

117TH CONGRESS  
1ST SESSION

# H. R. 1848

To rebuild and modernize the Nation's infrastructure to expand access to broadband and Next Generation 9–1–1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure, create jobs, and protect public health and the environment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2021

Mr. PALLONE (for himself, Mr. RUSH, Ms. ESHOO, Ms. DEGETTE, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Ms. MATSUI, Ms. CASTOR of Florida, Mr. SARBANES, Mr. MCNERNEY, Mr. WELCH, Mr. TONKO, Ms. CLARKE of New York, Mr. SCHRADER, Mr. CÁRDENAS, Mr. RUIZ, Mr. PETERS, Mrs. DINGELL, Mr. VEASEY, Ms. KUSTER, Ms. KELLY of Illinois, Ms. BARRAGÁN, Mr. MCEACHIN, Ms. BLUNT ROCHESTER, Mr. SOTO, Mr. O'HALLERAN, Miss RICE of New York, Ms. CRAIG, Ms. SCHRIER, Mrs. TRAHAN, and Mrs. FLETCHER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Science, Space, and Technology, Ways and Means, Education and Labor, Agriculture, and Oversight and Reform, 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

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## A BILL

To rebuild and modernize the Nation's infrastructure to expand access to broadband and Next Generation 9–1–1, rehabilitate drinking water infrastructure, modernize the electric grid and energy supply infrastructure, redevelop brownfields, strengthen health care infrastructure,

create jobs, and protect public health and the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “Leading Infrastructure For Tomorrow’s America Act” or  
 6 the “LIFT America Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—UNIVERSAL BROADBAND AND NEXT GENERATION 9–1–1**

Sec. 10001. Definitions.

Sec. 10002. Sense of Congress.

Sec. 10003. Severability.

**Subtitle A—Digital Equity**

Sec. 11001. Definitions.

**PART 1—OFFICE OF INTERNET CONNECTIVITY AND GROWTH**

Sec. 11101. Annual report of Office.

Sec. 11102. Study and report on affordability of adoption of broadband service.

Sec. 11103. Authorization of appropriations.

Sec. 11104. Study and recommendations to connect socially disadvantaged individuals.

**PART 2—DIGITAL EQUITY PROGRAMS**

Sec. 11201. State Digital Equity Capacity Grant Program.

Sec. 11202. Digital Equity Competitive Grant Program.

Sec. 11203. Policy research, data collection, analysis and modeling, evaluation, and dissemination.

Sec. 11204. General provisions.

**Subtitle B—Broadband Affordability and Pricing Transparency**

**PART 1—BROADBAND AFFORDABILITY**

Sec. 12101. Authorization for additional funds for the Emergency Broadband Connectivity Fund.

Sec. 12102. Grants to States to strengthen National Lifeline Eligibility Verifier.

- Sec. 12103. Federal coordination between National Eligibility Verifier and National Accuracy Clearinghouse.
- Sec. 12104. Definitions.

PART 2—ADDITIONAL AUTHORIZATION FOR EMERGENCY CONNECTIVITY  
FUND

- Sec. 12201. Additional authorization for Emergency Connectivity Fund.

PART 3—PRICING TRANSPARENCY

- Sec. 12301. Definitions.
- Sec. 12302. Broadband transparency.
- Sec. 12303. Distribution of data.
- Sec. 12304. Coordination with certain other Federal agencies.
- Sec. 12305. Adoption of consumer broadband labels.
- Sec. 12306. GAO report.

Subtitle C—Broadband Access

PART 1—EXPANSION OF BROADBAND ACCESS

- Sec. 13101. Expansion of broadband access in unserved areas and areas with low-tier or mid-tier service.
- Sec. 13102. Tribal internet expansion.

PART 2—BROADBAND INFRASTRUCTURE FINANCE AND INNOVATION

- Sec. 13201. Short title.
- Sec. 13202. Definitions.
- Sec. 13203. Determination of eligibility and project selection.
- Sec. 13204. Secured loans.
- Sec. 13205. Lines of credit.
- Sec. 13206. Alternative prudential lending standards for small projects.
- Sec. 13207. Program administration.
- Sec. 13208. State and local permits.
- Sec. 13209. Regulations.
- Sec. 13210. Funding.
- Sec. 13211. Reports to Congress.

PART 3—WI-FI ON SCHOOL BUSES

- Sec. 13301. E-rate support for school bus Wi-Fi.

Subtitle D—Community Broadband

- Sec. 14001. State, local, public-private partnership, and co-op broadband services.

Subtitle E—Next Generation 9–1–1

- Sec. 15001. Further deployment of Next Generation 9–1–1.

TITLE II—DRINKING WATER INFRASTRUCTURE

- Sec. 20001. Drinking Water SRF Funding.
- Sec. 20002. Drinking water system resilience funding.
- Sec. 20003. PFAS treatment grants.
- Sec. 20004. Lead service line replacement.

- Sec. 20005. Assistance for areas affected by natural disasters.
- Sec. 20006. Allotments for territories.

TITLE III—CLEAN ENERGY INFRASTRUCTURE

Subtitle A—Grid Security and Modernization

- Sec. 31001. 21st century power grid.
- Sec. 31002. Strategic transformer reserve program.

Subtitle B—Energy Efficient Infrastructure

PART 1—EFFICIENCY GRANTS FOR STATE AND LOCAL GOVERNMENTS

- Sec. 32101. Energy efficient public buildings.
- Sec. 32102. Energy Efficiency and Conservation Block Grant Program.

PART 2—ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES

- Sec. 32201. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.

PART 3—HOPE FOR HOMES

- Sec. 32301. Definitions.

SUBPART A—HOPE TRAINING

- Sec. 32311. Notice for HOPE Qualification training and grants.
- Sec. 32312. Course criteria.
- Sec. 32313. HOPE Qualification.
- Sec. 32314. Grants.
- Sec. 32315. Authorization of appropriations.

SUBPART B—HOME ENERGY SAVINGS RETROFIT REBATE PROGRAM

- Sec. 32321. Establishment of Home Energy Savings Retrofit Rebate Program.
- Sec. 32322. Partial system rebates.
- Sec. 32323. State administered rebates.
- Sec. 32324. Special provisions for moderate income households.
- Sec. 32325. Evaluation reports to Congress.
- Sec. 32326. Administration.
- Sec. 32327. Treatment of rebates.
- Sec. 32328. Authorization of appropriations.

SUBPART C—GENERAL PROVISIONS

- Sec. 32331. Appointment of personnel.
- Sec. 32332. Maintenance of funding.

PART 4—ENERGY AND WATER PERFORMANCE AT FEDERAL FACILITIES

- Sec. 32401. Energy and water performance requirement for Federal facilities.

PART 5—OPEN BACK BETTER

- Sec. 32501. Facilities energy resiliency.
- Sec. 32502. Personnel.

Subtitle C—Energy Supply Infrastructure

- Sec. 33001. Grant program for solar installations located in, or that serve, low-income and underserved areas.
- Sec. 33002. Improving the natural gas distribution system.
- Sec. 33003. Distributed energy resources.
- Sec. 33004. Clean Energy and Sustainability Accelerator.
- Sec. 33005. Dam safety.

#### Subtitle D—Smart Communities Infrastructure

##### PART 1—SMART COMMUNITIES

- Sec. 34101. 3C energy program.
- Sec. 34102. Federal technology assistance.
- Sec. 34103. Technology demonstration grant program.
- Sec. 34104. Smart city or community.

##### PART 2—CLEAN CITIES COALITION PROGRAM

- Sec. 34201. Clean Cities Coalition Program.

##### PART 3—VEHICLE INFRASTRUCTURE

###### SUBPART A—ELECTRIC VEHICLE INFRASTRUCTURE

- Sec. 34311. Definitions.
- Sec. 34312. Electric vehicle supply equipment rebate program.
- Sec. 34313. Model building code for electric vehicle supply equipment.
- Sec. 34314. Electric vehicle supply equipment coordination.
- Sec. 34315. State consideration of electric vehicle charging.
- Sec. 34316. State energy plans.
- Sec. 34317. Transportation electrification.
- Sec. 34318. Federal fleets.

###### SUBPART B—ELECTRIC VEHICLES FOR UNDERSERVED COMMUNITIES

- Sec. 34321. Expanding access to electric vehicles in underserved and disadvantaged communities.
- Sec. 34322. Ensuring program benefits for underserved and disadvantaged communities.
- Sec. 34323. Definitions.

###### SUBPART C—PORT ELECTRIFICATION AND DECARBONIZATION

- Sec. 34331. Definitions.
- Sec. 34332. Grants to reduce air pollution at ports.
- Sec. 34333. Model methodologies.
- Sec. 34334. Port electrification.
- Sec. 34335. Authorization of appropriations.

###### SUBPART D—OTHER VEHICLES

- Sec. 34341. Clean School Bus Program.
- Sec. 34342. Pilot program for the electrification of certain refrigerated vehicles.
- Sec. 34343. Domestic Manufacturing Conversion Grant Program.
- Sec. 34344. Advanced technology vehicles manufacturing incentive program.

#### TITLE IV—HEALTH CARE INFRASTRUCTURE

- Sec. 40001. Core public health infrastructure for State, local, Tribal, and territorial health departments.
- Sec. 40002. Core public health infrastructure and activities for CDC.
- Sec. 40003. Hospital infrastructure.
- Sec. 40004. Pilot program to improve laboratory infrastructure.
- Sec. 40005. 21st century Indian health program hospitals and outpatient health care facilities.
- Sec. 40006. Pilot program to improve community-based care infrastructure.
- Sec. 40007. Community Health Center Capital Project Funding.
- Sec. 40008. Energy efficiency.

TITLE V—BROWNFIELDS REDEVELOPMENT

- Sec. 50001. Authorization of appropriations.
- Sec. 50002. State response programs.

1 **TITLE I—UNIVERSAL BROAD-**  
 2 **BAND AND NEXT GENERA-**  
 3 **TION 9-1-1**

4 **SEC. 10001. DEFINITIONS.**

5 In this title:

6 (1) **AGING INDIVIDUAL.**—The term “aging indi-  
 7 vidual” has the meaning given the term “older indi-  
 8 vidual” in section 102 of the Older Americans Act  
 9 of 1965 (42 U.S.C. 3002).

10 (2) **APPROPRIATE COMMITTEES OF CON-**  
 11 **GRESS.**—The term “appropriate committees of Con-  
 12 gress” means—

13 (A) the Committee on Appropriations of  
 14 the Senate;

15 (B) the Committee on Commerce, Science,  
 16 and Transportation of the Senate;

17 (C) the Committee on Appropriations of  
 18 the House of Representatives; and

1 (D) the Committee on Energy and Com-  
2 merce of the House of Representatives.

3 (3) ASSISTANT SECRETARY.—The term “Assist-  
4 ant Secretary” means the Assistant Secretary of  
5 Commerce for Communications and Information.

6 (4) COMMISSION.—The term “Commission”  
7 means the Federal Communications Commission.

8 (5) COVERED HOUSEHOLD.—The term “covered  
9 household” means a household the income of which  
10 does not exceed 150 percent of the poverty thresh-  
11 old, as determined by using criteria of poverty estab-  
12 lished by the Bureau of the Census, for a household  
13 of the size involved.

14 (6) COVERED POPULATIONS.—The term “cov-  
15 ered populations” means—

16 (A) individuals who are members of cov-  
17 ered households;

18 (B) aging individuals;

19 (C) incarcerated individuals, other than in-  
20 dividuals who are incarcerated in a Federal cor-  
21 rectional facility (including a private facility op-  
22 erated under contract with the Federal Govern-  
23 ment);

24 (D) veterans;

25 (E) individuals with disabilities;

1 (F) individuals with a language barrier, in-  
2 cluding individuals who—

3 (i) are English learners; or

4 (ii) have low levels of literacy;

5 (G) individuals who are members of a ra-  
6 cial or ethnic minority group; and

7 (H) individuals who primarily reside in a  
8 rural area.

9 (7) DIGITAL LITERACY.—The term “digital lit-  
10 eracy” means the skills associated with using tech-  
11 nology to enable users to find, evaluate, organize,  
12 create, and communicate information.

13 (8) DISABILITY.—The term “disability” has the  
14 meaning given the term in section 3 of the Ameri-  
15 cans with Disabilities Act of 1990 (42 U.S.C.  
16 12102).

17 (9) FEDERAL AGENCY.—The term “Federal  
18 agency” has the meaning given the term “agency”  
19 in section 551 of title 5, United States Code.

20 (10) INDIAN TRIBE.—The term “Indian Tribe”  
21 has the meaning given such term in section 4(e) of  
22 the Indian Self-Determination and Education Assist-  
23 ance Act (25 U.S.C. 5304(e)).

24 (11) INSTITUTION OF HIGHER EDUCATION.—  
25 The term “institution of higher education”—



1 (A) has the meaning given the term in sec-  
2 tion 101 of the Higher Education Act of 1965  
3 (20 U.S.C. 1001); and

4 (B) includes a postsecondary vocational in-  
5 stitution.

6 (12) POSTSECONDARY VOCATIONAL INSTITU-  
7 TION.—The term “postsecondary vocational institu-  
8 tion” has the meaning given the term in section  
9 102(c) of the Higher Education Act of 1965 (20  
10 U.S.C. 1002(c)).

11 (13) RURAL AREA.—The term “rural area” has  
12 the meaning given the term in section 13 of the  
13 Rural Electrification Act of 1936 (7 U.S.C. 913).

14 (14) STATE.—The term “State” has the mean-  
15 ing given the term in section 3 of the Communica-  
16 tions Act of 1934 (47 U.S.C. 153).

17 (15) VETERAN.—The term “veteran” has the  
18 meaning given the term in section 101 of title 38,  
19 United States Code.

20 **SEC. 10002. SENSE OF CONGRESS.**

21 (a) IN GENERAL.—It is the sense of Congress that—

22 (1) a broadband service connection and digital  
23 literacy are increasingly critical to how individuals—

24 (A) participate in the society, economy,  
25 and civic institutions of the United States; and

1 (B) access health care and essential serv-  
2 ices, obtain education, and build careers;

3 (2) digital exclusion—

4 (A) carries a high societal and economic  
5 cost;

6 (B) materially harms the opportunity of an  
7 individual with respect to the economic success,  
8 educational achievement, positive health out-  
9 comes, social inclusion, and civic engagement of  
10 that individual;

11 (C) materially harms the opportunity of  
12 areas where it is especially widespread with re-  
13 spect to economic success, educational achieve-  
14 ment, positive health outcomes, social cohesion,  
15 and civic institutions; and

16 (D) exacerbates existing wealth and income  
17 gaps, especially those experienced by covered  
18 populations and between regions;

19 (3) achieving accessible and affordable access to  
20 broadband service, as well as digital literacy, for all  
21 people of the United States requires additional and  
22 sustained research efforts and investment;

23 (4) the Federal Government, as well as State,  
24 Tribal, and local governments, have made social,  
25 legal, and economic obligations that necessarily ex-

1 tend to how the citizens and residents of those gov-  
2 ernments access and use the internet; and

3 (5) achieving accessible and affordable access to  
4 broadband service is a matter of social and economic  
5 justice and is worth pursuing.

6 (b) **BROADBAND SERVICE DEFINED.**—In this sec-  
7 tion, the term “broadband service” has the meaning given  
8 the term “broadband internet access service” in section  
9 8.1(b) of title 47, Code of Federal Regulations, or any  
10 successor regulation.

11 **SEC. 10003. SEVERABILITY.**

12 If any provision of this title, an amendment made by  
13 this title, or the application of such provision or amend-  
14 ment to any person or circumstance is held to be invalid,  
15 the remainder of this title and the amendments made by  
16 this title, and the application of such provision or amend-  
17 ment to any other person or circumstance, shall not be  
18 affected thereby.

19 **Subtitle A—Digital Equity**

20 **SEC. 11001. DEFINITIONS.**

21 In this subtitle:

22 (1) **ADOPTION OF BROADBAND SERVICE.**—The  
23 term “adoption of broadband service” means the  
24 process by which an individual obtains daily access  
25 to broadband service—

1 (A) with a download speed of at least 25  
2 megabits per second, an upload speed of at  
3 least 3 megabits per second, and a latency that  
4 is sufficiently low to allow real-time, interactive  
5 applications;

6 (B) with the digital skills that are nec-  
7 essary for the individual to participate online;  
8 and

9 (C) on a—

10 (i) personal device; and

11 (ii) secure and convenient network.

12 (2) ANCHOR INSTITUTION.—The term “anchor  
13 institution” means a public or private school, a li-  
14 brary, a medical or healthcare provider, a museum,  
15 a public safety entity, a public housing agency, a  
16 community college, an institution of higher edu-  
17 cation, a religious organization, or any other com-  
18 munity support organization or agency.

19 (3) ASSISTANT SECRETARY.—The term “Assist-  
20 ant Secretary” means the Assistant Secretary, act-  
21 ing through the Office.

22 (4) BROADBAND SERVICE.—The term  
23 “broadband service” has the meaning given the term  
24 “broadband internet access service” in section 8.1(b)

1 of title 47, Code of Federal Regulations, or any suc-  
2 cessor regulation.

3 (5) COVERED PROGRAMS.—The term “covered  
4 programs” means the State Digital Equity Capacity  
5 Grant Program established under section 11201 and  
6 the Digital Equity Competitive Grant Program es-  
7 tablished under section 11202.

8 (6) DIGITAL EQUITY.—The term “digital eq-  
9 uity” means the condition in which individuals and  
10 communities have the information technology capac-  
11 ity that is needed for full participation in the society  
12 and economy of the United States.

13 (7) DIGITAL INCLUSION ACTIVITIES.—The term  
14 “digital inclusion activities”—

15 (A) means the activities that are necessary  
16 to ensure that all individuals in the United  
17 States have access to, and the use of, affordable  
18 information and communication technologies,  
19 such as—

- 20 (i) reliable broadband service;
- 21 (ii) internet-enabled devices that meet  
22 the needs of the user; and
- 23 (iii) applications and online content  
24 designed to enable and encourage self-suf-

1           iciency, participation, and collaboration;  
2           and

3           (B) includes—

4                 (i) the provision of digital literacy  
5           training;

6                 (ii) the provision of quality technical  
7           support; and

8                 (iii) promoting basic awareness of  
9           measures to ensure online privacy and cy-  
10          bersecurity.

11           (8) ELIGIBLE STATE.—The term “eligible  
12          State” means—

13                 (A) with respect to planning grants made  
14           available under section 11201(e)(3), a State  
15           with respect to which the Assistant Secretary  
16           has approved an application submitted to the  
17           Assistant Secretary under subparagraph (C) of  
18           such section; and

19                 (B) with respect to capacity grants award-  
20           ed under section 11201(d), a State with respect  
21           to which the Assistant Secretary has approved  
22           an application submitted to the Assistant Sec-  
23           retary under paragraph (2) of such section.

24           (9) FEDERAL BROADBAND SUPPORT PRO-  
25          GRAM.—The term “Federal broadband support pro-

1 gram” has the meaning given such term in section  
2 903 of division FF of the Consolidated Appropria-  
3 tions Act, 2021 (Public Law 116–260).

4 (10) GENDER IDENTITY.—The term “gender  
5 identity” has the meaning given the term in section  
6 249(c) of title 18, United States Code.

7 (11) LOCAL EDUCATIONAL AGENCY.—The term  
8 “local educational agency” has the meaning given  
9 the term in section 8101(30) of the Elementary and  
10 Secondary Education Act of 1965 (20 U.S.C.  
11 7801(30)).

12 (12) MEDICAID ENROLLEE.—The term “Med-  
13 icaid enrollee” means, with respect to a State, an in-  
14 dividual enrolled in the State plan under title XIX  
15 of the Social Security Act (42 U.S.C. 1396 et seq.)  
16 or a waiver of that plan.

17 (13) NATIONAL LIFELINE ELIGIBILITY  
18 VERIFIER.—The term “National Lifeline Eligibility  
19 Verifier” has the meaning given such term in section  
20 54.400 of title 47, Code of Federal Regulations (or  
21 any successor regulation).

22 (14) NATIVE HAWAIIAN ORGANIZATION.—The  
23 term “Native Hawaiian organization” means any or-  
24 ganization—

1 (A) that serves the interests of Native Ha-  
2 waiians;

3 (B) in which Native Hawaiians serve in  
4 substantive and policymaking positions;

5 (C) that has as a primary and stated pur-  
6 pose the provision of services to Native Hawai-  
7 ians; and

8 (D) that is recognized for having expertise  
9 in Native Hawaiian affairs, digital connectivity,  
10 or access to broadband service.

11 (15) OFFICE.—The term “Office” means the  
12 Office of Internet Connectivity and Growth within  
13 the National Telecommunications and Information  
14 Administration.

15 (16) PUBLIC HOUSING AGENCY.—The term  
16 “public housing agency” has the meaning given the  
17 term in section 3(b) of the United States Housing  
18 Act of 1937 (42 U.S.C. 1437a(b)).

19 (17) SNAP PARTICIPANT.—The term “SNAP  
20 participant” means an individual who is a member  
21 of a household that participates in the supplemental  
22 nutrition assistance program under the Food and  
23 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

24 (18) SOCIALLY AND ECONOMICALLY DISADVAN-  
25 TAGED SMALL BUSINESS CONCERN.—The term “so-



1 cially and economically disadvantaged small business  
2 concern” has the meaning given the term in section  
3 8(a)(4) of the Small Business Act (15 U.S.C.  
4 637(a)(4)).

5 (19) TRIBALLY DESIGNATED ENTITY.—The  
6 term “tribally designated entity” means an entity  
7 designated by an Indian Tribe to carry out activities  
8 under this subtitle.

9 (20) UNIVERSAL SERVICE FUND PROGRAM.—  
10 The term “Universal Service Fund Program” has  
11 the meaning given such term in section 903 of divi-  
12 sion FF of the Consolidated Appropriations Act,  
13 2021 (Public Law 116–260).

14 (21) WORKFORCE DEVELOPMENT PROGRAM.—  
15 The term “workforce development program” has the  
16 meaning given the term in section 3 of the Work-  
17 force Innovation and Opportunity Act (29 U.S.C.  
18 3102).

19 **PART 1—OFFICE OF INTERNET CONNECTIVITY**  
20 **AND GROWTH**

21 **SEC. 11101. ANNUAL REPORT OF OFFICE.**

22 Section 903(c)(2)(C) of division FF of the Consoli-  
23 dated Appropriations Act, 2021 (Public Law 116–260) is  
24 amended by adding at the end the following:

1           “(iv) A description of any non-eco-  
2           nomic benefits of such broadband deploy-  
3           ment efforts, including any effect on civic  
4           engagement.

5           “(v) The extent to which residents of  
6           the United States that received broadband  
7           as a result of Federal broadband support  
8           programs and the Universal Service Fund  
9           Programs received broadband at the  
10          download and upload speeds required by  
11          such programs.”.

12 **SEC. 11102. STUDY AND REPORT ON AFFORDABILITY OF**  
13 **ADOPTION OF BROADBAND SERVICE.**

14          Section 903 of division FF of the Consolidated Ap-  
15          propriations Act, 2021 (Public Law 116–260) is amend-  
16          ed—

17               (1) by redesignating subsections (g) and (h) as  
18          subsections (i) and (j), respectively; and

19               (2) by inserting after subsection (f) the fol-  
20          lowing:

21          “(g) **STUDY AND REPORT ON AFFORDABILITY OF**  
22 **ADOPTION OF BROADBAND SERVICE.—**

23               “(1) **STUDY.—**The Office, in consultation with  
24          the Commission, the Department of Agriculture, the  
25          Department of the Treasury, and such other Federal

1 agencies as the Office considers appropriate, shall,  
2 not later than 1 year after the date of the enactment  
3 of this subsection, and biennially thereafter, conduct  
4 a study that examines the following:

5 “(A) The number of households for which  
6 cost is a barrier to the adoption of broadband  
7 service, the financial circumstances of such  
8 households, and whether such households are  
9 eligible for the emergency broadband benefit  
10 under section 904 of division N.

11 “(B) The extent to which the cost of adop-  
12 tion of broadband service is a financial burden  
13 to households that have adopted broadband  
14 service, the financial circumstances of such fi-  
15 nancially burdened households, and whether  
16 such households are receiving the emergency  
17 broadband benefit under section 904 of division  
18 N.

19 “(C) The appropriate standard to deter-  
20 mine whether adoption of broadband service is  
21 affordable for households, given the financial  
22 circumstances of such households.

23 “(D) The feasibility of providing additional  
24 Federal subsidies, including expanding the eligi-  
25 bility for or increasing the amount of the emer-

1 agency broadband benefit under section 904 of  
2 division N, to households to cover the difference  
3 between the cost of adoption of broadband serv-  
4 ice (determined before applying such additional  
5 Federal subsidies) and the price at which adop-  
6 tion of broadband service would be affordable.

7 “(E) How a program to provide additional  
8 Federal subsidies as described in subparagraph  
9 (D) should be administered to most effectively  
10 facilitate adoption of broadband service at the  
11 lowest overall expense to the Federal Govern-  
12 ment, including measures that would ensure  
13 that the availability of the subsidies does not  
14 result in providers raising the price of  
15 broadband service for households receiving sub-  
16 sidies.

17 “(F) How participation in the Lifeline pro-  
18 gram of the Commission has changed in the 5  
19 years prior to the date of the enactment of this  
20 subsection, including—

21 “(i) geographic information at the  
22 census-block level depicting the scale of  
23 change in participation in each area; and

24 “(ii) information on changes in par-  
25 ticipation by specific types of Lifeline-sup-

1           ported services, including fixed voice te-  
2           lephony service, mobile voice telephony  
3           service, fixed broadband service, and mo-  
4           bile broadband service and, in the case of  
5           any Lifeline-supported services provided as  
6           part of a bundle of services to which a  
7           Lifeline discount is applied, which Lifeline-  
8           supported services are part of such bundle  
9           and whether or not each Lifeline-supported  
10          service in such bundle meets Lifeline min-  
11          imum service standards.

12           “(G) How competition impacts the price of  
13          broadband service, including the impact of mo-  
14          nopolistic business practices by broadband serv-  
15          ice providers.

16           “(H) The extent to which, if at all, the  
17          Universal Service Fund high-cost programs  
18          have enabled access to reasonably comparable  
19          telephony and broadband services at reasonably  
20          comparable rates in high-cost rural areas as re-  
21          quired by the Communications Act of 1934 (47  
22          U.S.C. 151 et seq.), including a comparison of  
23          the rates charged by recipients of support under  
24          such programs in rural areas and rates charged

1 in urban areas, as determined by the Commis-  
2 sion’s annual survey.

3 “(2) REPORT.—Not later than 1 year after the  
4 date of the enactment of this subsection, and bienni-  
5 ally thereafter, the Office shall submit to Congress  
6 a report on the results of the study conducted under  
7 paragraph (1).

8 “(3) DEFINITIONS.—In this subsection:

9 “(A) COST.—The term ‘cost’ means, with  
10 respect to adoption of broadband service, the  
11 cost of adoption of broadband service to a  
12 household after applying any subsidies that re-  
13 duce such cost.

14 “(B) OTHER DEFINITIONS.—The terms  
15 ‘adoption of broadband service’ and ‘broadband  
16 service’ have the meanings given such terms in  
17 section 11001 of the Leading Infrastructure  
18 For Tomorrow’s America Act.”.

19 **SEC. 11103. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Assist-  
21 ant Secretary \$26,000,000 for each of the fiscal years  
22 2022 through 2026 for the operations of the Office.

1 **SEC. 11104. STUDY AND RECOMMENDATIONS TO CONNECT**  
2 **SOCIALLY DISADVANTAGED INDIVIDUALS.**

3 Section 903 of division FF of the Consolidated Ap-  
4 propriations Act, 2021 (Public Law 116–260), as amend-  
5 ed by section 11102, is further amended by inserting be-  
6 fore subsection (i) (as redesignated by such section) the  
7 following:

8 “(h) **STUDY AND RECOMMENDATIONS TO CONNECT**  
9 **SOCIALLY DISADVANTAGED INDIVIDUALS.—**

10 “(1) **IN GENERAL.—**Not later than 12 months  
11 after the date of the enactment of this subsection,  
12 the Office, in consultation with the Commission and  
13 the Rural Utilities Service of the Department of Ag-  
14 riculture, shall, after public notice and an oppor-  
15 tunity for comment, conduct a study to assess the  
16 extent to which Federal funds for broadband service,  
17 including the Universal Service Fund Programs and  
18 other Federal broadband support programs, have ex-  
19 panded access to and adoption of broadband service  
20 by socially disadvantaged individuals as compared to  
21 individuals who are not socially disadvantaged indi-  
22 viduals.

23 “(2) **REPORT AND PUBLICATION.—**

24 “(A) **SUBMISSION.—**Not later than 18  
25 months after the date of the enactment of this  
26 subsection, the Office shall submit a report on

1 the results of the study under paragraph (1)  
2 to—

3 “(i) the Committee on Energy and  
4 Commerce of the House of Representa-  
5 tives;

6 “(ii) the Committee on Commerce,  
7 Science, and Transportation of the Senate;  
8 and

9 “(iii) each agency administering a  
10 program evaluated by such report.

11 “(B) PUBLIC PUBLICATION.—Contempora-  
12 neously with submitting the report required by  
13 subparagraph (A), the Office shall publish such  
14 report on the public-facing website of the Of-  
15 fice.

16 “(C) RECOMMENDATIONS.—The report re-  
17 quired by subparagraph (A) shall include rec-  
18 ommendations with regard to how Federal  
19 funds for the Universal Service Fund Programs  
20 and Federal broadband support programs may  
21 be dispersed in an a manner that better ex-  
22 pands access to and adoption of broadband  
23 service by socially disadvantaged individuals as  
24 compared to individuals who are not socially  
25 disadvantaged individuals.



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

2 “(A) SOCIALLY DISADVANTAGED INDI-  
3 VIDUAL.—The term ‘socially disadvantaged in-  
4 dividual’ has the meaning given that term in  
5 section 8 of the Small Business Act (15 U.S.C.  
6 637).

7 “(B) OTHER DEFINITIONS.—The terms  
8 ‘adoption of broadband service’ and ‘broadband  
9 service’ have the meanings given such terms in  
10 section 11001 of the Leading Infrastructure  
11 For Tomorrow’s America Act.”.

12 **PART 2—DIGITAL EQUITY PROGRAMS**

13 **SEC. 11201. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**  
14 **GRAM.**

15 (a) ESTABLISHMENT; PURPOSE.—

16 (1) IN GENERAL.—The Assistant Secretary  
17 shall establish in the Office the State Digital Equity  
18 Capacity Grant Program (referred to in this section  
19 as the “Program”)—

20 (A) the purpose of which is to promote the  
21 achievement of digital equity, support digital in-  
22 clusion activities, and build capacity for efforts  
23 by States relating to the adoption of broadband  
24 service by residents of those States;

1 (B) through which the Assistant Secretary  
2 shall make grants to States in accordance with  
3 the requirements of this section; and

4 (C) which shall ensure that States have the  
5 capacity to promote the achievement of digital  
6 equity and support digital inclusion activities.

7 (2) CONSULTATION WITH OTHER FEDERAL  
8 AGENCIES; NO CONFLICT.—In establishing the Pro-  
9 gram under paragraph (1), the Assistant Secretary  
10 shall—

11 (A) consult with—

12 (i) the Secretary of Agriculture;

13 (ii) the Secretary of Housing and  
14 Urban Development;

15 (iii) the Secretary of Education;

16 (iv) the Secretary of Labor;

17 (v) the Secretary of Health and  
18 Human Services;

19 (vi) the Secretary of Veterans Affairs;

20 (vii) the Secretary of the Interior;

21 (viii) the Assistant Secretary for In-  
22 dian Affairs of the Department of the Inte-  
23 rior;

24 (ix) the Commission;

25 (x) the Federal Trade Commission;

1 (xi) the Director of the Institute of  
2 Museum and Library Services;

3 (xii) the Administrator of the Small  
4 Business Administration;

5 (xiii) the Federal Cochairman of the  
6 Appalachian Regional Commission; and

7 (xiv) the head of any other Federal  
8 agency that the Assistant Secretary deter-  
9 mines to be appropriate; and

10 (B) ensure that the Program complements  
11 and enhances, and does not conflict with, other  
12 Federal broadband support programs and Uni-  
13 versal Service Fund Programs.

14 (3) TRIBAL AND NATIVE HAWAIIAN CONSULTA-  
15 TION AND ENGAGEMENT.—In establishing the Pro-  
16 gram under paragraph (1), the Assistant Secretary  
17 shall conduct robust, interactive, pre-decisional,  
18 transparent consultation with Indian Tribes and Na-  
19 tive Hawaiian organizations.

20 (b) ADMINISTERING ENTITY.—

21 (1) SELECTION; FUNCTION.—The governor (or  
22 equivalent official) of a State that wishes to be  
23 awarded a grant under this section shall, from  
24 among entities that are eligible under paragraph (2),

1 select an administering entity for that State, which  
2 shall—

3 (A) serve as the recipient of, and admin-  
4 istering agent for, any grant awarded to the  
5 State under this section;

6 (B) develop, implement, and oversee the  
7 State Digital Equity Plan for the State de-  
8 scribed in subsection (c);

9 (C) make subgrants to any of the entities  
10 described in clauses (i) through (xi) of sub-  
11 section (c)(1)(D) that is located in the State in  
12 support of—

13 (i) the State Digital Equity Plan for  
14 the State; and

15 (ii) digital inclusion activities in the  
16 State generally; and

17 (D) serve as—

18 (i) an advocate for digital equity poli-  
19 cies and digital inclusion activities; and

20 (ii) a repository of best practice mate-  
21 rials regarding the policies and activities  
22 described in clause (i).

23 (2) ELIGIBLE ENTITIES.—Any of the following  
24 entities may serve as the administering entity for a  
25 State for the purposes of this section if the entity

1 has demonstrated a capacity to administer the Pro-  
2 gram on a statewide level:

3 (A) The State.

4 (B) A political subdivision, agency, or in-  
5 strumentality of the State.

6 (C) An Indian Tribe located in the State,  
7 a tribally designated entity located in the State,  
8 or a Native Hawaiian organization located in  
9 the State.

10 (c) STATE DIGITAL EQUITY PLAN.—

11 (1) DEVELOPMENT; CONTENTS.—A State that  
12 wishes to be awarded a grant under subsection (d)  
13 shall develop a State Digital Equity Plan for the  
14 State, which shall include—

15 (A) an identification of the barriers to dig-  
16 ital equity faced by covered populations in the  
17 State;

18 (B) measurable objectives for documenting  
19 and promoting, among each group described in  
20 subparagraphs (A) through (H) of section 2(6)  
21 located in that State—

22 (i) the availability of, and affordability  
23 of access to, broadband service and tech-  
24 nology needed for the use of broadband  
25 service;

1           (ii) public awareness of such avail-  
2           ability and affordability and of subsidies  
3           available to increase such affordability (in-  
4           cluding subsidies available through the  
5           Lifeline program of the Commission), in-  
6           cluding objectives to—

7                   (I) inform Medicaid enrollees and  
8                   SNAP participants, and organizations  
9                   that serve Medicaid enrollees and  
10                  SNAP participants, of potential eligi-  
11                  bility for the Lifeline program; and

12                  (II) provide Medicaid enrollees  
13                  and SNAP participants with informa-  
14                  tion about the Lifeline program, in-  
15                  cluding—

16                          (aa) how to apply for the  
17                          Lifeline program; and

18                          (bb) a description of the  
19                          prohibition on more than one  
20                          subscriber in each household re-  
21                          ceiving a service provided under  
22                          the Lifeline program;

23           (iii) the online accessibility and  
24           inclusivity of public resources and services;

25           (iv) digital literacy;

1           (v) awareness of, and the use of,  
2           measures to secure the online privacy of,  
3           and cybersecurity with respect to, an indi-  
4           vidual; and

5           (vi) the availability and affordability  
6           of consumer devices and technical support  
7           for those devices;

8           (C) an assessment of how the objectives  
9           described in subparagraph (B) will impact and  
10          interact with the State’s—

11           (i) economic and workforce develop-  
12          ment goals, plans, and outcomes;

13           (ii) educational outcomes;

14           (iii) health outcomes;

15           (iv) civic and social engagement; and

16           (v) delivery of other essential services;

17          (D) in order to achieve the objectives de-  
18          scribed in subparagraph (B), a description of  
19          how the State plans to collaborate with key  
20          stakeholders in the State, which may include—

21           (i) anchor institutions;

22           (ii) county and municipal govern-  
23          ments;

24           (iii) local educational agencies;

1 (iv) where applicable, Indian Tribes,  
2 tribally designated entities, or Native Ha-  
3 waiian organizations;

4 (v) nonprofit organizations;

5 (vi) organizations that represent—

6 (I) individuals with disabilities,  
7 including organizations that represent  
8 children with disabilities;

9 (II) aging individuals;

10 (III) individuals with a language  
11 barrier, including individuals who—

12 (aa) are English learners; or

13 (bb) have low levels of lit-  
14 eracy;

15 (IV) veterans;

16 (V) individuals residing in rural  
17 areas; and

18 (VI) incarcerated individuals in  
19 that State, other than individuals who  
20 are incarcerated in a Federal correc-  
21 tional facility (including a private fa-  
22 cility operated under contract with the  
23 Federal Government);

24 (vii) civil rights organizations;



1 (viii) entities that carry out workforce  
2 development programs;

3 (ix) agencies of the State that are re-  
4 sponsible for administering or supervising  
5 adult education and literacy activities in  
6 the State;

7 (x) public housing agencies whose ju-  
8 risdictions are located in the State; and

9 (xi) a consortium of any of the enti-  
10 ties described in clauses (i) through (x);  
11 and

12 (E) a list of organizations with which the  
13 administering entity for the State collaborated  
14 in developing and implementing the Plan.

15 (2) PUBLIC AVAILABILITY.—

16 (A) IN GENERAL.—The administering enti-  
17 ty for a State shall make the State Digital Eq-  
18 uity Plan of the State available for public com-  
19 ment for a period of not less than 30 days be-  
20 fore the date on which the State submits an ap-  
21 plication to the Assistant Secretary under sub-  
22 section (d)(2).

23 (B) CONSIDERATION OF COMMENTS RE-  
24 CEIVED.—The administering entity for a State  
25 shall, with respect to an application submitted

1 to the Assistant Secretary under subsection  
2 (d)(2)—

3 (i) before submitting the application—

4 (I) consider all comments re-  
5 ceived during the comment period de-  
6 scribed in subparagraph (A) with re-  
7 spect to the application (referred to in  
8 this subparagraph as the “comment  
9 period”); and

10 (II) make any changes to the  
11 plan that the administering entity de-  
12 termines to be appropriate; and

13 (ii) when submitting the application—

14 (I) describe any changes pursued  
15 by the administering entity in re-  
16 sponse to comments received during  
17 the comment period; and

18 (II) include a written response to  
19 each comment received during the  
20 comment period.

21 (3) PLANNING GRANTS.—

22 (A) IN GENERAL.—Beginning in the first  
23 fiscal year that begins after the date of the en-  
24 actment of this Act, the Assistant Secretary  
25 shall, in accordance with the requirements of

1           this paragraph, award planning grants to  
2           States for the purpose of developing the State  
3           Digital Equity Plans of those States under this  
4           subsection.

5           (B) ELIGIBILITY.—In order to be awarded  
6           a planning grant under this paragraph, a  
7           State—

8                   (i) shall submit to the Assistant Sec-  
9                   retary an application under subparagraph  
10                  (C); and

11                  (ii) may not have been awarded, at  
12                  any time, a planning grant under this  
13                  paragraph.

14           (C) APPLICATION.—A State that wishes to  
15           be awarded a planning grant under this para-  
16           graph shall, not later than 60 days after the  
17           date on which the notice of funding availability  
18           with respect to the grant is released, submit to  
19           the Assistant Secretary an application, in a for-  
20           mat to be determined by the Assistant Sec-  
21           retary, that contains the following materials:

22                   (i) A description of the entity selected  
23                   to serve as the administering entity for the  
24                   State, as described in subsection (b).

1           (ii) A certification from the State  
2 that, not later than 1 year after the date  
3 on which the Assistant Secretary awards  
4 the planning grant to the State, the ad-  
5 ministering entity for that State will sub-  
6 mit to the Assistant Secretary a State Dig-  
7 ital Equity Plan developed under this sub-  
8 section, which will comply with the require-  
9 ments of this subsection, including the re-  
10 quirements of paragraph (2).

11           (iii) The assurances required under  
12 subsection (e).

13 (D) AWARDS.—

14           (i) AMOUNT OF GRANT.—The amount  
15 of a planning grant awarded to an eligible  
16 State under this paragraph shall be deter-  
17 mined according to the formula under sub-  
18 section (d)(3)(A)(i).

19           (ii) DURATION.—

20           (I) IN GENERAL.—Except as pro-  
21 vided in subclause (II), with respect to  
22 a planning grant awarded to an eligi-  
23 ble State under this paragraph, the  
24 State shall expend the grant funds  
25 during the 1-year period beginning on

1 the date on which the State is award-  
2 ed the grant funds.

3 (II) EXCEPTION.—The Assistant  
4 Secretary may grant an extension of  
5 not longer than 180 days with respect  
6 to the requirement under subclause  
7 (I).

8 (iii) CHALLENGE MECHANISM.—The  
9 Assistant Secretary shall ensure that any  
10 eligible State to which a planning grant is  
11 awarded under this paragraph may appeal  
12 or otherwise challenge in a timely fashion  
13 the amount of the grant awarded to the  
14 State, as determined under clause (i).

15 (E) USE OF FUNDS.—An eligible State to  
16 which a planning grant is awarded under this  
17 paragraph shall, through the administering en-  
18 tity for that State, use the grant funds only for  
19 the following purposes:

20 (i) To develop the State Digital Eq-  
21 uity Plan of the State under this sub-  
22 section.

23 (ii)(I) Subject to subclause (II), to  
24 make subgrants to any of the entities de-  
25 scribed in clauses (i) through (xi) of para-

1 graph (1)(D) to assist in the development  
2 of the State Digital Equity Plan of the  
3 State under this subsection.

