overview of traffic safety and National Highway Traffic Safety Administration grant programs, after receiving testimony from Chris Peterson, Lincoln Police Department, Lincoln, Nebraska; John Saunders, Virginia Department of Motor Vehicles, Arlington, on behalf of the Governors Highway Safety Association; and Jane Terry, National Safety Council, Washington, D.C.

IMPACTS OF COVID–19 IN THE TERRITORIES

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the impacts of the COVID–19 pandemic in the territories, after receiving testimony from Representatives Sablan, Radewagen, Plaskett, González-Colón, and San Nicolas.

IRS COVID–19 RECOVERY

Committee on Finance: Committee concluded a hearing to examine 2020 filing season and Internal Revenue Service COVID–19 recovery, after receiving testimony from Charles P. Rettig, Commissioner, Internal Revenue Service, Department of the Treasury.

CENSORSHIP AND TRADE

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness concluded a hearing to examine censorship as a non-tariff barrier to trade, after receiving testimony from Richard Gere, International Campaign for Tibet, Nigel Cory, Information Technology and Innovation Foundation, Clete R. Williams, Akin Gump Strauss Hauer and Feld, and Beth Baltzan, Open Markets Institute, all of Washington, D.C.

COVID–19

Committee on Foreign Relations: Committee concluded a hearing to examine COVID–19 and United States international pandemic preparedness, prevention, and response, focusing on additional perspectives, after receiving testimony from Mark Dybul, Georgetown University Medical Center, Jimmy Kolker, former Department of Health and Human Services Assistant Secretary for Global Affairs, and Jeremy Konyndyk, Center for Global Development, all of Washington, D.C.; and Ashish K. Jha, Harvard Global Health Institute, Cambridge, Massachusetts.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Derek Kan, of California, to be Deputy Director of the Office of Management and Budget, after the nominee testified and answered questions in his own behalf.

COVID–19: UPDATE ON GETTING BACK TO WORK AND SCHOOL

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine COVID–19, focusing on an update on progress toward safely getting back to work and back to school,

after receiving testimony from Robert R. Redfield, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry, Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Brett P. Giroir, Admiral, Assistant Secretary for Health, U.S. Public Health Service, and Stephen M. Hahn, Commissioner of Food and Drugs, Food and Drug Administration, all of the Department of Health and Human Services.

JUDGESHIPS

Committee on the Judiciary: Committee concluded a hearing to examine the Judicial Conference's recommendation for more judgeships, after receiving testimony from Brian Stacy Miller, United States District Judge for the Eastern District of Arkansas; and Christian Adams, Federal Bar Association, Honolulu, Hawaii.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 7415–7436; and 5 resolutions, H.Res. 1031–1035 were introduced. **Pages H2981–82**

Additional Cosponsors: **Page H2983**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today. **Page H2675**

Recess: The House recessed at 9:47 a.m. and reconvened at 10 a.m. **Page H2680**

Communication from the Sergeant at Arms: The House received a communication from Paul D. Irving, Sergeant at Arms. Pursuant to section 1(b)(2) of House Resolution 965, following consultation with the Office of Attending Physician, Mr. Irving notified the House that the public health emergency due to the novel coronavirus SARS–CoV–2 remains in effect. **Page H2681**

Recognizing June 19, 2020, as this year's observance of the historical significance of Juneteenth Independence Day: The House agreed to discharge from committee and agree to H. Res. 1001, recognizing June 19, 2020, as this year's observance of the historical significance of Juneteenth Independence Day. **Page H2682**

Recess: The House recessed at 12:58 p.m. and reconvened at 1:12 p.m. **Page H2694**

Investing in a New Vision for the Environment and Surface Transportation in America Act: The House considered H.R. 2, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. Consideration is expected to resume tomorrow, July 1st. **Pages H2694–H2978**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–54, modified by the amendment printed in part A of H. Rept. 116–438, shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. **Page H2694**

Agreed to:

Lipinski en bloc amendment No. 2 consisting of the following amendments printed in part C of H. Rept. 116–438: Cuellar (No. 1) that directs new highway-rail grade crossing grant program to specifically address projects involving grade crossing separations at international borders; García (IL) (No. 2) that expands COVID–19 protections to passenger and freight/cargo transportation workers across all modes; Gottheimer (No. 3) that requires DOT to publish a contingency plan for a shutdown of train travel in the North River Tunnel under the Hudson River; Jackson Lee (No. 4) that requires a report from the FAA on those areas of the airport system that have not received any COVID–19 related funding and requires prioritizing of funding to these areas; Jayapal (No. 5) that increases set-aside from 4.5% to 5% for airport emission reduction projects, airplane noise mitigation and other airport projects that reduce the adverse effects of airport operations on the environment and surrounding communities; Kaptur (No. 6) that expresses the sense of Congress disapproving of Amtrak's recent announcement drastically limiting daily long-distance train service to

hundreds of communities across the nation; Kilmer (No. 7) that amends Section 10103. Airport Resiliency Projects to include general aviation airports that are designated as a Federal staging area by the Federal Emergency Management Agency to accommodate critical emergency infrastructure in rural communities; Lamb (No. 8) that directs the Army Corps of Engineers to lead the development and implementation of an interagency plan to prepare for and respond to climate change within the Ohio River Basin, based on their previous report; Lawrence (No. 9) that requires a study on water affordability, including water rates, shutoffs, and the effectiveness of SRF funding for promoting affordable and equitable service; the study will also investigate any discriminatory practices of water and sewer service providers and any violations of civil rights and equal access to water and sewer services and will further assess the availability of data on water access and water shutoffs; Lewis (No. 10) that codifies existing FAA rules about changes in airport sponsorship; Lynch (No. 11) that requires the Secretaries of Transportation, Health and Human Services, and Homeland Security to establish an expert Joint Task Force to develop uniform federal safety guidelines and protect passengers and aviation employees against the impact of the coronavirus pandemic; McNerney (No. 12) that requires Amtrak to develop ridership and station staffing projections as part of its now required capital and operating projections; Meng (No. 13) that requires the Federal Railroad Administration to prescribe regulations requiring rail coverings; Morelle (No. 14) that adds ''Buy America'' provisions to the Railroad Rehabilitation & Improvement Financing (RRIF) title of HR 2 to cover rolling stock (trainsets); Morelle (No. 15) that authorizes GAO study on the accessibility of FEMA's Public Assistance, Individual Assistance, and other relevant flood disaster assistance programs, with a focus on identifying barriers to access based on race, ethnicity, language, and income level; Moulton (No. 16) that expands public benefits considered in cost-benefit analyses for Passenger Rail Improvement, Modernization, and Expansion (PRIME) Grants to include induced demand and regional and local economic gains, including increased competitiveness, productivity, efficiency, and economic development; Moulton (No. 17) that grants the Federal Railroad Administration advance acquisition authority for rail projects receiving federal funds, just as is given to the Federal Highway Administration and the Federal Transit Administration; advance acquisition will not allow development on acquired right-of-way or adjacent real property interests prior to completing review and planning requirements; Napolitano (No. 18) that overturns a 2014 FAA policy change and reestablishes previous FAA interpretation and enforcement that the restriction on the use of aviation fuel tax revenues for airport purposes applies to excise taxes and not general sales taxes; Neguse (No. 19) that requires the Federal Railroad Administration to report to Congress on the Supplementary Safety Measures and Alternative Safety Measures researched by the Railroad Research and Development Program that can be used by communities to qualify for a Quiet Zone; Neguse (No. 20) that authorizes a GAO study of the building codes and standards used by the Federal Emergency Management Agency—including an assessment of the status of building code adoption across states, tribes, and territories, the economic benefits to prioritizing resiliency, and an assessment of the building codes utilized by FEMA with recommendations for improvements to their utilization of codes and standards to prepare for climate change and impacts; Panetta (No. 21) that permits an EDA grant recipient to repurpose funding from a revolving loan fund (RLF) after it has been lent out and repaid; Perlmutter (No. 22) that authorizes funding for the US Geological Survey to support construction of a science facility conducting energy and minerals research; Pressley (No. 23) that requires GAO to issue a report on the impact of transportation policies on marginalized communities, including fare evasion and speed enforcement camera policies, and make recommendations on ways to reduce any disproportionate impacts; Quigley (No. 24) that requires GSA to incorporate strategies, features, and practices to reduce bird fatality resulting from collisions with public buildings which GSA owns, acquires, or alters; Rouda (No. 25) that establishes the Aviation Industry Assistance for Cleaner and Quieter Skies Voucher Program to provide incentives to enhance our domestic airline fleets and reduce emissions and noise; Sherrill (No. 26) that authorizes a GAO study that would recommend specific safety measures to reduce exposure to the SARS–CoV–2 virus on mass transportation systems, as well as technologies that can assist with the implementation of these safety measures, i.e. technologies that facilitate large-scale sanitation/decontamination and encourage social distancing; Sherrill (No. 27) that adds $50 million to the credit risk premium subsidy for the Railroad Rehabilitation and Improvement Financing (RRIF) program, using $50 million in funding originally authorized for the state-supported route subsidy; Slotkin (No. 28) that strengthens Pipeline and Hazardous Materials Safety Administration (PHMSA) reporting and transparency requirements related to pipeline leaks, damage, or disruption; Smith (WA) (No. 29) that requires the FAA and the EPA to work with the National Academy of Sciences to conduct a national study on the