4 (II) If the administering entity for a  
5 State makes a subgrant described in sub-  
6 clause (I), the administering entity shall,  
7 with respect to the subgrant, provide to the  
8 State the assurances required under sub-  
9 section (e).

10 (d) STATE CAPACITY GRANTS.—

11 (1) IN GENERAL.—Beginning not later than 2  
12 years after the date on which the Assistant Sec-  
13 retary begins awarding planning grants under sub-  
14 section (c)(3), the Assistant Secretary shall each  
15 year award grants to eligible States to support—

16 (A) the implementation of the State Dig-  
17 ital Equity Plans of those States; and

18 (B) digital inclusion activities in those  
19 States.

20 (2) APPLICATION.—A State that wishes to be  
21 awarded a grant under this subsection shall, not  
22 later than 60 days after the date on which the notice  
23 of funding availability with respect to the grant is  
24 released, submit to the Assistant Secretary an appli-

1 cation, in a format to be determined by the Assist-  
2 ant Secretary, that contains the following materials:

3 (A) A description of the entity selected to  
4 serve as the administering entity for the State,  
5 as described in subsection (b).

6 (B) The State Digital Equity Plan of that  
7 State, as described in subsection (c).

8 (C) A certification that the State, acting  
9 through the administering entity for the State,  
10 shall—

11 (i) implement the State Digital Equity  
12 Plan of the State; and

13 (ii) make grants in a manner that is  
14 consistent with the aims of the Plan de-  
15 scribed in clause (i).

16 (D) The assurances required under sub-  
17 section (e).

18 (E) In the case of a State to which the As-  
19 sistant Secretary has previously awarded a  
20 grant under this subsection, any amendments  
21 to the State Digital Equity Plan of that State,  
22 as compared with the State Digital Equity Plan  
23 of the State previously submitted.

24 (3) AWARDS.—

25 (A) AMOUNT OF GRANT.—

1 (i) FORMULA.—Subject to clauses (ii),  
2 (iii), and (iv), the Assistant Secretary shall  
3 calculate the amount of a grant awarded to  
4 an eligible State under this subsection in  
5 accordance with the following criteria,  
6 using the best available data for all States  
7 for the fiscal year in which the grant is  
8 awarded:

9 (I) 50 percent of the total grant  
10 amount shall be based on the popu-  
11 lation of the eligible State in propor-  
12 tion to the total population of all eligi-  
13 ble States.

14 (II) 25 percent of the total grant  
15 amount shall be based on the number  
16 of individuals in the eligible State who  
17 are members of covered populations in  
18 proportion to the total number of indi-  
19 viduals in all eligible States who are  
20 members of covered populations.

21 (III) 25 percent of the total  
22 grant amount shall be based on the  
23 lack of availability of broadband serv-  
24 ice and lack of adoption of broadband  
25 service in the eligible State in propor-



1           tion to the lack of availability of  
2           broadband service and lack of adop-  
3           tion of broadband service in all eligi-  
4           ble States, which shall be determined  
5           according to data collected—

6                   (aa) from the annual inquiry  
7                   of the Commission conducted  
8                   under section 706(b) of the Tele-  
9                   communications Act of 1996 (47  
10                  U.S.C. 1302(b));

11                  (bb) from the American  
12                  Community Survey or, if nec-  
13                  essary, other data collected by  
14                  the Bureau of the Census;

15                  (cc) from the Internet and  
16                  Computer Use Supplement to the  
17                  Current Population Survey of the  
18                  Bureau of the Census;

19                  (dd) by the Commission pur-  
20                  suant to the rules issued under  
21                  section 802 of the Communica-  
22                  tions Act of 1934 (47 U.S.C.  
23                  642); and

24                  (ee) from any other source  
25                  that the Assistant Secretary,

1 after appropriate notice and op-  
2 portunity for public comment, de-  
3 termines to be appropriate.

4 (ii) MINIMUM AWARD.—The amount  
5 of a grant awarded to an eligible State  
6 under this subsection in a fiscal year shall  
7 be not less than 0.5 percent of the total  
8 amount made available to award grants to  
9 eligible States for that fiscal year.

10 (iii) ADDITIONAL AMOUNTS.—If, after  
11 awarding planning grants to States under  
12 subsection (c)(3) and capacity grants to el-  
13 igible States under this subsection in a fis-  
14 cal year, there are amounts remaining to  
15 carry out this section, the Assistant Sec-  
16 retary shall distribute those amounts—

17 (I) to eligible States to which the  
18 Assistant Secretary has awarded  
19 grants under this subsection for that  
20 fiscal year; and

21 (II) in accordance with the for-  
22 mula described in clause (i).

23 (iv) DATA UNAVAILABLE.—If, in a fis-  
24 cal year, the Commonwealth of Puerto  
25 Rico (referred to in this clause as “Puerto

1 Rico”) is an eligible State and specific data  
2 for Puerto Rico is unavailable for a factor  
3 described in subclause (I), (II), or (III) of  
4 clause (i), the Assistant Secretary shall use  
5 the median data point with respect to that  
6 factor among all eligible States and assign  
7 it to Puerto Rico for the purposes of mak-  
8 ing any calculation under that clause for  
9 that fiscal year.

10 (B) DURATION.—With respect to a grant  
11 awarded to an eligible State under this sub-  
12 section, the eligible State shall expend the grant  
13 funds during the 5-year period beginning on the  
14 date on which the eligible State is awarded the  
15 grant funds.

16 (C) CHALLENGE MECHANISM.—The As-  
17 sistant Secretary shall ensure that any eligible  
18 State to which a grant is awarded under this  
19 subsection may appeal or otherwise challenge in  
20 a timely fashion the amount of the grant  
21 awarded to the State, as determined under sub-  
22 paragraph (A).

23 (D) USE OF FUNDS.—The administering  
24 entity for an eligible State to which a grant is

1 awarded under this subsection shall use the  
2 grant amounts for the following purposes:

3 (i)(I) Subject to subclause (II), to up-  
4 date or maintain the State Digital Equity  
5 Plan of the State.

6 (II) An administering entity for an el-  
7 igible State to which a grant is awarded  
8 under this subsection may use not more  
9 than 20 percent of the amount of the  
10 grant for the purpose described in sub-  
11 clause (I).

12 (ii) To implement the State Digital  
13 Equity Plan of the State.

14 (iii)(I) Subject to subclause (II), to  
15 award a grant to any entity that is de-  
16 scribed in section 11202(b) and is located  
17 in the eligible State in order to—

18 (aa) assist in the implementation  
19 of the State Digital Equity Plan of  
20 the State;

21 (bb) pursue digital inclusion ac-  
22 tivities in the State consistent with  
23 the State Digital Equity Plan of the  
24 State; and

1 (cc) report to the State regarding  
2 the digital inclusion activities of the  
3 entity.

4 (II) Before an administering entity  
5 for an eligible State may award a grant  
6 under subclause (I), the administering en-  
7 tity shall require the entity to which the  
8 grant is awarded to certify that—

9 (aa) the entity shall carry out the  
10 activities required under items (aa),  
11 (bb), and (cc) of that subclause;

12 (bb) the receipt of the grant shall  
13 not result in unjust enrichment of the  
14 entity; and

15 (cc) the entity shall cooperate  
16 with any evaluation—

17 (AA) of any program that  
18 relates to a grant awarded to the  
19 entity; and

20 (BB) that is carried out by  
21 or for the administering entity,  
22 the Assistant Secretary, or an-  
23 other Federal official.

1                   (iv)(I) Subject to subclause (II), to  
2                   evaluate the efficacy of the efforts funded  
3                   by grants made under clause (iii).

4                   (II) An administering entity for an el-  
5                   igible State to which a grant is awarded  
6                   under this subsection may use not more  
7                   than 5 percent of the amount of the grant  
8                   for a purpose described in subclause (I).

9                   (v)(I) Subject to subclause (II), for  
10                  the administrative costs incurred in car-  
11                  rying out the activities described in clauses  
12                  (i) through (iv).

13                  (II) An administering entity for an el-  
14                  igible State to which a grant is awarded  
15                  under this subsection may use not more  
16                  than 3 percent of the amount of the grant  
17                  for the purpose described in subclause (I).

18                  (e) ASSURANCES.—When applying for a grant under  
19                  this section, a State shall include in the application for  
20                  that grant assurances that—

21                         (1) if any of the entities described in clauses (i)  
22                         through (xi) of subsection (c)(1)(D) or section  
23                         11202(b) is awarded grant funds under this section  
24                         (referred to in this subsection as a “covered recipi-  
25                         ent”), provide that—

1 (A) the covered recipient shall use the  
2 grant funds in accordance with any applicable  
3 statute, regulation, or application procedure;

4 (B) the administering entity for that State  
5 shall adopt and use proper methods of admin-  
6 istering any grant that the covered recipient is  
7 awarded, including by—

8 (i) enforcing any obligation imposed  
9 under law on any agency, institution, orga-  
10 nization, or other entity that is responsible  
11 for carrying out the program to which the  
12 grant relates;

13 (ii) correcting any deficiency in the  
14 operation of a program to which the grant  
15 relates, as identified through an audit or  
16 another monitoring or evaluation proce-  
17 dure; and

18 (iii) adopting written procedures for  
19 the receipt and resolution of complaints al-  
20 leging a violation of law with respect to a  
21 program to which the grant relates; and

22 (C) the administering entity for that State  
23 shall cooperate in carrying out any evaluation—

1 (i) of any program that relates to a  
2 grant awarded to the covered recipient;  
3 and

4 (ii) that is carried out by or for the  
5 Assistant Secretary or another Federal of-  
6 ficial;

7 (2) the administering entity for that State  
8 shall—

9 (A) use fiscal control and fund accounting  
10 procedures that ensure the proper disbursement  
11 of, and accounting for, any Federal funds that  
12 the State is awarded under this section;

13 (B) submit to the Assistant Secretary any  
14 reports that may be necessary to enable the As-  
15 sistant Secretary to perform the duties of the  
16 Assistant Secretary under this section;

17 (C) maintain any records and provide any  
18 information to the Assistant Secretary, includ-  
19 ing those records, that the Assistant Secretary  
20 determines is necessary to enable the Assistant  
21 Secretary to perform the duties of the Assistant  
22 Secretary under this section; and

23 (D) with respect to any significant pro-  
24 posed change or amendment to the State Dig-  
25 ital Equity Plan for the State, make the change



1 or amendment available for public comment in  
2 accordance with subsection (c)(2); and

3 (3) the State, before submitting to the Assist-  
4 ant Secretary the State Digital Equity Plan of the  
5 State, has complied with the requirements of sub-  
6 section (c)(2).

7 (f) TERMINATION OF GRANT.—

8 (1) IN GENERAL.—In addition to other author-  
9 ity under applicable law, the Assistant Secretary  
10 shall terminate a grant awarded to an eligible State  
11 under this section if, after notice to the State and  
12 opportunity for a hearing, the Assistant Secretary  
13 determines, and presents to the State a rationale  
14 and supporting information that clearly dem-  
15 onstrates, that—

16 (A) the grant funds are not contributing to  
17 the development or implementation of the State  
18 Digital Equity Plan of the State, as applicable;

19 (B) the State is not upholding assurances  
20 made by the State to the Assistant Secretary  
21 under subsection (e); or

22 (C) the grant is no longer necessary to  
23 achieve the original purpose for which the As-  
24 sistant Secretary awarded the grant.

1           (2) REDISTRIBUTION.—If the Assistant Sec-  
2           retary, in a fiscal year, terminates a grant under  
3           paragraph (1) or under other authority under appli-  
4           cable law, the Assistant Secretary shall redistribute  
5           the unspent grant amounts—

6                   (A) to eligible States to which the Assist-  
7                   ant Secretary has awarded grants under sub-  
8                   section (d) for that fiscal year; and

9                   (B) in accordance with the formula de-  
10                  scribed in subsection (d)(3)(A)(i).

11          (g) REPORTING AND INFORMATION REQUIREMENTS;

12          INTERNET DISCLOSURE.—The Assistant Secretary—

13               (1) shall—

14                   (A) require any entity to which a grant, in-  
15                   cluding a subgrant, is awarded under this sec-  
16                   tion to publicly report, for each year during the  
17                   period described in subsection (c)(3)(D)(ii) or  
18                   (d)(3)(B), as applicable, with respect to the  
19                   grant, and in a format specified by the Assist-  
20                   ant Secretary, on—

21                           (i) the use of that grant by the entity;

22                           (ii) the progress of the entity towards  
23                           fulfilling the objectives for which the grant  
24                           was awarded; and

1 (iii) the implementation of the State  
2 Digital Equity Plan of the State;

3 (B) establish appropriate mechanisms to  
4 ensure that any entity to which a grant, includ-  
5 ing a subgrant, is awarded under this section—

6 (i) uses the grant amounts in an ap-  
7 propriate manner; and

8 (ii) complies with all terms with re-  
9 spect to the use of the grant amounts; and

10 (C) create and maintain a fully searchable  
11 database, which shall be accessible on the inter-  
12 net at no cost to the public, that contains, at  
13 a minimum—

14 (i) the application of each State that  
15 has applied for a grant under this section;

16 (ii) the status of each application de-  
17 scribed in clause (i);

18 (iii) each report submitted by an enti-  
19 ty under subparagraph (A);

20 (iv) a record of public comments re-  
21 ceived during the comment period de-  
22 scribed in subsection (c)(2)(A) regarding  
23 the State Digital Equity Plan of a State,  
24 as well as any written responses to or ac-

1                   tions taken as a result of those comments;  
2                   and

3                   (v) any other information that the As-  
4                   sistant Secretary considers appropriate to  
5                   ensure that the public has sufficient infor-  
6                   mation to understand and monitor grants  
7                   awarded under this section; and

8                   (2) may establish additional reporting and in-  
9                   formation requirements for any recipient of a grant  
10                  under this section.

11               (h) SUPPLEMENT NOT SUPPLANT.—A grant or  
12               subgrant awarded under this section shall supplement, not  
13               supplant, other Federal or State funds that have been  
14               made available to carry out activities described in this sec-  
15               tion.

16               (i) SET ASIDES.—From amounts made available in  
17               a fiscal year to carry out the Program, the Assistant Sec-  
18               retary shall reserve—

19                   (1) not more than 5 percent for the implemen-  
20                   tation and administration of the Program, which  
21                   shall include—

22                           (A) providing technical support and assist-  
23                           ance, including ensuring consistency in data re-  
24                           porting;

25                           (B) providing assistance to—

- 1 (i) States, or administering entities  
2 for States, to prepare the applications of  
3 those States; and
- 4 (ii) administering entities with respect  
5 to grants awarded under this section;
- 6 (C) developing the report required under  
7 section 11203(a); and
- 8 (D) providing assistance specific to Indian  
9 Tribes, tribally designated entities, and Native  
10 Hawaiian organizations, including—
- 11 (i) conducting annual outreach to In-  
12 dian Tribes and Native Hawaiian organiza-  
13 tions on the availability of technical assist-  
14 ance for applying for or otherwise partici-  
15 pating in the Program;
- 16 (ii) providing technical assistance at  
17 the request of any Indian Tribe, tribally  
18 designated entity, or Native Hawaiian or-  
19 ganization that is applying for or partici-  
20 pating in the Program in order to facilitate  
21 the fulfillment of any applicable require-  
22 ments in subsections (c) and (d); and
- 23 (iii) providing additional technical as-  
24 sistance at the request of any Indian  
25 Tribe, tribally designated entity, or Native

1 Hawaiian organization that is applying for  
2 or participating in the Program to improve  
3 the development or implementation of a  
4 Digital Equity plan, such as—

5 (I) assessing all Federal pro-  
6 grams that are available to assist the  
7 Indian Tribe, tribally designated enti-  
8 ty, or Native Hawaiian organization  
9 in meeting the goals of a Digital Eq-  
10 uity plan;

11 (II) identifying all applicable  
12 Federal, State, and Tribal statutory  
13 provisions, regulations, policies, and  
14 procedures that the Assistant Sec-  
15 retary determines are necessary to ad-  
16 here to for the deployment of  
17 broadband service;

18 (III) identifying obstacles to the  
19 deployment of broadband service  
20 under a Digital Equity plan, as well  
21 as potential solutions; or

22 (IV) identifying activities that  
23 may be necessary to the success of a  
24 Digital Equity plan, including digital  
25 literacy training, technical support,

1                   privacy and cybersecurity expertise,  
2                   and other end-user technology needs;  
3                   and

4                   (2) not less than 5 percent to award grants di-  
5                   rectly to Indian Tribes, tribally designated entities,  
6                   and Native Hawaiian organizations to allow those  
7                   Tribes, entities, and organizations to carry out the  
8                   activities described in this section.

9                   (j) RULES.—The Assistant Secretary may prescribe  
10                  such rules as may be necessary to carry out this section.

11                  (k) AUTHORIZATION OF APPROPRIATIONS.—There  
12                  are authorized to be appropriated to the Assistant Sec-  
13                  retary—

14                   (1) for the award of grants under subsection  
15                   (c)(3), \$60,000,000 for fiscal year 2022, and such  
16                   amount is authorized to remain available through  
17                   fiscal year 2026; and

18                   (2) for the award of grants under subsection  
19                   (d), \$625,000,000 for fiscal year 2022, and such  
20                   amount is authorized to remain available through  
21                   fiscal year 2026.

22                  **SEC. 11202. DIGITAL EQUITY COMPETITIVE GRANT PRO-**  
23                  **GRAM.**

24                  (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date on which the Assistant Secretary begins  
3           awarding grants under section 11201(d), and not  
4           before that date, the Assistant Secretary shall estab-  
5           lish in the Office the Digital Equity Competitive  
6           Grant Program (referred to in this section as the  
7           “Program”), the purpose of which is to award  
8           grants to support efforts to achieve digital equity,  
9           promote digital inclusion activities, and spur greater  
10          adoption of broadband service among covered popu-  
11          lations.

12          (2) CONSULTATION; NO CONFLICT.—In estab-  
13          lishing the Program under paragraph (1), the As-  
14          sistant Secretary—

15                 (A) may consult a State with respect to—

16                         (i) the identification of groups de-  
17                         scribed in subparagraphs (A) through (H)  
18                         of section 10001(6) located in that State;  
19                         and

20                         (ii) the allocation of grant funds with-  
21                         in that State for projects in or affecting  
22                         the State; and

23                 (B) shall—

24                         (i) consult with—

25                                 (I) the Secretary of Agriculture;



- 1 (II) the Secretary of Housing  
2 and Urban Development;
- 3 (III) the Secretary of Education;
- 4 (IV) the Secretary of Labor;
- 5 (V) the Secretary of Health and  
6 Human Services;
- 7 (VI) the Secretary of Veterans  
8 Affairs;
- 9 (VII) the Secretary of the Inte-  
10 rior;
- 11 (VIII) the Assistant Secretary for  
12 Indian Affairs of the Department of  
13 the Interior;
- 14 (IX) the Commission;
- 15 (X) the Federal Trade Commis-  
16 sion;
- 17 (XI) the Director of the Institute  
18 of Museum and Library Services;
- 19 (XII) the Administrator of the  
20 Small Business Administration;
- 21 (XIII) the Federal Cochairman  
22 of the Appalachian Regional Commis-  
23 sion; and
- 24 (XIV) the head of any other Fed-  
25 eral agency that the Assistant Sec-

1                   retary determines to be appropriate;  
2                   and

3                   (ii) ensure that the Program com-  
4                   plements and enhances, and does not con-  
5                   flict with, other Federal broadband support  
6                   programs and Universal Service Fund Pro-  
7                   grams.

8           (b) ELIGIBILITY.—The Assistant Secretary may  
9           award a grant under the Program to any of the following  
10           entities if the entity is not serving, and has not served,  
11           as the administering entity for a State under section  
12           11201(b):

13                   (1) A political subdivision, agency, or instru-  
14                   mentality of a State, including an agency of a State  
15                   that is responsible for administering or supervising  
16                   adult education and literacy activities in the State.

17                   (2) An Indian Tribe, a tribally designated enti-  
18                   ty, or a Native Hawaiian organization.

19                   (3) An entity that is—

20                           (A) a not-for-profit entity; and

21                           (B) not a school.

22                   (4) An anchor institution.

23                   (5) A local educational agency.

24                   (6) An entity that carries out a workforce devel-  
25                   opment program.

1           (7) A consortium of any of the entities de-  
2       scribed in paragraphs (1) through (6).

3           (8) A consortium of—

4                (A) an entity described in any of para-  
5       graphs (1) through (6); and

6                (B) an entity that—

7                   (i) the Assistant Secretary, by rule,  
8       determines to be in the public interest; and

9                   (ii) is not a school.

10       (c) APPLICATION.—An entity that wishes to be  
11       awarded a grant under the Program shall submit to the  
12       Assistant Secretary an application—

13           (1) at such time, in such form, and containing  
14       such information as the Assistant Secretary may re-  
15       quire; and

16           (2) that—

17                (A) provides a detailed explanation of how  
18       the entity will use any grant amounts awarded  
19       under the Program to carry out the purposes of  
20       the Program in an efficient and expeditious  
21       manner;

22                (B) identifies the period in which the ap-  
23       plicant will expend the grant funds awarded  
24       under the Program;

25                (C) includes—

1 (i) a justification for the amount of  
2 the grant that the applicant is requesting;  
3 and

4 (ii) for each fiscal year in which the  
5 applicant will expend the grant funds, a  
6 budget for the activities that the grant  
7 funds will support;

8 (D) demonstrates to the satisfaction of the  
9 Assistant Secretary that the entity—

10 (i) is capable of carrying out the  
11 project or function to which the application  
12 relates and the activities described in sub-  
13 section (h)—

14 (I) in a competent manner; and

15 (II) in compliance with all appli-  
16 cable Federal, State, and local laws;  
17 and

18 (ii) if the applicant is an entity de-  
19 scribed in subsection (b)(1), will appro-  
20 priate or otherwise unconditionally obligate  
21 from non-Federal sources funds that are  
22 necessary to meet the requirements of sub-  
23 section (e);

24 (E) discloses to the Assistant Secretary the  
25 source and amount of other Federal, State, or

1 outside funding sources from which the entity  
2 receives, or has applied for, funding for activi-  
3 ties or projects to which the application relates;  
4 and

5 (F) provides—

6 (i) the assurances that are required  
7 under subsection (f); and

8 (ii) an assurance that the entity shall  
9 follow such additional procedures as the  
10 Assistant Secretary may require to ensure  
11 that grant funds are used and accounted  
12 for in an appropriate manner.

13 (d) AWARD OF GRANTS.—

14 (1) FACTORS CONSIDERED IN AWARD OF  
15 GRANTS.—In deciding whether to award a grant  
16 under the Program, the Assistant Secretary shall, to  
17 the extent practicable, consider—

18 (A) whether—

19 (i) an application will, if approved—

20 (I) increase access to broadband  
21 service and the adoption of broadband  
22 service among covered populations to  
23 be served by the applicant; and

24 (II) not result in unjust enrich-  
25 ment; and

1                   (ii) the applicant is, or plans to sub-  
2                   contract with, a socially and economically  
3                   disadvantaged small business concern;

4                   (B) the comparative geographic diversity of  
5                   the application in relation to other eligible ap-  
6                   plications; and

7                   (C) the extent to which an application may  
8                   duplicate or conflict with another program.

9                   (2) USE OF FUNDS.—

10                  (A) IN GENERAL.—In addition to the ac-  
11                  tivities required under subparagraph (B), an  
12                  entity to which the Assistant Secretary awards  
13                  a grant under the Program shall use the grant  
14                  amounts to support not less than one of the fol-  
15                  lowing activities:

16                         (i) To develop and implement digital  
17                         inclusion activities that benefit covered  
18                         populations.

19                         (ii) To facilitate the adoption of  
20                         broadband service by covered populations,  
21                         including by raising awareness of subsidies  
22                         available to increase affordability of such  
23                         service (including subsidies available  
24                         through the Commission), in order to pro-

1           vide educational and employment opportu-  
2           nities to those populations.

3           (iii) To implement, consistent with the  
4           purposes of this part—

5                   (I) training programs for covered  
6                   populations that cover basic, ad-  
7                   vanced, and applied skills; or

8                   (II) other workforce development  
9                   programs.

10          (iv) To make available equipment, in-  
11          strumentation, networking capability, hard-  
12          ware and software, or digital network tech-  
13          nology for broadband service to covered  
14          populations at low or no cost.

15          (v) To construct, upgrade, expend, or  
16          operate new or existing public access com-  
17          puting centers for covered populations  
18          through anchor institutions.

19          (vi) To undertake any other project or  
20          activity that the Assistant Secretary finds  
21          to be consistent with the purposes for  
22          which the Program is established.

23          (B) EVALUATION.—

24                  (i) IN GENERAL.—An entity to which  
25          the Assistant Secretary awards a grant

1 under the Program shall use not more  
2 than 10 percent of the grant amounts to  
3 measure and evaluate the activities sup-  
4 ported with the grant amounts.

5 (ii) SUBMISSION TO ASSISTANT SEC-  
6 RETARY.—An entity to which the Assistant  
7 Secretary awards a grant under the Pro-  
8 gram shall submit to the Assistant Sec-  
9 retary each measurement and evaluation  
10 performed under clause (i)—

11 (I) in a manner specified by the  
12 Assistant Secretary;

13 (II) not later than 15 months  
14 after the date on which the entity is  
15 awarded the grant amounts; and

16 (III) annually after the submis-  
17 sion described in subclause (II) for  
18 any year in which the entity expends  
19 grant amounts.

20 (C) ADMINISTRATIVE COSTS.—An entity to  
21 which the Assistant Secretary awards a grant  
22 under the Program may use not more than 10  
23 percent of the amount of the grant for adminis-  
24 trative costs in carrying out any of the activities  
25 described in subparagraph (A).



1 (D) TIME LIMITATIONS.—With respect to  
2 a grant awarded to an entity under the Pro-  
3 gram, the entity—

4 (i) except as provided in clause (ii),  
5 shall expend the grant amounts during the  
6 4-year period beginning on the date on  
7 which the entity is awarded the grant  
8 amounts; and

9 (ii) during the 1-year period beginning  
10 on the date that is 4 years after the date  
11 on which the entity is awarded the grant  
12 amounts, may continue to measure and  
13 evaluate the activities supported with the  
14 grant amounts, as required under subpara-  
15 graph (B).

16 (E) CONTRACTING REQUIREMENTS.—All  
17 laborers and mechanics employed by contractors  
18 or subcontractors in the performance of con-  
19 struction, alteration, or repair work carried out,  
20 in whole or in part, with a grant under the Pro-  
21 gram shall be paid wages at rates not less than  
22 those prevailing on projects of a similar char-  
23 acter in the locality as determined by the Sec-  
24 retary of Labor in accordance with subchapter  
25 IV of chapter 31 of title 40, United States

1 Code. With respect to the labor standards in  
2 this subparagraph, the Secretary of Labor shall  
3 have the authority and functions set forth in  
4 Reorganization Plan Numbered 14 of 1950 (64  
5 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
6 title 40, United States Code.

7 (F) NEUTRALITY REQUIREMENT.—An em-  
8 ployer to which the Assistant Secretary awards  
9 a grant under the Program shall remain neutral  
10 with respect to the exercise of employees and  
11 labor organizations of the right to organize and  
12 bargain under the National Labor Relations Act  
13 (29 U.S.C. 151 et seq.).

14 (G) REFERRAL OF ALLEGED VIOLATIONS  
15 OF APPLICABLE FEDERAL LABOR AND EMPLOY-  
16 MENT LAWS.—The Assistant Secretary shall  
17 refer any alleged violation of an applicable labor  
18 and employment law to the appropriate Federal  
19 agency for investigation and enforcement, any  
20 alleged violation of subparagraph (E) or (F) to  
21 the National Labor Relations Board for inves-  
22 tigation and enforcement, utilizing all appro-  
23 priate remedies up to and including debarment  
24 from the Program.

25 (e) FEDERAL SHARE.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), the Federal share of any project for  
3           which the Assistant Secretary awards a grant under  
4           the Program may not exceed 90 percent.

5           (2) EXCEPTION.—The Assistant Secretary may  
6           grant a waiver with respect to the limitation on the  
7           Federal share of a project described in paragraph  
8           (1) if—

9                   (A) the applicant with respect to the  
10                  project petitions the Assistant Secretary for the  
11                  waiver; and

12                   (B) the Assistant Secretary determines  
13                  that the petition described in subparagraph (A)  
14                  demonstrates financial need.

15          (f) ASSURANCES.—When applying for a grant under  
16          this section, an entity shall include in the application for  
17          that grant assurances that the entity will—

18                  (1) use any grant funds that the entity is  
19                  awarded in accordance with any applicable statute,  
20                  regulation, or application procedure;

21                  (2) adopt and use proper methods of admin-  
22                  istering any grant that the entity is awarded, includ-  
23                  ing by—

24                          (A) enforcing any obligation imposed under  
25                          law on any agency, institution, organization, or

1 other entity that is responsible for carrying out  
2 a program to which the grant relates;

3 (B) correcting any deficiency in the oper-  
4 ation of a program to which the grant relates,  
5 as identified through an audit or another moni-  
6 toring or evaluation procedure; and

7 (C) adopting written procedures for the re-  
8 ceipt and resolution of complaints alleging a  
9 violation of law with respect to a program to  
10 which the grant relates;

11 (3) cooperate with respect to any evaluation—

12 (A) of any program that relates to a grant  
13 awarded to the entity; and

14 (B) that is carried out by or for the Assist-  
15 ant Secretary or another Federal official;

16 (4) use fiscal control and fund accounting pro-  
17 cedures that ensure the proper disbursement of, and  
18 accounting for, any Federal funds that the entity is  
19 awarded under the Program;

20 (5) submit to the Assistant Secretary any re-  
21 ports that may be necessary to enable the Assistant  
22 Secretary to perform the duties of the Assistant Sec-  
23 retary under the Program; and

24 (6) maintain any records and provide any infor-  
25 mation to the Assistant Secretary, including those

1 records, that the Assistant Secretary determines is  
2 necessary to enable the Assistant Secretary to per-  
3 form the duties of the Assistant Secretary under the  
4 Program.

5 (g) TERMINATION OF GRANT.—In addition to other  
6 authority under applicable law, the Assistant Secretary  
7 shall—

8 (1) terminate a grant awarded to an entity  
9 under this section if, after notice to the entity and  
10 opportunity for a hearing, the Assistant Secretary  
11 determines, and presents to the entity a rationale  
12 and supporting information that clearly dem-  
13 onstrates, that—

14 (A) the grant funds are not being used in  
15 a manner that is consistent with the application  
16 with respect to the grant submitted by the enti-  
17 ty under subsection (c);

18 (B) the entity is not upholding assurances  
19 made by the entity to the Assistant Secretary  
20 under subsection (f); or

21 (C) the grant is no longer necessary to  
22 achieve the original purpose for which the As-  
23 sistant Secretary awarded the grant; and

24 (2) with respect to any grant funds that the As-  
25 sistant Secretary terminates under paragraph (1) or

1 under other authority under applicable law, competi-  
2 tively award the grant funds to another applicant (if  
3 such an applicant exists), consistent with the re-  
4 quirements of this section.

5 (h) REPORTING AND INFORMATION REQUIREMENTS;  
6 INTERNET DISCLOSURE.—The Assistant Secretary—

7 (1) shall—

8 (A) require any entity to which the Assist-  
9 ant Secretary awards a grant under the Pro-  
10 gram to, for each year during the period de-  
11 scribed in clause (i) of subsection (d)(2)(D)  
12 with respect to the grant and during the period  
13 described in clause (ii) of such subsection with  
14 respect to the grant if the entity continues to  
15 measure and evaluate the activities supported  
16 with the grant amounts during such period,  
17 submit to the Assistant Secretary a report, in  
18 a format specified by the Assistant Secretary,  
19 regarding—

20 (i) the use by the entity of the grant  
21 amounts; and

22 (ii) the progress of the entity towards  
23 fulfilling the objectives for which the grant  
24 was awarded;

1 (B) establish mechanisms to ensure appro-  
2 priate use of, and compliance with respect to all  
3 terms regarding, grant funds awarded under  
4 the Program;

5 (C) create and maintain a fully searchable  
6 database, which shall be accessible on the inter-  
7 net at no cost to the public, that contains, at  
8 a minimum—

9 (i) a list of each entity that has ap-  
10 plied for a grant under the Program;

11 (ii) a description of each application  
12 described in clause (i), including the pro-  
13 posed purpose of each grant described in  
14 that clause;

15 (iii) the status of each application de-  
16 scribed in clause (i), including whether the  
17 Assistant Secretary has awarded a grant  
18 with respect to the application and, if so,  
19 the amount of the grant;

20 (iv) each report submitted by an enti-  
21 ty under subparagraph (A); and

22 (v) any other information that the As-  
23 sistant Secretary considers appropriate to  
24 ensure that the public has sufficient infor-

1                   mation to understand and monitor grants  
2                   awarded under the Program; and

3                   (D) ensure that any entity with respect to  
4                   which an award is terminated under subsection  
5                   (g) may, in a timely manner, appeal or other-  
6                   wise challenge that termination; and

7                   (2) may establish additional reporting and in-  
8                   formation requirements for any recipient of a grant  
9                   under the Program.

10                  (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded  
11 to an entity under the Program shall supplement, not sup-  
12 plant, other Federal or State funds that have been made  
13 available to the entity to carry out activities described in  
14 this section.

15                  (j) SET ASIDES.—From amounts made available in  
16 a fiscal year to carry out the Program, the Assistant Sec-  
17 retary shall reserve—

18                   (1) not more than 5 percent for the implemen-  
19 tation and administration of the Program, which  
20 shall include—

21                   (A) providing technical support and assist-  
22                   ance, including ensuring consistency in data re-  
23                   porting;



1 (B) providing assistance to entities to pre-  
2 pare the applications of those entities with re-  
3 spect to grants awarded under this section;

4 (C) developing the report required under  
5 section 11203(a); and

6 (D) conducting outreach to entities that  
7 may be eligible to be awarded a grant under the  
8 Program regarding opportunities to apply for  
9 such a grant; and

10 (2) not less than 5 percent to award grants di-  
11 rectly to Indian Tribes, tribally designated entities,  
12 and Native Hawaiian organizations to allow those  
13 Tribes, entities, and organizations to carry out the  
14 activities described in this section.

15 (k) RULES.—The Assistant Secretary may prescribe  
16 such rules as may be necessary to carry out this section.

17 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Assistant Sec-  
19 retary \$625,000,000 to carry out this section for fiscal  
20 year 2022, and such amount is authorized to remain avail-  
21 able through fiscal year 2026.

22 **SEC. 11203. POLICY RESEARCH, DATA COLLECTION, ANAL-**  
23 **YSIS AND MODELING, EVALUATION, AND DIS-**  
24 **SEMINATION.**

25 (a) REPORTING REQUIREMENTS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date on which the Assistant Secretary begins  
3 awarding grants under section 11201(d), and annu-  
4 ally thereafter, the Assistant Secretary shall—

5           (A) submit to the appropriate committees  
6 of Congress a report that documents, for the  
7 year covered by the report—

8           (i) the findings of each evaluation  
9 conducted under subparagraph (B);

10          (ii) a list of each grant awarded under  
11 each covered program, which shall in-  
12 clude—

13           (I) the amount of each such  
14 grant;

15           (II) the recipient of each such  
16 grant; and

17           (III) the purpose for which each  
18 such grant was awarded;

19          (iii) any termination or modification  
20 of a grant awarded under the covered pro-  
21 grams, which shall include a description of  
22 the subsequent usage of any funds to  
23 which such an action applies; and

24          (iv) each challenge made by an appli-  
25 cant for, or a recipient of, a grant under

1 the covered programs and the outcome of  
2 each such challenge; and

3 (B) conduct evaluations of the activities  
4 carried out under the covered programs, which  
5 shall include an evaluation of—

6 (i) whether eligible States to which  
7 grants are awarded under the program es-  
8 tablished under section 11201 are—

9 (I) abiding by the assurances  
10 made by those States under sub-  
11 section (e) of that section;

12 (II) meeting, or have met, the  
13 stated goals of the State Digital Eq-  
14 uity Plans developed by the States  
15 under subsection (c) of that section;

16 (III) satisfying the requirements  
17 imposed by the Assistant Secretary on  
18 those States under subsection (g) of  
19 that section; and

20 (IV) in compliance with any  
21 other rules, requirements, or regula-  
22 tions promulgated by the Assistant  
23 Secretary in implementing that pro-  
24 gram; and

1 (ii) whether entities to which grants  
2 are awarded under the program established  
3 under section 11202 are—

4 (I) abiding by the assurances  
5 made by those entities under sub-  
6 section (f) of that section;

7 (II) meeting, or have met, the  
8 stated goals of those entities with re-  
9 spect to the use of the grant amounts;

10 (III) satisfying the requirements  
11 imposed by the Assistant Secretary on  
12 those entities under subsection (h) of  
13 that section; and

14 (IV) in compliance with any  
15 other rules, requirements, or regula-  
16 tions promulgated by the Assistant  
17 Secretary in implementing that pro-  
18 gram.

19 (2) PUBLIC AVAILABILITY.—The Assistant Sec-  
20 retary shall make each report submitted under para-  
21 graph (1)(A) publicly available in an online format  
22 that—

23 (A) facilitates access and ease of use;

24 (B) is searchable; and

25 (C) is accessible—

- 1 (i) to individuals with disabilities; and  
2 (ii) in languages other than English.

3 (b) **AUTHORITY TO CONTRACT AND ENTER INTO**  
4 **OTHER ARRANGEMENTS.**—The Assistant Secretary may  
5 award grants and enter into contracts, cooperative agree-  
6 ments, and other arrangements with Federal agencies,  
7 public and private organizations, and other entities with  
8 expertise that the Assistant Secretary determines appro-  
9 priate in order to—

10 (1) evaluate the impact and efficacy of activities  
11 supported by grants awarded under the covered pro-  
12 grams; and

13 (2) develop, catalog, disseminate, and promote  
14 the exchange of best practices, both with respect to  
15 and independent of the covered programs, in order  
16 to achieve digital equity.

17 (c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In  
18 carrying out subsection (a), and to further the objectives  
19 described in paragraphs (1) and (2) of subsection (b), the  
20 Assistant Secretary shall conduct ongoing collaboration  
21 and consult with—

22 (1) the Secretary of Agriculture;

23 (2) the Secretary of Housing and Urban Devel-  
24 opment;

25 (3) the Secretary of Education;

- 1 (4) the Secretary of Labor;
- 2 (5) the Secretary of Health and Human Serv-
- 3 ices;
- 4 (6) the Secretary of Veterans Affairs;
- 5 (7) the Secretary of the Interior;
- 6 (8) the Assistant Secretary for Indian Affairs of
- 7 the Department of the Interior;
- 8 (9) the Commission;
- 9 (10) the Federal Trade Commission;
- 10 (11) the Director of the Institute of Museum
- 11 and Library Services;
- 12 (12) the Administrator of the Small Business
- 13 Administration;
- 14 (13) the Federal Cochairman of the Appa-
- 15 lachian Regional Commission;
- 16 (14) State agencies and governors of States (or
- 17 equivalent officials);
- 18 (15) entities serving as administering entities
- 19 for States under section 11201(b);
- 20 (16) national, State, Tribal, and local organiza-
- 21 tions that conduct digital inclusion activities, pro-
- 22 mote digital equity, or provide digital literacy serv-
- 23 ices;
- 24 (17) researchers, academics, and philanthropic
- 25 organizations; and

1           (18) other agencies, organizations (including  
2 international organizations), entities (including enti-  
3 ties with expertise in the fields of data collection,  
4 analysis and modeling, and evaluation), and commu-  
5 nity stakeholders, as determined appropriate by the  
6 Assistant Secretary.

7           (d) TECHNICAL SUPPORT AND ASSISTANCE.—The  
8 Assistant Secretary shall provide technical support and as-  
9 sistance to potential applicants for the covered programs  
10 and entities awarded grants under the covered programs,  
11 to ensure consistency in data reporting and to meet the  
12 objectives of this section.

13 **SEC. 11204. GENERAL PROVISIONS.**

14           (a) NONDISCRIMINATION.—

15           (1) IN GENERAL.—No individual in the United  
16 States may, on the basis of actual or perceived race,  
17 color, religion, national origin, sex, gender identity,  
18 sexual orientation, age, or disability, be excluded  
19 from participation in, be denied the benefits of, or  
20 be subjected to discrimination under any program or  
21 activity that is funded in whole or in part with funds  
22 made available under this part.

23           (2) ENFORCEMENT.—The Assistant Secretary  
24 shall effectuate paragraph (1) with respect to any  
25 program or activity described in that paragraph by

1 issuing regulations and taking actions consistent  
2 with section 602 of the Civil Rights Act of 1964 (42  
3 U.S.C. 2000d-1).

4 (3) JUDICIAL REVIEW.—Judicial review of an  
5 action taken by the Assistant Secretary under para-  
6 graph (2) shall be available to the extent provided in  
7 section 603 of the Civil Rights Act of 1964 (42  
8 U.S.C. 2000d-2).

9 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant  
10 Secretary shall, to the extent practicable, carry out this  
11 part in a technologically neutral manner.

12 (c) AUDIT AND OVERSIGHT.—There are authorized  
13 to be appropriated to the Office of Inspector General of  
14 the Department of Commerce for audits and oversight of  
15 funds made available to carry out this part, \$1,000,000  
16 for fiscal year 2022, and such amount is authorized to  
17 remain available through fiscal year 2026.



1 **Subtitle B—Broadband Afford-**  
2 **ability and Pricing Trans-**  
3 **parency**

4 **PART 1—BROADBAND AFFORDABILITY**

5 **SEC. 12101. AUTHORIZATION FOR ADDITIONAL FUNDS FOR**  
6 **THE EMERGENCY BROADBAND CONNECTIV-**  
7 **ITY FUND.**

8 There are authorized to be appropriated to the Emer-  
9 gency Broadband Connectivity Fund established under  
10 subsection (i) of section 904 of title IX of division N of  
11 the Consolidated Appropriations Act, 2021 (Public Law  
12 116–260) \$6,000,000,000 for fiscal year 2022 for the pur-  
13 poses described in paragraph (3) of such subsection, and  
14 such amount is authorized to remain available through fis-  
15 cal year 2026.

16 **SEC. 12102. GRANTS TO STATES TO STRENGTHEN NA-**  
17 **TIONAL LIFELINE ELIGIBILITY VERIFIER.**

18 (a) IN GENERAL.—Not later than 45 days after the  
19 date of the enactment of this Act, the Commission shall  
20 establish a program to provide a grant, from amounts ap-  
21 propriated under subsection (d), to each eligible entity for  
22 the purpose described under subsection (b).

23 (b) PURPOSE.—The Commission shall make a grant  
24 to each eligible entity for the purpose of establishing or  
25 amending a connection between the databases of such en-

1 tity that contain information concerning the receipt by a  
2 household, or a member of a household, of benefits under  
3 a program administered by such entity (including any ben-  
4 efit provided under the supplemental nutrition assistance  
5 program under the Food and Nutrition Act of 2008 (7  
6 U.S.C. 2011 et seq.)) and the National Lifeline Eligibility  
7 Verifier so that the receipt by a household, or a member  
8 of a household, of benefits under such benefits program—

9 (1) is reflected in the National Lifeline Eligi-  
10 bility Verifier; and

11 (2) can be used to verify eligibility for—

12 (A) the Lifeline program established under  
13 subpart E, part 54, of title 47, Code of Federal  
14 Regulations (or any successor regulation); and

15 (B) the Emergency Broadband Benefit  
16 Program established under section 904(b) of  
17 title IX of division N of the Consolidated Ap-  
18 propriations Act, 2021 (Public Law 116–260).

19 (c) DISBURSEMENT OF GRANT FUNDS.—Not later  
20 than 60 days after the program established under sub-  
21 section (a) is established, funds provided under each grant  
22 made under such subsection shall be disbursed to the enti-  
23 ty receiving such grant.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated \$200,000,000 for fiscal

1 year 2022 for the purposes of carrying out this section,  
2 and such amount is authorized to remain available  
3 through fiscal year 2026.

4 (e) ELIGIBLE ENTITIES.—In this section, the term  
5 “eligible entity” means an entity that—

6 (1) is a State or Tribal entity; and

7 (2) not later than 30 days after the date of the  
8 enactment of this Act, submits to the Commission  
9 an application containing such information as the  
10 Commission may require.

11 **SEC. 12103. FEDERAL COORDINATION BETWEEN NATIONAL**  
12 **ELIGIBILITY VERIFIER AND NATIONAL ACCU-**  
13 **RACY CLEARINGHOUSE.**

14 Notwithstanding section 11(x)(2)(C)(i) of the Food  
15 and Nutrition Act of 2008 (7 U.S.C. 2020(x)(2)(C)(i)),  
16 not later than 180 days after the date of the enactment  
17 of this Act, the Commission shall, in coordination with the  
18 Secretary of Agriculture, establish an automated connec-  
19 tion, to the maximum extent practicable, between the Na-  
20 tional Lifeline Eligibility Verifier and the National Accu-  
21 racy Clearinghouse established under section 11(x) of the  
22 Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)) for  
23 the supplemental nutrition assistance program.

24 **SEC. 12104. DEFINITIONS.**

25 In this part:

1           (1) AUTOMATED CONNECTION.—The term  
2 “automated connection” means a connection be-  
3 tween two or more information systems where the  
4 manual input of information in one system leads to  
5 the automatic input of the same information into  
6 any other connected system.

7           (2) NATIONAL LIFELINE ELIGIBILITY  
8 VERIFIER.—The term “National Lifeline Eligibility  
9 Verifier” has the meaning given such term in section  
10 54.400 of title 47, Code of Federal Regulations (or  
11 any successor regulation).

12           (3) TRIBAL ENTITY.—The term “Tribal entity”  
13 means any of the following:

14           (A) The governing body of any Indian or  
15 Alaska Native Tribe, band, nation, pueblo, vil-  
16 lage, community, component band, or compo-  
17 nent reservation, individually recognized (in-  
18 cluding parenthetically) in the list published  
19 most recently as of the date of enactment of  
20 this Act pursuant to section 104 of the Feder-  
21 ally Recognized Indian Tribe List Act of 1994  
22 (25 U.S.C. 5131).

23           (B) The Department of Hawaiian Home  
24 Lands.

1       **PART 2—ADDITIONAL AUTHORIZATION FOR**  
2                   **EMERGENCY CONNECTIVITY FUND**

3   **SEC. 12201. ADDITIONAL AUTHORIZATION FOR EMER-**  
4                   **GENCY CONNECTIVITY FUND.**

5       There is authorized to be appropriated to the Emer-  
6   gency Connectivity Fund established under section  
7   7402(c) of the American Rescue Plan Act of 2021  
8   \$2,000,000,000 for fiscal year 2022 for the purposes de-  
9   scribed in such section, and such amount is authorized to  
10   remain available through fiscal year 2026.

11                   **PART 3—PRICING TRANSPARENCY**

12   **SEC. 12301. DEFINITIONS.**

13       In this part:

14               (1) BROADBAND INTERNET ACCESS SERVICE.—

15       The term “broadband internet access service” has  
16       the meaning given the term in section 8.1(b) of title  
17       47, Code of Federal Regulations, or any successor  
18       regulation.

19               (2) FIXED WIRELESS BROADBAND.—The term

20       “fixed wireless broadband” means broadband inter-  
21       net access service that serves end users primarily at  
22       fixed endpoints through stationary equipment con-  
23       nected by the use of radio, such as by the use of un-  
24       licensed spectrum.

25               (3) MOBILE BROADBAND.—The term “mobile  
26       broadband”—

1 (A) means broadband internet access serv-  
2 ice that serves end users primarily using mobile  
3 stations;

4 (B) includes services that use smartphones  
5 or mobile network-enabled tablets as the pri-  
6 mary endpoints for connection to the internet;  
7 and

8 (C) includes mobile satellite broadband  
9 internet access services.

10 (4) PROVIDER.—The term “provider” means a  
11 provider of fixed or mobile broadband internet access  
12 service.

13 (5) SATELLITE BROADBAND.—The term “sat-  
14 ellite broadband” means broadband internet access  
15 service that serves end users primarily at fixed  
16 endpoints through stationary equipment connected  
17 by the use of orbital satellites.

18 (6) TERRESTRIAL FIXED BROADBAND.—The  
19 term “terrestrial fixed broadband” means broadband  
20 internet access service that serves end users pri-  
21 marily at fixed endpoints through stationary equip-  
22 ment connected by wired technology such as cable,  
23 DSL, and fiber.

24 **SEC. 12302. BROADBAND TRANSPARENCY.**

25 (a) RULES.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of the enactment of this Act, the Commis-  
3           sion shall issue final rules that include a require-  
4           ment for the annual collection by the Commission of  
5           data relating to the price and subscription rates of  
6           terrestrial fixed broadband, fixed wireless  
7           broadband, satellite broadband, and mobile  
8           broadband.

9           (2) UPDATES.—Not later than 90 days after  
10          the date on which rules are issued under paragraph  
11          (1), and when determined to be necessary by the  
12          Commission thereafter, the Commission shall revise  
13          such rules to verify the accuracy of data submitted  
14          pursuant to such rules.

15          (3) REDUNDANCY AVOIDANCE.—Nothing in this  
16          section shall be construed to require the Commis-  
17          sion, in order to meet a requirement of this section,  
18          to duplicate an activity that the Commission is un-  
19          dertaking as of the date of the enactment of this  
20          Act, if the Commission refers to such activity in the  
21          rules issued under paragraph (1), such activity  
22          meets the requirements of this section, and the Com-  
23          mission discloses such activity to the public.

24          (b) CONTENT OF RULES.—The rules issued by the  
25          Commission under subsection (a)(1) shall require the

1 Commission to collect from each provider of terrestrial  
2 fixed broadband, fixed wireless broadband, mobile  
3 broadband, or satellite broadband, data that includes—

4           (1) either the weighted average of the monthly  
5 prices charged to subscribed households within each  
6 census block for each distinct broadband internet ac-  
7 cess service plan or tier of standalone broadband  
8 internet access service, including mandatory equip-  
9 ment charges, usage-based fees, and fees for early  
10 termination of required contracts, or the monthly  
11 price charged to each subscribed household, includ-  
12 ing such charges and fees;

13           (2) either the mean monthly price within the  
14 duration of subscription contracts offered within  
15 each census block for each distinct broadband inter-  
16 net access service plan or tier of standalone  
17 broadband internet access service, including manda-  
18 tory equipment charges, usage-based fees, and fees  
19 for early termination of required contracts, or the  
20 mean monthly price within the duration of subscrip-  
21 tion contracts offered to each household, including  
22 such charges and fees;

23           (3) either the subscription rate within each cen-  
24 sus block for each distinct broadband internet access  
25 service plan or tier of standalone broadband internet



1 access service, or information regarding the sub-  
2 scription status of each household to which a sub-  
3 scription is offered;

4 (4) data necessary to demonstrate the actual  
5 price paid by subscribers of broadband internet ac-  
6 cess service at each tier for such service in a manner  
7 that—

8 (A) takes into account any discounts (or  
9 similar price concessions); and

10 (B) identifies any additional taxes and fees  
11 (including for the use of equipment related to  
12 the use of a subscription for such service), any  
13 monthly data usage limitation at the stated  
14 price, and the extent to which the price of the  
15 service reflects inclusion within a product bun-  
16 dle; and

17 (5) data necessary to assess the resiliency of  
18 the broadband internet access service network in the  
19 event of a natural disaster or emergency.

20 (c) TECHNICAL ASSISTANCE.—The Commission shall  
21 provide technical assistance to small providers (as defined  
22 by the Commission) of broadband internet access service,  
23 to ensure such providers can fulfill the requirements of  
24 this section.

1 **SEC. 12303. DISTRIBUTION OF DATA.**

2 (a) AVAILABILITY OF DATA.—Subject to subsection  
3 (b), the Commission shall make all data relating to  
4 broadband internet access service collected under rules re-  
5 quired by this part available in a commonly used electronic  
6 format to—

7 (1) other Federal agencies, including the Na-  
8 tional Telecommunications and Information Admin-  
9 istration, to assist that agency in conducting the  
10 study required by subsection (g) of section 903 of di-  
11 vision FF of the Consolidated Appropriations Act,  
12 2021 (Public Law 116–260), as added by this title;

13 (2) a broadband office, public utility commis-  
14 sion, broadband mapping program, or other  
15 broadband program of a State, in the case of data  
16 pertaining to the needs of that State;

17 (3) a unit of local government, in the case of  
18 data pertaining to the needs of that locality; and

19 (4) an individual or organization conducting re-  
20 search for noncommercial purposes or public interest  
21 purposes.

22 (b) PROTECTION OF DATA.—

23 (1) IN GENERAL.—The Commission may not  
24 share any data described in subsection (a) with an  
25 entity or individual described in that subsection un-  
26 less the Commission has determined that the receiv-

1       ing entity or individual has the capability and intent  
2       to protect any personally identifiable information  
3       contained in the data.

4               (2) DETERMINATION OF PERSONALLY IDENTIFI-  
5       FIABLE INFORMATION.—The Commission—

6               (A) shall define the term “personally iden-  
7       tifiable information”, for purposes of paragraph  
8       (1), through notice and comment rulemaking;  
9       and

10              (B) may not share any data under sub-  
11       section (a) before completing the rulemaking  
12       under subparagraph (A).

13       (c) BALANCING ACCESS AND PROTECTION.—If the  
14       Commission is unable to determine under subsection  
15       (b)(1) that an entity or individual requesting access to  
16       data under subsection (a) has the capability to protect per-  
17       sonally identifiable information contained in the data, the  
18       Commission shall make as much of the data available as  
19       possible in a format that does not compromise personally  
20       identifiable information, through methods such as  
21       anonymization.

1 **SEC. 12304. COORDINATION WITH CERTAIN OTHER FED-**  
2 **ERAL AGENCIES.**

3 Section 804(b)(2) of the Communications Act of  
4 1934 (47 U.S.C. 644(b)(2)), as added by the Broadband  
5 DATA Act (Public Law 116–130), is amended—

6 (1) in subparagraph (A)(ii), by striking the  
7 semicolon at the end and inserting “; and”; and

8 (2) by amending subparagraph (B) to read as  
9 follows:

10 “(B) coordinate with the Postmaster Gen-  
11 eral, the heads of other Federal agencies that  
12 operate delivery fleet vehicles, and the Director  
13 of the Bureau of the Census for assistance with  
14 data collection whenever coordination could fea-  
15 sibly yield more specific geographic data.”; and  
16 (3) by striking subparagraph (C).

17 **SEC. 12305. ADOPTION OF CONSUMER BROADBAND LABELS.**

18 (a) FINAL RULE.—Not later than 1 year after the  
19 date of the enactment of this Act, the Commission shall  
20 promulgate regulations to promote and incentivize the  
21 widespread adoption of broadband consumer labels, as de-  
22 scribed in the Public Notice of the Commission issued on  
23 April 4, 2016 (DA 16–357), to disclose to consumers in-  
24 formation regarding broadband internet access service  
25 plans.

1 (b) HEARINGS.—In issuing the final rule under sub-  
2 section (a), the Commission shall conduct a series of pub-  
3 lic hearings to assess, at the time of the proceeding—

4 (1) how consumers evaluate broadband internet  
5 access service plans; and

6 (2) whether disclosures to consumers of infor-  
7 mation regarding broadband internet access service  
8 plans, including those required under section 8.1 of  
9 title 47, Code of Federal Regulations, are available,  
10 effective, and sufficient.

11 **SEC. 12306. GAO REPORT.**

12 Not later than one year after the date of the enact-  
13 ment of this Act, the Comptroller General of the United  
14 States shall submit to the Committee on Energy and Com-  
15 merce of the House of Representatives, the Committee on  
16 Agriculture of the House of Representatives, the Com-  
17 mittee on Transportation and Infrastructure of the House  
18 of the Representatives, the Committee on Commerce,  
19 Science, and Transportation of the Senate, the Committee  
20 on Environment and Public Works of the Senate, and the  
21 Committee on Agriculture, Nutrition, and Forestry of the  
22 Senate, a report that evaluates the process used by the  
23 Commission for establishing, reviewing, and updating the  
24 upload and download broadband internet access service  
25 speed thresholds, including—

1           (1) how the Commission reviews and updates  
2 broadband internet access speed thresholds;

3           (2) whether the Commission considers future  
4 broadband internet access service speed needs when  
5 establishing broadband internet access service speed  
6 thresholds, including whether the Commission con-  
7 siders the need, or the anticipated need, for higher  
8 upload or download broadband internet access serv-  
9 ice speeds in the five-year period and the ten-year  
10 period after the date on which a broadband internet  
11 access service speed threshold is to be established;  
12 and

13           (3) how the Commission considers the impacts  
14 of changing uses of the internet in establishing, re-  
15 viewing, or updating broadband internet access serv-  
16 ice speed thresholds, including—

17                   (A) the proliferation of internet-based busi-  
18 ness;

19                   (B) working remotely and running a busi-  
20 ness from home;

21                   (C) video teleconferencing;

22                   (D) distance learning;

23                   (E) in-house web hosting; and

24                   (F) cloud data storage.

1           **Subtitle C—Broadband Access**

2           **PART 1—EXPANSION OF BROADBAND ACCESS**

3   **SEC. 13101. EXPANSION OF BROADBAND ACCESS IN**  
4                   **UNSERVED AREAS AND AREAS WITH LOW-**  
5                   **TIER OR MID-TIER SERVICE.**

6           (a) IN GENERAL.—Title VII of the Communications  
7 Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding  
8 at the end the following new section:

9   **“SEC. 723. EXPANSION OF BROADBAND ACCESS IN**  
10                   **UNSERVED AREAS AND AREAS WITH LOW-**  
11                   **TIER OR MID-TIER SERVICE.**

12           “(a) PROGRAM ESTABLISHED.—Not later than 180  
13 days after the date of the enactment of this section, the  
14 Commission, in consultation with the Assistant Secretary,  
15 shall establish a program to expand access to broadband  
16 service for unserved areas, areas with low-tier service,  
17 areas with mid-tier service, and unserved anchor institu-  
18 tions in accordance with the requirements of this section  
19 that—

20                   “(1) is separate from any universal service pro-  
21 gram established pursuant to section 254; and

22                   “(2) does not require funding recipients to be  
23 designated as eligible telecommunications carriers  
24 under section 214(e).

25           “(b) USE OF PROGRAM FUNDS.—

1           “(1) EXPANDING ACCESS TO BROADBAND SERV-  
2           ICE THROUGH NATIONAL SYSTEM OF COMPETITIVE  
3           BIDDING.—Not later than 18 months after the date  
4           of the enactment of this section, the Commission  
5           shall award 75 percent of the amounts appropriated  
6           under subsection (g) through national systems of  
7           competitive bidding to funding recipients only to ex-  
8           pand access to broadband service in unserved areas  
9           and areas with low-tier service.

10           “(2) EXPANDING ACCESS TO BROADBAND SERV-  
11           ICE THROUGH STATES.—

12           “(A) DISTRIBUTION OF FUNDS TO  
13           STATES.—Not later than 255 days after the  
14           date of the enactment of this section, the Com-  
15           mission shall distribute 25 percent of the  
16           amounts appropriated under subsection (g)  
17           among the States, as follows:

18           “(i) \$100,000,000 shall be distributed  
19           to each of the 50 States, the District of  
20           Columbia, and Puerto Rico.

21           “(ii) \$100,000,000 shall be allocated  
22           equally among and distributed to the  
23           United States Virgin Islands, Guam,  
24           American Samoa, the Commonwealth of  
25           the Northern Mariana Islands, the Repub-



1           lic of the Marshall Islands, the Federated  
2           States of Micronesia, and the Republic of  
3           Palau.

4           “(iii) The remainder shall be allocated  
5           among and distributed to the entities de-  
6           scribed in clause (i), in proportion to the  
7           population of each such entity.

8           “(B) PUBLIC NOTICE.—Not later than 195  
9           days after the date of the enactment of this sec-  
10          tion, the Commission shall issue a public notice  
11          informing each State and the public of the  
12          amounts to be distributed under this para-  
13          graph. The notice shall include—

14               “(i) the manner in which a State shall  
15               inform the Commission of that State’s ac-  
16               ceptance or acceptance in part of the  
17               amounts to be distributed under this para-  
18               graph;

19               “(ii) the date (which is 30 days after  
20               the date on which the public notice is  
21               issued) by which such acceptance or ac-  
22               ceptance in part is due; and

23               “(iii) the requirements as set forth  
24               under this section and as may be further  
25               prescribed by the Commission.

1           “(C) ACCEPTANCE BY STATES.—Not later  
2 than 30 days after the date on which a public  
3 notice is issued under subparagraph (B), each  
4 State accepting amounts to be distributed  
5 under this paragraph shall inform the Commis-  
6 sion of the acceptance or acceptance in part by  
7 the State of the amounts to be distributed  
8 under this paragraph in the manner described  
9 by the Commission in the public notice.

10           “(D) REQUIREMENTS FOR STATE RECEIPT  
11 OF AMOUNTS DISTRIBUTED.—Each State ac-  
12 cepting amounts distributed under this para-  
13 graph—

14           “(i) shall only award such amounts  
15 through statewide systems of competitive  
16 bidding, in the manner prescribed by the  
17 State but subject to the requirements as  
18 set forth under this section and as may be  
19 further prescribed by the Commission;

20           “(ii) shall make such awards only—

21           “(I) to funding recipients to ex-  
22 pand access to broadband service in  
23 unserved areas and areas with low-tier  
24 service;

1                   “(II) to funding recipients to ex-  
2                   pand access to broadband service to  
3                   unserved anchor institutions; or

4                   “(III) to funding recipients to ex-  
5                   pand access to broadband service in  
6                   areas with mid-tier service, but only if  
7                   a State does not have, or no longer  
8                   has, any unserved areas or areas with  
9                   low-tier service;

10                  “(iii) shall conduct separate systems  
11                  of competitive bidding for awards made to  
12                  unserved anchor institutions under clause  
13                  (ii)(II), if a State awards any amounts dis-  
14                  tributed under this paragraph to unserved  
15                  anchor institutions;

16                  “(iv) shall return any unused portion  
17                  of amounts distributed under this para-  
18                  graph to the Commission within 10 years  
19                  after the date of the enactment of this sec-  
20                  tion and shall submit a certification to the  
21                  Commission before receiving such amounts  
22                  that the State will return such amounts;  
23                  and

24                  “(v) may not use more than 5 percent  
25                  of the amounts distributed under this

1 paragraph to administer a system or sys-  
2 tems of competitive bidding authorized by  
3 this paragraph.

4 “(3) FEDERAL AND STATE COORDINATION.—

5 The Commission, in consultation with the Office of  
6 Internet Connectivity and Growth, shall establish  
7 processes through the rulemaking under subsection  
8 (e) to—

9 “(A) permit a State to elect for the Com-  
10 mission to conduct statewide systems of com-  
11 petitive bidding on behalf of such State as part  
12 of, or in coordination with, national systems of  
13 competitive bidding;

14 “(B) assist States in conducting statewide  
15 systems of competitive bidding;

16 “(C) ensure that program funds awarded  
17 by the Commission and program funds awarded  
18 by the States are not used in the same areas;  
19 and

20 “(D) ensure that program funds and funds  
21 awarded through other Federal programs to ex-  
22 pand broadband service with a download speed  
23 of at least 100 megabits per second, an upload  
24 speed of at least 100 megabits per second, and  
25 latency that is sufficiently low to allow multiple,

1 simultaneous, real-time, interactive applications,  
2 are not used in the same areas.

3 “(c) PROGRAM REQUIREMENTS.—

4 “(1) TECHNOLOGY NEUTRALITY REQUIRED.—

5 The entity administering a system of competitive  
6 bidding (either a State or the Commission) in mak-  
7 ing awards may not favor a project using any par-  
8 ticular technology.

9 “(2) GIGABIT PERFORMANCE FUNDING.—The  
10 Commission shall reserve 20 percent of the amounts  
11 to be awarded by the Commission under subsection  
12 (b)(1), and each State shall reserve 20 percent of  
13 the amounts distributed to such State under sub-  
14 section (b)(2), for bidders committing (with respect  
15 to any particular project by such a bidder) to offer,  
16 not later than the date that is 4 years after the date  
17 on which funding is provided under this section for  
18 such project—

19 “(A) broadband service with a download  
20 speed of at least 1 gigabit per second, an  
21 upload speed of at least 1 gigabit per second,  
22 and latency that is sufficiently low to allow mul-  
23 tiple, simultaneous, real-time, interactive appli-  
24 cations; or

1           “(B) in the case of a project to provide  
2           broadband service to an unserved anchor insti-  
3           tution, broadband service with a download  
4           speed of at least 10 gigabits per second per  
5           1,000 users, an upload speed of at least 10 gig-  
6           abits per second per 1,000 users, and latency  
7           that is sufficiently low to allow multiple, simul-  
8           taneous, real-time, interactive applications.

9           “(3) SYSTEM OF COMPETITIVE BIDDING PROC-  
10          ESS.—The entity administering a system of competi-  
11          tive bidding (either a State or the Commission) shall  
12          structure the system of competitive bidding process  
13          to—

14           “(A) first hold a system of competitive bid-  
15           ding only for bidders committing (with respect  
16           to any particular project by such a bidder) to  
17           offer, not later than the date that is 4 years  
18           after the date on which funding is provided  
19           under this section for such project—

20           “(i) broadband service with a  
21           download speed of at least 1 gigabit per  
22           second, an upload speed of at least 1 gig-  
23           abit per second, and latency that is suffi-  
24           ciently low to allow multiple, simultaneous,  
25           real-time, interactive applications; or

1           “(ii) in the case of a project to pro-  
2           vide broadband service to an unserved an-  
3           chor institution, broadband service with a  
4           download speed of at least 10 gigabits per  
5           second per 1,000 users, an upload speed of  
6           at least 10 gigabits per second per 1,000  
7           users, and latency that is sufficiently low  
8           to allow multiple, simultaneous, real-time,  
9           interactive applications; and

10           “(B) after holding the system of competi-  
11           tive bidding required by subparagraph (A), hold  
12           one or more systems of competitive bidding, in  
13           areas not receiving awards under subparagraph  
14           (A), to award funds for projects in areas that  
15           are estimated to remain unserved areas, areas  
16           with low-tier service, or (to the extent permitted  
17           under this section) areas with mid-tier service,  
18           or (to the extent permitted under this section)  
19           for projects to offer broadband service to an-  
20           chor institutions that are estimated to remain  
21           unserved anchor institutions, after the comple-  
22           tion of the projects for which funding is award-  
23           ed under the system of competitive bidding re-  
24           quired by subparagraph (A) or any previous

1 system of competitive bidding under this sub-  
2 paragraph.

3 “(4) FUNDS PRIORITY PREFERENCE.—There  
4 shall be a preference in a system of competitive bid-  
5 ding for projects that would expand access to  
6 broadband service in areas where at least 90 percent  
7 of the population has no access to broadband service  
8 or does not have access to broadband service offered  
9 with a download speed of at least 25 megabits per  
10 second, with an upload speed of at least 3 megabits  
11 per second, and with latency that is sufficiently low  
12 to allow multiple, simultaneous, real-time, interactive  
13 applications. Such projects shall be given priority in  
14 such system of competitive bidding over all other  
15 projects, regardless of how many preferences under  
16 paragraph (5) for which such other projects qualify.

17 “(5) FUNDS PREFERENCE.—There shall be a  
18 preference in a system of competitive bidding, as de-  
19 termined by the entity administering the system of  
20 competitive bidding (either a State or the Commis-  
21 sion), for any of the following projects:

22 “(A) Projects with at least 20 percent  
23 matching funds from non-Federal sources.



1           “(B) Projects that would expand access to  
2 broadband service on Tribal lands, as defined  
3 by the Commission.

4           “(C) Projects that would provide  
5 broadband service with higher speeds than  
6 those specified in subsection (d)(2), except in  
7 the case of funds awarded under subparagraph  
8 (A) of paragraph (3).

9           “(D) Projects that would expand access to  
10 broadband service in advance of the time speci-  
11 fied in subsection (e)(5), except in the case of  
12 funds awarded under subparagraph (A) of  
13 paragraph (3).

14           “(E) Projects that would expand access to  
15 broadband service to persistent poverty counties  
16 or high-poverty areas at subsidized rates.

17           “(F) Projects that, at least until the date  
18 that is 10 years after the date of the enactment  
19 of this section, would provide broadband service  
20 with comparable speeds to those provided in  
21 areas that, on the day before such date of en-  
22 actment, were not unserved areas, areas with  
23 low-tier service, or areas with mid-tier service,  
24 with minimal future investment.

1           “(G) Projects with support from the local  
2           community, demonstrated by at least one letter  
3           of support from local elected officials in the  
4           community.

5           “(H) Projects that would provide for the  
6           deployment of open-access broadband service  
7           networks.

8           “(6) UNSERVED AREAS AND AREAS WITH LOW-  
9           TIER OR MID-TIER SERVICE.—In determining wheth-  
10          er an area is an unserved area, an area with low-  
11          tier service, or an area with mid-tier service or  
12          whether an anchor institution is an unserved anchor  
13          institution for any system of competitive bidding au-  
14          thorized under this section, the Commission shall  
15          implement the following requirements through the  
16          rulemaking described in subsection (e):

17           “(A) DATA FOR INITIAL DETERMINA-  
18           TION.—To make an initial determination as to  
19           whether an area is an unserved area, an area  
20           with low-tier service, or an area with mid-tier  
21           service or whether an anchor institution is an  
22           unserved anchor institution, the Commission  
23           shall—

1           “(i) use the most accurate and granu-  
2 lar data on the map created by the Com-  
3 mission under section 802(c)(1)(B);

4           “(ii) refine the data described in  
5 clause (i) by using—

6                   “(I) other data on access to  
7 broadband service obtained or pur-  
8 chased by the Commission;

9                   “(II) other publicly available data  
10 or information on access to broadband  
11 service; and

12                   “(III) other publicly available  
13 data or information on State  
14 broadband service deployment pro-  
15 grams; and

16           “(iii) not determine an area is not an  
17 unserved area, an area with low-tier serv-  
18 ice, or an area with mid-tier service, on the  
19 basis that one location within such area  
20 does not meet the definition of an unserved  
21 area, an area with low-tier service, or an  
22 area with mid-tier service.

23           “(B) INITIAL DETERMINATION.—The  
24 Commission shall make an initial determination  
25 of the areas that are unserved areas, areas with

1 low-tier service, and areas with mid-tier service  
2 and which anchor institutions are unserved an-  
3 chor institutions not later than 270 days after  
4 the date of the enactment of this section.

5 “(C) CHALLENGE OF DETERMINATION.—

6 “(i) IN GENERAL.—The Commission  
7 shall provide for a process for challenging  
8 any initial determination regarding wheth-  
9 er an area is an unserved area, an area  
10 with low-tier service, or an area with mid-  
11 tier service or whether an anchor institu-  
12 tion is an unserved anchor institution that,  
13 at a minimum, provides not less than 45  
14 days for a person to voluntarily submit in-  
15 formation concerning—

16 “(I) the broadband service of-  
17 fered in the area, or a commitment to  
18 offer broadband service in the area  
19 that is subject to legal sanction if not  
20 performed; or

21 “(II) the broadband service of-  
22 fered to the anchor institution.

23 “(ii) STREAMLINED PROCESS.—The  
24 Commission shall ensure that such process  
25 is sufficiently streamlined such that a rea-

1           sonably prudent person may easily partici-  
2           pate to challenge such initial determination  
3           with little burden on such person.

4           “(D) FINAL DETERMINATION.—The Com-  
5           mission shall make a final determination of the  
6           areas that are unserved areas, areas with low-  
7           tier service, or areas with mid-tier service and  
8           which anchor institutions are unserved anchor  
9           institutions within 1 year after the date of the  
10          enactment of this section.

11          “(7) NOTICE, TRANSPARENCY, ACCOUNT-  
12          ABILITY, AND OVERSIGHT REQUIRED.—The program  
13          shall contain sufficient notice, transparency, ac-  
14          countability, and oversight measures to provide the  
15          public with notice of the assistance provided under  
16          this section, and to deter waste, fraud, and abuse of  
17          program funds.

18          “(8) COMPETENCE.—

19                 “(A) STANDARDS.—The Commission shall  
20                 establish, through the rulemaking described in  
21                 subsection (e), objective standards to determine  
22                 that each provider of broadband service seeking  
23                 to participate in a system of competitive bid-  
24                 ding—

1           “(i) is capable of carrying out the  
2           project in a competent manner in compli-  
3           ance with all applicable Federal, State, and  
4           local laws;

5           “(ii) has the financial capacity to  
6           meet the buildout obligations of the project  
7           and requirements as set forth under this  
8           section and as may be further prescribed  
9           by the Commission; and

10          “(iii) has the technical and oper-  
11          ational capability to provide broadband  
12          services in the manner contemplated by the  
13          provider’s bid in the system of competitive  
14          bidding, including a detailed consideration  
15          of the provider’s prior performance in de-  
16          livering services as contemplated in the bid  
17          and the capabilities of the provider’s pro-  
18          posed network to deliver the contemplated  
19          services in the area in question.

20          “(B) DETERMINATIONS REGARDING PRO-  
21          VIDERS.—An entity administering a system of  
22          competitive bidding (either a State or the Com-  
23          mission) may not permit a provider of  
24          broadband service to participate in the system  
25          of competitive bidding unless the entity first de-

1           termines, after notice and an opportunity for  
2           public comment, that the provider meets the  
3           standards established under subparagraph (A).

4           “(9) CONTRACTING REQUIREMENTS.—All labor-  
5           ers and mechanics employed by contractors or sub-  
6           contractors in the performance of construction, al-  
7           teration, or repair work carried out, in whole or in  
8           part, with assistance made available under this sec-  
9           tion shall be paid wages at rates not less than those  
10          prevailing on projects of a similar character in the  
11          locality as determined by the Secretary of Labor in  
12          accordance with subchapter IV of chapter 31 of title  
13          40, United States Code. With respect to the labor  
14          standards in this paragraph, the Secretary of Labor  
15          shall have the authority and functions set forth in  
16          Reorganization Plan Numbered 14 of 1950 (64 Stat.  
17          1267; 5 U.S.C. App.) and section 3145 of title 40,  
18          United States Code.

19          “(10) RULE OF CONSTRUCTION REGARDING EN-  
20          VIRONMENTAL LAWS.—Nothing in this section shall  
21          be construed to affect—

22                  “(A) the Clean Air Act (42 U.S.C. 7401 et  
23                  seq.);

1           “(B) the Federal Water Pollution Control  
2 Act (33 U.S.C. 1251 et seq.; commonly referred  
3 to as the ‘Clean Water Act’);

4           “(C) the National Environmental Policy  
5 Act of 1969 (42 U.S.C. 4321 et seq.);

6           “(D) the Endangered Species Act of 1973  
7 (16 U.S.C. 1531 et seq.);

8           “(E) the Solid Waste Disposal Act (42  
9 U.S.C. 6901 et seq.; commonly referred to as  
10 the ‘Resource Conservation and Recovery Act’);

11 or

12           “(F) any State or local law that is similar  
13 to a law listed in subparagraphs (A) through  
14 (E).

15           “(11) REFERRAL OF ALLEGED VIOLATIONS OF  
16 APPLICABLE FEDERAL LABOR AND EMPLOYMENT  
17 LAWS.—The Commission shall refer any alleged vio-  
18 lation of an applicable labor and employment law to  
19 the appropriate Federal agency for investigation and  
20 enforcement, and any alleged violation of paragraph  
21 (9) or (12) to the National Labor Relations Board  
22 for investigation and enforcement, utilizing all ap-  
23 propriate remedies up to and including debarment  
24 from the program.

25           “(12) LABOR ORGANIZATION.—



1           “(A) IN GENERAL.—Notwithstanding the  
2 National Labor Relations Act (29 U.S.C. 151  
3 et seq.), subparagraphs (B) through (F) shall  
4 apply with respect to any funding recipient who  
5 is an employer and any labor organization who  
6 represents employees of a funding recipient.

7           “(B) NEUTRALITY REQUIREMENT.—An  
8 employer shall remain neutral with respect to  
9 the exercise of employees and labor organiza-  
10 tions of the right to organize and bargain under  
11 the National Labor Relations Act (29 U.S.C.  
12 151 et seq.).

13           “(C) COMMENCEMENT OF COLLECTIVE  
14 BARGAINING.—Not later than 10 days after re-  
15 ceiving a written request for collective bar-  
16 gaining from a labor organization that has been  
17 newly recognized or certified as a representative  
18 under section 9(a) of the National Labor Rela-  
19 tions Act (29 U.S.C. 159(a)), or within such  
20 further period as the parties agree upon, the  
21 parties shall meet and commence to bargain  
22 collectively and shall make every reasonable ef-  
23 fort to conclude and sign a collective bargaining  
24 agreement.

1           “(D) MEDIATION AND CONCILIATION FOR  
2 FAILURE TO REACH A COLLECTIVE BARGAINING  
3 AGREEMENT.—

4           “(i) IN GENERAL.—If the parties have  
5 failed to reach an agreement before the  
6 date that is 90 days after the date on  
7 which bargaining is commenced under sub-  
8 paragraph (C), or any later date agreed  
9 upon by both parties, either party may no-  
10 tify the Federal Mediation and Conciliation  
11 Service of the existence of a dispute and  
12 request mediation.

13           “(ii) FEDERAL MEDIATION AND CON-  
14 CILIATION SERVICE.—Whenever a request  
15 is received under clause (i), the Director of  
16 the Federal Mediation and Conciliation  
17 Service shall promptly communicate with  
18 the parties and use best efforts, by medi-  
19 ation and conciliation, to bring them to  
20 agreement.

21           “(E) TRIPARTITE ARBITRATION PANEL.—

22           “(i) IN GENERAL.—If the Federal Me-  
23 diation and Conciliation Service is not able  
24 to bring the parties to agreement by medi-  
25 ation or conciliation before the date that is

1 30 days after the date on which such medi-  
2 ation or conciliation is commenced, or any  
3 later date agreed upon by both parties, the  
4 Service shall refer the dispute to a tri-  
5 partite arbitration panel established in ac-  
6 cordance with such regulations as may be  
7 prescribed by the Service, with one mem-  
8 ber selected by the labor organization, one  
9 member selected by the employer, and one  
10 neutral member mutually agreed to by the  
11 parties.

12 “(ii) DISPUTE SETTLEMENT.—A ma-  
13 jority of the tripartite arbitration panel  
14 shall render a decision settling the dispute  
15 and such decision shall be binding upon  
16 the parties for a period of two years, un-  
17 less amended during such period by writ-  
18 ten consent of the parties. Such decision  
19 shall be based on—

20 “(I) the employer’s financial sta-  
21 tus and prospects;

22 “(II) the size and type of the em-  
23 ployer’s operations and business;

24 “(III) the employees’ cost of liv-  
25 ing;

1           “(IV) the employees’ ability to  
2           sustain themselves, their families, and  
3           their dependents on the wages and  
4           benefits they earn from the employer;  
5           and

6           “(V) the wages and benefits that  
7           other employers in the same business  
8           provide their employees.

9           “(F) PROHIBITION ON SUBCONTRACTING  
10          FOR CERTAIN PURPOSES.—A funding recipient  
11          may not engage in subcontracting for the pur-  
12          pose of circumventing the terms of a collective  
13          bargaining agreement with respect to wages,  
14          benefits, or working conditions.

15          “(G) PARTIES DEFINED.—In this para-  
16          graph, the term ‘parties’ means a labor organi-  
17          zation that is newly recognized or certified as a  
18          representative under section 9(a) of the Na-  
19          tional Labor Relations Act (29 U.S.C. 159(a))  
20          and the employer of the employees represented  
21          by such organization.

22          “(d) PROJECT REQUIREMENTS.—Any project funded  
23          through the program shall meet the following require-  
24          ments:

1           “(1) The project shall adhere to quality-of-serv-  
2           ice standards as established by the Commission.

3           “(2) Except as provided in paragraphs (2) and  
4           (3) of subsection (c), the project shall offer  
5           broadband service with a download speed of at least  
6           100 megabits per second, an upload speed of at least  
7           100 megabits per second, and latency that is suffi-  
8           ciently low to allow multiple, simultaneous, real-time,  
9           interactive applications.

10           “(3) The project shall offer broadband service  
11           at prices that are comparable to, or lower than, the  
12           prices charged for comparable levels of service in  
13           areas that were not unserved areas, areas with low-  
14           tier service, or areas with mid-tier service on the day  
15           before the date of the enactment of this section.

16           “(4) For any project that involves laying fiber-  
17           optic cables along a roadway, the project shall in-  
18           clude interspersed conduit access points at regular  
19           and short intervals.

20           “(5) The project shall incorporate prudent cy-  
21           bersecurity and supply chain risk management prac-  
22           tices, as specified by the Commission through the  
23           rulemaking described in subsection (e), in consulta-  
24           tion with the Director of the National Institute of

1 Standards and Technology and the Assistant Sec-  
2 retary.

3 “(6) The project shall incorporate best prac-  
4 tices, as defined by the Commission, for ensuring re-  
5 liability and resiliency of the network during disas-  
6 ters.

7 “(7) Any funding recipient must agree to have  
8 the project meet the requirements established under  
9 section 224, as if the project were classified as a  
10 ‘utility’ under such section. The preceding sentence  
11 shall not apply to those entities or persons excluded  
12 from the definition of the term ‘utility’ by the second  
13 sentence of subsection (a)(1) of such section.

14 “(8) The project shall offer an affordable option  
15 for a broadband service plan under which broadband  
16 service is provided—

17 “(A) with a download speed of at least 50  
18 megabits per second;

19 “(B) with an upload speed of at least 50  
20 megabits per second; and

21 “(C) with latency that is sufficiently low to  
22 allow multiple, simultaneous, real-time, inter-  
23 active applications.

24 “(e) RULEMAKING AND DISTRIBUTION AND AWARD  
25 OF FUNDS.—Not later than 180 days after the date of

1 the enactment of this section, the Commission, in con-  
2 sultation with the Assistant Secretary, shall promulgate  
3 rules—

4 “(1) that implement the requirements of this  
5 section, as appropriate;

6 “(2) that establish the design of and rules for  
7 the national systems of competitive bidding;

8 “(3) that establish notice requirements for all  
9 systems of competitive bidding authorized under this  
10 section that, at a minimum, provide the public with  
11 notice of—

12 “(A) the initial determination of which  
13 areas are unserved areas, areas with low-tier  
14 service, or areas with mid-tier service;

15 “(B) the final determination of which  
16 areas are unserved areas, areas with low-tier  
17 service, or areas with mid-tier service after the  
18 process for challenging the initial determination  
19 has concluded;

20 “(C) which entities have applied to bid for  
21 funding; and

22 “(D) the results of any system of competi-  
23 tive bidding, including identifying the funding  
24 recipients, which areas each project will serve,  
25 the nature of the service that will be provided

1           by the project in each of those areas, and how  
2           much funding the funding recipients will receive  
3           in each of those areas;

4           “(4) that establish broadband service buildout  
5           milestones and periodic certification by funding re-  
6           cipients to ensure that the broadband service build-  
7           out milestones for all systems of competitive bidding  
8           authorized under this section will be met;

9           “(5) that, except as provided in paragraphs (2)  
10          and (3) of subsection (c), establish a maximum  
11          buildout timeframe of three years beginning on the  
12          date on which funding is provided under this section  
13          for a project;

14          “(6) that establish periodic reporting require-  
15          ments for funding recipients and that identify, at a  
16          minimum, the nature of the service provided in each  
17          area for any system of competitive bidding author-  
18          ized under this section;

19          “(7) that establish standard penalties for the  
20          noncompliance of funding recipients or projects with  
21          the requirements as set forth under this section and  
22          as may be further prescribed by the Commission for  
23          any system of competitive bidding authorized under  
24          this section;



1           “(8) that establish procedures for recovery of  
2 funds, in whole or in part, from funding recipients  
3 in the event of the default or noncompliance of the  
4 funding recipient or project with the requirements  
5 established under this section for any system of com-  
6 petitive bidding authorized under this section; and

7           “(9) that establish mechanisms to reduce waste,  
8 fraud, and abuse within the program for any system  
9 of competitive bidding authorized under this section.