characteristics, distributions, sources, and potential health effects of airborne ultrafine particles in airport adjacent communities; Speier (No. 30) that increases the authorized amount of the San Francisco Bay Restoration grant program from $25 million to $50 million; Torres Small (NM) (No. 31) that authorizes $100 million for infrastructure improvement projects at land ports of entry with significant total trade percentage growth in 2019; Trone (No. 32) that establishes a pilot program to provide funding to states to incorporate wastewater testing for drugs at municipal wastewater treatment plants and to develop public health interventions to respond to the findings (amendment updated to reflect funding is subject to appropriations); this would allow public health departments to monitor drug consumption and detect new drug use more quickly and in a more specific geographic region than methods currently in use while preserving individual privacy; Vargas (No. 33) that states that the California New River Restoration Act Authorizes the Environmental Protection Agency (EPA) Administrator to support projects recommended by the California-Mexico Border Relations Council; additionally, the California New River Restoration Act of 2019 ensures that the EPA will consult with all the New River stakeholders on both sides of the border during the creation and implementation of the programs; and Waters (No. 34) that requires airport sponsors that receive supplemental funding for airports in FY 2021 to provide financial relief to airport concessionaires experiencing economic hardship and to show good faith efforts to provide relief to socially and economically disadvantaged businesses; **Pages H2951–63**

DeFazio en bloc amendment No. 1 consisting of the following amendments printed in part B of H. Rept. 116–438: Adams (No. 1) that changes ''minority institutions'' to ''historically black colleges and universities and other minority-serving institutions'' and raises the minimum number of grants to those institutions from two to four; Aguilar (No. 2) that amends the Gridlock Reduction Grant Program to ensure eligibility for transportation authorities that are non-traditional local governments or MPOs, yet are legally responsible for delivering transportation improvements; Aguilar (No. 3) that includes language to ''reduce the environmental impacts of freight movement on the National Highway Freight Network, including local pollution'' as a goal of the National Highway Freight Program; this language is intended to clarify that air pollution caused from vehicles idling at railway crossings is considered to be ''local pollution''; Brindisi (No. 4) that ensures that hybrid electric buses that make meaningful reductions to direct carbon emissions have a 90% cost share in the bus formula and bus competitive grant programs; Cicilline (No. 5) that creates a Task Force to assess existing standards and test methods for the use of innovative materials in infrastructure, identify key barriers in the standards area that inhibit broader market adoption, and develop new methods and protocols, as necessary, to better evaluate innovative materials; Crist (No. 6) that includes consultation with HHS in updating the national safety plan to include responses to pandemics and other public health crises; Crist (No. 7) that ensures that CDC guidelines are taken into account in adding infectious diseases to the required issues that must be addressed in safety plans; Cunningham (No. 8) that requires the vulnerability assessment done by Metropolitan Planning Organizations to include a review of how accessible health care and public health facilities are in an emergency situation and what improvements may be made to adequately facilitate safe passage and ensures that projects that reduce risks of disruption to critical infrastructure are given priority for Section 1202 funding; Escobar (No. 9) that directs the Department of Transportation to conduct a study on the infrastructure state of colonias, including surface, transit, water, and broadband infrastructure of such colonias; Escobar (No. 10) that creates a new $10 million grant program for colonias to maintain a state of good repair for surface infrastructure in these communities; Eshoo (No. 11) that adds charging speed and minimization of future upgrade costs as considerations for electric vehicle charging infrastructure grants; Finkenauer (No. 12) that authorizes additional appropriations for the Rebuild Rural grant program in FY23 and FY24; García (IL) (No. 13) that requires that a study on how autonomous vehicles will impact transportation include secondary impacts on air quality and climate as well as energy consumption; Jayapal (No. 14) that adds requirements to Section 1621 to study workforce, training and equity considerations as related to job creation that would result from federal investments in climate-resilient transportation infrastructure; Jayapal (No. 15) that ensures that the national surface transportation system funding pilot promotes personal privacy for participants by (1) adding a consumer advocate to the advisory board to implement the program, (2) ensuring that the public awareness campaign to carry out the pilot includes information related to personal privacy, and (3) adding that the report to Congress should include an analysis of how privacy for volunteer participants was maintained; Keating (No. 16) that adds projects replacing, reconstructing or rehabilitating a high commuter corridor as a consideration for awarding a grant under H.R. 2; also clarifies that the U.S. Army Corps of Engineers and the Bureau of Reclamation and Bureau of Land Management are eligible entities to receive