10       “(f) REPORTS REQUIRED.—

11           “(1) INSPECTOR GENERAL AND COMPTROLLER  
12 GENERAL REPORT.—Not later than June 30 and  
13 December 31 of each year following the awarding of  
14 the first funds under the program, the Inspector  
15 General of the Commission and the Comptroller  
16 General of the United States shall submit to the  
17 Committees on Energy and Commerce of the House  
18 of Representatives and Commerce, Science, and  
19 Transportation of the Senate a report for the pre-  
20 vious 6 months that reviews the program. Such re-  
21 port shall include any recommendations to address  
22 waste, fraud, and abuse.

23           “(2) STATE REPORTS.—Any State that receives  
24 funds under the program shall submit an annual re-  
25 port to the Commission on how such funds were

1 spent, along with a certification of compliance with  
2 the requirements as set forth under this section and  
3 as may be further prescribed by the Commission, in-  
4 cluding a description of each service provided and  
5 the number of individuals to whom the service was  
6 provided.

7 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
8 is authorized to be appropriated to the Commission  
9 \$79,500,000,000 for fiscal year 2022 to carry out the pro-  
10 gram, and such amount is authorized to remain available  
11 through fiscal year 2026.

12 “(h) DEFINITIONS.—In this section:

13 “(1) AFFORDABLE OPTION.—The term ‘afford-  
14 able option’ means, with respect to a broadband  
15 service plan, that broadband service is provided  
16 under such plan at a rate that is determined by the  
17 Commission, in coordination with the Office of  
18 Internet Connectivity and Growth, to be affordable  
19 for a household with an income of 136 percent of  
20 the poverty threshold, as determined by using cri-  
21 teria of poverty established by the Bureau of the  
22 Census, for a four-person household that includes  
23 two dependents under the age of 18.

24 “(2) ANCHOR INSTITUTION.—The term ‘anchor  
25 institution’—

1           “(A) means a public or private school, a li-  
2           brary, a medical or healthcare provider, a mu-  
3           seum, a public safety entity, a public housing  
4           agency (as defined in section 3(b) of the United  
5           States Housing Act of 1937 (42 U.S.C.  
6           1437a(b))), a community college, an institution  
7           of higher education, a religious organization, or  
8           any other community support organization or  
9           agency; and

10           “(B) includes any entity described in sub-  
11           paragraph (A) that serves an Indian Tribe,  
12           tribally designated entity, or Native Hawaiian  
13           organization.

14           “(3) AREA.—The term ‘area’ means the geo-  
15           graphic unit of measurement with the greatest level  
16           of granularity reasonably feasible for the Commis-  
17           sion to use in making eligibility determinations  
18           under this section and in meeting the requirements  
19           and deadlines of this section.

20           “(4) AREA WITH LOW-TIER SERVICE.—The  
21           term ‘area with low-tier service’ means an area  
22           where at least 90 percent of the population has ac-  
23           cess to broadband service offered—

1           “(A) with a download speed of at least 25  
2 megabits per second but less than 100 megabits  
3 per second;

4           “(B) with an upload speed of at least 25  
5 megabits per second but less than 100 megabits  
6 per second; and

7           “(C) with latency that is sufficiently low to  
8 allow multiple, simultaneous, real-time, inter-  
9 active applications.

10           “(5) AREA WITH MID-TIER SERVICE.—The term  
11 ‘area with mid-tier service’ means an area where at  
12 least 90 percent of the population has access to  
13 broadband service offered—

14           “(A) with a download speed of at least 100  
15 megabits per second but less than 1 gigabit per  
16 second;

17           “(B) with an upload speed of at least 100  
18 megabits per second but less than 1 gigabit per  
19 second; and

20           “(C) with latency that is sufficiently low to  
21 allow multiple, simultaneous, real-time, inter-  
22 active applications.

23           “(6) ASSISTANT SECRETARY.—The term ‘As-  
24 sistant Secretary’ means the Assistant Secretary of  
25 Commerce for Communications and Information.

1           “(7) BROADBAND SERVICE.—The term  
2 ‘broadband service’—

3           “(A) means broadband internet access  
4 service that is a mass-market retail service, or  
5 a service provided to an anchor institution, by  
6 wire or radio that provides the capability to  
7 transmit data to and receive data from all or  
8 substantially all internet endpoints, including  
9 any capabilities that are incidental to and en-  
10 able the operation of the communications serv-  
11 ice;

12           “(B) includes any service that is a func-  
13 tional equivalent of the service described in sub-  
14 paragraph (A); and

15           “(C) does not include dial-up internet ac-  
16 cess service.

17           “(8) COLLECTIVE BARGAINING.—The term ‘col-  
18 lective bargaining’ means performance of the mutual  
19 obligation described in section 8(d) of the National  
20 Labor Relations Act (29 U.S.C. 158(d)).

21           “(9) COLLECTIVE BARGAINING AGREEMENT.—  
22 The term ‘collective bargaining agreement’ means an  
23 agreement reached through collective bargaining.

24           “(10) FUNDING RECIPIENT.—The term ‘fund-  
25 ing recipient’ means an entity that receives funding

1 for a project under this section, which may in-  
2 clude—

3 “(A) a private entity, a public-private part-  
4 nership, a cooperative, and a Tribal or munic-  
5 ipal broadband service provider; and

6 “(B) a consortium between any of the enti-  
7 ties described in subparagraph (A), including a  
8 consortium that includes an investor-owned util-  
9 ity.

10 “(11) HIGH-POVERTY AREA.—The term ‘high-  
11 poverty area’ means a census tract with a poverty  
12 rate of at least 20 percent, as measured by the most  
13 recent 5-year data series available from the Amer-  
14 ican Community Survey of the Bureau of the Census  
15 as of the year before the date of the enactment of  
16 this section. In the case of a territory or possession  
17 of the United States in which no such data is col-  
18 lected from the American Community Survey of the  
19 Bureau of the Census as of the year before the date  
20 of the enactment of this section, such term includes  
21 a census tract with a poverty rate of at least 20 per-  
22 cent, as measured by the most recent Island Areas  
23 decennial census of the Bureau of the Census for  
24 which data is available as of the year before the date  
25 of the enactment of this section.

1           “(12) INDIAN TRIBE.—The term ‘Indian Tribe’  
2           has the meaning given such term in section 4(e) of  
3           the Indian Self-Determination and Education Assist-  
4           ance Act (25 U.S.C. 5304(e)).

5           “(13) INSTITUTION OF HIGHER EDUCATION.—  
6           The term ‘institution of higher education’—

7                   “(A) has the meaning given the term in  
8                   section 101 of the Higher Education Act of  
9                   1965 (20 U.S.C. 1001); and

10                   “(B) includes a postsecondary vocational  
11                   institution.

12           “(14) LABOR ORGANIZATION.—The term ‘labor  
13           organization’ has the meaning given the term in sec-  
14           tion 2 of the National Labor Relations Act (29  
15           U.S.C. 152).

16           “(15) NATIVE HAWAIIAN ORGANIZATION.—The  
17           term ‘Native Hawaiian organization’ means any or-  
18           ganization—

19                   “(A) that serves the interests of Native  
20                   Hawaiians;

21                   “(B) in which Native Hawaiians serve in  
22                   substantive and policymaking positions;

23                   “(C) that has as a primary and stated pur-  
24                   pose the provision of services to Native Hawai-  
25                   ians; and

1           “(D) that is recognized for having exper-  
2           tise in Native Hawaiian affairs, digital  
3           connectivity, or access to broadband service.

4           “(16) PERSISTENT POVERTY COUNTY.—The  
5           term ‘persistent poverty county’ means any county  
6           with a poverty rate of at least 20 percent, as deter-  
7           mined in each of the 1990 and 2000 decennial cen-  
8           suses and in the Small Area Income and Poverty Es-  
9           timates of the Bureau of the Census for the most re-  
10          cent year for which the Estimates are available. In  
11          the case of a territory or possession of the United  
12          States, such term includes any county equivalent  
13          area in Puerto Rico with a poverty rate of at least  
14          20 percent, as determined in each of the 1990 and  
15          2000 decennial censuses and in the most recent 5-  
16          year data series available from the American Com-  
17          munity Survey of the Bureau of the Census as of  
18          the year before the date of the enactment of this  
19          section, or any other territory or possession of the  
20          United States with a poverty rate of at least 20 per-  
21          cent, as determined in each of the 1990 and 2000  
22          Island Areas decennial censuses of the Bureau of the  
23          Census and in the most recent Island Areas decen-  
24          nial census of the Bureau of the Census for which



1 data is available as of the year before the date of the  
2 enactment of this section.

3 “(17) POSTSECONDARY VOCATIONAL INSTITU-  
4 TION.—The term ‘postsecondary vocational institu-  
5 tion’ has the meaning given the term in section  
6 102(c) of the Higher Education Act of 1965 (20  
7 U.S.C. 1002(c)).

8 “(18) PROGRAM.—Unless otherwise indicated,  
9 the term ‘program’ means the program established  
10 under subsection (a).

11 “(19) PROJECT.—The term ‘project’ means an  
12 undertaking by a funding recipient under this sec-  
13 tion to construct and deploy infrastructure for the  
14 provision of broadband service.

15 “(20) STATE.—The term ‘State’ has the mean-  
16 ing given such term in section 3, except that such  
17 term also includes the Republic of the Marshall Is-  
18 lands, the Federated States of Micronesia, and the  
19 Republic of Palau.

20 “(21) TRIBALLY DESIGNATED ENTITY.—The  
21 term ‘tribally designated entity’ means an entity des-  
22 ignated by an Indian Tribe for purposes of para-  
23 graph (2)(B).

24 “(22) UNSERVED ANCHOR INSTITUTION.—The  
25 term ‘unserved anchor institution’ means an anchor

1 institution that has no access to broadband service  
2 or does not have access to broadband service of-  
3 fered—

4 “(A) with a download speed of at least 1  
5 gigabit per second per 1,000 users;

6 “(B) with an upload speed of at least 1  
7 gigabit per second per 1,000 users; and

8 “(C) with latency that is sufficiently low to  
9 allow multiple, simultaneous, real-time, inter-  
10 active applications.

11 “(23) UNSERVED AREA.—The term ‘unserved  
12 area’ means an area where—

13 “(A) the Commission reasonably believes  
14 there are potential subscribers of broadband  
15 service; and

16 “(B) at least 90 percent of the population  
17 has no access to broadband service or does not  
18 have access to broadband service offered—

19 “(i) with a download speed of at least  
20 25 megabits per second;

21 “(ii) with an upload speed of at least  
22 25 megabits per second; and

23 “(iii) with latency that is sufficiently  
24 low to allow multiple, simultaneous, real-  
25 time, interactive applications.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS FOR TRIB-  
2 AL BROADBAND CONNECTIVITY PROGRAM.—

3 (1) IN GENERAL.—Section 905(c) of division N  
4 of the Consolidated Appropriations Act, 2021 (Pub-  
5 lic Law 116–260) is amended by adding at the end  
6 the following:

7 “(9) AUTHORIZATION OF APPROPRIATIONS.—  
8 There is authorized to be appropriated to the Assist-  
9 ant Secretary \$500,000,000 for fiscal year 2022 to  
10 carry out the grant program under this subsection,  
11 and such amount is authorized to remain available  
12 through fiscal year 2026.”.

13 (2) CONFORMING AMENDMENTS.—Section 905  
14 of division N of the Consolidated Appropriations  
15 Act, 2021 (Public Law 116–260) is amended—

16 (A) in subsection (c), by inserting “or  
17 paragraph (9) of this subsection” after “sub-  
18 section (b)(1)” each place it appears; and

19 (B) in subsection (e)—

20 (i) in paragraph (1)—

21 (I) in the matter preceding sub-  
22 paragraph (A), by inserting after  
23 “this Act” the following: “(and, in the  
24 case of the grant program under sub-  
25 section (c), not earlier than 30 days,

1 and not later than 60 days, after the  
2 date of enactment of any other law  
3 making available amounts to carry out  
4 such program)”; and

5 (II) in subparagraph (A), by in-  
6 serting after “eligible entities and cov-  
7 ered partnerships” the following: “(or,  
8 in the case of a notice issued by rea-  
9 son of the enactment of a law, other  
10 than this Act, making available  
11 amounts to carry out the grant pro-  
12 gram under subsection (c), eligible en-  
13 tities)”; and

14 (ii) in paragraph (2)(A), by inserting  
15 after “an eligible entity or covered partner-  
16 ship” the following: “(or, in the case of a  
17 notice issued by reason of the enactment of  
18 a law, other than this Act, making avail-  
19 able amounts to carry out the grant pro-  
20 gram under subsection (c), an eligible enti-  
21 ty)”.

22 **SEC. 13102. TRIBAL INTERNET EXPANSION.**

23 Section 254(b)(3) of the Communications Act of  
24 1934 (47 U.S.C. 254(b)(3)) is amended by inserting “and  
25 in Indian country (as defined in section 1151 of title 18,

1 United States Code) and areas with high populations of  
2 Indian (as defined in section 19 of the Act of June 18,  
3 1934 (Chapter 576; 48 Stat. 988; 25 U.S.C. 5129)) peo-  
4 ple” after “high cost areas”.

5 **PART 2—BROADBAND INFRASTRUCTURE**  
6 **FINANCE AND INNOVATION**

7 **SEC. 13201. SHORT TITLE.**

8 This part may be cited as the “Broadband Infra-  
9 structure Finance and Innovation Act of 2021”.

10 **SEC. 13202. DEFINITIONS.**

11 In this part:

12 (1) BIFIA PROGRAM.—The term “BIFIA pro-  
13 gram” means the broadband infrastructure finance  
14 and innovation program established under this part.

15 (2) BROADBAND SERVICE.—The term “broad-  
16 band service”—

17 (A) means broadband internet access serv-  
18 ice that is a mass-market retail service, or a  
19 service provided to an entity described in para-  
20 graph (11)(B)(ii), by wire or radio that pro-  
21 vides the capability to transmit data to and re-  
22 ceive data from all or substantially all internet  
23 endpoints, including any capabilities that are  
24 incidental to and enable the operation of the  
25 communications service;

1 (B) includes any service that is a func-  
2 tional equivalent of the service described in sub-  
3 paragraph (A); and

4 (C) does not include dial-up internet access  
5 service.

6 (3) ELIGIBLE PROJECT COSTS.—The term “eli-  
7 gible project costs” means amounts substantially all  
8 of which are paid by, or for the account of, an obli-  
9 gor in connection with a project, including the cost  
10 of—

11 (A) development phase activities, including  
12 planning, feasibility analysis, revenue fore-  
13 casting, environmental review, historic preserva-  
14 tion review, permitting, preliminary engineering  
15 and design work, and other preconstruction ac-  
16 tivities;

17 (B) construction and deployment phase ac-  
18 tivities, including—

19 (i) construction, reconstruction, reha-  
20 bilitation, replacement, and acquisition of  
21 real property (including land relating to  
22 the project and improvements to land),  
23 equipment, instrumentation, networking  
24 capability, hardware and software, and dig-  
25 ital network technology;

- 1 (ii) environmental mitigation; and  
2 (iii) construction contingencies; and  
3 (C) capitalized interest necessary to meet  
4 market requirements, reasonably required re-  
5 serve funds, capital issuance expenses, and  
6 other carrying costs during construction and  
7 deployment.

8 (4) FEDERAL CREDIT INSTRUMENT.—The term  
9 “Federal credit instrument” means a secured loan,  
10 loan guarantee, or line of credit authorized to be  
11 made available under the BIFIA program with re-  
12 spect to a project.

13 (5) INVESTMENT-GRADE RATING.—The term  
14 “investment-grade rating” means a rating of BBB  
15 minus, Baa3, bbb minus, BBB (low), or higher as-  
16 signed by a rating agency to project obligations.

17 (6) LENDER.—The term “lender” means any  
18 non-Federal qualified institutional buyer (as defined  
19 in section 230.144A(a) of title 17, Code of Federal  
20 Regulations (or any successor regulation), known as  
21 Rule 144A(a) of the Securities and Exchange Com-  
22 mission and issued under the Securities Act of 1933  
23 (15 U.S.C. 77a et seq.)), including—

24 (A) a qualified retirement plan (as defined  
25 in section 4974(c) of the Internal Revenue Code

1 of 1986) that is a qualified institutional buyer;  
2 and

3 (B) a governmental plan (as defined in  
4 section 414(d) of the Internal Revenue Code of  
5 1986) that is a qualified institutional buyer.

6 (7) LETTER OF INTEREST.—The term “letter  
7 of interest” means a letter submitted by a potential  
8 applicant prior to an application for credit assistance  
9 in a format prescribed by the Assistant Secretary on  
10 the website of the BIFLA program that—

11 (A) describes the project and the location,  
12 purpose, and cost of the project;

13 (B) outlines the proposed financial plan,  
14 including the requested credit assistance and  
15 the proposed obligor;

16 (C) provides a status of environmental re-  
17 view; and

18 (D) provides information regarding satis-  
19 faction of other eligibility requirements of the  
20 BIFLA program.

21 (8) LINE OF CREDIT.—The term “line of cred-  
22 it” means an agreement entered into by the Assist-  
23 ant Secretary with an obligor under section 13205  
24 to provide a direct loan at a future date upon the  
25 occurrence of certain events.



1           (9) LOAN GUARANTEE.—The term “loan guar-  
2           antee” means any guarantee or other pledge by the  
3           Assistant Secretary to pay all or part of the prin-  
4           cipal of and interest on a loan or other debt obliga-  
5           tion issued by an obligor and funded by a lender.

6           (10) OBLIGOR.—The term “obligor” means a  
7           party that—

8                   (A) is primarily liable for payment of the  
9                   principal of or interest on a Federal credit in-  
10                  strument; and

11                  (B) may be a corporation, company, part-  
12                  nership, joint venture, trust, or governmental  
13                  entity, agency, or instrumentality.

14           (11) PROJECT.—The term “project” means a  
15           project—

16                   (A) to construct and deploy infrastructure  
17                   for the provision of broadband service; and

18                   (B) that the Assistant Secretary deter-  
19                   mines will—

20                           (i) provide access or improved access  
21                           to broadband service to consumers residing  
22                           in areas of the United States that have no  
23                           access to broadband service or do not have  
24                           access to broadband service offered—

1 (I) with a download speed of at  
2 least 100 megabits per second;

3 (II) with an upload speed of at  
4 least 100 megabits per second; and

5 (III) with latency that is suffi-  
6 ciently low to allow multiple, simulta-  
7 neous, real-time, interactive applica-  
8 tions; or

9 (ii) provide access or improved access  
10 to broadband service to—

11 (I) schools, libraries, medical and  
12 healthcare providers, community col-  
13 leges and other institutions of higher  
14 education, museums, religious organi-  
15 zations, and other community support  
16 organizations and entities to facilitate  
17 greater use of broadband service by or  
18 through such organizations;

19 (II) organizations and agencies  
20 that provide outreach, access, equip-  
21 ment, and support services to facili-  
22 tate greater use of broadband service  
23 by low-income, unemployed, aged, and  
24 otherwise vulnerable populations;

1 (III) job-creating strategic facili-  
2 ties located within a State-designated  
3 economic zone, Economic Develop-  
4 ment District designated by the De-  
5 partment of Commerce, Empower-  
6 ment Zone designated by the Depart-  
7 ment of Housing and Urban Develop-  
8 ment, or Enterprise Community des-  
9 ignated by the Department of Agri-  
10 culture; or

11 (IV) public safety agencies.

12 (12) PROJECT OBLIGATION.—The term  
13 “project obligation” means any note, bond, debenture,  
14 or other debt obligation issued by an obligor in  
15 connection with the financing of a project, other  
16 than a Federal credit instrument.

17 (13) PUBLIC AUTHORITY.—The term “public  
18 authority” means a Federal, State, county, town or  
19 township, Indian Tribe, municipal, or other local  
20 government or instrumentality with authority to fi-  
21 nance, build, operate, or maintain infrastructure for  
22 the provision of broadband service.

23 (14) RATING AGENCY.—The term “rating agen-  
24 cy” means a credit rating agency registered with the  
25 Securities and Exchange Commission as a nationally

1 recognized statistical rating organization (as defined  
2 in section 3(a) of the Securities Exchange Act of  
3 1934 (15 U.S.C. 78c(a))).

4 (15) SECURED LOAN.—The term “secured  
5 loan” means a direct loan or other debt obligation  
6 issued by an obligor and funded by the Assistant  
7 Secretary in connection with the financing of a  
8 project under section 13204.

9 (16) SMALL PROJECT.—The term “small  
10 project” means a project having eligible project costs  
11 that are reasonably anticipated not to equal or ex-  
12 ceed \$20,000,000.

13 (17) SUBSIDY AMOUNT.—The term “subsidy  
14 amount” means the amount of budget authority suf-  
15 ficient to cover the estimated long-term cost to the  
16 Federal Government of a Federal credit instru-  
17 ment—

18 (A) calculated on a net present value basis;

19 and

20 (B) excluding administrative costs and any  
21 incidental effects on governmental receipts or  
22 outlays in accordance with the Federal Credit  
23 Reform Act of 1990 (2 U.S.C. 661 et seq.).

24 (18) SUBSTANTIAL COMPLETION.—The term  
25 “substantial completion” means, with respect to a

1 project receiving credit assistance under the BIFIA  
2 program—

3 (A) the commencement of the provision of  
4 broadband service using the infrastructure  
5 being financed; or

6 (B) a comparable event, as determined by  
7 the Assistant Secretary and specified in the  
8 credit agreement.

9 **SEC. 13203. DETERMINATION OF ELIGIBILITY AND**  
10 **PROJECT SELECTION.**

11 (a) ELIGIBILITY.—

12 (1) IN GENERAL.—A project shall be eligible to  
13 receive credit assistance under the BIFIA program  
14 if—

15 (A) the entity proposing to carry out the  
16 project submits a letter of interest prior to sub-  
17 mission of a formal application for the project;  
18 and

19 (B) the project meets the criteria described  
20 in this subsection.

21 (2) CREDITWORTHINESS.—

22 (A) IN GENERAL.—Except as provided in  
23 subparagraph (B), to be eligible for assistance  
24 under the BIFIA program, a project shall sat-

1           isfy applicable creditworthiness standards,  
2           which, at a minimum, shall include—

3                   (i) adequate coverage requirements to  
4                   ensure repayment;

5                   (ii) an investment-grade rating from  
6                   at least two rating agencies on debt senior  
7                   to the Federal credit instrument; and

8                   (iii) a rating from at least two rating  
9                   agencies on the Federal credit instrument.

10           (B) SMALL PROJECTS.—In order for a  
11           small project to be eligible for assistance under  
12           the BIFLA program, such project shall satisfy  
13           alternative creditworthiness standards that shall  
14           be established by the Assistant Secretary under  
15           section 13206 for purposes of this paragraph.

16           (3) APPLICATION.—A State, local government,  
17           agency or instrumentality of a State or local govern-  
18           ment, public authority, public-private partnership, or  
19           any other legal entity undertaking the project and  
20           authorized by the Assistant Secretary shall submit a  
21           project application that is acceptable to the Assist-  
22           ant Secretary.

23           (4) ELIGIBLE PROJECT COST PARAMETERS FOR  
24           INFRASTRUCTURE PROJECTS.—Eligible project costs  
25           shall be reasonably anticipated to equal or exceed

1       \$2,000,000 in the case of a project or program of  
2       projects—

3               (A) in which the applicant is a local gov-  
4               ernment, instrumentality of local government,  
5               or public authority (other than a public author-  
6               ity that is a Federal or State government or in-  
7               strumentality);

8               (B) located on a facility owned by a local  
9               government; or

10              (C) for which the Assistant Secretary de-  
11              termines that a local government is substan-  
12              tially involved in the development of the project.

13              (5) DEDICATED REVENUE SOURCES.—The ap-  
14              plicable Federal credit instrument shall be repayable,  
15              in whole or in part, from—

16              (A) amounts charged to—

17                      (i) subscribers of broadband service  
18                      for such service; or

19                      (ii) subscribers of any related service  
20                      provided over the same infrastructure for  
21                      such related service;

22              (B) user fees;

23              (C) payments owing to the obligor under a  
24              public-private partnership; or

1 (D) other dedicated revenue sources that  
2 also secure or fund the project obligations.

3 (6) APPLICATIONS WHERE OBLIGOR WILL BE  
4 IDENTIFIED LATER.—A State, local government,  
5 agency or instrumentality of a State or local govern-  
6 ment, or public authority may submit to the Assist-  
7 ant Secretary an application under paragraph (3),  
8 under which a private party to a public-private part-  
9 nership will be—

10 (A) the obligor; and

11 (B) identified later through completion of  
12 a procurement and selection of the private  
13 party.

14 (7) BENEFICIAL EFFECTS.—The Assistant Sec-  
15 retary shall determine that financial assistance for  
16 the project under the BIFIA program will—

17 (A) foster, if appropriate, partnerships  
18 that attract public and private investment for  
19 the project;

20 (B) enable the project to proceed at an  
21 earlier date than the project would otherwise be  
22 able to proceed or reduce the lifecycle costs (in-  
23 cluding debt service costs) of the project; and

24 (C) reduce the contribution of Federal  
25 grant assistance for the project.



1           (8) PROJECT READINESS.—To be eligible for  
2 assistance under the BIFIA program, the applicant  
3 shall demonstrate a reasonable expectation that the  
4 contracting process for the construction and deploy-  
5 ment of infrastructure for the provision of  
6 broadband service through the project can commence  
7 by no later than 90 days after the date on which a  
8 Federal credit instrument is obligated for the project  
9 under the BIFIA program.

10           (9) PUBLIC SPONSORSHIP OF PRIVATE ENTI-  
11 TIES.—

12           (A) IN GENERAL.—If an eligible project is  
13 carried out by an entity that is not a State or  
14 local government or an agency or instrumen-  
15 tality of a State or local government or a Tribal  
16 Government or consortium of Tribal Govern-  
17 ments, the project shall be publicly sponsored.

18           (B) PUBLIC SPONSORSHIP.—For purposes  
19 of this part, a project shall be considered to be  
20 publicly sponsored if the obligor can dem-  
21 onstrate, to the satisfaction of the Assistant  
22 Secretary, that the project applicant has con-  
23 sulted with the State, local, or Tribal govern-  
24 ment in the area in which the project is located,

1           or that is otherwise affected by the project, and  
2           that such government supports the proposal.

3           (b) SELECTION AMONG ELIGIBLE PROJECTS.—

4           (1) ESTABLISHMENT OF APPLICATION PROC-  
5           ESS.—The Assistant Secretary shall establish a roll-  
6           ing application process under which projects that are  
7           eligible to receive credit assistance under subsection  
8           (a) shall receive credit assistance on terms accept-  
9           able to the Assistant Secretary, if adequate funds  
10          are available to cover the subsidy costs associated  
11          with the Federal credit instrument.

12          (2) PRELIMINARY RATING OPINION LETTER.—  
13          The Assistant Secretary shall require each project  
14          applicant to provide—

15                 (A) a preliminary rating opinion letter  
16                 from at least one rating agency—

17                         (i) indicating that the senior obliga-  
18                         tions of the project, which may be the Fed-  
19                         eral credit instrument, have the potential  
20                         to achieve an investment-grade rating; and

21                         (ii) including a preliminary rating  
22                         opinion on the Federal credit instrument;  
23                         or

24                 (B) in the case of a small project, alter-  
25                 native documentation that the Assistant Sec-

1           retary shall require in the standards established  
2           under section 13206 for purposes of this para-  
3           graph.

4           (3) TECHNOLOGY NEUTRALITY REQUIRED.—In  
5           selecting projects to receive credit assistance under  
6           the BIFIA program, the Assistant Secretary may  
7           not favor a project using any particular technology.

8           (4) PREFERENCE FOR OPEN-ACCESS NET-  
9           WORKS.—In selecting projects to receive credit as-  
10          sistance under the BIFIA program, the Assistant  
11          Secretary shall give preference to projects providing  
12          for the deployment of open-access broadband service  
13          networks.

14          (c) FEDERAL REQUIREMENTS.—

15           (1) IN GENERAL.—The following provisions of  
16           law shall apply to funds made available under the  
17           BIFIA program and projects assisted with those  
18           funds:

19                   (A) Title VI of the Civil Rights Act of  
20                   1964 (42 U.S.C. 2000d et seq.).

21                   (B) The National Environmental Policy  
22                   Act of 1969 (42 U.S.C. 4321 et seq.).

23                   (C) 54 U.S.C. 300101 et seq. (commonly  
24                   referred to as the “National Historic Preserva-  
25                   tion Act”).

1           (D) The Uniform Relocation Assistance  
2           and Real Property Acquisition Policies Act of  
3           1970 (42 U.S.C. 4601 et seq.).

4           (2) NEPA.—No funding shall be obligated for  
5           a project that has not received an environmental cat-  
6           egorical exclusion, a finding of no significant impact,  
7           or a record of decision under the National Environ-  
8           mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

9           (3) TITLE VI OF THE CIVIL RIGHTS ACT OF  
10          1964.—For purposes of title VI of the Civil Rights  
11          Act of 1964 (42 U.S.C. 2000d et seq.), any project  
12          that receives credit assistance under the BIFIA pro-  
13          gram shall be considered a program or activity with-  
14          in the meaning of section 606 of such title (42  
15          U.S.C. 2000d–4a).

16          (4) CONTRACTING REQUIREMENTS.—All labor-  
17          ers and mechanics employed by contractors or sub-  
18          contractors in the performance of construction, al-  
19          teration, or repair work carried out, in whole or in  
20          part, with assistance made available through a Fed-  
21          eral credit instrument shall be paid wages at rates  
22          not less than those prevailing on projects of a simi-  
23          lar character in the locality as determined by the  
24          Secretary of Labor in accordance with subchapter  
25          IV of chapter 31 of title 40, United States Code.

1 With respect to the labor standards in this para-  
2 graph, the Secretary of Labor shall have the author-  
3 ity and functions set forth in Reorganization Plan  
4 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.  
5 App.) and section 3145 of title 40, United States  
6 Code.

7 (5) NEUTRALITY REQUIREMENT.—An employer  
8 receiving assistance made available through a Fed-  
9 eral credit instrument under this part shall remain  
10 neutral with respect to the exercise of employees and  
11 labor organizations of the right to organize and bar-  
12 gain under the National Labor Relations Act (29  
13 U.S.C. 151 et seq.).

14 (6) REFERRAL OF ALLEGED VIOLATIONS OF AP-  
15 PPLICABLE FEDERAL LABOR AND EMPLOYMENT  
16 LAWS.—The Assistant Secretary shall refer any al-  
17 leged violation of an applicable labor and employ-  
18 ment law to the appropriate Federal agency for in-  
19 vestigation and enforcement, and any alleged viola-  
20 tion of paragraph (4) or (5) to the National Labor  
21 Relations Board for investigation and enforcement,  
22 utilizing all appropriate remedies up to and includ-  
23 ing debarment from the BIFLA program.

24 (d) APPLICATION PROCESSING PROCEDURES.—

1           (1) NOTICE OF COMPLETE APPLICATION.—Not  
2 later than 30 days after the date of receipt of an ap-  
3 plication under this section, the Assistant Secretary  
4 shall provide to the applicant a written notice to in-  
5 form the applicant whether—

6                   (A) the application is complete; or

7                   (B) additional information or materials are  
8 needed to complete the application.

9           (2) APPROVAL OR DENIAL OF APPLICATION.—  
10 Not later than 60 days after the date of issuance of  
11 the written notice under paragraph (1), the Assist-  
12 ant Secretary shall provide to the applicant a writ-  
13 ten notice informing the applicant whether the As-  
14 sistant Secretary has approved or disapproved the  
15 application.

16           (3) APPROVAL BEFORE NEPA REVIEW.—Subject  
17 to subsection (c)(2), an application for a project may  
18 be approved before the project receives an environ-  
19 mental categorical exclusion, a finding of no signifi-  
20 cant impact, or a record of decision under the Na-  
21 tional Environmental Policy Act of 1969 (42 U.S.C.  
22 4321 et seq.).

23           (e) DEVELOPMENT PHASE ACTIVITIES.—Any credit  
24 instrument secured under the BIFIA program may be

1 used to finance up to 100 percent of the cost of develop-  
2 ment phase activities as described in section 13202(3)(A).

3 **SEC. 13204. SECURED LOANS.**

4 (a) IN GENERAL.—

5 (1) AGREEMENTS.—Subject to paragraphs (2)  
6 and (3), the Assistant Secretary may enter into  
7 agreements with one or more obligors to make se-  
8 cured loans, the proceeds of which shall be used—

9 (A) to finance eligible project costs of any  
10 project selected under section 13203;

11 (B) to refinance interim construction fi-  
12 nancing of eligible project costs of any project  
13 selected under section 13203; or

14 (C) to refinance long-term project obliga-  
15 tions or Federal credit instruments, if the refi-  
16 nancing provides additional funding capacity for  
17 the completion, enhancement, or expansion of  
18 any project that—

19 (i) is selected under section 13203; or

20 (ii) otherwise meets the requirements  
21 of section 13203.

22 (2) LIMITATION ON REFINANCING OF INTERIM  
23 CONSTRUCTION FINANCING.—A loan under para-  
24 graph (1) shall not refinance interim construction fi-  
25 nancing under paragraph (1)(B)—

1 (A) if the maturity of such interim con-  
2 struction financing is later than 1 year after  
3 the substantial completion of the project; and

4 (B) later than 1 year after the date of sub-  
5 stantial completion of the project.

6 (3) RISK ASSESSMENT.—Before entering into  
7 an agreement under this subsection, the Assistant  
8 Secretary, in consultation with the Director of the  
9 Office of Management and Budget, shall determine  
10 an appropriate capital reserve subsidy amount for  
11 each secured loan, taking into account each rating  
12 letter provided by a rating agency under section  
13 13203(b)(2)(A)(ii) or, in the case of a small project,  
14 the alternative documentation provided under section  
15 13203(b)(2)(B).

16 (b) TERMS AND LIMITATIONS.—

17 (1) IN GENERAL.—A secured loan under this  
18 section with respect to a project shall be on such  
19 terms and conditions and contain such covenants,  
20 representations, warranties, and requirements (in-  
21 cluding requirements for audits) as the Assistant  
22 Secretary determines to be appropriate.

23 (2) MAXIMUM AMOUNT.—The amount of a se-  
24 cured loan under this section shall not exceed the  
25 lesser of 49 percent of the reasonably anticipated eli-



1 gible project costs or, if the secured loan is not for  
2 a small project and does not receive an investment-  
3 grade rating, the amount of the senior project obli-  
4 gations.

5 (3) PAYMENT.—A secured loan under this sec-  
6 tion—

7 (A) shall—

8 (i) be payable, in whole or in part,  
9 from—

10 (I) amounts charged to—

11 (aa) subscribers of broad-  
12 band service for such service; or

13 (bb) subscribers of any re-  
14 lated service provided over the  
15 same infrastructure for such re-  
16 lated service;

17 (II) user fees;

18 (III) payments owing to the obli-  
19 gor under a public-private partner-  
20 ship; or

21 (IV) other dedicated revenue  
22 sources that also secure the senior  
23 project obligations; and

1 (ii) include a coverage requirement or  
2 similar security feature supporting the  
3 project obligations; and

4 (B) may have a lien on revenues described  
5 in subparagraph (A), subject to any lien secur-  
6 ing project obligations.

7 (4) INTEREST RATE.—The interest rate on a  
8 secured loan under this section shall be not less than  
9 the yield on United States Treasury securities of a  
10 similar maturity to the maturity of the secured loan  
11 on the date of execution of the loan agreement.

12 (5) MATURITY DATE.—The final maturity date  
13 of the secured loan shall be the lesser of—

14 (A) 35 years after the date of substantial  
15 completion of the project; and

16 (B) if the useful life of the infrastructure  
17 for the provision of broadband service being fi-  
18 nanced is of a lesser period, the useful life of  
19 the infrastructure.

20 (6) NONSUBORDINATION.—

21 (A) IN GENERAL.—Except as provided in  
22 subparagraph (B), the secured loan shall not be  
23 subordinated to the claims of any holder of  
24 project obligations in the event of bankruptcy,  
25 insolvency, or liquidation of the obligor.

1 (B) PREEXISTING INDENTURE.—

2 (i) IN GENERAL.—The Assistant Sec-  
3 retary shall waive the requirement under  
4 subparagraph (A) for a public agency bor-  
5 rower that is financing ongoing capital  
6 programs and has outstanding senior  
7 bonds under a preexisting indenture, if—

8 (I) the secured loan—

9 (aa) is rated in the A cat-  
10 egory or higher; or

11 (bb) in the case of a small  
12 project, meets an alternative  
13 standard that the Assistant Sec-  
14 retary shall establish under sec-  
15 tion 13206 for purposes of this  
16 subclause;

17 (II) the secured loan is secured  
18 and payable from pledged revenues  
19 not affected by project performance,  
20 such as a tax-backed revenue pledge  
21 or a system-backed pledge of project  
22 revenues; and

23 (III) the BIFLA program share  
24 of eligible project costs is 33 percent  
25 or less.

1 (ii) LIMITATION.—If the Assistant  
2 Secretary waives the nonsubordination re-  
3 quirement under this subparagraph—

4 (I) the maximum credit subsidy  
5 to be paid by the Federal Government  
6 shall be not more than 10 percent of  
7 the principal amount of the secured  
8 loan; and

9 (II) the obligor shall be respon-  
10 sible for paying the remainder of the  
11 subsidy cost, if any.

12 (7) FEES.—The Assistant Secretary may estab-  
13 lish fees at a level sufficient to cover all or a portion  
14 of the costs to the Federal Government of making  
15 a secured loan under this section.

16 (8) NON-FEDERAL SHARE.—The proceeds of a  
17 secured loan under the BIFLA program, if the loan  
18 is repayable from non-Federal funds—

19 (A) may be used for any non-Federal share  
20 of project costs required under this part; and

21 (B) shall not count toward the total Fed-  
22 eral assistance provided for a project for pur-  
23 poses of paragraph (9).

24 (9) MAXIMUM FEDERAL INVOLVEMENT.—The  
25 total Federal assistance provided for a project re-

1 ceiving a loan under the BIFIA program shall not  
2 exceed 80 percent of the total project cost.

3 (c) REPAYMENT.—

4 (1) SCHEDULE.—The Assistant Secretary shall  
5 establish a repayment schedule for each secured loan  
6 under this section based on—

7 (A) the projected cash flow from project  
8 revenues and other repayment sources; and

9 (B) the useful life of the infrastructure for  
10 the provision of broadband service being fi-  
11 nanced.

12 (2) COMMENCEMENT.—Scheduled loan repay-  
13 ments of principal or interest on a secured loan  
14 under this section shall commence not later than 5  
15 years after the date of substantial completion of the  
16 project.

17 (3) DEFERRED PAYMENTS.—

18 (A) IN GENERAL.—If, at any time after  
19 the date of substantial completion of the  
20 project, the project is unable to generate suffi-  
21 cient revenues to pay the scheduled loan repay-  
22 ments of principal and interest on the secured  
23 loan, the Assistant Secretary may, subject to  
24 subparagraph (C), allow the obligor to add un-

1           paid principal and interest to the outstanding  
2           balance of the secured loan.

3           (B) INTEREST.—Any payment deferred  
4           under subparagraph (A) shall—

5                   (i) continue to accrue interest in ac-  
6                   cordance with subsection (b)(4) until fully  
7                   repaid; and

8                   (ii) be scheduled to be amortized over  
9                   the remaining term of the loan.

10          (C) CRITERIA.—

11                   (i) IN GENERAL.—Any payment defer-  
12                   ral under subparagraph (A) shall be con-  
13                   tingent on the project meeting criteria es-  
14                   tablished by the Assistant Secretary.

15                   (ii) REPAYMENT STANDARDS.—The  
16                   criteria established pursuant to clause (i)  
17                   shall include standards for reasonable as-  
18                   surance of repayment.

19          (4) PREPAYMENT.—

20                   (A) USE OF EXCESS REVENUES.—Any ex-  
21                   cess revenues that remain after satisfying  
22                   scheduled debt service requirements on the  
23                   project obligations and secured loan and all de-  
24                   posit requirements under the terms of any trust  
25                   agreement, bond resolution, or similar agree-

1           ment securing project obligations may be ap-  
2           plied annually to prepay the secured loan with-  
3           out penalty.

4           (B) USE OF PROCEEDS OF REFI-  
5           NANCING.—The secured loan may be prepaid at  
6           any time without penalty from the proceeds of  
7           refinancing from non-Federal funding sources.

8           (d) SALE OF SECURED LOANS.—

9           (1) IN GENERAL.—Subject to paragraph (2), as  
10          soon as practicable after substantial completion of a  
11          project and after notifying the obligor, the Assistant  
12          Secretary may sell to another entity or reoffer into  
13          the capital markets a secured loan for the project if  
14          the Assistant Secretary determines that the sale or  
15          reoffering can be made on favorable terms.

16          (2) CONSENT OF OBLIGOR.—In making a sale  
17          or reoffering under paragraph (1), the Assistant  
18          Secretary may not change the original terms and  
19          conditions of the secured loan without the written  
20          consent of the obligor.

21          (e) LOAN GUARANTEES.—

22          (1) IN GENERAL.—The Assistant Secretary  
23          may provide a loan guarantee to a lender in lieu of  
24          making a secured loan under this section if the As-  
25          sistant Secretary determines that the budgetary cost

1 of the loan guarantee is substantially the same as  
2 that of a secured loan.

3 (2) TERMS.—The terms of a loan guarantee  
4 under paragraph (1) shall be consistent with the  
5 terms required under this section for a secured loan,  
6 except that the rate on the guaranteed loan and any  
7 prepayment features shall be negotiated between the  
8 obligor and the lender, with the consent of the As-  
9 sistant Secretary.

10 (f) STREAMLINED APPLICATION PROCESS.—

11 (1) IN GENERAL.—The Assistant Secretary  
12 shall develop one or more expedited application proc-  
13 esses, available at the request of entities seeking se-  
14 cured loans under the BIFIA program, that use a  
15 set or sets of conventional terms established pursu-  
16 ant to this section.

17 (2) TERMS.—In establishing the streamlined  
18 application process required by this subsection, the  
19 Assistant Secretary may allow for an expedited ap-  
20 plication period and include terms such as those that  
21 require—

22 (A) that the project be a small project;

23 (B) the secured loan to be secured and  
24 payable from pledged revenues not affected by  
25 project performance, such as a tax-backed rev-



1           enue pledge, tax increment financing, or a sys-  
2           tem-backed pledge of project revenues; and

3                   (C) repayment of the loan to commence  
4           not later than 5 years after disbursement.

5 **SEC. 13205. LINES OF CREDIT.**

6       (a) IN GENERAL.—

7           (1) AGREEMENTS.—Subject to paragraphs (2)  
8           through (4), the Assistant Secretary may enter into  
9           agreements to make available to one or more obli-  
10          gors lines of credit in the form of direct loans to be  
11          made by the Assistant Secretary at future dates on  
12          the occurrence of certain events for any project se-  
13          lected under section 13203.

14          (2) USE OF PROCEEDS.—The proceeds of a line  
15          of credit made available under this section shall be  
16          available to pay debt service on project obligations  
17          issued to finance eligible project costs, extraordinary  
18          repair and replacement costs, operation and mainte-  
19          nance expenses, and costs associated with unex-  
20          pected Federal or State environmental restrictions.

21          (3) RISK ASSESSMENT.—

22                  (A) IN GENERAL.—Except as provided in  
23                  subparagraph (B), before entering into an  
24                  agreement under this subsection, the Assistant  
25                  Secretary, in consultation with the Director of

1 the Office of Management and Budget and each  
2 rating agency providing a preliminary rating  
3 opinion letter under section 13203(b)(2)(A),  
4 shall determine an appropriate capital reserve  
5 subsidy amount for each line of credit, taking  
6 into account the rating opinion letter.

7 (B) SMALL PROJECTS.—Before entering  
8 into an agreement under this subsection to  
9 make available a line of credit for a small  
10 project, the Assistant Secretary, in consultation  
11 with the Director of the Office of Management  
12 and Budget, shall determine an appropriate  
13 capital reserve subsidy amount for each such  
14 line of credit, taking into account the alter-  
15 native documentation provided under section  
16 13203(b)(2)(B) instead of preliminary rating  
17 opinion letters provided under section  
18 13203(b)(2)(A).

19 (4) INVESTMENT-GRADE RATING REQUIRE-  
20 MENT.—The funding of a line of credit under this  
21 section shall be contingent on—

22 (A) the senior obligations of the project re-  
23 ceiving an investment-grade rating from 2 rat-  
24 ing agencies; or

1 (B) in the case of a small project, the  
2 project meeting an alternative standard that the  
3 Assistant Secretary shall establish under section  
4 13206 for purposes of this paragraph.

5 (b) TERMS AND LIMITATIONS.—

6 (1) IN GENERAL.—A line of credit under this  
7 section with respect to a project shall be on such  
8 terms and conditions and contain such covenants,  
9 representations, warranties, and requirements (in-  
10 cluding requirements for audits) as the Assistant  
11 Secretary determines to be appropriate.

12 (2) MAXIMUM AMOUNTS.—The total amount of  
13 a line of credit under this section shall not exceed  
14 33 percent of the reasonably anticipated eligible  
15 project costs.

16 (3) DRAWS.—Any draw on a line of credit  
17 under this section shall—

18 (A) represent a direct loan; and

19 (B) be made only if net revenues from the  
20 project (including capitalized interest, but not  
21 including reasonably required financing re-  
22 serves) are insufficient to pay the costs speci-  
23 fied in subsection (a)(2).

24 (4) INTEREST RATE.—The interest rate on a  
25 direct loan resulting from a draw on the line of cred-

1 it shall be not less than the yield on 30-year United  
2 States Treasury securities, as of the date of execu-  
3 tion of the line of credit agreement.

4 (5) SECURITY.—A line of credit issued under  
5 this section—

6 (A) shall—

7 (i) be payable, in whole or in part,  
8 from—

9 (I) amounts charged to—

10 (aa) subscribers of broad-  
11 band service for such service; or

12 (bb) subscribers of any re-  
13 lated service provided over the  
14 same infrastructure for such re-  
15 lated service;

16 (II) user fees;

17 (III) payments owing to the obli-  
18 gor under a public-private partner-  
19 ship; or

20 (IV) other dedicated revenue  
21 sources that also secure the senior  
22 project obligations; and

23 (ii) include a coverage requirement or  
24 similar security feature supporting the  
25 project obligations; and

1 (B) may have a lien on revenues described  
2 in subparagraph (A), subject to any lien secur-  
3 ing project obligations.

4 (6) PERIOD OF AVAILABILITY.—The full  
5 amount of a line of credit under this section, to the  
6 extent not drawn upon, shall be available during the  
7 10-year period beginning on the date of substantial  
8 completion of the project.

9 (7) RIGHTS OF THIRD-PARTY CREDITORS.—

10 (A) AGAINST FEDERAL GOVERNMENT.—A  
11 third-party creditor of the obligor shall not have  
12 any right against the Federal Government with  
13 respect to any draw on a line of credit under  
14 this section.

15 (B) ASSIGNMENT.—An obligor may assign  
16 a line of credit under this section to—

17 (i) one or more lenders; or

18 (ii) a trustee on the behalf of such a  
19 lender.

20 (8) NONSUBORDINATION.—

21 (A) IN GENERAL.—Except as provided in  
22 subparagraph (B), a direct loan under this sec-  
23 tion shall not be subordinated to the claims of  
24 any holder of project obligations in the event of

1 bankruptcy, insolvency, or liquidation of the ob-  
2 ligor.

3 (B) PRE-EXISTING INDENTURE.—

4 (i) IN GENERAL.—The Assistant Sec-  
5 retary shall waive the requirement of sub-  
6 paragraph (A) for a public agency bor-  
7 rower that is financing ongoing capital  
8 programs and has outstanding senior  
9 bonds under a preexisting indenture, if—

10 (I) the line of credit—

11 (aa) is rated in the A cat-  
12 egory or higher; or

13 (bb) in the case of a small  
14 project, meets an alternative  
15 standard that the Assistant Sec-  
16 retary shall establish under sec-  
17 tion 13206 for purposes of this  
18 subelause;

19 (II) the BIFIA program loan re-  
20 sulting from a draw on the line of  
21 credit is payable from pledged reve-  
22 nues not affected by project perform-  
23 ance, such as a tax-backed revenue  
24 pledge or a system-backed pledge of  
25 project revenues; and

1 (III) the BIFIA program share  
2 of eligible project costs is 33 percent  
3 or less.

4 (ii) LIMITATION.—If the Assistant  
5 Secretary waives the nonsubordination re-  
6 quirement under this subparagraph—

7 (I) the maximum credit subsidy  
8 to be paid by the Federal Government  
9 shall be not more than 10 percent of  
10 the principal amount of the secured  
11 loan; and

12 (II) the obligor shall be respon-  
13 sible for paying the remainder of the  
14 subsidy cost.

15 (9) FEES.—The Assistant Secretary may estab-  
16 lish fees at a level sufficient to cover all or a portion  
17 of the costs to the Federal Government of providing  
18 a line of credit under this section.

19 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-  
20 MENTS.—A project that receives a line of credit  
21 under this section also shall not receive a secured  
22 loan or loan guarantee under section 13204 in an  
23 amount that, combined with the amount of the line  
24 of credit, exceeds 49 percent of eligible project costs.

25 (c) REPAYMENT.—

1           (1) TERMS AND CONDITIONS.—The Assistant  
2           Secretary shall establish repayment terms and condi-  
3           tions for each direct loan under this section based  
4           on—

5                   (A) the projected cash flow from project  
6                   revenues and other repayment sources; and

7                   (B) the useful life of the infrastructure for  
8                   the provision of broadband service being fi-  
9                   nanced.

10          (2) TIMING.—All repayments of principal or in-  
11          terest on a direct loan under this section shall be  
12          scheduled—

13                   (A) to commence not later than 5 years  
14                   after the end of the period of availability speci-  
15                   fied in subsection (b)(6); and

16                   (B) to conclude, with full repayment of  
17                   principal and interest, by the date that is 25  
18                   years after the end of the period of availability  
19                   specified in subsection (b)(6).

20   **SEC. 13206. ALTERNATIVE PRUDENTIAL LENDING STAND-**  
21                   **ARDS FOR SMALL PROJECTS.**

22          Not later than 180 days after the date of the enact-  
23          ment of this Act, the Assistant Secretary shall establish  
24          alternative, streamlined prudential lending standards for  
25          small projects receiving credit assistance under the BIFIA



1 program to ensure that such projects pose no additional  
2 risk to the Federal Government, as compared with  
3 projects that are not small projects.

4 **SEC. 13207. PROGRAM ADMINISTRATION.**

5 (a) **REQUIREMENT.**—The Assistant Secretary shall  
6 establish a uniform system to service the Federal credit  
7 instruments made available under the BIFIA program.

8 (b) **FEEES.**—The Assistant Secretary may collect and  
9 spend fees, contingent on authority being provided in ap-  
10 propriations Acts, at a level that is sufficient to cover—

11 (1) the costs of services of expert firms retained  
12 pursuant to subsection (d); and

13 (2) all or a portion of the costs to the Federal  
14 Government of servicing the Federal credit instru-  
15 ments.

16 (c) **SERVICER.**—

17 (1) **IN GENERAL.**—The Assistant Secretary  
18 may appoint a financial entity to assist the Assistant  
19 Secretary in servicing the Federal credit instru-  
20 ments.

21 (2) **DUTIES.**—A servicer appointed under para-  
22 graph (1) shall act as the agent for the Assistant  
23 Secretary.

1           (3) FEE.—A servicer appointed under para-  
2           graph (1) shall receive a servicing fee, subject to ap-  
3           proval by the Assistant Secretary.

4           (d) ASSISTANCE FROM EXPERT FIRMS.—The Assist-  
5           ant Secretary may retain the services of expert firms, in-  
6           cluding counsel, in the field of municipal and project fi-  
7           nance to assist in the underwriting and servicing of Fed-  
8           eral credit instruments.

9           (e) EXPEDITED PROCESSING.—The Assistant Sec-  
10          retary shall implement procedures and measures to econo-  
11          mize the time and cost involved in obtaining approval and  
12          the issuance of credit assistance under the BIFIA pro-  
13          gram.

14          (f) ASSISTANCE TO SMALL PROJECTS.—Of the  
15          amount appropriated under section 13210(a), and after  
16          the set-aside for administrative expenses under section  
17          13210(b), not less than 20 percent shall be made available  
18          for the Assistant Secretary to use in lieu of fees collected  
19          under subsection (b) for small projects.

20          **SEC. 13208. STATE AND LOCAL PERMITS.**

21          The provision of credit assistance under the BIFLA  
22          program with respect to a project shall not—

23                  (1) relieve any recipient of the assistance of any  
24                  obligation to obtain any required State or local per-  
25                  mit or approval with respect to the project;

1           (2) limit the right of any unit of State or local  
2           government to approve or regulate any rate of re-  
3           turn on private equity invested in the project; or

4           (3) otherwise supersede any State or local law  
5           (including any regulation) applicable to the construc-  
6           tion or operation of the project.

7   **SEC. 13209. REGULATIONS.**

8           The Assistant Secretary may promulgate such regula-  
9           tions as the Assistant Secretary determines to be appro-  
10          prium to carry out the BIFIA program.

11   **SEC. 13210. FUNDING.**

12          (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
13          authorized to be appropriated to the Assistant Secretary  
14          \$5,000,000,000 for fiscal year 2022 to carry out this part,  
15          and such amount is authorized to remain available  
16          through fiscal year 2026.

17          (b) **ADMINISTRATIVE EXPENSES.**—Of the amount  
18          appropriated under subsection (a), the Assistant Secretary  
19          may use not more than 5 percent for the administration  
20          of the BIFIA program.

21   **SEC. 13211. REPORTS TO CONGRESS.**

22          (a) **IN GENERAL.**—Not later than 1 year after the  
23          date of the enactment of this Act, and every 2 years there-  
24          after, the Assistant Secretary shall submit to Congress a  
25          report summarizing the financial performance of the

1 projects that are receiving, or have received, assistance  
2 under the BIFIA program, including a recommendation  
3 as to whether the objectives of the BIFIA program are  
4 best served by—

5 (1) continuing the program under the authority  
6 of the Assistant Secretary; or

7 (2) establishing a Federal corporation or feder-  
8 ally sponsored enterprise to administer the program.

9 (b) APPLICATION PROCESS REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after  
11 the date of the enactment of this Act, and annually  
12 thereafter, the Assistant Secretary shall submit to  
13 the Committee on Energy and Commerce of the  
14 House of Representatives and the Committee on  
15 Commerce, Science, and Transportation of the Sen-  
16 ate a report that includes a list of all of the letters  
17 of interest and applications received for assistance  
18 under the BIFIA program during the preceding fis-  
19 cal year.

20 (2) INCLUSIONS.—

21 (A) IN GENERAL.—Each report under  
22 paragraph (1) shall include, at a minimum, a  
23 description of, with respect to each letter of in-  
24 terest and application included in the report—

1 (i) the date on which the letter of in-  
2 terest or application was received;

3 (ii) the date on which a notification  
4 was provided to the applicant regarding  
5 whether the application was complete or  
6 incomplete;

7 (iii) the date on which a revised and  
8 completed application was submitted (if  
9 applicable);

10 (iv) the date on which a notification  
11 was provided to the applicant regarding  
12 whether the project was approved or dis-  
13 approved; and

14 (v) if the project was not approved,  
15 the reason for the disapproval.

16 (B) CORRESPONDENCE.—Each report  
17 under paragraph (1) shall include copies of any  
18 correspondence provided to the applicant in ac-  
19 cordance with section 13203(d).

### 20 **PART 3—WI-FI ON SCHOOL BUSES**

#### 21 **SEC. 13301. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.**

22 (a) DEFINITION.—In this section, the term “school  
23 bus” means a passenger motor vehicle that is—

24 (1) designed to carry a driver and not less than  
25 5 passengers; and

1           (2) used significantly to transport early child  
2           education, elementary school, or secondary school  
3           students to or from school or an event related to  
4           school.

5           (b) RULEMAKING.—Notwithstanding the limitations  
6           under paragraphs (1)(B) and (2)(A) of section 254(h) of  
7           the Communications Act of 1934 (47 U.S.C. 254(h)) re-  
8           garding the authorized recipients and uses of discounted  
9           telecommunications services, not later than 180 days after  
10          the date of enactment of this Act, the Commission shall  
11          commence a rulemaking to make the provision of Wi-Fi  
12          access on school buses eligible for support under the E-  
13          rate program of the Commission set forth under subpart  
14          F of part 54 of title 47, Code of Federal Regulations.

## 15   **Subtitle D—Community Broadband**

### 16   **SEC. 14001. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP, 17                                    AND CO-OP BROADBAND SERVICES.**

18          Section 706 of the Telecommunications Act of 1996  
19          (47 U.S.C. 1302) is amended—

20               (1) by redesignating subsection (d) as sub-  
21               subsection (e) and inserting after subsection (c) the fol-  
22               lowing:

23               “(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNER-  
24               SHIP, AND CO-OP ADVANCED TELECOMMUNICATIONS CA-  
25               PABILITY AND SERVICES.—

1           “(1) IN GENERAL.—No State statute, regula-  
2           tion, or other State legal requirement may prohibit  
3           or have the effect of prohibiting any public provider,  
4           public-private partnership provider, or cooperatively  
5           organized provider from providing, to any person or  
6           any public or private entity, advanced telecommuni-  
7           cations capability or any service that utilizes the ad-  
8           vanced telecommunications capability provided by  
9           such provider.

10           “(2) ANTIDISCRIMINATION SAFEGUARDS.—

11           “(A) PUBLIC PROVIDERS.—To the extent  
12           any public provider regulates competing private  
13           providers of advanced telecommunications capa-  
14           bility or services that utilize advanced tele-  
15           communications capability, such public provider  
16           shall apply its ordinances and rules without dis-  
17           crimination in favor of itself or any provider  
18           that it owns of services that utilize advanced  
19           telecommunications capability.

20           “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-  
21           VIDERS.—To the extent any State or local enti-  
22           ty that is part of a public-private partnership  
23           provider regulates competing private providers  
24           of advanced telecommunications capability or  
25           services that utilize advanced telecommuni-

1 cations capability, such State or local entity  
2 shall apply its ordinances and rules without dis-  
3 crimination in favor of such public-private part-  
4 nership provider or any provider that such  
5 State or local entity or public-private partner-  
6 ship provider owns of services that utilize ad-  
7 vanced telecommunications capability.

8 “(3) SAVINGS CLAUSE.—Nothing in this sub-  
9 section shall exempt a public provider, public-private  
10 partnership provider, or cooperatively organized pro-  
11 vider from any Federal or State telecommunications  
12 law or regulation that applies to all providers of ad-  
13 vanced telecommunications capability or services  
14 that utilize such advanced telecommunications capa-  
15 bility.”; and

16 (2) in subsection (e), as redesignated—

17 (A) in the matter preceding paragraph (1),  
18 by striking “this subsection” and inserting  
19 “this section”;

20 (B) by redesignating paragraph (2) as  
21 paragraph (3);

22 (C) by inserting after paragraph (1) the  
23 following:

24 “(2) COOPERATIVELY ORGANIZED PROVIDER.—

25 The term ‘cooperatively organized provider’ means



1 an entity that is treated as a cooperative under Fed-  
2 eral tax law and that provides advanced tele-  
3 communications capability, or any service that uti-  
4 lizes such advanced telecommunications capability,  
5 to any person or public or private entity.”; and

6 (D) by adding at the end the following:

7 “(4) PUBLIC PROVIDER.—The term ‘public pro-  
8 vider’ means a State or local entity that provides ad-  
9 vanced telecommunications capability, or any service  
10 that utilizes such advanced telecommunications ca-  
11 pability, to any person or public or private entity.

12 “(5) PUBLIC-PRIVATE PARTNERSHIP PRO-  
13 VIDER.—The term ‘public-private partnership pro-  
14 vider’ means a public-private partnership, between a  
15 State or local entity and a private entity, that pro-  
16 vides advanced telecommunications capability, or any  
17 service that utilizes such advanced telecommuni-  
18 cations capability, to any person or public or private  
19 entity.

20 “(6) STATE OR LOCAL ENTITY.—The term  
21 ‘State or local entity’ means a State or political sub-  
22 division thereof, any agency, authority, or instru-  
23 mentality of a State or political subdivision thereof,  
24 or an Indian Tribe (as defined in section 4(e) of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 5304(e)).”.

3 **Subtitle E—Next Generation 9–1–1**

4 **SEC. 15001. FURTHER DEPLOYMENT OF NEXT GENERATION**

5 **9–1–1.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The 9–1–1 systems of the United States,  
8 while a model for the entire world, lack the advanced  
9 functionality, interoperability, reliability, and capa-  
10 bilities that come with the adoption of new digital  
11 communications technologies.

12 (2) Communications technologies currently  
13 available to the public, including first responders  
14 and other public safety personnel, have substantially  
15 outpaced the legacy communications technologies  
16 still used by most emergency communications cen-  
17 ters in the 9–1–1 systems of the United States.

18 (3) This lack of modern technology, when cou-  
19 pled with other challenges, is impacting the ability of  
20 the 9–1–1 systems of the United States to efficiently  
21 and effectively provide responses to emergencies.

22 (4) Modernizing the 9–1–1 systems of the  
23 United States to incorporate the new and evolving  
24 capabilities of broadband voice and data communica-  
25 tions is essential for the safety and security of the

1 public, including first responders and other public  
2 safety personnel.

3 (5) Efforts to modernize the 9–1–1 systems of  
4 the United States to date, while laudable and impor-  
5 tant, have been limited due to a lack of funding and  
6 inconsistent or unclear policies related to the govern-  
7 ance, deployment, and operations of Next Genera-  
8 tion 9–1–1.

9 (6) A nationwide strategy for Next Generation  
10 9–1–1 has become essential to help guide the transi-  
11 tion and create a common framework for implemen-  
12 tation of Next Generation 9–1–1 while preserving  
13 State, regional, and local control over the governance  
14 and technology choices of the 9–1–1 systems of the  
15 United States.

16 (7) Accelerated implementation of Next Genera-  
17 tion 9–1–1 will—

18 (A) increase compatibility with emerging  
19 communications trends;

20 (B) enhance the flexibility, reliability, and  
21 survivability of the 9–1–1 systems of the United  
22 States during major incidents;

23 (C) improve emergency response for the  
24 public, including first responders and other  
25 public safety personnel;

1 (D) promote the interoperability of the 9–  
2 1–1 systems of the United States with emer-  
3 gency response providers including users of the  
4 Nationwide Public Safety Broadband Network  
5 being deployed by the First Responder Network  
6 Authority; and

7 (E) increase the cost effectiveness of oper-  
8 ating the 9–1–1 systems of the United States.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that—

11 (1) the 9–1–1 professionals in the United  
12 States perform important and lifesaving work every  
13 day, and need the tools and communications tech-  
14 nologies to perform the work effectively in a world  
15 with digital communications technologies;

16 (2) the transition from the legacy communica-  
17 tions technologies used in the 9–1–1 systems of the  
18 United States to Next Generation 9–1–1 is a na-  
19 tional priority and a national imperative;

20 (3) the United States should complete the tran-  
21 sition described in paragraph (2) as soon as prac-  
22 ticable;

23 (4) the United States should develop a nation-  
24 wide framework that facilitates cooperation among

1 Federal, State, and local officials on deployment of  
2 Next Generation 9–1–1 in order to meet that goal;

3 (5) the term “Public Safety Answering Point”  
4 becomes outdated in a broadband environment and  
5 9–1–1 centers are increasingly and appropriately  
6 being referred to as emergency communications cen-  
7 ters; and

8 (6) 9–1–1 authorities and emergency commu-  
9 nications centers should have sufficient resources to  
10 implement Next Generation 9–1–1, including re-  
11 sources to support associated geographic information  
12 systems (commonly known as “GIS”), and cyberse-  
13 curity measures.

14 (c) STATEMENT OF POLICY.—It is the policy of the  
15 United States that—

16 (1) Next Generation 9–1–1 should be techno-  
17 logically and competitively neutral;

18 (2) Next Generation 9–1–1 should be interoper-  
19 able and reliable;

20 (3) the governance and control of the 9–1–1  
21 systems of the United States, including Next Gen-  
22 eration 9–1–1, should remain at the State, regional,  
23 and local level; and



1           “(B) SUBMISSION TO CONGRESS.—Not  
2 later than 90 days after the date of the enact-  
3 ment of this section or 90 days after the date  
4 on which the plan is modified, as applicable, the  
5 Assistant Secretary and the Administrator shall  
6 submit the management plan developed or  
7 modified, as applicable, under subparagraph (A)  
8 to—

9                   “(i) the Committees on Commerce,  
10                   Science, and Transportation and Appro-  
11                   priations of the Senate; and

12                   “(ii) the Committees on Energy and  
13                   Commerce and Appropriations of the  
14                   House of Representatives.

15           “(3) PURPOSE OF OFFICE.—The Office shall—

16                   “(A) take actions, in concert with coordi-  
17                   nators designated in accordance with subsection  
18                   (b)(2)(A)(ii), to improve coordination and com-  
19                   munication with respect to the implementation  
20                   of Next Generation 9–1–1;

21                   “(B) develop, collect, and disseminate in-  
22                   formation concerning practices, procedures, and  
23                   technology used in the implementation of Next  
24                   Generation 9–1–1;

1           “(C) advise and assist eligible entities in  
2 the preparation of implementation plans re-  
3 quired under subsection (b)(2)(A)(iii);

4           “(D) provide technical assistance to grant-  
5 ees in support of efforts to explore efficiencies  
6 related to Next Generation 9–1–1 functions;

7           “(E) receive, review, and recommend the  
8 approval or disapproval of applications for  
9 grants under subsection (b); and

10           “(F) oversee the use of funds provided by  
11 such grants in fulfilling such implementation  
12 plans.

13           “(4) ANNUAL REPORTS.—Not later than Octo-  
14 ber 1 of each year, the Assistant Secretary and the  
15 Administrator shall submit to Congress a report on  
16 the activities of the Office to meet the requirements  
17 described under paragraph (3) for the previous year.

18           “(5) NATIONWIDE NEXT GENERATION 9–1–1  
19 SECURITY OPERATIONS CENTER.—

20           “(A) ESTABLISHMENT.—There is estab-  
21 lished within the Office the Nationwide Next  
22 Generation 9–1–1 Security Operations Center.

23           “(B) ORGANIZATION.—The Office shall  
24 consider the recommendations of the Next Gen-  
25 eration 9–1–1 Advisory Board established



1 under section 160 in selecting the appropriate  
2 personnel to best fulfill the Center’s mission.

3 “(C) MISSION.—The Center shall—

4 “(i) serve as a centralized emergency  
5 communications cybersecurity center that  
6 has the ability to provide integrated intru-  
7 sion, detection and prevention services at  
8 multiple levels and layers, in support of  
9 local operations;

10 “(ii) provide forensic data to cyber re-  
11 sponders and investigators in the event of  
12 an incident;

13 “(iii) activate pre-planned mitigation  
14 measures as agreed upon with emergency  
15 communications centers and as appropriate  
16 during a cyber incident;

17 “(iv) assist application vendors and  
18 third parties with a public safety mission,  
19 such as mental health hotlines, telehealth  
20 providers, vehicle telematics provider, and  
21 alarm companies, in ensuring secure  
22 connectivity and providing vetted and se-  
23 cure services; and

24 “(v) assist Federal, State, and local  
25 law enforcement in identifying cyber crimi-

1 nals whether located in the United States  
2 or internationally.

3 “(b) NEXT GENERATION 9–1–1 IMPLEMENTATION  
4 GRANTS.—

5 “(1) GRANTS.—The Assistant Secretary and  
6 the Administrator, acting through the Office, shall  
7 provide grants to eligible entities for—

8 “(A) the implementation of Next Genera-  
9 tion 9–1–1;

10 “(B) establishing and maintaining Next  
11 Generation 9–1–1;

12 “(C) training directly related to Next Gen-  
13 eration 9–1–1 if—

14 “(i) the cost related to the training  
15 does not exceed 3 percent of the total  
16 grant award, or up to 5 percent of the  
17 total grant award if sufficiently justified to  
18 the Office; and

19 “(ii) permissible costs may include—

20 “(I) actual wages incurred for  
21 travel and attendance, including any  
22 necessary overtime pay and backfill  
23 wage;

24 “(II) travel expenses;

25 “(III) instructor expenses; and

1                   “(IV) facility costs and training  
2                   materials;

3                   “(D) public outreach and education on how  
4                   best to use Next Generation 9–1–1 and the ca-  
5                   pabilities and usefulness of Next Generation 9–  
6                   1–1; and

7                   “(E) administrative cost associated with  
8                   planning and implementation of Next Genera-  
9                   tion 9–1–1, including any cost related to plan-  
10                  ning for and preparing an application and re-  
11                  lated materials as required by this subsection,  
12                  if—

13                  “(i) the cost is fully documented in  
14                  materials submitted to the Office; and

15                  “(ii) the cost is reasonable, necessary,  
16                  and does not exceed 1 percent of the total  
17                  grant award for an eligible entity and 1  
18                  percent of the total grant award for an  
19                  emergency communications center.

20                  “(2) COORDINATION REQUIRED.—In providing  
21                  grants under paragraph (1), the Assistant Secretary  
22                  and the Administrator, acting through the Office,  
23                  shall require an eligible entity to certify in the appli-  
24                  cation that—

1           “(A) in the case of an eligible entity that  
2 is a State, the entity—

3           “(i) has coordinated the application  
4 with the emergency communications cen-  
5 ters located within the jurisdiction of the  
6 entity;

7           “(ii) has designated a single officer or  
8 governmental body to serve as the State  
9 point of contact to coordinate the imple-  
10 mentation of Next Generation 9–1–1 for  
11 that State, except that such designation  
12 need not vest such coordinator with direct  
13 legal authority to implement Next Genera-  
14 tion 9–1–1 or to manage emergency com-  
15 munications operations; and

16           “(iii) has developed and submitted a  
17 plan for the coordination and implementa-  
18 tion of Next Generation 9–1–1 that—

19           “(I) ensures interoperability by  
20 requiring the use of commonly accept-  
21 ed standards;

22           “(II) ensures reliable operations;

23           “(III) enables emergency commu-  
24 nications centers to process, analyze,

1 and store multimedia, data, and other  
2 information;

3 “(IV) incorporates the use of ef-  
4 fective cybersecurity resources;

5 “(V) uses open and competitive  
6 request for proposal processes, includ-  
7 ing through shared government pro-  
8 curement vehicles, for deployment of  
9 Next Generation 9–1–1;

10 “(VI) documents how input was  
11 received and accounted for from rel-  
12 evant rural and urban emergency  
13 communications centers, regional au-  
14 thorities, local authorities, and Tribal  
15 authorities;

16 “(VII) includes a governance  
17 body or bodies, either by creation of  
18 new or use of existing body or bodies,  
19 for the development and deployment  
20 of Next Generation 9–1–1 that—

21 “(aa) ensures full notice and  
22 opportunity for participation by  
23 relevant stakeholders; and

1           “(bb) consults and coordi-  
2           nates with the State point of con-  
3           tact required by clause (ii);

4           “(VIII) creates efficiencies re-  
5           lated to Next Generation 9–1–1 func-  
6           tions, including cybersecurity and the  
7           virtualization and sharing of infra-  
8           structure, equipment, and services;  
9           and

10          “(IX) that an effective, competi-  
11          tive approach to establishing authen-  
12          tication, credentialing, secure connec-  
13          tions, and access is utilized, including  
14          by—

15                 “(aa) requiring certificate  
16                 authorities to be capable of cross-  
17                 certification with other authori-  
18                 ties;

19                 “(bb) avoiding risk of a sin-  
20                 gle point of failure or vulner-  
21                 ability; and

22                 “(cc) adhering to Federal  
23                 agency best practices such as  
24                 those promulgated by the Na-

1                    tional Institute of Standards and  
2                    Technology; and

3                    “(B) in the case of an eligible entity that  
4                    is a Tribal Organization, the Tribal Organiza-  
5                    tion has complied with clauses (i) and (iii) of  
6                    subparagraph (A), and the State in which the  
7                    Tribal Organization is located has complied  
8                    with clause (ii) of such subparagraph.

9                    “(3) CRITERIA.—

10                    “(A) IN GENERAL.—Not later than 9  
11                    months after the date of the enactment of this  
12                    section, the Assistant Secretary and the Admin-  
13                    istrator shall issue regulations, after providing  
14                    the public with notice and an opportunity to  
15                    comment, prescribing the criteria for selection  
16                    for grants under this subsection.

17                    “(B) REQUIREMENTS.—The criteria  
18                    shall—

19                    “(i) include performance requirements  
20                    and a schedule for completion of any  
21                    project to be financed by a grant under  
22                    this subsection; and

23                    “(ii) specifically permit regional or  
24                    multi-State applications for funds.

1           “(C) UPDATES.—The Assistant Secretary  
2           and the Administrator shall update such regula-  
3           tions as necessary.

4           “(4) GRANT CERTIFICATIONS.—Each applicant  
5           for a grant under this subsection shall certify to the  
6           Assistant Secretary and the Administrator at the  
7           time of application, and each applicant that receives  
8           such a grant shall certify to the Assistant Secretary  
9           and the Administrator annually thereafter during  
10          any period of time the funds from the grant are  
11          available to the applicant, that—

12           “(A) no portion of any designated 9–1–1  
13          charges imposed by a State or other taxing ju-  
14          risdiction within which the applicant is located  
15          are being obligated or expended for any purpose  
16          other than the purposes for which such charges  
17          are designated or presented during the period  
18          beginning 180 days immediately preceding the  
19          date on which the application was filed and con-  
20          tinuing through the period of time during which  
21          the funds from the grant are available to the  
22          applicant;

23           “(B) any funds received by the applicant  
24          will be used to support deployment of Next  
25          Generation 9–1–1 that ensures reliability and,



1 by requiring the use of commonly accepted  
2 standards, interoperability;

3 “(C) the State in which the applicant re-  
4 sides has established, or has committed to es-  
5 tablish no later than 3 years following the date  
6 on which the funds are distributed to the appli-  
7 cant, a sustainable funding mechanism for Next  
8 Generation 9–1–1 and effective cybersecurity  
9 resources to be deployed pursuant to the grant;

10 “(D) the applicant will promote interoper-  
11 ability between Next Generation 9–1–1 emer-  
12 gency communications centers and emergency  
13 response providers including users of the na-  
14 tionwide public safety broadband network im-  
15 plemented by the First Responder Network Au-  
16 thority;

17 “(E) the applicant has or will take steps to  
18 coordinate with adjoining States to establish  
19 and maintain Next Generation 9–1–1; and

20 “(F) the applicant has developed a plan for  
21 public outreach and education on how to best  
22 use Next Generation 9–1–1 and on its capabili-  
23 ties and usefulness.

24 “(5) CONDITION OF GRANT.—Each applicant  
25 for a grant under this subsection shall agree, as a

1 condition of receipt of the grant, that if the State or  
2 other taxing jurisdiction within which the applicant  
3 is located, during any period of time during which  
4 the funds from the grant are available to the appli-  
5 cant, fails to comply with the certifications required  
6 under paragraph (4), all of the funds from such  
7 grant shall be returned to the Office.

8 “(6) PENALTY FOR PROVIDING FALSE INFOR-  
9 MATION.—Any applicant that provides a certification  
10 under paragraph (5) knowing that the information  
11 provided in the certification was false shall—

12 “(A) not be eligible to receive the grant  
13 under this subsection;

14 “(B) return any grant awarded under this  
15 subsection during the time that the certification  
16 was not valid; and

17 “(C) not be eligible to receive any subse-  
18 quent grants under this subsection.

19 “(7) PROHIBITION.—Grants provided under  
20 this subsection may not be used—

21 “(A) for any component of the Nationwide  
22 Public Safety Broadband Network; or

23 “(B) to make any payments to a person  
24 who has been, for reasons of national security,  
25 prohibited by any entity of the Federal Govern-

1           ment from bidding on a contract, participating  
2           in an auction, or receiving a grant.

3           “(8) FUNDING AND TERMINATION.—In addition  
4           to any funds authorized for grants under section  
5           158, there is authorized to be appropriated  
6           \$15,000,000,000 for fiscal years 2022 through  
7           2026, of which \$24,000,000 may be used by the Of-  
8           fice for reasonable and necessary administrative  
9           costs associated with the grant program and to es-  
10          tablish the Nationwide Next Generation 9–1–1 Secu-  
11          rity Operations Center under subsection (a)(5).

12          “(c) DEFINITIONS.—In this section and section 160:

13           “(1) 9–1–1 REQUEST FOR EMERGENCY ASSIST-  
14          ANCE.—The term ‘9–1–1 request for emergency as-  
15          sistance’ means a communication, such as voice,  
16          text, picture, multimedia, or any other type of data  
17          that is sent to an emergency communications center  
18          for the purpose of requesting emergency assistance.

19           “(2) ADMINISTRATOR.—The term ‘Adminis-  
20          trator’ means the Administrator of the National  
21          Highway Traffic Safety Administration.

22           “(3) COMMONLY ACCEPTED STANDARDS.—The  
23          term ‘commonly accepted standards’ means the tech-  
24          nical standards followed by the communications in-  
25          dustry for network, device, and Internet Protocol

1 connectivity that enable interoperability, including  
2 but not limited to—

3 “(A) standards developed by the Third  
4 Generation Partnership Project (3GPP), the In-  
5 stitute of Electrical and Electronics Engineers  
6 (IEEE), the Alliance for Telecommunications  
7 Industry Solutions (ATIS), the Internet Engi-  
8 neering Taskforce (IETF), and the Inter-  
9 national Telecommunications Union (ITU); and

10 “(B) standards approved by the American  
11 National Standards Institute (ANSI) that meet  
12 the definition of interoperable within this sec-  
13 tion.

14 “(4) DESIGNATED 9–1–1 CHARGES.—The term  
15 ‘designated 9–1–1 charges’ means any taxes, fees, or  
16 other charges imposed by a State or other taxing ju-  
17 risdiction that are designated or presented as dedi-  
18 cated to deliver or improve 9–1–1 services, E9–1–1  
19 services (as defined in section 158(e)), or Next Gen-  
20 eration 9–1–1.

21 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-  
22 tity’—

23 “(A) means a State or a Tribal organiza-  
24 tion (as defined in section 4(l) of the Indian

1 Self-Determination and Education Assistance  
2 Act (25 U.S.C. 5304));

3 “(B) includes public authorities, boards,  
4 commissions, and similar bodies created by one  
5 or more eligible entities described in subpara-  
6 graph (A) to coordinate or provide Next Gen-  
7 eration 9–1–1; and

8 “(C) does not include any entity that has  
9 failed to submit the certifications required  
10 under subsection (b)(4).

11 “(6) EMERGENCY COMMUNICATIONS CENTER.—  
12 The term ‘emergency communications center’ means  
13 a facility that is designated to receive a 9–1–1 re-  
14 quest for emergency assistance and perform one or  
15 more of the following functions:

16 “(A) Process and analyze 9–1–1 requests  
17 for emergency assistance and other gathered in-  
18 formation.

19 “(B) Dispatch appropriate emergency re-  
20 sponse providers.

21 “(C) Transfer or exchange 9–1–1 requests  
22 for emergency assistance and other gathered in-  
23 formation with other emergency communica-  
24 tions centers and emergency response providers.

1           “(D) Analyze any communications received  
2           from emergency response providers.

3           “(E) Support incident command functions.

4           “(7) EMERGENCY RESPONSE PROVIDER.—The  
5           term ‘emergency response provider’ has the meaning  
6           given that term under section 2 of the Homeland Se-  
7           curity Act of 2002 (6 U.S.C. 101).

8           “(8) INTEROPERABLE.—The term ‘interoper-  
9           able’ or ‘interoperability’ means the capability of  
10          emergency communications centers to receive 9–1–1  
11          requests for emergency assistance and related data  
12          such as location information and callback numbers  
13          from the public, then process and share the 9–1–1  
14          requests for emergency assistance and related data  
15          with other emergency communications centers and  
16          emergency response providers without the need for  
17          proprietary interfaces and regardless of jurisdiction,  
18          equipment, device, software, service provider, or  
19          other relevant factors.

20          “(9) NATIONWIDE.—The term ‘nationwide’  
21          means each State of the United States, the District  
22          of Columbia, Puerto Rico, American Samoa, Guam,  
23          the United States Virgin Islands, the Northern Mar-  
24          iana Islands, any other territory or possession of the

1 United States, and each federally recognized Indian  
2 Tribe.

3 “(10) NATIONWIDE PUBLIC SAFETY  
4 BROADBAND NETWORK.—The term ‘nationwide pub-  
5 lic safety broadband network’ has the meaning given  
6 the term in section 6001 of the Middle Class Tax  
7 Relief and Job Creation Act of 2012 (47 U.S.C.  
8 1401).

9 “(11) NEXT GENERATION 9–1–1.—The term  
10 Next Generation 9–1–1 means an interoperable, se-  
11 cure, Internet Protocol-based system that—

12 “(A) employs commonly accepted stand-  
13 ards;

14 “(B) enables the appropriate emergency  
15 communications centers to receive, process, and  
16 analyze all types of 9–1–1 requests for emer-  
17 gency assistance;

18 “(C) acquires and integrates additional in-  
19 formation useful to handling 9–1–1 requests for  
20 emergency assistance; and

21 “(D) supports sharing information related  
22 to 9–1–1 requests for emergency assistance  
23 among emergency communications centers and  
24 emergency response providers.

1           “(12) OFFICE.—The term ‘Office’ means the  
2 Next Generation 9–1–1 Implementation Coordina-  
3 tion Office established under section 158.

4           “(13) RELIABILITY.—The term ‘reliability’ or  
5 ‘reliable’ means the employment of sufficient meas-  
6 ures to ensure the ongoing operation of Next Gen-  
7 eration 9–1–1 including through the use of geo-di-  
8 verse, device- and network-agnostic elements that  
9 provide more than one physical route between end  
10 points with no common points where a single failure  
11 at that point would cause all to fail.

12           “(14) STATE.—The term ‘State’ means any  
13 State of the United States, the District of Columbia,  
14 Puerto Rico, American Samoa, Guam, the United  
15 States Virgin Islands, the Northern Mariana Is-  
16 lands, and any other territory or possession of the  
17 United States.

18           “(15) SUSTAINABLE FUNDING MECHANISM.—  
19 The term ‘sustainable funding mechanism’ means a  
20 funding mechanism that provides adequate revenues  
21 to cover ongoing expenses, including operations,  
22 maintenance, and upgrades.



1 **“SEC. 160. ESTABLISHMENT OF NEXT GENERATION 9-1-1**  
2 **ADVISORY BOARD.**

3 “(a) ESTABLISHMENT.—The Assistant Secretary and  
4 Administrator, acting through the Office, shall establish  
5 a ‘Next Generation 9-1-1 Advisory Board’ (in this section  
6 referred to as the ‘Board’) to advise the Office in carrying  
7 out its duties and responsibilities under this section and  
8 section 159.