funds; Keating (No. 17) that clarifies federal land transportation facilities as ''highways, bridges, or other transportation facilities'' for which the maintenance responsibility is vested in the Federal Government; Lamb (No. 18) that directs the Secretary to carry out a study on the operational and safety performance of small commercial vehicles used in interstate commerce; Larsen (WA) (No. 19) that directs GAO to study the capital investment needs of U.S. public ferries and whether federal funding programs are meeting those needs; the report would also examine the feasibility of including public ferries in DOT's Conditions and Performance Report (C&P) and provide recommendations to Congress; Levin (MI) (No. 20) that amends the EV Charging, Natural Gas Fueling, Propane Fueling and Hydrogen Fueling Infrastructure Grants by (1) Including environmental and environmental justice organizations on the list of relevant stakeholders; (2) Strengthening environmental justice protections and plans for renewable or zero emissions energy sources for charging and fueling infrastructure in the list of considerations for grant eligibility; (3) Directing the DOT to conduct a study on options for financing the placement of a national network of publicly available EV charging infrastructure along the National Highway System, and (4) Directing the DOT to conduct a study to determine the maximum distance allowable between publicly available EV charging infrastructure such that a driver can drive across the National Highway System without running out of charging power; Lewis (GA) (No. 21) that authorizes the use of surface transportation funds to build noise barriers for older residential communities along major roads; Luria (No. 22) that incentivizes localities to build or expand transit to low-income areas or areas that do not have adequate access to public transportation; Meng (No. 23) that requires a report on accessibility to public transportation for pregnant women; Meng (No. 24) that requires as part of the National Transit Frontline Workforce Training Center training methods that would cater to the needs of diverse participants; Meng (No. 25) that requires the race and ethnicity of officers who stop motor vehicles on highways, as well as the race/ethnicity of the driver; Moore (No. 26) that requires the Office of Tribal Affairs to have and implement regular and meaningful consultation and collaboration with Tribes and Tribal officials as required by Executive Order 13175; Morelle (No. 27) that requires Secretary of Transportation to create best practices for application of National Environmental Policy Act of 1969 to federally funded bus shelters to assist recipients of Federal funds in receiving exclusions permitted by law; Murphy (FL) (No. 28) that directs USDOT to take action to improve the risk-based stewardship and oversight of recipients of Federal funds; Napolitano (No. 29) that strikes Section 1604, the Balance Exchanges for Infrastructure Program title, from the bill; Norcross (No. 30) that amends Sec. 1614(B)(2) by adding labor organizations as a listed member of the working group on construction resources; Omar (No. 31) that requires a report on barriers to public transportation faced by residents of Areas of Concentrated Poverty; Peters (No. 32) that ensures that projects submitted to the FTA Capital Investment Grants program can use ridership data collected before the COVID–19 outbreak and projections based on that data, if requested; Porter (No. 33) that improves the health and safety of women drivers by identifying the impact that vehicle sizing, design, and safety measures have on women; Ruiz (No. 34) that requires NHTSA to study the safety implications of equipping school buses with air conditioning to prevent heat-related illness and over-heating among students; Schrier (No. 35) that waives FTA's spare ratio regulations for two years; the spare ratio regulations require that the number of spare buses in the active fleet for recipients operating 50 or more fixed-route revenue vehicles cannot exceed 20 percent of the number of vehicles operated in maximum fixed-route service; Scott (VA) (No. 36) that expresses a Sense of Congress that the Department of Transportation should utilize modeling and simulation technology to analyze federally funded highway and public transit projects to ensure that these projects will increase transportation capacity and safety, alleviate congestion, reduce travel time and environmental impact, and are as cost effective as practicable; Speier (No. 37) that adjusts the definition of low-income individuals to include Federal Pell grant recipients for demonstration grants to support reduced fare transit; Swalwell (CA) (No. 38) that strengthens limitations on financial assistance for state-owned enterprises by adding ''exercising an option on a previously awarded contract'' to section restricting the use of H.R. 2 funds; Titus (No. 39) that amends Sec. 405 of Title 23 to ensure funding to implement child passenger safety programs in low-income and underserved populations in lower seat belt use rate states as defined in Sec. 405(b)(3)(B); Titus (No. 40) that amends Sec. 405(h) of Title 23 to enhance NHTS nonmotorized safety grants for bike and pedestrian safety programs and campaigns; Tlaib (No. 41) that adds to the Climate Resilient Transportation Infrastructure Study a requirement to outline how Federal infrastructure planning, design, engineering, construction, operation, and maintenance impact the environment and public health of disproportionately exposed communities; a disproportionately exposed community is defined as a community in which climate change,

pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous peoples, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, people experiencing homelessness, people with disabilities, people who are incarcerated, or youth; Tlaib (No. 42) that requires an annual consultation between DOT and EPA to review all projects under the Community Climate program; the amendment also requires a one-time public comment solicitation prior to the first year of grants and before Charter Approval; Torres (CA) (No. 43) that requires GAO to conduct a study of the impacts of vehicle miles traveled fee pilot programs; Torres (CA) (No. 44) that reauthorizes the Transportation Equity Research program and requires other transportation equity studies; and Velázquez (No. 45) that requires that grantees applying for a demonstration grant under section 2503 plan for a public awareness campaign, and for such campaign to be available in languages other than English, to notify low-income individuals of the agency's ability to provide reduced fares; clarifies that jurisdictions already with a low-income program for reduced fares in place are still eligible to participate in the grant program (by a yea-and-nay vote of 229 yeas to 189 nays, Roll No. 132); and

Pages H2939–51, H2976–77

Pallone en bloc amendment No. 3 consisting of the following amendments printed in part D of H. Rept. 116–438: Blunt Rochester (No. 1) that authorizes $20 billion over 5 years, and $84 million per year over 10 years for the administration of the program, in funding for states, federal buildings, and tribes to upgrade public building infrastructure, like hospitals and schools, making them more energy efficient and resilient; funding will be delivered through three existing Department of Energy programs and will prioritize projects in environmental justice and low-income communities; Blunt Rochester (No. 2) that authorizes $250 million per year over 5 years for a competitive grant program at EPA that incentivizes ports to create and implement climate action plans to reduce GHG emissions and other air pollutants; the grants will be prioritized based on several factors: regional collaboration, engagement of EJ and near-port communities in developing the climate action plans, and utilizing zero emissions as a key strategy of the plan; Brindisi (No. 3) that instructs the Office of Internet Connectivity and Growth to study the impact of monopolistic business practices by broadband service providers; Brindisi (No. 4) that requires the Office of Internet Connectivity and Growth to study the extent to which broadband service providers utilizing federal programs are delivering the upload and download speeds required; Craig (No. 5) that blocks the FCC from taking action on a dual Notice of Proposed Rulemaking and also annuls the FCC's Declaratory Rulemaking that seeks to block an ordinance that was adopted to give local residents more broadband competition; Cunningham (No. 6) that ensures that hospital infrastructure projects that are related to natural disaster preparedness and flood mitigation are given priority alongside projects dealing with public health emergency preparedness or cybersecurity; Cunningham (No. 7) that requires NOAA to conduct a study on wild fish in PFAS-contaminated waters and the risks of consuming such fish to humans and natural predators; Dingell (No. 8) that establishes a Clean Energy and Sustainability Accelerator to bolster and expand a robust clean energy workforce, deploy emissions reduction technologies, and invest in low-carbon infrastructure projects as an independent non-profit capitalized with $20 billion of federal funds spread over a six-year period; the Accelerator is also authorized to provide financial and technical support to state and local green banks in the United States; Foster (No. 9) that includes language in the Grid Security and Modernization section that would require the Secretary of Energy to provide goals and objectives, cost targets, a multi-year strategy, and testing and validation requirements for energy storage; the language