9 “(b) MEMBERSHIP.—

10 “(1) VOTING MEMBERS.—Not later than 30  
11 days after the date of enactment of this section, the  
12 Assistant Secretary and Administrator, acting  
13 through the Office, shall appoint 16 public safety  
14 members to the Board, of which—

15 “(A) 4 members shall be representative of  
16 local law enforcement officials;

17 “(B) 4 members shall be representative of  
18 fire and rescue officials;

19 “(C) 4 members shall be representative of  
20 emergency medical service officials; and

21 “(D) 4 members shall be representative of  
22 9-1-1 professionals.

23 “(2) DIVERSITY OF MEMBERSHIP.—Members  
24 shall be representatives of State and local govern-  
25 ments, chosen to reflect geographic and population

1 density differences as well as public safety organiza-  
2 tions at the national level across the United States.

3 “(3) EXPERTISE.—All members shall have spe-  
4 cific expertise necessary for developing technical re-  
5 quirements under this section, such as technical ex-  
6 pertise, and public safety communications and 9–1–  
7 1 expertise.

8 “(4) RANK AND FILE MEMBERS.—A rank and  
9 file member from each of the public safety dis-  
10 ciplines listed in subparagraphs (A), (B), and (C), of  
11 paragraph (1) shall be appointed as a voting mem-  
12 ber of the Board and shall be selected from an orga-  
13 nization that represents their public safety discipline  
14 at the national level.

15 “(c) PERIOD OF APPOINTMENT.—

16 “(1) IN GENERAL.—Except as provided in para-  
17 graph (2), members of the Board shall be appointed  
18 for the life of the Board.

19 “(2) REMOVAL FOR CAUSE.—A member of the  
20 Board may be removed for cause upon the deter-  
21 mination of the Assistant Secretary and Adminis-  
22 trator.

23 “(d) VACANCIES.—Any vacancy in the Board shall be  
24 filled in the same manner as the original appointment.

1       “(e) QUORUM.—A majority of the members of the  
2 Board shall constitute a quorum.

3       “(f) CHAIRPERSON AND VICE CHAIRPERSON.—The  
4 Board shall select a Chairperson and Vice Chairperson  
5 from among the voting members of the Board.

6       “(g) DUTIES OF THE BOARD.—Not later than 120  
7 days after the date of the enactment of this section, the  
8 Board shall submit to the Office recommendations con-  
9 cerning:

10           “(1) the importance of deploying Next Genera-  
11 tion 9–1–1 in rural and urban areas;

12           “(2) the importance of ensuring flexibility in  
13 guidance, rules, and grant funding to allow for tech-  
14 nology improvements;

15           “(3) the value of creating efficiencies related to  
16 Next Generation 9–1–1 functions, including cyberse-  
17 curity and the virtualization and sharing of core in-  
18 frastructure;

19           “(4) the value of enabling effective coordination  
20 among State, local, Tribal, and territorial govern-  
21 ment entities to ensure that the needs of emergency  
22 communications centers in both rural and urban  
23 areas are taken into account in each plan for the co-  
24 ordination and implementation of Next Generation  
25 9–1–1; and

1           “(5) the relevance of existing cybersecurity re-  
2           sources to Next Generation 9–1–1 procurement and  
3           deployment.

4           “(h) CONSIDERATION BY THE OFFICE.—The Office  
5           shall consider the recommendations of the Board as the  
6           Office carries out the responsibilities of the Office under  
7           this section.

8           “(i) EXEMPTION FROM FACCA.—The Federal Advi-  
9           sory Committee Act (5 U.S.C. App.) shall not apply to  
10          the Board.

11          “(j) DURATION OF AUTHORITY.—The Board shall re-  
12          main in place throughout the period that grant funds are  
13          authorized under section 159(b)(1) to provide additional  
14          advice from time to time to the Office.”.

15          (e) SAVINGS PROVISION.—Nothing in this section or  
16          any amendment made by this section shall affect any ap-  
17          plication pending or grant awarded under section 158 of  
18          the National Telecommunications and Information Ad-  
19          ministration Organization Act (47 U.S.C. 942) before the  
20          date of the enactment of this section.

## 21           **TITLE II—DRINKING WATER** 22           **INFRASTRUCTURE**

### 23   **SEC. 20001. DRINKING WATER SRF FUNDING.**

24          (a) FUNDING.—

1           (1) STATE REVOLVING LOAN FUNDS.—Section  
2           1452(m)(1) of the Safe Drinking Water Act (42  
3           U.S.C. 300j–12(m)(1)) is amended—

4                   (A) in subparagraph (B), by striking  
5                   “and”;

6                   (B) in subparagraph (C), by striking  
7                   “2021.” and inserting “2021;” and

8                   (C) by adding at the end the following:

9                           “(D) \$4,140,000,000 for fiscal year 2022;

10                           “(E) \$4,800,000,000 for fiscal year 2023;

11                   and

12                           “(F) \$5,500,000,000 for each of fiscal  
13                   years 2024 through 2026.”.

14           (2) INDIAN RESERVATION DRINKING WATER  
15           PROGRAM.—Section 2001(d) of America’s Water In-  
16           frastructure Act of 2018 (Public Law 115–270) is  
17           amended by striking “2022” and inserting “2026”.

18           (3) VOLUNTARY SCHOOL AND CHILD CARE PRO-  
19           GRAM LEAD TESTING GRANT PROGRAM.—Section  
20           1464(d)(8) of the Safe Drinking Water Act (42  
21           U.S.C. 300j–24(d)(8)) is amended by striking “and  
22           2021” and inserting “through 2026”.

23           (4) DRINKING WATER FOUNTAIN REPLACE-  
24           MENT FOR SCHOOLS.—Section 1465(d) of the Safe

1 Drinking Water Act (42 U.S.C. 300j–25(d)) is  
2 amended by striking “2021” and inserting “2026”.

3 (5) GRANTS FOR STATE PROGRAMS.—Section  
4 1443(a)(7) of the Safe Drinking Water Act (42  
5 U.S.C. 300j–2(a)(7)) is amended by striking “and  
6 2021” and inserting “through 2026”.

7 (b) AMERICAN IRON AND STEEL PRODUCTS.—Sec-  
8 tion 1452(a)(4)(A) of the Safe Drinking Water Act (42  
9 U.S.C. 300j–12(a)(4)(A)) is amended by striking “During  
10 fiscal years 2019 through 2023, funds” and inserting  
11 “Funds”.

12 **SEC. 20002. DRINKING WATER SYSTEM RESILIENCE FUND-**  
13 **ING.**

14 Section 1433(g)(6) of the Safe Drinking Water Act  
15 (42 U.S.C. 300i–2(g)(6)) is amended—

16 (1) by striking “25,000,000” and inserting  
17 “50,000,000”; and

18 (2) by striking “2020 and 2021” and inserting  
19 “2022 through 2026”.

20 **SEC. 20003. PFAS TREATMENT GRANTS.**

21 (a) ESTABLISHMENT OF PFAS INFRASTRUCTURE  
22 GRANT PROGRAM.—Part E of the Safe Drinking Water  
23 Act (42 U.S.C. 300j et seq.) is amended by adding at the  
24 end the following new section:

1 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**  
2 **TEMS AFFECTED BY PFAS.**

3 “(a) ESTABLISHMENT.—Not later than 180 days  
4 after the date of enactment of this section, the Adminis-  
5 trator shall establish a program to award grants to af-  
6 fected community water systems to pay for capital costs  
7 associated with the implementation of eligible treatment  
8 technologies.

9 “(b) APPLICATIONS.—

10 “(1) GUIDANCE.—Not later than 12 months  
11 after the date of enactment of this section, the Ad-  
12 ministrator shall publish guidance describing the  
13 form and timing for community water systems to  
14 apply for grants under this section.

15 “(2) REQUIRED INFORMATION.—The Adminis-  
16 trator shall require a community water system ap-  
17 plying for a grant under this section to submit—

18 “(A) information showing the presence of  
19 PFAS in water of the community water system;  
20 and

21 “(B) a certification that the treatment  
22 technology in use by the community water sys-  
23 tem at the time of application is not sufficient  
24 to remove all detectable amounts of PFAS.

25 “(c) LIST OF ELIGIBLE TREATMENT TECH-  
26 NOLOGIES.—Not later than 150 days after the date of en-

1 actment of this section, and every 2 years thereafter, the  
2 Administrator shall publish a list of treatment tech-  
3 nologies that the Administrator determines are effective  
4 at removing all detectable amounts of PFAS from drink-  
5 ing water.

6 “(d) PRIORITY FOR FUNDING.—In awarding grants  
7 under this section, the Administrator shall prioritize af-  
8 fected community water systems that—

9 “(1) serve a disadvantaged community;

10 “(2) will provide at least a 10-percent cost  
11 share for the cost of implementing an eligible treat-  
12 ment technology; or

13 “(3) demonstrate the capacity to maintain the  
14 eligible treatment technology to be implemented  
15 using the grant.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be  
18 appropriated to carry out this section not more than  
19 \$500,000,000 for each of the fiscal years 2022  
20 through 2026.

21 “(2) SPECIAL RULE.—Of the amounts author-  
22 ized to be appropriated by paragraph (1),  
23 \$25,000,000 are authorized to be appropriated for  
24 each of fiscal years 2022 and 2023 for grants under  
25 subsection (a) to pay for capital costs associated



1 with the implementation of eligible treatment tech-  
2 nologies during the period beginning on October 1,  
3 2014, and ending on the date of enactment of this  
4 section.

5 “(f) DEFINITIONS.—In this section:

6 “(1) AFFECTED COMMUNITY WATER SYSTEM.—  
7 The term ‘affected community water system’ means  
8 a community water system that is affected by the  
9 presence of PFAS in the water in the community  
10 water system.

11 “(2) DISADVANTAGED COMMUNITY.—The term  
12 ‘disadvantaged community’ has the meaning given  
13 that term in section 1452.

14 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—  
15 The term ‘eligible treatment technology’ means a  
16 treatment technology included on the list published  
17 under subsection (c).”.

18 (b) DEFINITION.—

19 Section 1401 of the Safe Drinking Water Act  
20 (42 U.S.C. 300f) is amended by adding at the end  
21 the following:

22 “(17) PFAS.—The term ‘PFAS’ means a  
23 perfluoroalkyl or polyfluoroalkyl substance with at  
24 least one fully fluorinated carbon atom.”.

1 **SEC. 20004. LEAD SERVICE LINE REPLACEMENT.**

2 (a) IN GENERAL.—Section 1452 of the Safe Drink-  
3 ing Water Act (42 U.S.C. 300j–12) is amended by adding  
4 at the end the following:

5 “(u) LEAD SERVICE LINE REPLACEMENT.—

6 “(1) IN GENERAL.—In addition to the capital-  
7 ization grants to eligible States under subsection  
8 (a)(1), the Administrator shall offer to enter into  
9 agreements with eligible States, Indian Tribes, and  
10 the territories described in subsection (j) to make  
11 capitalization grants, including letters of credit, to  
12 such States, Indian Tribes, and territories under  
13 this subsection to fund the replacement of lead serv-  
14 ice lines.

15 “(2) ALLOTMENTS.—

16 “(A) STATES.—Funds made available  
17 under this subsection shall be allotted and real-  
18 lotted to the extent practicable, to States as if  
19 allotted or reallocated under subsection (a)(1) as  
20 a capitalization grant under such subsection.

21 “(B) INDIAN TRIBES.—The Administrator  
22 shall set aside 1½ percent of the amounts  
23 made available each fiscal year to carry out this  
24 subsection to make grants to Indian Tribes.

25 “(C) OTHER AREAS.—The funds made  
26 available under this subsection shall be allotted

1 to territories described in subsection (j) in ac-  
2 cordance with such subsection.

3 “(3) PRIORITY.—Each State that has entered  
4 into a capitalization agreement pursuant to this sec-  
5 tion shall annually prepare a plan that identifies the  
6 intended uses of the amounts made available pursu-  
7 ant to this subsection, which shall—

8 “(A) comply with the requirements of sub-  
9 section (b)(2); and

10 “(B) provide, to the maximum extent prac-  
11 ticable, that priority for the use of funds be  
12 given to projects that replace lead service lines  
13 serving disadvantaged communities and envi-  
14 ronmental justice communities.

15 “(4) AMERICAN MADE IRON AND STEEL AND  
16 PREVAILING WAGES.—The requirements of para-  
17 graphs (4) and (5) of subsection (a) shall apply to  
18 any project carried out in whole or in part with  
19 funds made available under this subsection.

20 “(5) LIMITATION.—

21 “(A) PROHIBITION ON PARTIAL LINE RE-  
22 PLACEMENT.—None of the funds made avail-  
23 able under this subsection may be used for par-  
24 tial lead service line replacement if, at the con-  
25 clusion of the service line replacement, drinking

1 water is delivered to a household, or to a prop-  
2 erty under the jurisdiction of a local educational  
3 agency, through a publicly or privately owned  
4 portion of a lead service line.

5 “(B) NO HOMEOWNER CONTRIBUTION.—  
6 Any recipient of funds made available under  
7 this subsection shall offer to replace any pri-  
8 vately owned portion of the lead service line at  
9 no cost to the private owner.

10 “(6) STATE CONTRIBUTION.—Notwithstanding  
11 subsection (e), agreements under paragraph (1) shall  
12 not require that the State deposit in the State loan  
13 fund from State moneys any contribution before re-  
14 ceiving funds pursuant to this subsection.

15 “(7) AUTHORIZATION OF APPROPRIATIONS.—

16 “(A) IN GENERAL.—There are authorized  
17 to be appropriated to carry out this subsection  
18 \$4,500,000,000 for each of fiscal years 2022  
19 through 2026. Such sums shall remain available  
20 until expended.

21 “(B) ADDITIONAL AMOUNTS.—To the ex-  
22 tent amounts authorized to be appropriated  
23 under this subsection in any fiscal year are not  
24 appropriated in that fiscal year, such amounts  
25 are authorized to be appropriated in a subse-

1           quent fiscal year. Such sums shall remain avail-  
2           able until expended.

3           “(8) DEFINITIONS.—For purposes of this sub-  
4           section:

5                   “(A) DISADVANTAGED COMMUNITY.—The  
6           term ‘disadvantaged community’ has the mean-  
7           ing given such term in subsection (d)(3).

8                   “(B) ENVIRONMENTAL JUSTICE COMMU-  
9           NITY.—The term ‘environmental justice com-  
10          munity’ means any population of color, commu-  
11          nity of color, indigenous community, or low-in-  
12          come community that experiences a dispropor-  
13          tionate burden of the negative human health  
14          and environmental impacts of pollution or other  
15          environmental hazards.

16                   “(C) LEAD SERVICE LINE.—The term  
17          ‘lead service line’ means a pipe and its fittings,  
18          which are not lead free (as defined in section  
19          1417(d)), that connect the drinking water main  
20          to the building inlet.”.

21           (b)           CONFORMING           AMENDMENT.—Section  
22          1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.  
23          300j–12(m)(1)) is amended by striking “(a)(2)(G) and  
24          (t)” and inserting “(a)(2)(G), (t), and (u)”.

1 **SEC. 20005. ASSISTANCE FOR AREAS AFFECTED BY NAT-**  
2 **URAL DISASTERS.**

3 Section 2020 of America’s Water Infrastructure Act  
4 of 2018 (Public Law 115–270) is amended—

5 (1) in subsection (b)(1), by striking “subsection  
6 (e)(1)” and inserting “subsection (f)(1)”;

7 (2) by redesignating subsections (e) through (e)  
8 as subsections (d) through (f), respectively;

9 (3) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) ASSISTANCE FOR TERRITORIES.—The Adminis-  
12 trator may use funds made available under subsection  
13 (f)(1) to make grants to Guam, the Virgin Islands, Amer-  
14 ican Samoa, and the Northern Mariana Islands for the  
15 purposes of providing assistance to eligible systems to re-  
16 store or increase compliance with national primary drink-  
17 ing water regulations.”; and

18 (4) in subsection (f), as so redesignated—

19 (A) in the heading, by striking “STATE  
20 REVOLVING FUND CAPITALIZATION”; and

21 (B) in paragraph (1)—

22 (i) in the matter preceding subpara-  
23 graph (A), by inserting “and to make  
24 grants under subsection (c) of this sec-  
25 tion,” before “to be available”; and

1 (ii) in subparagraph (A), by inserting  
2 “or subsection (c), as applicable” after  
3 “subsection (b)(1)”.

4 **SEC. 20006. ALLOTMENTS FOR TERRITORIES.**

5 Section 1452(j) of the Safe Drinking Water Act (42  
6 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”  
7 and inserting “1.5 percent”.

8 **TITLE III—CLEAN ENERGY**  
9 **INFRASTRUCTURE**

10 **Subtitle A—Grid Security and**  
11 **Modernization**

12 **SEC. 31001. 21ST CENTURY POWER GRID.**

13 (a) IN GENERAL.—The Secretary of Energy shall es-  
14 tablish a program to provide financial assistance to eligible  
15 partnerships to carry out projects related to the mod-  
16 ernization of the electric grid, including—

17 (1) projects for the deployment of technologies  
18 to improve monitoring of, advanced controls for, and  
19 prediction of performance of, a distribution system;  
20 and

21 (2) projects related to transmission system  
22 planning and operation.

23 (b) ELIGIBLE PROJECTS.—Projects for which an eli-  
24 gible partnership may receive financial assistance under  
25 subsection (a)—

1           (1) shall be designed to improve the resiliency,  
2           performance, or efficiency of the electric grid, while  
3           ensuring the continued provision of safe, secure, reli-  
4           able, and affordable power;

5           (2) may be designed to deploy a new product or  
6           technology that could be used by customers of an  
7           electric utility; and

8           (3) shall demonstrate—

9                   (A) secure integration and management of  
10                  energy resources, including through distributed  
11                  energy generation, combined heat and power,  
12                  microgrids, energy storage, electric vehicles  
13                  charging infrastructure, energy efficiency, de-  
14                  mand response, or controllable loads; or

15                   (B) secure integration and interoperability  
16                  of communications and information technologies  
17                  related to the electric grid.

18           (c) CYBERSECURITY PLAN.—Each project carried  
19           out with financial assistance provided under subsection (a)  
20           shall include the development of a cybersecurity plan writ-  
21           ten in accordance with guidelines developed by the Sec-  
22           retary of Energy.

23           (d) PRIVACY EFFECTS ANALYSIS.—Each project car-  
24           ried out with financial assistance provided under sub-  
25           section (a) shall include a privacy effects analysis that



1 evaluates the project in accordance with the Voluntary  
2 Code of Conduct of the Department of Energy, commonly  
3 known as the “DataGuard Energy Data Privacy Pro-  
4 gram”, or the most recent revisions to the privacy pro-  
5 gram of the Department.

6 (e) DEFINITIONS.—In this section:

7 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-  
8 ble partnership” means a partnership consisting of  
9 two or more entities, which—

10 (A) may include—

11 (i) any institution of higher education;

12 (ii) a National Laboratory;

13 (iii) a State or a local government or  
14 other public body created by or pursuant  
15 to State law;

16 (iv) an Indian Tribe;

17 (v) a Federal power marketing admin-  
18 istration; or

19 (vi) an entity that develops and pro-  
20 vides technology; and

21 (B) shall include at least one of any of—

22 (i) an electric utility;

23 (ii) a Regional Transmission Organi-  
24 zation; or

25 (iii) an Independent System Operator.

1           (2) ELECTRIC UTILITY.—The term “electric  
2 utility” has the meaning given that term in section  
3 3(22) of the Federal Power Act (16 U.S.C.  
4 796(22)), except that such term does not include an  
5 entity described in subparagraph (B) of such sec-  
6 tion.

7           (3) FEDERAL POWER MARKETING ADMINISTRA-  
8 TION.—The term “Federal power marketing admin-  
9 istration” means the Bonneville Power Administra-  
10 tion, the Southeastern Power Administration, the  
11 Southwestern Power Administration, or the Western  
12 Area Power Administration.

13           (4) INDEPENDENT SYSTEM OPERATOR; RE-  
14 GIONAL TRANSMISSION ORGANIZATION.—The terms  
15 “Independent System Operator” and “Regional  
16 Transmission Organization” have the meanings  
17 given those terms in section 3 of the Federal Power  
18 Act (16 U.S.C. 796).

19           (5) INSTITUTION OF HIGHER EDUCATION.—The  
20 term “institution of higher education” has the  
21 meaning given that term in section 101(a) of the  
22 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

23           (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to the Secretary of Energy  
25 to carry out this section \$700,000,000 for each of fiscal

1 years 2022 through 2026, to remain available until ex-  
2 pended.

3 **SEC. 31002. STRATEGIC TRANSFORMER RESERVE PRO-**  
4 **GRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Energy  
6 shall establish a program to reduce the vulnerability of the  
7 electric grid to physical attack, cyber attack, electro-  
8 magnetic pulse, geomagnetic disturbances, severe weather,  
9 climate change, and seismic events, including by—

10 (1) ensuring that large power transformers,  
11 generator step-up transformers, and other critical  
12 electric grid equipment are strategically located to  
13 ensure timely replacement of such equipment as may  
14 be necessary to restore electric grid function rapidly  
15 in the event of severe damage to the electric grid  
16 due to physical attack, cyber attack, electromagnetic  
17 pulse, geomagnetic disturbances, severe weather, cli-  
18 mate change, or seismic events; and

19 (2) establishing a coordinated plan to facilitate  
20 transportation of large power transformers and  
21 other critical electric grid equipment.

22 (b) TRANSFORMER RESILIENCE AND ADVANCED  
23 COMPONENTS PROGRAM.—The program established  
24 under subsection (a) shall include implementation of the

1 Transformer Resilience and Advanced Components pro-  
2 gram to—

3 (1) improve large power transformers and other  
4 critical electric grid equipment by reducing their  
5 vulnerabilities; and

6 (2) develop, test, and deploy innovative equip-  
7 ment designs that are more flexible and offer greater  
8 resiliency of electric grid functions.

9 (c) STRATEGIC EQUIPMENT RESERVES.—

10 (1) AUTHORIZATION.—In carrying out the pro-  
11 gram established under subsection (a), the Secretary  
12 may establish one or more federally owned strategic  
13 equipment reserves, as appropriate, to ensure na-  
14 tionwide access to reserve equipment.

15 (2) CONSIDERATION.—In establishing any fed-  
16 erally owned strategic equipment reserve, the Sec-  
17 retary may consider existing spare transformer and  
18 equipment programs and requirements established  
19 by the private sector, regional transmission opera-  
20 tors, independent system operators, and State regu-  
21 latory authorities.

22 (d) CONSULTATION.—The program established under  
23 subsection (a) shall be carried out in consultation with the  
24 Federal Energy Regulatory Commission, the Electricity  
25 Subsector Coordinating Council, the Electric Reliability

1 Organization, and owners and operators of critical electric  
2 infrastructure and defense and military installations.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this section  
5 \$75,000,000 for each of fiscal years 2022 through 2026.

## 6 **Subtitle B—Energy Efficient** 7 **Infrastructure**

### 8 **PART 1—EFFICIENCY GRANTS FOR STATE AND** 9 **LOCAL GOVERNMENTS**

#### 10 **SEC. 32101. ENERGY EFFICIENT PUBLIC BUILDINGS.**

11 (a) GRANTS.—Section 125(a) of the Energy Policy  
12 Act of 2005 (42 U.S.C. 15822(a)) is amended—

13 (1) in paragraph (1)—

14 (A) by inserting “Standard 90.1 of the  
15 American Society of Heating, Refrigerating,  
16 and Air-Conditioning Engineers,” after “the  
17 International Energy Conservation Code,”; and

18 (B) by striking “; or” and inserting a  
19 semicolon;

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

22 (3) by adding at the end the following:

23 “(3) through benchmarking programs to enable  
24 use of building performance data to evaluate the

1 performance of energy efficiency investments over  
2 time.”.

3 (b) ASSURANCE OF IMPROVEMENT.—Section 125 of  
4 the Energy Policy Act of 2005 (42 U.S.C. 15822) is  
5 amended by redesignating subsections (b) and (c) as sub-  
6 sections (c) and (d), respectively, and inserting after sub-  
7 section (a) the following:

8 “(b) ASSURANCE OF IMPROVEMENT.—

9 “(1) VERIFICATION.—A State agency receiving  
10 a grant for activities described in paragraph (1) or  
11 (2) of subsection (a) shall ensure, as a condition of  
12 eligibility for assistance pursuant to such grant, that  
13 a unit of local government receiving such assistance  
14 obtain third-party verification of energy efficiency  
15 improvements in each public building with respect to  
16 which such assistance is used.

17 “(2) GUIDANCE.—The Secretary may provide  
18 guidance to State agencies to comply with paragraph  
19 (1). In developing such guidance, the Secretary shall  
20 consider available third-party verification tools for  
21 high-performing buildings and available third-party  
22 verification tools for energy efficiency retrofits.”.

23 (c) ADMINISTRATION.—Section 125(c) of the Energy  
24 Policy Act of 2005, as so redesignated, is amended—

1           (1) in the matter preceding paragraph (1), by  
2 striking “State energy offices receiving grants” and  
3 inserting “A State agency receiving a grant”;

4           (2) in paragraph (1), by striking “; and” and  
5 inserting a semicolon;

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

8           (4) by adding at the end the following:

9           “(3) ensure that all laborers and mechanics em-  
10 ployed by contractors and subcontractors in the per-  
11 formance of construction, alteration, or repair work  
12 financed in whole or in part with assistance received  
13 pursuant to this section shall be paid wages at rates  
14 not less than those prevailing on projects of a simi-  
15 lar character in the locality, as determined by the  
16 Secretary of Labor in accordance with subchapter  
17 IV of chapter 31 of title 40, United States Code  
18 (and with respect to such labor standards, the Sec-  
19 retary of Labor shall have the authority and func-  
20 tions set forth in Reorganization Plan Numbered 14  
21 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section  
22 3145 of title 40, United States Code).”.

23           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 125(d) of the Energy Policy Act of 2005, as so redesi-  
25 gnated, is amended by striking “\$30,000,000 for each of

1 fiscal years 2006 through 2010” and inserting  
2 “\$100,000,000 for each of fiscal years 2022 through  
3 2026”.

4 **SEC. 32102. ENERGY EFFICIENCY AND CONSERVATION**  
5 **BLOCK GRANT PROGRAM.**

6 (a) **PURPOSE.**—Section 542(b)(1) of the Energy  
7 Independence and Security Act of 2007 (42 U.S.C.  
8 17152(b)(1)) is amended—

9 (1) in subparagraph (A), by striking “; and”  
10 and inserting a semicolon;

11 (2) in subparagraph (B), by striking the semi-  
12 colon and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(C) diversifies energy supplies, including  
15 by facilitating and promoting the use of alter-  
16 native fuels;”.

17 (b) **USE OF FUNDS.**—Section 544 of the Energy  
18 Independence and Security Act of 2007 (42 U.S.C.  
19 17154) is amended—

20 (1) by amending paragraph (9) to read as fol-  
21 lows:

22 “(9) deployment of energy distribution tech-  
23 nologies that significantly increase energy efficiency  
24 or expand access to alternative fuels, including—

25 “(A) distributed resources;



1           “(B) district heating and cooling systems;  
2           and

3           “(C) infrastructure for delivering alter-  
4           native fuels;”;

5           (2) in paragraph (13)(D), by striking “and”;

6           (3) by redesignating paragraph (14) as para-  
7           graph (15); and

8           (4) by adding after paragraph (13) the fol-  
9           lowing:

10           “(14) programs for financing energy efficiency,  
11           renewable energy, and zero-emission transportation  
12           (and associated infrastructure) capital investments,  
13           projects, and programs—

14           “(A) which may include loan programs and  
15           performance contracting programs for  
16           leveraging of additional public and private sec-  
17           tor funds, and programs which allow rebates,  
18           grants, or other incentives for the purchase and  
19           installation of energy efficiency, renewable en-  
20           ergy, and zero-emission transportation (and as-  
21           sociated infrastructure) measures; or

22           “(B) in addition to or in lieu of programs  
23           described in subparagraph (A), which may be  
24           used in connection with public or nonprofit  
25           buildings owned and operated by a State, a po-

1           litical subdivision of a State or an agency or in-  
2           strumentality of a State, or an organization ex-  
3           empt from taxation under section 501(c)(3) of  
4           title 26, United States Code; and”.

5           (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the  
6 Energy Independence and Security Act of 2007 (42  
7 U.S.C. 17156(c)(2)) is amended by inserting “, including  
8 projects to expand the use of alternative fuels” before the  
9 period at the end.

10          (d) FUNDING.—Section 548(a) of the Energy Inde-  
11 pendence and Security Act of 2007 (42 U.S.C. 17158(a))  
12 is amended to read as follows:

13          “(a) AUTHORIZATION OF APPROPRIATIONS.—

14               “(1) GRANTS.—There is authorized to be ap-  
15 propriated to the Secretary for the provision of  
16 grants under the program \$3,500,000,000 for each  
17 of fiscal years 2022 through 2026.

18               “(2) ADMINISTRATIVE COSTS.—There is au-  
19 thorized to be appropriated to the Secretary for ad-  
20 ministrative expenses of the program \$35,000,000  
21 for each of fiscal years 2022 through 2026.”.

22          (e) TECHNICAL AMENDMENTS.—Section 543 of the  
23 Energy Independence and Security Act of 2007 (42  
24 U.S.C. 17153) is amended—

1 (1) in subsection (c), by striking “subsection  
2 (a)(2)” and inserting “subsection (a)(3)”; and

3 (2) in subsection (d), by striking “subsection  
4 (a)(3)” and inserting “subsection (a)(4)”.

5 **PART 2—ENERGY IMPROVEMENTS AT PUBLIC**  
6 **SCHOOL FACILITIES**

7 **SEC. 32201. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**  
8 **MENTS AND RENEWABLE ENERGY IMPROVE-**  
9 **MENTS AT PUBLIC SCHOOL FACILITIES.**

10 (a) DEFINITIONS.—In this section:

11 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
12 ty” means a consortium of—

13 (A) one local educational agency; and

14 (B) one or more—

15 (i) schools;

16 (ii) nonprofit organizations;

17 (iii) for-profit organizations; or

18 (iv) community partners that have the  
19 knowledge and capacity to partner and as-  
20 sist with energy improvements.

21 (2) ENERGY IMPROVEMENTS.—The term “en-  
22 ergy improvements” means—

23 (A) any improvement, repair, or renova-  
24 tion, to a school that will result in a direct re-  
25 duction in school energy costs including but not

1 limited to improvements to building envelope,  
2 air conditioning, ventilation, heating system, do-  
3 mestic hot water heating, compressed air sys-  
4 tems, distribution systems, lighting, power sys-  
5 tems and controls;

6 (B) any improvement, repair, renovation,  
7 or installation that leads to an improvement in  
8 teacher and student health including but not  
9 limited to indoor air quality, daylighting, ven-  
10 tilation, electrical lighting, and acoustics; and

11 (C) the installation of renewable energy  
12 technologies (such as wind power, photovoltaics,  
13 solar thermal systems, geothermal energy, hy-  
14 drogen-fueled systems, biomass-based systems,  
15 biofuels, anaerobic digesters, and hydropower)  
16 involved in the improvement, repair, or renova-  
17 tion to a school.

18 (b) AUTHORITY.—From amounts made available for  
19 grants under this section, the Secretary of Energy shall  
20 provide competitive grants to eligible entities to make en-  
21 ergy improvements authorized by this section.

22 (c) PRIORITY.—In making grants under this sub-  
23 section, the Secretary shall give priority to eligible entities  
24 that have renovation, repair, and improvement funding  
25 needs and are—

1           (1) a high-need local educational agency, as de-  
2           fined in section 2102 of the Elementary and Sec-  
3           ondary Education Act of 1965 (20 U.S.C. 6602); or

4           (2) a local educational agency designated with  
5           a metrocentric locale code of 41, 42, or 43 as deter-  
6           mined by the National Center for Education Statis-  
7           tics (NCES), in conjunction with the Bureau of the  
8           Census, using the NCES system for classifying local  
9           educational agencies.

10          (d) COMPETITIVE CRITERIA.—The competitive cri-  
11         teria used by the Secretary shall include the following:

12           (1) The fiscal capacity of the eligible entity to  
13           meet the needs for improvements of school facilities  
14           without assistance under this section, including the  
15           ability of the eligible entity to raise funds through  
16           the use of local bonding capacity and otherwise.

17           (2) The likelihood that the local educational  
18           agency or eligible entity will maintain, in good condi-  
19           tion, any facility whose improvement is assisted.

20           (3) The potential energy efficiency and safety  
21           benefits from the proposed energy improvements.

22          (e) APPLICATIONS.—To be eligible to receive a grant  
23         under this section, an applicant must submit to the Sec-  
24         retary an application that includes each of the following:

1           (1) A needs assessment of the current condition  
2 of the school and facilities that are to receive the en-  
3 ergy improvements.

4           (2) A draft work plan of what the applicant  
5 hopes to achieve at the school and a description of  
6 the energy improvements to be carried out.

7           (3) A description of the applicant's capacity to  
8 provide services and comprehensive support to make  
9 the energy improvements.

10          (4) An assessment of the applicant's expected  
11 needs for operation and maintenance training funds,  
12 and a plan for use of those funds, if any.

13          (5) An assessment of the expected energy effi-  
14 ciency and safety benefits of the energy improve-  
15 ments.

16          (6) A cost estimate of the proposed energy im-  
17 provements.

18          (7) An identification of other resources that are  
19 available to carry out the activities for which funds  
20 are requested under this section, including the avail-  
21 ability of utility programs and public benefit funds.

22 (f) USE OF GRANT AMOUNTS.—

23           (1) IN GENERAL.—The recipient of a grant  
24 under this section shall use the grant amounts only  
25 to make the energy improvements contemplated in

1 the application, subject to the other provisions of  
2 this subsection.

3 (2) OPERATION AND MAINTENANCE TRAIN-  
4 ING.—The recipient may use up to 5 percent for op-  
5 eration and maintenance training for energy effi-  
6 ciency and renewable energy improvements (such as  
7 maintenance staff and teacher training, education,  
8 and preventative maintenance training).

9 (3) AUDIT.—The recipient may use funds for a  
10 third-party investigation and analysis for energy im-  
11 provements (such as energy audits and existing  
12 building commissioning).

13 (4) CONTINUING EDUCATION.—The recipient  
14 may use up to 1 percent of the grant amounts to de-  
15 velop a continuing education curriculum relating to  
16 energy improvements.

17 (g) CONTRACTING REQUIREMENTS.—

18 (1) DAVIS-BACON.—Any laborer or mechanic  
19 employed by any contractor or subcontractor in the  
20 performance of work on any energy improvements  
21 funded by a grant under this section shall be paid  
22 wages at rates not less than those prevailing on  
23 similar construction in the locality as determined by  
24 the Secretary of Labor under subchapter IV of chap-

1       ter 31 of title 40, United States Code (commonly re-  
2       ferred to as the Davis-Bacon Act).

3           (2) COMPETITION.—Each applicant that re-  
4       ceives funds shall ensure that, if the applicant car-  
5       ries out repair or renovation through a contract, any  
6       such contract process—

7           (A) ensures the maximum number of quali-  
8       fied bidders, including small, minority, and  
9       women-owned businesses, through full and open  
10      competition; and

11          (B) gives priority to businesses located in,  
12      or resources common to, the State or the geo-  
13      graphical area in which the project is carried  
14      out.

15      (h) REPORTING.—Each recipient of a grant under  
16      this section shall submit to the Secretary, at such time  
17      as the Secretary may require, a report describing the use  
18      of such funds for energy improvements, the estimated cost  
19      savings realized by those energy improvements, the results  
20      of any audit, the use of any utility programs and public  
21      benefit funds and the use of performance tracking for en-  
22      ergy improvements (such as the Department of Energy:  
23      Energy Star program or LEED for Existing Buildings).



1 (i) BEST PRACTICES.—The Secretary shall develop  
2 and publish guidelines and best practices for activities car-  
3 ried out under this section.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$100,000,000 for each of fiscal years 2022 through 2026.

### 7 **PART 3—HOPE FOR HOMES**

#### 8 **SEC. 32301. DEFINITIONS.**

9 In this part:

10 (1) CONTRACTOR CERTIFICATION.—The term  
11 “contractor certification” means an industry recog-  
12 nized certification that may be obtained by a resi-  
13 dential contractor to advance the expertise and edu-  
14 cation of the contractor in energy efficiency retrofits  
15 of residential buildings, including—

16 (A) a certification provided by—

17 (i) the Building Performance Insti-  
18 tute;

19 (ii) the Air Conditioning Contractors  
20 of America;

21 (iii) the National Comfort Institute;

22 (iv) the North American Technician  
23 Excellence;

24 (v) RESNET;

1 (vi) the United States Green Building  
2 Council; or

3 (vii) Home Innovation Research Labs;  
4 and

5 (B) any other certification the Secretary  
6 determines appropriate for purposes of the  
7 Home Energy Savings Retrofit Rebate Pro-  
8 gram.

9 (2) CONTRACTOR COMPANY.—The term “con-  
10 tractor company” means a company—

11 (A) the business of which is to provide  
12 services to residential building owners with re-  
13 spect to HVAC systems, insulation, air sealing,  
14 or other services that are approved by the Sec-  
15 retary;

16 (B) that holds the licenses and insurance  
17 required by the State in which the company  
18 provides services; and

19 (C) that provides services for which a par-  
20 tial system rebate, measured performance re-  
21 bate, or modeled performance rebate may be  
22 provided pursuant to the Home Energy Savings  
23 Retrofit Rebate Program.

24 (3) ENERGY AUDIT.—The term “energy audit”  
25 means an inspection, survey, and analysis of the en-

1 energy use of a building, including the building enve-  
2 lope and HVAC system.

3 (4) HOME.—The term “home” means a manu-  
4 factured home (as such term is defined in section  
5 603 of the National Manufactured Housing Con-  
6 struction and Safety Standards Act of 1974 (42  
7 U.S.C. 5402)), or a residential dwelling unit in a  
8 building with no more than 4 dwelling units that—

9 (A) is located in the United States;

10 (B) was constructed before the date of en-  
11 actment of this Act; and

12 (C) is occupied at least 6 months out of  
13 the year.

14 (5) HOME ENERGY SAVINGS RETROFIT REBATE  
15 PROGRAM.—The term “Home Energy Savings Ret-  
16 rofit Rebate Program” means the Home Energy  
17 Savings Retrofit Rebate Program established under  
18 section 32321.

19 (6) HOMEOWNER.—The term “homeowner”  
20 means the owner of an owner-occupied home or a  
21 tenant-occupied home.

22 (7) HOME VALUATION CERTIFICATION.—The  
23 term “home valuation certification” means the fol-  
24 lowing home assessments:

25 (A) Home Energy Score.

1 (B) PEARL Certification.

2 (C) National Green Building Standard.

3 (D) LEED.

4 (E) Any other assessment the Secretary  
5 determines to be appropriate.

6 (8) HOPE QUALIFICATION.—The term “HOPE  
7 Qualification” means the qualification described in  
8 section 32313.

9 (9) HOPE TRAINING CREDIT.—The term  
10 “HOPE training credit” means a HOPE training  
11 task credit or a HOPE training supplemental credit.

12 (10) HOPE TRAINING TASK CREDIT.—The  
13 term “HOPE training task credit” means a credit  
14 described in section 32312(a).

15 (11) HOPE TRAINING SUPPLEMENTAL CRED-  
16 IT.—The term “HOPE training supplemental cred-  
17 it” means a credit described in section 32312(b).

18 (12) HVAC SYSTEM.—The term “HVAC sys-  
19 tem” means a system—

20 (A) consisting of a heating component, a  
21 ventilation component, and an air-conditioning  
22 component; and

23 (B) which components may include central  
24 air conditioning, a heat pump, a furnace, a boil-  
25 er, a rooftop unit, and a window unit.

1           (13) MEASURED PERFORMANCE REBATE.—The  
2 term “measured performance rebate” means a re-  
3 bate provided in accordance with section 32323 and  
4 described in subsection (e) of that section.

5           (14) MODELED PERFORMANCE REBATE.—The  
6 term “modeled performance rebate” means a rebate  
7 provided in accordance with section 32323 and de-  
8 scribed in subsection (d) of that section.

9           (15) MODERATE INCOME.—The term “mod-  
10 erate income” means, with respect to a household, a  
11 household with an annual income that is less than  
12 80 percent of the area median income, as deter-  
13 mined annually by the Department of Housing and  
14 Urban Development.

15           (16) MULTIFAMILY BUILDING.—The term  
16 “multifamily building” means a structure with 5 or  
17 more tenant-occupied residential dwelling units  
18 that—

19                   (A) is located in the United States;

20                   (B) was constructed before the date of en-  
21 actment of this Act; and

22                   (C) is occupied at least 6 months out of  
23 the year.

1           (17) MULTIFAMILY BUILDING OWNER.—The  
2 term “multifamily building owner” means the owner  
3 of a tenant-occupied multifamily building.

4           (18) PARTIAL SYSTEM REBATE.—The term  
5 “partial system rebate” means a rebate provided in  
6 accordance with section 32322.

7           (19) SECRETARY.—The term “Secretary”  
8 means the Secretary of Energy.

9           (20) STATE.—The term “State” includes—

10                   (A) a State;

11                   (B) the District of Columbia;

12                   (C) the Commonwealth of Puerto Rico;

13                   (D) Guam;

14                   (E) American Samoa;

15                   (F) the Commonwealth of the Northern  
16 Mariana Islands;

17                   (G) the United States Virgin Islands; and

18                   (H) any other territory or possession of the  
19 United States.

20           (21) STATE ENERGY OFFICE.—The term “State  
21 energy office” means the office or agency of a State  
22 responsible for developing the State energy conserva-  
23 tion plan for the State under section 362 of the En-  
24 ergy Policy and Conservation Act (42 U.S.C. 6322).

1                   **Subpart A—HOPE Training**

2   **SEC. 32311. NOTICE FOR HOPE QUALIFICATION TRAINING**  
3                   **AND GRANTS.**

4           Not later than 30 days after the date of enactment  
5 of this Act, the Secretary, acting through the Director of  
6 the Building Technologies Office of the Department of  
7 Energy, shall issue a notice that includes—

8                   (1) criteria established under section 32312 for  
9           approval by the Secretary of courses for which cred-  
10          its may be issued for purposes of a HOPE Qualifica-  
11          tion;

12                   (2) a list of courses that meet such criteria and  
13          are so approved; and

14                   (3) information on how individuals and entities  
15          may apply for grants under this subpart.

16   **SEC. 32312. COURSE CRITERIA.**

17          (a) HOPE TRAINING TASK CREDIT.—

18                   (1) CRITERIA.—The Secretary shall establish  
19          criteria for approval of a course for which a credit,  
20          to be known as a HOPE training task credit, may  
21          be issued, including that such course—

22                           (A) is equivalent to at least 30 hours in  
23                   total course time;

24                           (B) is accredited by the Interstate Renew-  
25                   able Energy Council or is determined to be  
26                   equivalent by the Secretary;

1 (C) is, with respect to a particular job,  
2 aligned with the relevant National Renewable  
3 Energy Laboratory Job Task Analysis, or other  
4 credentialing program foundation that helps  
5 identify the necessary core knowledge areas,  
6 critical work functions, or skills, as approved by  
7 the Secretary;

8 (D) has established learning objectives;  
9 and

10 (E) includes, as the Secretary determines  
11 appropriate, an appropriate assessment of such  
12 learning objectives that may include a final  
13 exam, to be proctored on-site or through remote  
14 proctoring, or an in-person field exam.

15 (2) INCLUDED COURSES.—The Secretary shall  
16 approve one or more courses that meet the criteria  
17 described in paragraph (1) for training related to—

18 (A) contractor certification;

19 (B) energy auditing or assessment, includ-  
20 ing energy audits and assessments relevant to  
21 multifamily buildings;

22 (C) home and multifamily building energy  
23 systems (including HVAC systems);

24 (D) insulation installation and air leakage  
25 control;



1 (E) health and safety regarding the instal-  
2 lation of energy efficiency measures or health  
3 and safety impacts associated with energy effi-  
4 ciency retrofits; and

5 (F) indoor air quality.

6 (b) HOPE TRAINING SUPPLEMENTAL CREDIT CRI-  
7 TERIA.—The Secretary shall establish criteria for approval  
8 of a course for which a credit, to be known as a HOPE  
9 training supplemental credit, may be issued, including  
10 that such course provides—

11 (1) training related to—

12 (A) small business success, including man-  
13 agement, home energy efficiency software, or  
14 general accounting principles;

15 (B) the issuance of a home valuation cer-  
16 tification;

17 (C) the use of Wi-Fi-enabled technology in  
18 an energy efficiency upgrade; or

19 (D) understanding and being able to par-  
20 ticipate in the Home Energy Savings Retrofit  
21 Rebate Program; and

22 (2) as the Secretary determines appropriate, an  
23 appropriate assessment of such training that may in-  
24 clude a final exam, to be proctored on-site or

1 through remote proctoring, or an in-person field  
2 exam.

3 (c) EXISTING APPROVED COURSES.—The Secretary  
4 may approve a course that meets the applicable criteria  
5 established under this section that is approved by the ap-  
6 plicable State energy office or relevant State agency with  
7 oversight authority for residential energy efficiency pro-  
8 grams.

9 (d) IN-PERSON AND ONLINE TRAINING.—An online  
10 course approved pursuant to this section may be con-  
11 ducted in-person, but may not be offered exclusively in-  
12 person.

13 **SEC. 32313. HOPE QUALIFICATION.**

14 (a) ISSUANCE OF CREDITS.—

15 (1) IN GENERAL.—The Secretary, or an entity  
16 authorized by the Secretary pursuant to paragraph

17 (2), may issue—

18 (A) a HOPE training task credit to any  
19 individual that completes a course that meets  
20 applicable criteria under section 32312; and

21 (B) a HOPE training supplemental credit  
22 to any individual that completes a course that  
23 meets the applicable criteria under section  
24 32312.

1           (2) OTHER ENTITIES.—The Secretary may au-  
2           thorize a State energy office implementing an au-  
3           thorized program under subsection (b)(2), an organi-  
4           zation described in section 32314(b), and any other  
5           entity the Secretary determines appropriate, to issue  
6           HOPE training credits in accordance with para-  
7           graph (1).

8           (b) HOPE QUALIFICATION.—

9           (1) IN GENERAL.—The Secretary may certify  
10          that an individual has achieved a qualification, to be  
11          known as a HOPE Qualification, that indicates that  
12          the individual has received at least 3 HOPE training  
13          credits, of which at least 2 shall be HOPE training  
14          task credits.

15          (2) STATE PROGRAMS.—The Secretary may au-  
16          thorize a State energy office to implement a pro-  
17          gram to provide HOPE Qualifications in accordance  
18          with this subpart.

19   **SEC. 32314. GRANTS.**

20          (a) IN GENERAL.—The Secretary shall, to the extent  
21          amounts are made available in appropriations Acts for  
22          such purposes, provide grants to support the training of  
23          individuals toward the completion of a HOPE Qualifica-  
24          tion.

25          (b) PROVIDER ORGANIZATIONS.—

1           (1) IN GENERAL.—The Secretary may provide a  
2           grant of up to \$20,000 under this section to an or-  
3           ganization to provide training online, including es-  
4           tablishing, modifying, or maintaining the online sys-  
5           tems, staff time, and software and online program  
6           management, through a course that meets the appli-  
7           cable criteria established under section 32312.

8           (2) CRITERIA.—In order to receive a grant  
9           under this subsection, an organization shall be—

10                   (A) a nonprofit organization;

11                   (B) an educational institution; or

12                   (C) an organization that has experience  
13           providing training to contractors that work with  
14           the weatherization assistance program imple-  
15           mented under part A of title IV of the Energy  
16           Conservation and Production Act (42 U.S.C.  
17           6861 et seq.) or equivalent experience, as deter-  
18           mined by the Secretary.

19           (3) ADDITIONAL CERTIFICATIONS.—In addition  
20           to any grant provided under paragraph (1), the Sec-  
21           retary may provide an organization up to \$5,000 for  
22           each additional course for which a HOPE training  
23           credit may be issued that is offered by the organiza-  
24           tion.

1           (c) CONTRACTOR COMPANY.—The Secretary may  
2 provide a grant under this section of \$1,000 per employee  
3 to a contractor company, up to a maximum of \$10,000,  
4 to reimburse the contractor company for training costs for  
5 employees, and any home technology support needed for  
6 an employee to receive training pursuant to this section.  
7 Grant funds provided under this subsection may be used  
8 to support wages of employees during training.

9           (d) TRAINEES.—The Secretary may provide a grant  
10 of up to \$1,000 under this section to an individual who  
11 receives a HOPE Qualification.

12          (e) STATE ENERGY OFFICE.—The Secretary may  
13 provide a grant under this section to a State energy office  
14 of up to \$25,000 to implement an authorized program  
15 under section 32313(b).

16 **SEC. 32315. AUTHORIZATION OF APPROPRIATIONS.**

17          There is authorized to be appropriated to carry out  
18 this subpart \$500,000,000 for the period of fiscal years  
19 2022 through 2026, to remain available until expended.

1     **Subpart B—Home Energy Savings Retrofit Rebate**  
2                                     **Program**

3     **SEC. 32321. ESTABLISHMENT OF HOME ENERGY SAVINGS**  
4                                     **RETROFIT REBATE PROGRAM.**

5             The Secretary shall establish a program, to be known  
6 as the Home Energy Savings Retrofit Rebate Program,  
7 to—

8                     (1) provide rebates in accordance with section  
9             32322; and

10                    (2) provide grants to States to carry out pro-  
11 grams to provide rebates in accordance with section  
12             32323.

13     **SEC. 32322. PARTIAL SYSTEM REBATES.**

14             (a) AMOUNT OF REBATE.—In carrying out the Home  
15 Energy Savings Retrofit Rebate Program, and subject to  
16 the availability of appropriations for such purpose, the  
17 Secretary shall provide a homeowner or multifamily build-  
18 ing owner a rebate, to be known as a partial system re-  
19 bate, of, except as provided in section 32324, up to—

20                    (1) \$800 for the purchase and installation of  
21 insulation and air sealing within a home of the  
22 homeowner or the household living in a multifamily  
23 building; and

24                    (2) \$1,500 for the purchase and installation of  
25 insulation and air sealing within a home of the  
26 homeowner or the household living in a multifamily

1 building and replacement of an HVAC system, the  
2 heating component of an HVAC system, or the cool-  
3 ing component of an HVAC system, of such home.

4 (b) SPECIFICATIONS.—

5 (1) COST.—The amount of a partial system re-  
6 bate provided under this section shall, except as pro-  
7 vided in section 32324, not exceed 30 percent of cost  
8 of the purchase and installation of insulation and air  
9 sealing under subsection (a)(1), or the purchase and  
10 installation of insulation and air sealing and replace-  
11 ment of an HVAC system, the heating component of  
12 an HVAC system, or the cooling component of an  
13 HVAC system, under subsection (a)(2). Labor may  
14 be included in such cost but may not exceed—

15 (A) in the case of a rebate under sub-  
16 section (a)(1), 50 percent of such cost; and

17 (B) in the case of a rebate under sub-  
18 section (a)(2), 25 percent of such cost.

19 (2) REPLACEMENT OF AN HVAC SYSTEM, THE  
20 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE  
21 COOLING COMPONENT OF AN HVAC SYSTEM.—In  
22 order to qualify for a partial system rebate described  
23 in subsection (a)(2)—

24 (A) any HVAC system, heating component  
25 of an HVAC system, or cooling component of

1 an HVAC system installed shall be Energy Star  
2 Most Efficient certified;

3 (B) installation of such an HVAC system,  
4 the heating component of an HVAC system, or  
5 the cooling component of an HVAC system,  
6 shall be completed in accordance with standards  
7 specified by the Secretary that are at least as  
8 stringent as the applicable guidelines of the Air  
9 Conditioning Contractors of America that are in  
10 effect on the date of enactment of this Act;

11 (C) if ducts are present, replacement of an  
12 HVAC system, the heating component of an  
13 HVAC system, or the cooling component of an  
14 HVAC system shall include duct sealing; and

15 (D) the installation of insulation and air  
16 sealing shall occur within 6 months of the re-  
17 placement of the HVAC system, the heating  
18 component of an HVAC system, or the cooling  
19 component of an HVAC system.

20 (e) ADDITIONAL INCENTIVES FOR CONTRACTORS.—

21 In carrying out the Home Energy Savings Retrofit Rebate  
22 Program, the Secretary may provide a \$250 payment to  
23 a contractor per home of a homeowner or household living  
24 in a multifamily building for which—



1           (1) a partial system rebate is provided under  
2 this section for the installation of insulation and air  
3 sealing, or installation of insulation and air sealing  
4 and replacement of an HVAC system, the heating  
5 component of an HVAC system, or the cooling com-  
6 ponent of an HVAC system, by the contractor;

7           (2) the applicable homeowner has signed and  
8 submitted to the Secretary a release form made  
9 available pursuant to section 32326(b) authorizing  
10 the contractor access to information in the utility  
11 bills of the homeowner or the applicable multifamily  
12 building owner has signed and submitted an agree-  
13 ment with the contractor to provide whole-building  
14 aggregate information about the building's energy  
15 use; and

16           (3) the contractor inputs, into the Department  
17 of Energy's Building Performance Database—

18           (A) the energy usage for the home of a  
19 homeowner or for the household living in a mul-  
20 tifamily building for the 12 months preceding,  
21 and the 24 months following, the installation of  
22 insulation and air sealing or installation of in-  
23 sulation and air sealing and replacement of an  
24 HVAC system, the heating component of an

1 HVAC system, or the cooling component of an  
2 HVAC system;

3 (B) a description of such installation or in-  
4 stallation and replacement; and

5 (C) the total cost to the homeowner or  
6 multifamily building owner for such installation  
7 or installation and replacement.

8 (d) PROCESS.—

9 (1) FORMS; REBATE PROCESSING SYSTEM.—

10 Not later than 90 days after the date of enactment  
11 of this Act, the Secretary, in consultation with the  
12 Secretary of the Treasury, shall—

13 (A) develop and make available rebate  
14 forms required to receive a partial system re-  
15 bate under this section;

16 (B) establish a Federal rebate processing  
17 system which shall serve as a database and in-  
18 formation technology system that will allow  
19 homeowners and multifamily building owners to  
20 submit required rebate forms; and

21 (C) establish a website that provides infor-  
22 mation on partial system rebates provided  
23 under this section, including how to determine  
24 whether particular measures qualify for a re-

1           bate under this section and how to receive such  
2           a rebate.

3           (2) SUBMISSION OF FORMS.—In order to re-  
4           ceive a partial system rebate under this section, a  
5           homeowner or multifamily building owner shall sub-  
6           mit the required rebate forms, and any other infor-  
7           mation the Secretary determines appropriate, to the  
8           Federal rebate processing system established pursu-  
9           ant to paragraph (1).

10          (e) FUNDING.—

11           (1) LIMITATION.—For each fiscal year, the Sec-  
12           retary may not use more than 50 percent of the  
13           amounts made available to carry out this subpart to  
14           carry out this section.

15           (2) ALLOCATION.—The Secretary shall allocate  
16           amounts made available to carry out this section for  
17           partial system rebates among the States using the  
18           same formula as is used to allocate funds for States  
19           under part D of title III of the Energy Policy and  
20           Conservation Act (42 U.S.C. 6321 et seq.).

21 **SEC. 32323. STATE ADMINISTERED REBATES.**

22           (a) FUNDING.—In carrying out the Home Energy  
23           Savings Retrofit Rebate Program, and subject to the  
24           availability of appropriations for such purpose, the Sec-

1 retary shall provide grants to States to carry out programs  
2 to provide rebates in accordance with this section.

3 (b) STATE PARTICIPATION.—

4 (1) PLAN.—In order to receive a grant under  
5 this section a State shall submit to the Secretary an  
6 application that includes a plan to implement a  
7 State program that meets the minimum criteria  
8 under subsection (c).

9 (2) APPROVAL.—Not later than 60 days after  
10 receipt of a completed application for a grant under  
11 this section, the Secretary shall either approve the  
12 application or provide to the applicant an expla-  
13 nation for denying the application.

14 (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—  
15 Not later than 6 months after the date of enactment of  
16 this Act, the Secretary shall establish and publish min-  
17 imum criteria for a State program to meet to qualify for  
18 funding under this section, including—

19 (1) that the State program be carried out by  
20 the applicable State energy office or its designee;

21 (2) that a rebate be provided under a State pro-  
22 gram only for a home energy efficiency retrofit  
23 that—

24 (A) is completed by a contractor who  
25 meets minimum training requirements and cer-

1           tification requirements set forth by the Sec-  
2           retary;

3           (B) includes installation of one or more  
4           home energy efficiency retrofit measures for a  
5           home that together are modeled to achieve, or  
6           are shown to achieve, a reduction in home en-  
7           ergy use of 20 percent or more from the base-  
8           line energy use of the home;

9           (C) does not include installation of any  
10          measure that the Secretary determines does not  
11          improve the thermal energy performance of the  
12          home, such as a pool pump, pool heater, spa, or  
13          EV charger; and

14          (D) includes, after installation of the appli-  
15          cable home energy efficiency retrofit measures,  
16          a test-out procedure conducted in accordance  
17          with guidelines issued by the Secretary of such  
18          measures to ensure—

19                  (i) the safe operation of all systems  
20                  post retrofit; and

21                  (ii) that all improvements are included  
22                  in, and have been installed according to—

23                          (I) manufacturers installation  
24                          specifications; and

1 (II) all applicable State and local  
2 codes or equivalent standards ap-  
3 proved by the Secretary;

4 (3) that the State program utilize—

5 (A) for purposes of modeled performance  
6 rebates, modeling software approved by the Sec-  
7 retary for determining and documenting the  
8 baseline energy use of a home and the reduc-  
9 tions in home energy use resulting from the im-  
10 plementation of a home energy efficiency ret-  
11 rofit; and

12 (B) for purposes of measured performance  
13 rebates, methods and procedures approved by  
14 the Secretary for determining and documenting  
15 the baseline energy use of a home and the re-  
16 ductions in home energy use resulting from the  
17 implementation of a home energy efficiency ret-  
18 rofit, including methods and procedures for use  
19 of advanced metering infrastructure, weather-  
20 normalized data, and open source standards, to  
21 measure such baseline energy use and such re-  
22 ductions in home energy use;

23 (4) that the State program include implementa-  
24 tion of a quality assurance program—

1 (A) to ensure that home energy efficiency  
2 retrofits are achieving the stated level of energy  
3 savings, that efficiency measures were installed  
4 correctly, and that work is performed in accord-  
5 ance with procedures developed by the Sec-  
6 retary, including through quality-control inspec-  
7 tions for a portion of home energy efficiency  
8 retrofits completed by each applicable con-  
9 tractor; and

10 (B) under which a quality-control inspec-  
11 tion of a home energy efficiency retrofit is per-  
12 formed by a quality assurance provider who—

13 (i) is independent of the contractor  
14 for such retrofit; and

15 (ii) will confirm that such contractor  
16 is a contractor who meets minimum train-  
17 ing requirements and certification require-  
18 ments set forth by the Secretary;

19 (5) that the State program include require-  
20 ments for a homeowner, contractor, or rebate  
21 aggregator to claim a rebate, including that the  
22 homeowner, contractor, or rebate aggregator submit  
23 any applicable forms approved by the Secretary to  
24 the State, including a copy of the certificate pro-

1 vided by the applicable contractor certifying pro-  
2 jected or measured reduction of home energy use;

3 (6) that the State program may include require-  
4 ments for an entity to be eligible to serve as a rebate  
5 aggregator to facilitate the delivery of rebates to  
6 homeowners or contractors;

7 (7) that the State program include procedures  
8 for a homeowner to transfer the right to claim a re-  
9 bate to the contractor performing the applicable  
10 home energy efficiency retrofit or to a rebate  
11 aggregator that works with the contractor; and

12 (8) that the State program provide that a  
13 homeowner, contractor, or rebate aggregator may  
14 claim more than one rebate under the State pro-  
15 gram, and may claim a rebate under the State pro-  
16 gram after receiving a partial system rebate under  
17 section 32322, provided that no 2 rebates may be  
18 provided with respect to a home using the same  
19 baseline energy use of such home.

20 (d) MODELED PERFORMANCE REBATES.—

21 (1) IN GENERAL.—In carrying out a State pro-  
22 gram under this section, a State may provide a  
23 homeowner, contractor, or rebate aggregator a re-  
24 bate, to be known as a modeled performance rebate,  
25 for an energy audit of a home and a home energy



1 efficiency retrofit that is projected, using modeling  
2 software approved by the Secretary, to reduce home  
3 energy use by at least 20 percent.

4 (2) AMOUNT.—

5 (A) IN GENERAL.—Except as provided in  
6 section 32324, and subject to subparagraph  
7 (B), the amount of a modeled performance re-  
8 bate provided under a State program shall be  
9 equal to 50 percent of the cost of the applicable  
10 energy audit of a home and home energy effi-  
11 ciency retrofit, including the cost of diagnostic  
12 procedures, labor, reporting, and modeling.

13 (B) LIMITATION.—Except as provided in  
14 section 32324, with respect to an energy audit  
15 and home energy efficiency retrofit that is pro-  
16 jected to reduce home energy use by—

17 (i) at least 20 percent, but less than  
18 40 percent, the maximum amount of a  
19 modeled performance rebate shall be  
20 \$2,000; and

21 (ii) at least 40 percent, the maximum  
22 amount of a modeled performance rebate  
23 shall be \$4,000.

24 (e) MEASURED PERFORMANCE REBATES.—

1           (1) IN GENERAL.—In carrying out a State pro-  
2           gram under this section, a State may provide a  
3           homeowner, contractor, or rebate aggregator a re-  
4           bate, to be known as a measured performance re-  
5           bate, for a home energy efficiency retrofit that re-  
6           duces home energy use by at least 20 percent as  
7           measured using methods and procedures approved  
8           by the Secretary.

9           (2) AMOUNT.—

10           (A) IN GENERAL.—Except as provided in  
11           section 32324, and subject to subparagraph  
12           (B), the amount of a measured performance re-  
13           bate provided under a State program shall be  
14           equal to 50 percent of the cost, including the  
15           cost of diagnostic procedures, labor, reporting,  
16           and energy measurement, of the applicable  
17           home energy efficiency retrofit.

18           (B) LIMITATION.—Except as provided in  
19           section 32324, with respect to a home energy  
20           efficiency retrofit that is measured as reducing  
21           home energy use by—

22                   (i) at least 20 percent, but less than  
23                   40 percent, the maximum amount of a  
24                   measured performance rebate shall be  
25                   \$2,000; and

1 (ii) at least 40 percent, the maximum  
2 amount of a measured performance rebate  
3 shall be \$4,000.

4 (f) COORDINATION OF REBATE AND EXISTING  
5 STATE-SPONSORED OR UTILITY-SPONSORED PRO-  
6 GRAMS.—A State that receives a grant under this section  
7 is encouraged to work with State agencies, energy utilities,  
8 nonprofits, and other entities—

9 (1) to assist in marketing the availability of the  
10 rebates under the applicable State program;

11 (2) to coordinate with utility or State managed  
12 financing programs;

13 (3) to assist in implementation of the applicable  
14 State program, including installation of home energy  
15 efficiency retrofits; and

16 (4) to coordinate with existing quality assur-  
17 ance programs.

18 (g) ADMINISTRATION AND OVERSIGHT.—

19 (1) REVIEW OF APPROVED MODELING SOFT-  
20 WARE.—The Secretary shall, on an annual basis, list  
21 and review all modeling software approved for use in  
22 determining and documenting the reductions in  
23 home energy use for purposes of modeled perform-  
24 ance rebates under subsection (d). In approving such  
25 modeling software each year, the Secretary shall en-

1       sure that modeling software approved for a year will  
2       result in modeling of energy efficiency gains for any  
3       type of home energy efficiency retrofit that is at  
4       least as substantial as the modeling of energy effi-  
5       ciency gains for such type of home energy efficiency  
6       retrofit using the modeling software approved for  
7       the previous year.

8               (2) OVERSIGHT.—If the Secretary determines  
9       that a State is not implementing a State program  
10       that was approved pursuant to subsection (b) and  
11       that meets the minimum criteria under subsection  
12       (c), the Secretary may, after providing the State a  
13       period of at least 90 days to meet such criteria,  
14       withhold grant funds under this section from the  
15       State.

16 **SEC. 32324. SPECIAL PROVISIONS FOR MODERATE INCOME**  
17 **HOUSEHOLDS.**

18       (a) CERTIFICATIONS.—The Secretary shall establish  
19       procedures for certifying that the household of a home-  
20       owner or that, in the case of a multifamily building, the  
21       majority of households in the building is moderate income  
22       for purposes of this section.

23       (b) PERCENTAGES.—Subject to subsection (c), for  
24       households that are certified pursuant to the procedures  
25       established under subsection (a) as moderate income the—

1           (1) amount of a partial system rebate under  
2           section 32322 shall not exceed 60 percent of the ap-  
3           plicable purchase and installation costs described in  
4           section 32322(b)(1); and

5           (2) amount of—

6                 (A) a modeled performance rebate under  
7                 section 32323 provided shall be equal to 80 per-  
8                 cent of the applicable costs described in section  
9                 32323(d)(2)(A); and

10                (B) a measured performance rebate under  
11                section 32323 provided shall be equal to 80 per-  
12                cent of the applicable costs described in section  
13                32323(e)(2)(A).

14           (c) MAXIMUM AMOUNTS.—For households that are  
15 certified pursuant to the procedures established under  
16 subsection (a) as moderate income the maximum  
17 amount—

18                (1) of a partial system rebate—

19                 (A) under section 32322(a)(1) for the pur-  
20                 chase and installation of insulation and air seal-  
21                 ing within a home of the homeowner or the  
22                 household living in a multifamily building shall  
23                 be \$1,600; and

24                 (B) under section 32322(a)(2) for the pur-  
25                 chase and installation of insulation and air seal-

1           ing within a home of the homeowner or the  
2           household living in a multifamily building and  
3           replacement of an HVAC system, the heating  
4           component of an HVAC system, or the cooling  
5           component of an HVAC system, of such home,  
6           shall be \$3,000;

7           (2) of a modeled performance rebate under sec-  
8           tion 32323 for an energy audit and home energy ef-  
9           ficiency retrofit that is projected to reduce home en-  
10          ergy use as described in—

11                   (A) section 32323(d)(2)(B)(i) shall be  
12                   \$4,000; and

13                   (B) section 32323(d)(2)(B)(ii) shall be  
14                   \$8,000; and

15          (3) of a measured performance rebate under  
16          section 32323 for a home energy efficiency retrofit  
17          that reduces home energy use as described in—

18                   (A) section 32323(e)(2)(B)(i) shall be  
19                   \$4,000; and

20                   (B) section 32323(e)(2)(B)(ii) shall be  
21                   \$8,000.

22          (d) OUTREACH.—The Secretary shall establish proce-  
23          dures to—

24                  (1) provide information to households of home-  
25          owners or multifamily building owners that are cer-

1       tified pursuant to the procedures established under  
2       subsection (a) as moderate income regarding other  
3       programs and resources relating to assistance for  
4       energy efficiency upgrades of homes, including the  
5       weatherization assistance program implemented  
6       under part A of title IV of the Energy Conservation  
7       and Production Act (42 U.S.C. 6861 et seq.); and

8               (2) refer such households and owners, as appli-  
9       cable, to such other programs and resources.

10 **SEC. 32325. EVALUATION REPORTS TO CONGRESS.**

11       (a) IN GENERAL.—Not later than 3 years after the  
12       date of enactment of this Act and annually thereafter until  
13       the termination of the Home Energy Savings Retrofit Re-  
14       bate Program, the Secretary shall submit to Congress a  
15       report on the use of funds made available to carry out  
16       this subpart.

17       (b) CONTENTS.—Each report submitted under sub-  
18       section (a) shall include—

19               (1) how many home energy efficiency retrofits  
20       have been completed during the previous year under  
21       the Home Energy Savings Retrofit Rebate Program;

22               (2) an estimate of how many jobs have been  
23       created through the Home Energy Savings Retrofit  
24       Rebate Program, directly and indirectly;

1           (3) a description of what steps could be taken  
2           to promote further deployment of energy efficiency  
3           and renewable energy retrofits;

4           (4) a description of the quantity of verifiable  
5           energy savings, homeowner energy bill savings, and  
6           other benefits of the Home Energy Savings Retrofit  
7           Rebate Program;

8           (5) a description of any waste, fraud, or abuse  
9           with respect to funds made available to carry out  
10          this subpart; and

11          (6) any other information the Secretary con-  
12          siders appropriate.

13 **SEC. 32326. ADMINISTRATION.**

14          (a) **IN GENERAL.**—The Secretary shall provide such  
15          administrative and technical support to contractors, rebate  
16          aggregators, States, and Indian Tribes as is necessary to  
17          carry out this subpart.

18          (b) **INFORMATION COLLECTION.**—The Secretary  
19          shall establish, and make available to a homeowner, or the  
20          homeowner’s designated representative, seeking a rebate  
21          under this subpart, release forms authorizing access by  
22          the Secretary, or a designated third-party representative  
23          to information in the utility bills of the homeowner with  
24          appropriate privacy protections in place.



1 **SEC. 32327. TREATMENT OF REBATES.**

2 For purposes of the Internal Revenue Code of 1986,  
3 gross income shall not include any rebate received under  
4 this subpart.

5 **SEC. 32328. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There are authorized to be appro-  
7 priated to the Secretary to carry out this subpart  
8 \$1,200,000,000 for each of fiscal years 2022 through  
9 2026, to remain available until expended.

10 (b) TRIBAL ALLOCATION.—Of the amounts made  
11 available pursuant to subsection (a) for a fiscal year, the  
12 Secretary shall work with Indian Tribes and use 2 percent  
13 of such amounts to carry out a program or programs that  
14 as close as possible reflect the goals, requirements, and  
15 provisions of this subpart, taking into account any factors  
16 that the Secretary determines to be appropriate.

17 **Subpart C—General Provisions**

18 **SEC. 32331. APPOINTMENT OF PERSONNEL.**

19 Notwithstanding the provisions of title 5, United  
20 States Code, regarding appointments in the competitive  
21 service and General Schedule classifications and pay rates,  
22 the Secretary may appoint such professional and adminis-  
23 trative personnel as the Secretary considers necessary to  
24 carry out this part.

1 **SEC. 32332. MAINTENANCE OF FUNDING.**

2 Each State receiving Federal funds pursuant to this  
3 part shall provide reasonable assurances to the Secretary  
4 that it has established policies and procedures designed  
5 to ensure that Federal funds provided under this part will  
6 be used to supplement, and not to supplant, State and  
7 local funds.

8 **PART 4—ENERGY AND WATER PERFORMANCE AT**  
9 **FEDERAL FACILITIES**

10 **SEC. 32401. ENERGY AND WATER PERFORMANCE REQUIRE-**  
11 **MENT FOR FEDERAL FACILITIES.**

12 Section 543 of the National Energy Conservation  
13 Policy Act (42 U.S.C. 8253) is amended—

14 (1) in subsection (a)—

15 (A) in the subsection heading, by striking  
16 “ENERGY PERFORMANCE REQUIREMENT FOR  
17 FEDERAL BUILDINGS” and inserting “ENERGY  
18 AND WATER PERFORMANCE REQUIREMENT  
19 FOR FEDERAL FACILITIES”;

20 (B) by striking paragraph (1) and insert-  
21 ing the following:

22 “(1) IN GENERAL.—Subject to paragraph (2),  
23 the head of each agency shall—

24 “(A) for each of fiscal years 2020 through  
25 2030, reduce average facility energy intensity  
26 (as measured in British thermal units per gross

1 square foot) at facilities of the agency by 2.5  
2 percent each fiscal year relative to the average  
3 facility energy intensity of the facilities of the  
4 agency in fiscal year 2018;

5 “(B) for each of fiscal years 2020 through  
6 2030, improve water use efficiency and manage-  
7 ment, including stormwater management, at fa-  
8 cilities of the agency by reducing agency water  
9 consumption intensity—

10 “(i) by reducing the potable water  
11 consumption by 54 percent by fiscal year  
12 2030, relative to the potable water con-  
13 sumption at facilities of the agency in fis-  
14 cal year 2007, through reductions of 2 per-  
15 cent each fiscal year (as measured in gal-  
16 lons per gross square foot);

17 “(ii) by reducing the industrial, land-  
18 scaping, and agricultural water consump-  
19 tion of the agency, as compared to a base-  
20 line of that consumption at facilities of the  
21 agency in fiscal year 2010, through reduc-  
22 tions of 2 percent each fiscal year (as  
23 measured in gallons); and

24 “(iii) by installing appropriate infra-  
25 structure features at facilities of the agen-

1           cy to improve stormwater and wastewater  
2           management; and

3           “(C) to the maximum extent practicable, in  
4           carrying out subparagraphs (A) and (B), take  
5           measures that are life cycle cost-effective.”;

6           (C) in paragraph (2)—

7           (i) by striking “(2) An agency” and  
8           inserting the following:

9           “(2) ENERGY AND WATER INTENSIVE FACILITY  
10          EXCLUSION.—An agency”;

11           (ii) by striking “building” and insert-  
12           ing “facility”;

13           (iii) by inserting “and water” after  
14           “energy” each place it appears; and

15           (iv) by striking “buildings” and in-  
16           serting “facilities”; and

17           (D) by striking paragraph (3) and insert-  
18           ing the following:

19           “(3) RECOMMENDATIONS.—Not later than De-  
20           cember 31, 2029, the Secretary shall—

21           “(A) review the results of the implementa-  
22           tion of the energy and water performance re-  
23           quirements established under paragraph (1);  
24           and

1           “(B) submit to Congress recommendations  
2           concerning energy and water performance re-  
3           quirements for fiscal years 2031 through  
4           2040.”;

5           (2) in subsection (c)—

6           (A) in paragraph (1), by striking “Federal  
7           building or collection of Federal buildings” each  
8           place it appears and inserting “Federal facil-  
9           ity”;

10          (B) in paragraph (2)—

11           (i) by striking “buildings” and insert-  
12           ing “facilities”; and

13           (ii) by striking “building” and insert-  
14           ing “facility”; and

15          (C) in paragraph (3), by adding at the end  
16          the following: “Not later than 1 year after the  
17          date of enactment of the Leading Infrastruc-  
18          ture For Tomorrow’s America Act, the Sec-  
19          retary shall issue guidelines to establish criteria  
20          for exclusions to water performance require-  
21          ments under paragraph (1). The Secretary shall  
22          update the criteria for exclusions under this  
23          subsection as appropriate to reflect changing  
24          technology and other conditions.”;

1           (3) in subsection (d)(2), by striking “buildings”  
2           and inserting “facilities”;

3           (4) in subsection (e)—

4                 (A) in paragraph (1)—

5                     (i) by striking “By October 1” and in-  
6                     serting the following:

7                     “(A) ENERGY.—By October 1”;

8                     (ii) by striking “buildings” each place  
9                     it appears and inserting “facilities”; and

10                    (iii) by adding at the end the fol-  
11                    lowing:

12                    “(B) WATER.—By February 1, 2025, in  
13                    accordance with guidelines established by the  
14                    Secretary under paragraph (2), each agency  
15                    shall use water meters at facilities of the agency  
16                    where doing so will assist in reducing the cost  
17                    of water used at such facilities.”;

18                 (B) in paragraph (2)—

19                     (i) in subparagraph (A), by striking  
20                     “paragraph (1).” and inserting “paragraph  
21                     (1)(A). Not later than 180 days after the  
22                     date of enactment of the Leading Infra-  
23                     structure For Tomorrow’s America Act,  
24                     the Secretary, in consultation with such  
25                     departments and entities, shall establish

1 guidelines for agencies to carry out para-  
2 graph (1)(B).”;

3 (ii) in subparagraph (B)—

4 (I) by amending clause (i)(II) to  
5 read as follows:

6 “(II) the extent to which meter-  
7 ing is expected to result in increased  
8 potential for energy and water man-  
9 agement, increased potential for en-  
10 ergy and water savings, energy and  
11 water efficiency improvements, and  
12 cost savings due to utility contract ag-  
13 gregation; and”;

14 (II) in clause (iii), by striking  
15 “buildings” and inserting “facilities”;  
16 and

17 (III) in clause (iv), by striking  
18 “building” and inserting “facility”;  
19 and

20 (C) in paragraph (4)(B), by striking  
21 “buildings” each place it appears and inserting  
22 “facilities”;

23 (5) in subsection (f)—

24 (A) in the subsection heading, by striking  
25 “BUILDINGS” and inserting “FACILITIES”;

1 (B) in paragraph (1)—

2 (i) in the matter preceding subpara-  
3 graph (A), by striking “In this subsection”  
4 and inserting “In this section”;

5 (ii) in subparagraph (B)(i)(II), by in-  
6 serting “and water” after “energy”; and

7 (iii) in subparagraph (C)(i), by insert-  
8 ing “that consumes energy or water and  
9 is” before “owned or operated”; and

10 (C) in paragraph (8)—

11 (i) by striking “building” each place it  
12 appears and inserting “facility”;

13 (ii) in subparagraph (A), by adding at  
14 the end the following: “The energy man-  
15 ager shall enter water use data for each  
16 metered facility that is (or is a part of) a  
17 facility that meets the criteria established  
18 by the Secretary under paragraph (2)(B)  
19 into a facility water use benchmarking sys-  
20 tem.”; and

21 (iii) in subparagraph (B), by striking  
22 “this subsection” and inserting “the date  
23 of enactment of the Leading Infrastructure  
24 For Tomorrow’s America Act”; and

25 (6) in subsection (g)(1)—



1 (A) by striking “building” and inserting  
2 “facility”; and

3 (B) by striking “energy efficient” and in-  
4 serting “energy and water efficient”.

5 **PART 5—OPEN BACK BETTER**

6 **SEC. 32501. FACILITIES ENERGY RESILIENCY.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED PROJECT.—The term “covered  
9 project” means a building project at an eligible facil-  
10 ity that—

11 (A) increases—

12 (i) resiliency, including—

13 (I) public health and safety;

14 (II) power outages;

15 (III) natural disasters;

16 (IV) indoor air quality; and

17 (V) any modifications neces-  
18 sitated by the COVID–19 pandemic;

19 (ii) energy efficiency;

20 (iii) renewable energy; and

21 (iv) grid integration; and

22 (B) may have combined heat and power  
23 and energy storage as project components.

24 (2) EARLY CHILDHOOD EDUCATION PRO-  
25 GRAM.—The term “early childhood education pro-

1       gram” has the meaning given the term in section  
2       103 of the Higher Education Act of 1965 (20  
3       U.S.C. 1003).

4               (3) ELEMENTARY SCHOOL.—The term “elemen-  
5       tary school” has the meaning given the term in sec-  
6       tion 8101 of the Elementary and Secondary Edu-  
7       cation Act of 1965 (20 U.S.C. 7801).

8               (4) ELIGIBLE FACILITY.—The term “eligible fa-  
9       cility” means a public facility, as determined by the  
10       Secretary, including—

11               (A) a public school, including an elemen-  
12       tary school and a secondary school;

13               (B) a facility used to operate an early  
14       childhood education program;

15               (C) a local educational agency;

16               (D) a medical facility;

17               (E) a local or State government building;

18               (F) a community facility;

19               (G) a public safety facility;

20               (H) a day care center;

21               (I) an institution of higher education;

22               (J) a public library; and

23               (K) a wastewater treatment facility.

24               (5) ENVIRONMENTAL JUSTICE COMMUNITY.—  
25       The term “environmental justice community” means

1 any population of color, community of color, indige-  
2 nous community, or low-income community that ex-  
3 periences a disproportionate burden of the negative  
4 human health and environmental impacts of pollu-  
5 tion or other environmental hazards.

6 (6) INSTITUTION OF HIGHER EDUCATION.—The  
7 term “institution of higher education” has the  
8 meaning given the term in section 101 of the Higher  
9 Education Act of 1965 (20 U.S.C. 1001).

10 (7) LOCAL EDUCATIONAL AGENCY.—The term  
11 “local educational agency” has the meaning given  
12 the term in section 8101 of the Elementary and Sec-  
13 ondary Education Act of 1965 (20 U.S.C. 7801).

14 (8) LOW INCOME.—The term “low income”  
15 means an annual household income equal to, or less  
16 than, the greater of—

17 (A) an amount equal to 80 percent of the  
18 median income of the area in which the house-  
19 hold is located, as reported by the Department  
20 of Housing and Urban Development; and

21 (B) 200 percent of the Federal poverty  
22 line.

23 (9) LOW-INCOME COMMUNITY.—The term “low-  
24 income community” means any census block group

1 in which 30 percent or more of the population are  
2 individuals with low income.

3 (10) SECONDARY SCHOOL.—The term “sec-  
4 ondary school” has the meaning given the term in  
5 section 8101 of the Elementary and Secondary Edu-  
6 cation Act of 1965 (20 U.S.C. 7801).

7 (11) SECRETARY.—The term “Secretary”  
8 means the Secretary of Energy.

9 (12) STATE.—The term “State” has the mean-  
10 ing given the term in section 3 of the Energy Policy  
11 and Conservation Act (42 U.S.C. 6202).

12 (13) STATE ENERGY PROGRAM.—The term  
13 “State Energy Program” means the State Energy  
14 Program established under part D of title III of the  
15 Energy Policy and Conservation Act (42 U.S.C.  
16 6321 et seq.).

17 (14) TRIBAL ORGANIZATION.—

18 (A) IN GENERAL.—The term “tribal orga-  
19 nization” has the meaning given the term in  
20 section 3765 of title 38, United States Code.

21 (B) TECHNICAL AMENDMENT.—Section  
22 3765(4) of title 38, United States Code, is  
23 amended by striking “section 4(l) of the Indian  
24 Self-Determination and Education Assistance  
25 Act (25 U.S.C. 450b(l))” and inserting “section

1           4 of the Indian Self-Determination and Edu-  
2           cation Assistance Act (25 U.S.C. 5304)’’.

3           (b) STATE PROGRAMS.—

4           (1) ESTABLISHMENT.—Not later than 60 days  
5           after the date of enactment of this Act, the Sec-  
6           retary shall distribute grants to States under the  
7           State Energy Program, in accordance with the allo-  
8           cation formula established under that Program, to  
9           implement covered projects.

10          (2) USE OF FUNDS.—

11           (A) IN GENERAL.—Subject to subpara-  
12           graph (B), grant funds under paragraph (1)  
13           may be used for technical assistance, project fa-  
14           cilitation, and administration.

15           (B) TECHNICAL ASSISTANCE.—A State  
16           may use not more than 10 percent of grant  
17           funds received under paragraph (1) to provide  
18           technical assistance for the development, facili-  
19           tation, management, oversight, and measure-  
20           ment of results of covered projects implemented  
21           using those funds.

22           (C) ENVIRONMENTAL JUSTICE AND OTHER  
23           COMMUNITIES.—To support communities ad-  
24           versely impacted by the COVID–19 pandemic, a  
25           State shall use not less than 40 percent of

1 grant funds received under paragraph (1) to  
2 implement covered projects in environmental  
3 justice communities or low income communities.

4 (D) PRIVATE FINANCING.—A State receiv-  
5 ing a grant under paragraph (1) shall—

6 (i) to the extent practicable, leverage  
7 private financing for cost-effective energy  
8 efficiency, renewable energy, resiliency, and  
9 other smart-building improvements, such  
10 as by entering into an energy service per-  
11 formance contract; but

12 (ii) maintain the use of grant funds to  
13 carry out covered projects with more  
14 project resiliency, public health, and cap-  
15 ital-intensive efficiency and emission reduc-  
16 tion components than are typically avail-  
17 able through private energy service per-  
18 formance contracts.