also includes a limitation on the total number of demonstration projects to focus on the most promising technologies; Haaland (No. 10) that postpones the FCC's 2.5 GHz Tribal Priority filing window deadline by 180 days that is set to close on August 3, 2020; Hayes (No. 11) that doubles funding clean school bus programs under the Environmental Protection Agency and triple funding reserved for underserved and disadvantaged communities; Krishnamoorthi (No. 12) that requires booster seat labeling; Levin (MI) (No. 13) that amends the pilot program to improve laboratory infrastructure to prioritize the reduction of wait times for COVID–19 test results; Lipinski (No. 14) that requires NHTSA to issue a rule for motor vehicle bumpers and hoods to be designed to reduce the impact on vulnerable road users, including pedestrians and cyclists, in the event of a collision with a motor vehicle; Lujan (No. 15) that authorizes $6 billion to address the significant deferred maintenance needs and to accelerate the modernization of the Department of Energy?s national laboratory infrastructure; Matsui (No. 16) that raises the Electric Vehicle Supply Equipment Rebate Program cap for eligible parties from $75,000 to $100,000 and lowers the minimum voltage level for qualifying Level 2 Charging Equipment from 240

volts to 208 volts; Matsui (No. 17) that authorizes a program at the Department of Energy to deliver grants to utilities that partner with nonprofit tree-planting organizations to provide free or discounted trees with the goal of reducing energy costs, reducing neighborhood temperatures, and promote local workforce development and community engagement; Meng (No. 18) that creates a new $5 million grant program to replace water fountains at public playgrounds and parks; Moore (No. 19) that creates a research program at the EPA to support ongoing efforts to use wastewater surveillance to track trends and the prevalence of COVID–19; Norcross (No. 20) that creates a rebate program for energy efficiency upgrades; Phillips (No. 21) that directs the GAO to conduct a study on broadband deployment to cities and towns with populations between 2,500 and 50,000; Plaskett (No. 22) that provides for the equitable inclusion of the U.S. island territories within the meaning of the terms ''high-poverty area'' and ''persistent poverty county''; Plaskett (No. 23) that makes U.S. territories eligible for Safe Drinking Water Act assistance authorized for areas affected by natural disasters; Porter (No. 24) that requires the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency to conduct a study on the effects of idling school buses and cars in school zones on children's health; Sablan (No. 25) that codifies the annual reservation of 1.5 percent of Safe Drinking Water Act SRF for the U.S. Territories included in annual appropriations legislation covering the DWSRF every year since FY2010; Slotkin (No. 26) that stipulates that receipt of a grant under the PFAS Infrastructure Grant Program in no way absolves the Department of Defense of their responsibilities relating to clean-up of PFAS; Spanberger (No. 27) that requires GAO to conduct an evaluation and write a report on the efficacy of the FCC's existing process for establishing, reviewing, and updating its speed thresholds for broadband service; and Takano (No. 28) that adds ''battery storage technologies'' for residential, industrial, and transportation applications (by a yea-and-nay vote of 234 yeas to 178 nays, Roll No. 133). **Pages H2963–76, H2977–78**

H. Res. 1028, the rule providing for consideration of the bill (H.R. 2) was agreed to by a yea-and-nay vote of 222 yeas to 183 nays, Roll No. 131, after the previous question was ordered by a yea-and-nay vote of 230 yeas to 180 nays, Roll No. 130. **Pages H2682–94**

Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development—Appointment: The Chair announced the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Representative Young. **Page H2978**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H2692–93, H2693–94, H2977, and H2977–78.

Adjournment: The House met at 9 a.m. and adjourned at 7:19 p.m.

Committee Meetings

HIGH ANXIETY AND STRESS: LEGISLATION TO IMPROVE MENTAL HEALTH DURING CRISIS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''High Anxiety and Stress: Legislation to Improve Mental Health During Crisis''. Testimony was heard from public witnesses.

OVERSIGHT OF THE TREASURY DEPARTMENT'S AND FEDERAL RESERVE'S PANDEMIC RESPONSE

Committee on Financial Services: Full Committee held a hearing entitled ''Oversight of the Treasury Department's and Federal Reserve's Pandemic Response''. Task Force on Artificial Intelligence Resolution, and Task Force on Financial Technology Resolution were approved. Testimony was heard from Steven Mnuchin, Secretary, Department of the Treasury; and Jerome Powell, Chair, Board of Governors of the Federal Reserve System.

CHINA'S MARITIME AMBITIONS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and Nonproliferation held a hearing entitled ''China's Maritime Ambitions''. Testimony was heard from public witnesses.

Joint Meetings

BUSINESS MEETING

Joint Congressional Committee on Inaugural Ceremonies: Committee ordered favorably reported the designation of Senator Blunt as Chairman, designation of the 2021 Inaugural site, approval of the 2021 Inaugural budget, and designation of official staff representatives.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 1, 2020

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to receive a closed briefing on matters relating to Afghanistan, 10:30 a.m., SVC–217.

Committee on Commerce, Science, and Transportation: to hold hearings to examine exploring a compensation framework for intercollegiate athletes, 10 a.m., SR–253.

Committee on Environment and Public Works: business meeting to consider the nominations of Katherine A. Crytzer, to be Inspector General, and Beth Harwell and Brian Noland, both to be a Member of the Board of Directors, all of the Tennessee Valley Authority, and 27 General Services Administration resolutions, 9:45 a.m., SD–106.

Full Committee, to hold hearings to examine infrastructure development opportunities to drive economic recovery and resiliency, 10 a.m., SD–106.

Committee on Indian Affairs: to hold an oversight hearing to examine the response and mitigation to the COVID–19 pandemic in Native communities, including S. 3650, to amend the Indian Health Care Improvement Act to deem employees of urban Indian organizations as part of the Public Health Service for certain purposes, 2:30 p.m., SD–562.

Committee on Veterans' Affairs: to hold hearings to examine recruitment, retention and building a resilient veterans health care workforce, 3 p.m., SD–106.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters; to be immediately followed by a closed hearing to examine certain intelligence matters, 2 p.m., SVC–217.

House

Committee on Armed Services, Full Committee, markup on H.R. 6395, the ''National Defense Authorization Act for Fiscal Year 2021'', 10 a.m., 1100 Longworth and Webex.

Committee on Foreign Affairs, Full Committee, hearing entitled ''The End of One Country, Two Systems?: Implications of Beijing's National Security Law in Hong Kong'', 9:30 a.m., 2172 Rayburn and Webex.

Subcommittee on the Western Hemisphere, Civilian Security, and Trade, hearing entitled ''The Trump Administration's Response to COVID–19 in Latin America and the Caribbean'', 1 p.m., 2172 Rayburn and Webex.

Committee on Small Business, Full Committee, hearing entitled ''The Economic Injury Disaster Loan Program: Status Update from the Administration'', 10 a.m., 2118 Rayburn and Webex.

Committee on Veterans' Affairs, Subcommittee on Health; and Women Veterans Task Force, joint hearing entitled ''Veterans' Access to Reproductive Healthcare'', 10 a.m., HVC–210 and Webex.

Permanent Select Committee on Intelligence, Full Committee, hearing entitled ''U.S.-China Relations and its Impact on National Security and Intelligence in a Post-COVID World'', 12 p.m., Webex.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 1

Senate Chamber

Program for Wednesday: Senate will continue consideration of S. 4049, National Defense Authorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Wednesday, July 1

House Chamber

Program for Wednesday: Complete consideration of H.R. 2—Investing in a New Vision for the Environment and Surface Transportation in America Act.

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