19 (E) GUIDANCE.—In carrying out a covered  
20 project using grant funds received under para-  
21 graph (1), a State shall, to the extent prac-  
22 ticable, adhere to guidance developed by the  
23 Secretary pursuant to the American Recovery  
24 and Reinvestment Act of 2009 (Public Law  
25 111–5; 123 Stat. 115) relating to distribution

1 of funds, if that guidance will speed the dis-  
2 tribution of funds under this subsection.

3 (3) NO MATCHING REQUIREMENT.—Notwith-  
4 standing any other provision of law, a State receiv-  
5 ing a grant under paragraph (1) shall not be re-  
6 quired to provide any amount of matching funding.

7 (4) REPORT.—Not later than 1 year after the  
8 date on which grants are distributed under para-  
9 graph (1), and each year thereafter until the funds  
10 appropriated under paragraph (5) are no longer  
11 available, the Secretary shall submit a report on the  
12 use of those funds (including in the communities de-  
13 scribed in paragraph (2)(C)) to—

14 (A) the Subcommittee on Energy and  
15 Water Development of the Committee on Ap-  
16 propriations of the Senate;

17 (B) the Subcommittee on Energy and  
18 Water Development and Related Agencies of  
19 the Committee on Appropriations of the House  
20 of Representatives;

21 (C) the Committee on Energy and Natural  
22 Resources of the Senate;

23 (D) the Committee on Energy and Com-  
24 merce of the House of Representatives; and

1 (E) the Committee on Education and  
2 Labor of the House of Representatives.

3 (5) FUNDING.—In addition to any amounts  
4 made available to the Secretary to carry out the  
5 State Energy Program, there is authorized to be ap-  
6 propriated to the Secretary \$3,600,000,000 to carry  
7 out this subsection for each of fiscal years 2022  
8 through 2026, to remain available until expended.

9 (6) SUPPLEMENT, NOT SUPPLANT.—Funds  
10 made available under paragraph (5) shall supple-  
11 ment, not supplant, any other funds made available  
12 to States for the State Energy Program or the  
13 weatherization assistance program established under  
14 part A of title IV of the Energy Conservation and  
15 Production Act (42 U.S.C. 6861 et seq.).

16 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—

17 (1) IN GENERAL.—Not later than 60 days after  
18 the date of enactment of this Act, the Secretary  
19 shall use the funds appropriated under paragraph  
20 (4) to provide grants under the AFFECT program  
21 under the Federal Energy Management Program of  
22 the Department of Energy to implement covered  
23 projects.

24 (2) PRIVATE FINANCING.—A recipient of a  
25 grant under paragraph (1) shall—



1           (A) to the extent practicable, leverage pri-  
2           vate financing for cost-effective energy effi-  
3           ciency, renewable energy, resiliency, and other  
4           smart-building improvements, such as by enter-  
5           ing into an energy service performance contract;  
6           but

7           (B) maintain the use of grant funds to  
8           carry out covered projects with more project re-  
9           siliency, public health, and capital-intensive effi-  
10          ciency and emission reduction components than  
11          are typically available through private energy  
12          service performance contracts.

13          (3) REPORT.—Not later than 1 year after the  
14          date on which grants are distributed under para-  
15          graph (1), and each year thereafter until the funds  
16          appropriated under paragraph (4) are no longer  
17          available, the Secretary shall submit a report on the  
18          use of those funds to—

19               (A) the Subcommittee on Energy and  
20               Water Development of the Committee on Ap-  
21               propriations of the Senate;

22               (B) the Subcommittee on Energy and  
23               Water Development and Related Agencies of  
24               the Committee on Appropriations of the House  
25               of Representatives;

1 (C) the Committee on Energy and Natural  
2 Resources of the Senate;

3 (D) the Committee on Energy and Com-  
4 merce of the House of Representatives; and

5 (E) the Committee on Education and  
6 Labor of the House of Representatives.

7 (4) FUNDING.—In addition to any amounts  
8 made available to the Secretary to carry out the AF-  
9 FECT program described in paragraph (1), there is  
10 authorized to be appropriated to the Secretary  
11 \$500,000,000 to carry out this subsection, to remain  
12 available until September 30, 2025.

13 (d) TRIBAL ORGANIZATIONS.—

14 (1) IN GENERAL.—Not later than 60 days after  
15 the date of enactment of this Act, the Secretary, act-  
16 ing through the head of the Office of Indian Energy,  
17 shall distribute funds made available under para-  
18 graph (3) to Tribal organizations to implement cov-  
19 ered projects.

20 (2) REPORT.—Not later than 1 year after the  
21 date on which funds are distributed under para-  
22 graph (1), and each year thereafter until the funds  
23 made available under paragraph (3) are no longer  
24 available, the Secretary shall submit a report on the  
25 use of those funds to—

1 (A) the Subcommittee on Energy and  
2 Water Development of the Committee on Ap-  
3 propriations of the Senate;

4 (B) the Subcommittee on Energy and  
5 Water Development and Related Agencies of  
6 the Committee on Appropriations of the House  
7 of Representatives;

8 (C) the Committee on Energy and Natural  
9 Resources of the Senate;

10 (D) the Committee on Energy and Com-  
11 merce of the House of Representatives; and

12 (E) the Committee on Education and  
13 Labor of the House of Representatives.

14 (3) FUNDING.—There is authorized to be ap-  
15 propriated to the Secretary \$1,500,000,000 to carry  
16 out this subsection, to remain available until Sep-  
17 tember 30, 2025.

18 (e) USE OF AMERICAN IRON, STEEL, AND MANUFAC-  
19 TURED GOODS.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), none of the funds made available by or  
22 pursuant to this section may be used for a covered  
23 project unless all of the iron, steel, and manufac-  
24 tured goods used in the project are produced in the  
25 United States.

1           (2) EXCEPTIONS.—The requirement under  
2 paragraph (1) shall be waived by the head of the rel-  
3 evant Federal department or agency in any case or  
4 category of cases in which the head of the relevant  
5 Federal department or agency determines that—

6           (A) adhering to that requirement would be  
7 inconsistent with the public interest;

8           (B) the iron, steel, and manufactured  
9 goods needed for the project are not produced  
10 in the United States—

11           (i) in sufficient and reasonably avail-  
12 able quantities; and

13           (ii) in a satisfactory quality; or

14           (C) the inclusion of iron, steel, and rel-  
15 evant manufactured goods produced in the  
16 United States would increase the overall cost of  
17 the project by more than 25 percent.

18           (3) WAIVER PUBLICATION.—If the head of a  
19 Federal department or agency makes a determina-  
20 tion under paragraph (2) to waive the requirement  
21 under paragraph (1), the head of the Federal de-  
22 partment or agency shall publish in the Federal  
23 Register a detailed justification for the waiver.

24           (4) INTERNATIONAL AGREEMENTS.—This sub-  
25 section shall be applied in a manner consistent with

1 the obligations of the United States under all appli-  
2 cable international agreements.

3 (f) WAGE RATE REQUIREMENTS.—

4 (1) IN GENERAL.—Notwithstanding any other  
5 provision of law, all laborers and mechanics em-  
6 ployed by contractors and subcontractors on projects  
7 funded directly or assisted in whole or in part by the  
8 Federal Government pursuant to this section shall  
9 be paid wages at rates not less than those prevailing  
10 on projects of a similar character in the locality, as  
11 determined by the Secretary of Labor in accordance  
12 with subchapter IV of chapter 31 of title 40, United  
13 States Code (commonly known as the “Davis-Bacon  
14 Act”).

15 (2) AUTHORITY.—With respect to the labor  
16 standards specified in paragraph (1), the Secretary  
17 of Labor shall have the authority and functions set  
18 forth in Reorganization Plan Numbered 14 of 1950  
19 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
20 title 40, United States Code.

21 **SEC. 32502. PERSONNEL.**

22 (a) IN GENERAL.—To carry out section 32501, the  
23 Secretary of Energy shall hire within the Department of  
24 Energy—

1           (1) not less than 300 full-time employees in the  
2 Office of Energy Efficiency and Renewable Energy;

3           (2) not less than 100 full-time employees, to be  
4 distributed among—

5                   (A) the Office of General Counsel;

6                   (B) the Office of Procurement Policy;

7                   (C) the Golden Field Office;

8                   (D) the National Energy Technology Lab-  
9 oratory; and

10                   (E) the Office of the Inspector General;

11 and

12           (3) not less than 20 full-time employees in the  
13 Office of Indian Energy.

14           (b) TIMELINE.—Not later than 60 days after the  
15 date of enactment of this Act, the Secretary shall—

16                   (1) hire all personnel under subsection (a); or

17                   (2) certify that the Secretary is unable to hire  
18 all personnel by the date required under this sub-  
19 section.

20           (c) CONTRACT HIRES.—

21                   (1) IN GENERAL.—If the Secretary makes a  
22 certification under subsection (b)(2), the Secretary  
23 may hire on a contract basis not more than 50 per-  
24 cent of the personnel required to be hired under sub-  
25 section (a).

1           (2) DURATION.—An individual hired on a con-  
2           tract basis under paragraph (1) shall have an em-  
3           ployment term of not more than 1 year.

4           (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
5           authorized to be appropriated to the Secretary to carry  
6           out this section \$84,000,000 for each of fiscal years 2022  
7           through 2026.

8           (e) REPORT.—Not later than 60 days after the date  
9           of enactment of this Act, and annually thereafter for 2  
10          years, the Secretary shall submit a report on progress  
11          made in carrying out subsection (a) to—

12                 (1) the Subcommittee on Energy and Water  
13                 Development of the Committee on Appropriations of  
14                 the Senate;

15                 (2) the Subcommittee on Energy and Water  
16                 Development and Related Agencies of the Committee  
17                 on Appropriations of the House of Representatives;

18                 (3) the Committee on Energy and Natural Re-  
19                 sources of the Senate;

20                 (4) the Committee on Energy and Commerce of  
21                 the House of Representatives; and

22                 (5) the Committee on Education and Labor of  
23                 the House of Representatives.

1                   **Subtitle C—Energy Supply**  
2                   **Infrastructure**

3 **SEC. 33001. GRANT PROGRAM FOR SOLAR INSTALLATIONS**  
4                   **LOCATED IN, OR THAT SERVE, LOW-INCOME**  
5                   **AND UNDERSERVED AREAS.**

6           (a) DEFINITIONS.—In this section:

7               (1) BENEFICIARY.—The term “beneficiary”  
8               means a low-income household or a low-income  
9               household in an underserved area.

10              (2) COMMUNITY SOLAR FACILITY.—The term  
11              “community solar facility” means a solar generating  
12              facility that—

13                      (A) through a voluntary program, has mul-  
14                      tiple subscribers that receive financial benefits  
15                      that are directly attributable to the facility;

16                      (B) has a nameplate rating of 5 megawatts  
17                      AC or less; and

18                      (C) is located in the utility distribution  
19                      service territory of subscribers.

20              (3) COMMUNITY SOLAR SUBSCRIPTION.—The  
21              term “community solar subscription” means a share  
22              in the capacity, or a proportional interest in the elec-  
23              tricity generation, of a community solar facility.

24              (4) COVERED FACILITY.—The term “covered  
25              facility” means—



- 1 (A) a community solar facility—  
2 (i) that is located in an underserved  
3 area; or  
4 (ii) at least 50 percent of the capacity  
5 of which is reserved for low-income house-  
6 holds;
- 7 (B) a solar generating facility located at a  
8 residence of a low-income household; or
- 9 (C) a solar generating facility located at a  
10 multi-family affordable housing complex.

11 (5) COVERED STATE.—The term “covered  
12 State” means a State with processes in place to en-  
13 sure that covered facilities deliver financial benefits  
14 to low-income households.

15 (6) ELIGIBLE ENTITY.—The term “eligible enti-  
16 ty” means—

17 (A) a nonprofit organization that provides  
18 services to low-income households or multi-fam-  
19 ily affordable housing complexes;

20 (B) a developer, owner, or operator of a  
21 community solar facility that reserves a portion  
22 of the capacity of the facility for subscribers  
23 who are members of low-income households or  
24 for low-income households that otherwise finan-  
25 cially benefit from the facility;

1 (C) a covered State, or political subdivision  
2 thereof;

3 (D) an Indian Tribe or a tribally owned  
4 electric utility;

5 (E) a Native Hawaiian community-based  
6 organization;

7 (F) any other national or regional entity  
8 that has experience developing or installing  
9 solar generating facilities for low-income house-  
10 holds that maximize financial benefits to those  
11 households; and

12 (G) an electric cooperative or municipal  
13 electric utility (as such terms are defined in sec-  
14 tion 3 of the Federal Power Act).

15 (7) ELIGIBLE INSTALLATION PROJECT.—The  
16 term “eligible installation project” means a project  
17 to install a covered facility in a covered State.

18 (8) ELIGIBLE PLANNING PROJECT.—The term  
19 “eligible planning project” means a project to carry  
20 out pre-installation activities for the development of  
21 a covered facility in a covered State.

22 (9) ELIGIBLE PROJECT.—The term “eligible  
23 project” means—

24 (A) an eligible planning project; or

25 (B) an eligible installation project.

1           (10) FEASIBILITY STUDY.—The term “feasi-  
2           bility study” means any activity to determine the  
3           feasibility of a specific solar generating facility, in-  
4           cluding a customer interest assessment and a siting  
5           assessment, as determined by the Secretary.

6           (11) INDIAN TRIBE.—The term “Indian Tribe”  
7           means any Indian Tribe, band, nation, or other or-  
8           ganized group or community, including any Alaska  
9           Native village, Regional Corporation, or Village Cor-  
10          poration (as defined in, or established pursuant to,  
11          the Alaska Native Claims Settlement Act (43 U.S.C.  
12          1601 et seq.)), that is recognized as eligible for the  
13          special programs and services provided by the  
14          United States to Indians because of their status as  
15          Indians.

16          (12) INTERCONNECTION SERVICE.—The term  
17          “interconnection service” has the meaning given  
18          such term in section 111(d)(15) of the Public Utility  
19          Regulatory Policies Act of 1978 (16 U.S.C.  
20          2621(d)(15)).

21          (13) LOW-INCOME HOUSEHOLD.—The term  
22          “low-income household” means that income in rela-  
23          tion to family size which—

24                  (A) is at or below 200 percent of the pov-  
25                  erty level determined in accordance with criteria

1 established by the Director of the Office of  
2 Management and Budget, except that the Sec-  
3 retary may establish a higher level if the Sec-  
4 retary determines that such a higher level is  
5 necessary to carry out the purposes of this sec-  
6 tion;

7 (B) is the basis on which cash assistance  
8 payments have been paid during the preceding  
9 12-month period under titles IV and XVI of the  
10 Social Security Act (42 U.S.C. 601 et seq.,  
11 1381 et seq.) or applicable State or local law;  
12 or

13 (C) if a State elects, is the basis for eligi-  
14 bility for assistance under the Low-Income  
15 Home Energy Assistance Act of 1981 (42  
16 U.S.C. 8621 et seq.), provided that such basis  
17 is at least 200 percent of the poverty level de-  
18 termined in accordance with criteria established  
19 by the Director of the Office of Management  
20 and Budget.

21 (14) MULTI-FAMILY AFFORDABLE HOUSING  
22 COMPLEX.—The term “multi-family affordable hous-  
23 ing complex” means any federally subsidized afford-  
24 able housing complex in which at least 50 percent of  
25 the units are reserved for low-income households.

1           (15) NATIVE HAWAIIAN COMMUNITY-BASED OR-  
2           GANIZATION.—The term “Native Hawaiian commu-  
3           nity-based organization” means any organization  
4           that is composed primarily of Native Hawaiians  
5           from a specific community and that assists in the  
6           social, cultural, and educational development of Na-  
7           tive Hawaiians in that community.

8           (16) PROGRAM.—The term “program” means  
9           the program established under subsection (b).

10          (17) SECRETARY.—The term “Secretary”  
11          means the Secretary of Energy.

12          (18) SOLAR GENERATING FACILITY.—The term  
13          “solar generating facility” means—

14                (A) a generator that creates electricity  
15                from light photons; and

16                (B) the accompanying hardware enabling  
17                that electricity to flow—

18                       (i) onto the electric grid;

19                       (ii) into a facility or structure; or

20                       (iii) into an energy storage device.

21          (19) STATE.—The term “State” means each of  
22          the 50 States, the District of Columbia, Guam, the  
23          Commonwealth of Puerto Rico, the Northern Mar-  
24          iana Islands, the Virgin Islands, and American  
25          Samoa.

1           (20) SUBSCRIBER.—The term “subscriber”  
2 means a person who—

3           (A) owns a community solar subscription,  
4 or an equivalent unit or share of the capacity  
5 or generation of a community solar facility; or

6           (B) financially benefits from a community  
7 solar facility, even if the person does not own  
8 a community solar subscription for the facility.

9           (21) UNDERSERVED AREA.—The term “under-  
10 served area” means—

11           (A) a geographical area with low or no  
12 photovoltaic solar deployment, as determined by  
13 the Secretary;

14           (B) a geographical area that has low or no  
15 access to electricity, as determined by the Sec-  
16 retary;

17           (C) a geographical area with an average  
18 annual residential retail electricity price that  
19 exceeds the national average annual residential  
20 retail electricity price (as reported by the En-  
21 ergy Information Agency) by 50 percent or  
22 more; or

23           (D) trust land, as defined in section 3765  
24 of title 38, United States Code.

1 (b) ESTABLISHMENT.—The Secretary shall establish  
2 a program to provide financial assistance to eligible enti-  
3 ties to—

4 (1) carry out planning projects that are nec-  
5 essary to establish the feasibility, obtain required  
6 permits, identify beneficiaries, or secure subscribers  
7 to install a covered facility; or

8 (2) install a covered facility for beneficiaries in  
9 accordance with this section.

10 (c) APPLICATIONS.—

11 (1) IN GENERAL.—To be eligible to receive as-  
12 sistance under the program, an eligible entity shall  
13 submit to the Secretary an application at such time,  
14 in such manner, and containing such information as  
15 the Secretary may require.

16 (2) INCLUSION FOR INSTALLATION ASSIST-  
17 ANCE.—

18 (A) REQUIREMENTS.—For an eligible enti-  
19 ty to receive assistance for a project to install  
20 a covered facility, the Secretary shall require  
21 the eligible entity to include—

22 (i) information in the application that  
23 is sufficient to demonstrate that the eligi-  
24 ble entity has obtained, or has the capacity  
25 to obtain, necessary permits, subscribers,

1 access to an installation site, and any other  
2 items or agreements necessary to comply  
3 with an agreement under subsection (g)(1)  
4 and to complete the installation of the ap-  
5 plicable covered facility;

6 (ii) a description of the mechanism  
7 through which financial benefits will be  
8 distributed to beneficiaries or subscribers;  
9 and

10 (iii) an estimate of the anticipated fi-  
11 nancial benefit for beneficiaries or sub-  
12 scribers.

13 (B) CONSIDERATION OF PLANNING  
14 PROJECTS.—The Secretary shall consider the  
15 successful completion of an eligible planning  
16 project pursuant to subsection (b)(1) by the eli-  
17 gible entity to be sufficient to demonstrate the  
18 ability of the eligible entity to meet the require-  
19 ments of subparagraph (A)(i).

20 (d) SELECTION.—

21 (1) IN GENERAL.—In selecting eligible projects  
22 to receive assistance under the program, the Sec-  
23 retary shall—

24 (A) prioritize—



1 (i) eligible installation projects that  
2 will result in the most financial benefit for  
3 subscribers, as determined by the Sec-  
4 retary;

5 (ii) eligible installation projects that  
6 will result in development of covered facili-  
7 ties in underserved areas; and

8 (iii) eligible projects that include ap-  
9 prenticeship, job training, or community  
10 participation as part of their application;  
11 and

12 (B) ensure that such assistance is provided  
13 in a manner that results in eligible projects  
14 being carried out on a geographically diverse  
15 basis within and among covered States.

16 (2) DETERMINATION OF FINANCIAL BEN-  
17 EFIT.—In determining the amount of financial ben-  
18 efit for low-income households of an eligible installa-  
19 tion project, the Secretary shall ensure that all cal-  
20 culations for estimated household energy savings are  
21 based solely on electricity offsets from the applicable  
22 covered facility and use formulas established by the  
23 State or local government with jurisdiction over the  
24 applicable covered facility for verifiable household

1 energy savings estimates that accrue to low-income  
2 households.

3 (e) ASSISTANCE.—

4 (1) FORM.—The Secretary may provide assist-  
5 ance under the program in the form of a grant  
6 (which may be in the form of a rebate) or a low-in-  
7 terest loan.

8 (2) MULTIPLE PROJECTS FOR SAME FACIL-  
9 ITY.—

10 (A) IN GENERAL.—An eligible entity may  
11 apply for assistance under the program for an  
12 eligible planning project and an eligible installa-  
13 tion project for the same covered facility.

14 (B) SEPARATE SELECTIONS.—Selection by  
15 the Secretary for assistance under the program  
16 of an eligible planning project does not require  
17 the Secretary to select for assistance under the  
18 program an eligible installation project for the  
19 same covered facility.

20 (f) USE OF ASSISTANCE.—

21 (1) ELIGIBLE PLANNING PROJECTS.—An eligi-  
22 ble entity receiving assistance for an eligible plan-  
23 ning project under the program may use such assist-  
24 ance to pay the costs of pre-installation activities as-

1       sociated with an applicable covered facility, includ-  
2       ing—

3               (A) feasibility studies;

4               (B) permitting;

5               (C) site assessment;

6               (D) on-site job training, or other commu-  
7       nity-based activities directly associated with the  
8       eligible planning project; or

9               (E) such other costs determined by the  
10       Secretary to be appropriate.

11       (2) ELIGIBLE INSTALLATION PROJECTS.—An  
12       eligible entity receiving assistance for an eligible in-  
13       stallation project under the program may use such  
14       assistance to pay the costs of—

15               (A) installation of a covered facility, in-  
16       cluding costs associated with materials, permit-  
17       ting, labor, or site preparation;

18               (B) storage technology sited at a covered  
19       facility;

20               (C) interconnection service expenses;

21               (D) on-site job training, or other commu-  
22       nity-based activities directly associated with the  
23       eligible installation project;

24               (E) offsetting the cost of a subscription for  
25       a covered facility described in subparagraph (A)

1 of subsection (a)(4) for subscribers that are  
2 members of a low income household; or

3 (F) such other costs determined by the  
4 Secretary to be appropriate.

5 (g) ADMINISTRATION.—

6 (1) AGREEMENTS.—

7 (A) IN GENERAL.—As a condition of re-  
8 ceiving assistance under the program, an eligi-  
9 ble entity shall enter into an agreement with  
10 the Secretary.

11 (B) REQUIREMENTS.—An agreement en-  
12 tered into under this paragraph—

13 (i) shall require the eligible entity to  
14 maintain such records and adopt such ad-  
15 ministrative practices as the Secretary may  
16 require to ensure compliance with the re-  
17 quirements of this section and the agree-  
18 ment;

19 (ii) with respect to an eligible installa-  
20 tion project shall require that any solar  
21 generating facility installed using assist-  
22 ance provided pursuant to the agreement  
23 comply with local building and safety codes  
24 and standards; and

1 (iii) shall contain such other terms as  
2 the Secretary may require to ensure com-  
3 pliance with the requirements of this sec-  
4 tion.

5 (C) TERM.—An agreement under this  
6 paragraph shall be for a term that begins on  
7 the date on which the agreement is entered into  
8 and ends on the date that is 2 years after the  
9 date on which the eligible entity receives assist-  
10 ance pursuant to the agreement, which term  
11 may be extended once for a period of not more  
12 than 1 year if the eligible entity demonstrates  
13 to the satisfaction of the Secretary that such an  
14 extension is necessary to complete the activities  
15 required by the agreement.

16 (2) USE OF FUNDS.—Of the funds made avail-  
17 able to provide assistance to eligible installation  
18 projects under this section over the period of fiscal  
19 years 2022 through 2026, the Secretary shall use—

20 (A) not less than 50 percent to provide as-  
21 sistance for eligible installation projects with re-  
22 spect to which low-income households make up  
23 at least 50 percent of the subscribers to the  
24 project; and

1 (B) not more than 50 percent to provide  
2 assistance for eligible installation projects with  
3 respect to which low-income households make  
4 up at least 25 percent of the subscribers to the  
5 project.

6 (3) REGULATIONS.—Not later than 120 days  
7 after the date of enactment of this Act, the Sec-  
8 retary shall publish in the Federal Register regula-  
9 tions to carry out this section, which shall take ef-  
10 fect on the date of publication.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be  
13 appropriated to the Secretary to carry out this sec-  
14 tion \$200,000,000 for each of fiscal years 2022  
15 through 2026, to remain available until expended.

16 (2) AMOUNTS FOR PLANNING PROJECTS.—Of  
17 the amounts appropriated pursuant to this section  
18 over the period of fiscal years 2022 through 2026,  
19 the Secretary shall use not more than 15 percent of  
20 funds to provide assistance to eligible planning  
21 projects.

22 (i) RELATIONSHIP TO OTHER ASSISTANCE.—The  
23 Secretary shall, to the extent practicable, encourage eligi-  
24 ble entities that receive assistance under this section to  
25 leverage such funds by seeking additional funding through

1 federally or locally subsidized weatherization and energy  
2 efficiency programs.

3 **SEC. 33002. IMPROVING THE NATURAL GAS DISTRIBUTION**  
4 **SYSTEM.**

5 (a) PROGRAM.—The Secretary of Energy shall estab-  
6 lish a grant program to provide financial assistance to  
7 States to offset the incremental rate increases paid by low-  
8 income households resulting from the implementation of  
9 infrastructure replacement, repair, and maintenance pro-  
10 grams that are approved by the rate-setting entity and de-  
11 signed to accelerate the necessary replacement, repair, or  
12 maintenance of natural gas distribution systems.

13 (b) DATE OF ELIGIBILITY.—Awards may be provided  
14 under this section to offset rate increases described in sub-  
15 section (a) occurring on or after the date of enactment  
16 of this Act.

17 (c) PRIORITIZATION.—The Secretary shall collabo-  
18 rate with States to prioritize the distribution of grants  
19 made under this section. At a minimum, the Secretary  
20 shall consider prioritizing the distribution of grants to  
21 States which have—

22 (1) authorized or adopted enhanced infrastruc-  
23 ture replacement programs or innovative rate recov-  
24 ery mechanisms, such as infrastructure cost trackers  
25 and riders, infrastructure base rate surcharges, de-

1       ferred regulatory asset programs, and earnings sta-  
2       bility mechanisms; and

3               (2) a viable means for delivering financial as-  
4       sistance to low-income households.

5       (d) AUDITING AND REPORTING REQUIREMENTS.—

6       The Secretary shall establish auditing and reporting re-  
7       quirements for States with respect to the performance of  
8       eligible projects funded pursuant to grants awarded under  
9       this section.

10       (e) PREVAILING WAGES.—All laborers and mechanics

11       employed by contractors or subcontractors in the perform-  
12       ance of construction, alteration, or repair work assisted,  
13       in whole or in part, by a grant under this section shall  
14       be paid wages at rates not less than those prevailing on  
15       similar construction in the locality as determined by the  
16       Secretary of Labor in accordance with subchapter IV of  
17       chapter 31 of title 40. With respect to the labor standards  
18       in this subsection, the Secretary of Labor shall have the  
19       authority and functions set forth in Reorganization Plan  
20       Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and  
21       section 3145 of title 40.

22       (f) DEFINITIONS.—In this section:

23               (1) INNOVATIVE RATE RECOVERY MECHA-  
24       NISMS.—The term “innovative rate recovery mecha-  
25       nisms” means rate structures that allow State public



1 utility commissions to modify tariffs and recover  
2 costs of investments in utility replacement incurred  
3 between rate cases.

4 (2) LOW-INCOME HOUSEHOLD.—The term  
5 “low-income household” means a household that is  
6 eligible to receive payments under section 2605(b)(2)  
7 of the Low-Income Home Energy Assistance Act of  
8 1981 (42 U.S.C. 8624(b)(2)).

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Secretary to carry  
11 out this section \$250,000,000 in each of fiscal years 2022  
12 through 2026.

13 **SEC. 33003. DISTRIBUTED ENERGY RESOURCES.**

14 (a) DEFINITIONS.—In this section:

15 (1) COMBINED HEAT AND POWER SYSTEM.—  
16 The term “combined heat and power system” means  
17 generation of electric energy and heat in a single, in-  
18 tegrated system that meets the efficiency criteria in  
19 clauses (ii) and (iii) of section 48(c)(3)(A) of the In-  
20 ternal Revenue Code of 1986, under which heat that  
21 is conventionally rejected is recovered and used to  
22 meet thermal energy requirements.

23 (2) DEMAND RESPONSE.—The term “demand  
24 response” means changes in electric usage by elec-

1       tric utility customers from the normal consumption  
2       patterns of the customers in response to—

3               (A) changes in the price of electricity over  
4       time; or

5               (B) incentive payments designed to induce  
6       lower electricity use at times of high wholesale  
7       market prices or when system reliability is jeop-  
8       ardized.

9       (3) DISTRIBUTED ENERGY.—The term “distrib-  
10      uted energy” means energy sources and systems  
11      that—

12              (A) produce electric or thermal energy  
13      close to the point of use using renewable energy  
14      resources or waste thermal energy;

15              (B) generate electricity using a combined  
16      heat and power system;

17              (C) distribute electricity in microgrids;

18              (D) store electric or thermal energy; or

19              (E) distribute thermal energy or transfer  
20      thermal energy to building heating and cooling  
21      systems through a district energy system.

22      (4) DISTRICT ENERGY SYSTEM.—The term  
23      “district energy system” means a system that pro-  
24      vides thermal energy to buildings and other energy  
25      consumers from one or more plants to individual

1 buildings to provide space heating, air conditioning,  
2 domestic hot water, industrial process energy, and  
3 other end uses.

4 (5) ISLANDING.—The term “islanding” means  
5 a distributed generator or energy storage device con-  
6 tinuing to power a location in the absence of electric  
7 power from the primary source.

8 (6) LOAN.—The term “loan” has the meaning  
9 given the term “direct loan” in section 502 of the  
10 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

11 (7) MICROGRID.—The term “microgrid” means  
12 an integrated energy system consisting of inter-  
13 connected loads and distributed energy resources, in-  
14 cluding generators and energy storage devices, with-  
15 in clearly defined electrical boundaries that—

16 (A) acts as a single controllable entity with  
17 respect to the grid; and

18 (B) can connect and disconnect from the  
19 grid to operate in both grid-connected mode  
20 and island mode.

21 (8) RENEWABLE ENERGY RESOURCE.—The  
22 term “renewable energy resource” includes—

23 (A) biomass;

24 (B) geothermal energy;

25 (C) hydropower;

- 1 (D) landfill gas;
- 2 (E) municipal solid waste;
- 3 (F) ocean (including tidal, wave, current,
- 4 and thermal) energy;
- 5 (G) organic waste;
- 6 (H) photosynthetic processes;
- 7 (I) photovoltaic energy;
- 8 (J) solar energy; and
- 9 (K) wind.

10 (9) RENEWABLE THERMAL ENERGY.—The term  
11 “renewable thermal energy” means heating or cool-  
12 ing energy derived from a renewable energy re-  
13 source.

14 (10) SECRETARY.—The term “Secretary”  
15 means the Secretary of Energy.

16 (11) THERMAL ENERGY.—The term “thermal  
17 energy” means—

18 (A) heating energy in the form of hot  
19 water or steam that is used to provide space  
20 heating, domestic hot water, or process heat; or

21 (B) cooling energy in the form of chilled  
22 water, ice, or other media that is used to pro-  
23 vide air conditioning, or process cooling.

24 (12) WASTE THERMAL ENERGY.—The term  
25 “waste thermal energy” means energy that—

1 (A) is contained in—

2 (i) exhaust gases, exhaust steam, con-  
3 denser water, jacket cooling heat, or lubri-  
4 cating oil in power generation systems;

5 (ii) exhaust heat, hot liquids, or flared  
6 gas from any industrial process;

7 (iii) waste gas or industrial tail gas  
8 that would otherwise be flared, incinerated,  
9 or vented;

10 (iv) a pressure drop in any gas, ex-  
11 cluding any pressure drop to a condenser  
12 that subsequently vents the resulting heat;

13 (v) condenser water from chilled water  
14 or refrigeration plants; or

15 (vi) any other form of waste energy,  
16 as determined by the Secretary; and

17 (B)(i) in the case of an existing facility, is  
18 not being used; or

19 (ii) in the case of a new facility, is not con-  
20 ventionally used in comparable systems.

21 (b) DISTRIBUTED ENERGY LOAN PROGRAM.—

22 (1) LOAN PROGRAM.—

23 (A) IN GENERAL.—Subject to the provi-  
24 sions of this paragraph and paragraphs (2) and

1 (3), the Secretary shall establish a program to  
2 provide to eligible entities—

3 (i) loans for the deployment of distrib-  
4 uted energy systems in a specific project;  
5 and

6 (ii) loans to provide funding for pro-  
7 grams to finance the deployment of mul-  
8 tiple distributed energy systems through a  
9 revolving loan fund, credit enhancement  
10 program, or other financial assistance pro-  
11 gram.

12 (B) ELIGIBILITY.—Entities eligible to re-  
13 ceive a loan under subparagraph (A) include—

14 (i) a State, territory, or possession of  
15 the United States;

16 (ii) a State energy office;

17 (iii) a tribal organization (as defined  
18 in section 4 of the Indian Self-Determina-  
19 tion and Education Assistance Act (25  
20 U.S.C. 5304));

21 (iv) an institution of higher education  
22 (as defined in section 101 of the Higher  
23 Education Act of 1965 (20 U.S.C. 1001));

24 and

25 (v) an electric utility, including—

1 (I) a rural electric cooperative;

2 (II) a municipally owned electric  
3 utility; and

4 (III) an investor-owned utility.

5 (C) SELECTION REQUIREMENTS.—In se-  
6 lecting eligible entities to receive loans under  
7 this subsection, the Secretary shall, to the max-  
8 imum extent practicable, ensure—

9 (i) regional diversity among eligible  
10 entities to receive loans under this section,  
11 including participation by rural States and  
12 small States; and

13 (ii) that specific projects selected for  
14 loans—

15 (I) expand on the existing tech-  
16 nology deployment program of the De-  
17 partment of Energy; and

18 (II) are designed to achieve one  
19 or more of the objectives described in  
20 subparagraph (D).

21 (D) OBJECTIVES.—Each deployment se-  
22 lected for a loan under subparagraph (A) shall  
23 promote one or more of the following objectives:

24 (i) Improved security and resiliency of  
25 energy supply in the event of disruptions

1           caused by extreme weather events, grid  
2           equipment or software failure, or terrorist  
3           acts.

4           (ii) Implementation of distributed en-  
5           ergy in order to increase use of local re-  
6           newable energy resources and waste ther-  
7           mal energy sources.

8           (iii) Enhanced feasibility of  
9           microgrids, demand response, or islanding.

10          (iv) Enhanced management of peak  
11          loads for consumers and the grid.

12          (v) Enhanced reliability in rural areas,  
13          including high energy cost rural areas.

14          (E) RESTRICTIONS ON USE OF FUNDS.—

15          Any eligible entity that receives a loan under  
16          subparagraph (A) may only use the loan to  
17          fund programs relating to the deployment of  
18          distributed energy systems.

19          (2) LOAN TERMS AND CONDITIONS.—

20          (A) TERMS AND CONDITIONS.—Notwith-  
21          standing any other provision of law, in pro-  
22          viding a loan under this subsection, the Sec-  
23          retary shall provide the loan on such terms and  
24          conditions as the Secretary determines, after



1           consultation with the Secretary of the Treasury,  
2           in accordance with this subsection.

3           (B) SPECIFIC APPROPRIATION.—No loan  
4           shall be made unless an appropriation for the  
5           full amount of the loan has been specifically  
6           provided for that purpose.

7           (C) REPAYMENT.—No loan shall be made  
8           unless the Secretary determines that there is  
9           reasonable prospect of repayment of the prin-  
10          cipal and interest by the borrower of the loan.

11          (D) INTEREST RATE.—A loan provided  
12          under this section shall bear interest at a fixed  
13          rate that is equal or approximately equal, in the  
14          determination of the Secretary, to the interest  
15          rate for Treasury securities of comparable ma-  
16          turity.

17          (E) TERM.—The term of the loan shall re-  
18          quire full repayment over a period not to exceed  
19          the lesser of—

20                  (i) 20 years; or

21                  (ii) 90 percent of the projected useful  
22          life of the physical asset to be financed by  
23          the loan (as determined by the Secretary).

24          (F) USE OF PAYMENTS.—Payments of  
25          principal and interest on the loan shall—

1                   (i) be retained by the Secretary to  
2                   support energy research and development  
3                   activities; and

4                   (ii) remain available until expended,  
5                   subject to such conditions as are contained  
6                   in annual appropriations Acts.

7                   (G) NO PENALTY ON EARLY REPAY-  
8                   MENT.—The Secretary may not assess any pen-  
9                   alty for early repayment of a loan provided  
10                  under this subsection.

11                  (H) RETURN OF UNUSED PORTION.—In  
12                  order to receive a loan under this subsection, an  
13                  eligible entity shall agree to return to the gen-  
14                  eral fund of the Treasury any portion of the  
15                  loan amount that is unused by the eligible enti-  
16                  ty within a reasonable period of time after the  
17                  date of the disbursement of the loan, as deter-  
18                  mined by the Secretary.

19                  (I) COMPARABLE WAGE RATES.—Each la-  
20                  borer and mechanic employed by a contractor  
21                  or subcontractor in performance of construction  
22                  work financed, in whole or in part, by the loan  
23                  shall be paid wages at rates not less than the  
24                  rates prevailing on similar construction in the  
25                  locality as determined by the Secretary of

1 Labor in accordance with subchapter IV of  
2 chapter 31 of title 40, United States Code.

3 (3) RULES AND PROCEDURES; DISBURSEMENT  
4 OF LOANS.—

5 (A) RULES AND PROCEDURES.—Not later  
6 than 180 days after the date of enactment of  
7 this Act, the Secretary shall adopt rules and  
8 procedures for carrying out the loan program  
9 under paragraph (1).

10 (B) DISBURSEMENT OF LOANS.—Not later  
11 than 1 year after the date on which the rules  
12 and procedures under subparagraph (A) are es-  
13 tablished, the Secretary shall disburse the ini-  
14 tial loans provided under this subsection.

15 (4) REPORTS.—Not later than 2 years after the  
16 date of receipt of the loan, and annually thereafter  
17 for the term of the loan, an eligible entity that re-  
18 ceives a loan under this subsection shall submit to  
19 the Secretary a report describing the performance of  
20 each program and activity carried out using the  
21 loan, including itemized loan performance data.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—  
23 There are authorized to be appropriated to carry out  
24 this subsection such sums as are necessary.

1           (c) TECHNICAL ASSISTANCE AND GRANT PRO-  
2 GRAM.—

3           (1) ESTABLISHMENT.—

4                   (A) IN GENERAL.—The Secretary shall es-  
5 tablish a technical assistance and grant pro-  
6 gram (referred to in this subsection as the  
7 “program”)—

8                           (i) to disseminate information and  
9                           provide technical assistance directly to eli-  
10                           gible entities so the eligible entities can  
11                           identify, evaluate, plan, and design distrib-  
12                           uted energy systems; and

13                           (ii) to make grants to eligible entities  
14                           so that the eligible entities may contract to  
15                           obtain technical assistance to identify,  
16                           evaluate, plan, and design distributed en-  
17                           ergy systems.

18                   (B) TECHNICAL ASSISTANCE.—The tech-  
19                   nical assistance described in subparagraph (A)  
20                   shall include assistance with one or more of the  
21                   following activities relating to distributed en-  
22                   ergy systems:

23                           (i) Identification of opportunities to  
24                           use distributed energy systems.

1 (ii) Assessment of technical and eco-  
2 nomic characteristics.

3 (iii) Utility interconnection.

4 (iv) Permitting and siting issues.

5 (v) Business planning and financial  
6 analysis.

7 (vi) Engineering design.

8 (C) INFORMATION DISSEMINATION.—The  
9 information disseminated under subparagraph  
10 (A)(i) shall include—

11 (i) information relating to the topics  
12 described in subparagraph (B), including  
13 case studies of successful examples;

14 (ii) computer software and databases  
15 for assessment, design, and operation and  
16 maintenance of distributed energy systems;  
17 and

18 (iii) public databases that track the  
19 operation and deployment of existing and  
20 planned distributed energy systems.

21 (2) ELIGIBILITY.—Any nonprofit or for-profit  
22 entity shall be eligible to receive technical assistance  
23 and grants under the program.

24 (3) APPLICATIONS.—

1 (A) IN GENERAL.—An eligible entity desir-  
2 ing technical assistance or grants under the  
3 program shall submit to the Secretary an appli-  
4 cation at such time, in such manner, and con-  
5 taining such information as the Secretary may  
6 require.

7 (B) APPLICATION PROCESS.—The Sec-  
8 retary shall seek applications for technical as-  
9 sistance and grants under the program—  
10 (i) on a competitive basis; and  
11 (ii) on a periodic basis, but not less  
12 frequently than once every 12 months.

13 (C) PRIORITIES.—In selecting eligible enti-  
14 ties for technical assistance and grants under  
15 the program, the Secretary shall give priority to  
16 eligible entities with projects that have the  
17 greatest potential for—

18 (i) facilitating the use of renewable  
19 energy resources;  
20 (ii) strengthening the reliability and  
21 resiliency of energy infrastructure to the  
22 impact of extreme weather events, power  
23 grid failures, and interruptions in supply  
24 of fossil fuels;

1 (iii) improving the feasibility of  
2 microgrids or islanding, particularly in  
3 rural areas, including high energy cost  
4 rural areas;

5 (iv) minimizing environmental impact,  
6 including regulated air pollutants and  
7 greenhouse gas emissions; and

8 (v) maximizing local job creation.

9 (4) GRANTS.—On application by an eligible en-  
10 tity, the Secretary may award grants to the eligible  
11 entity to provide funds to cover not more than—

12 (A) 100 percent of the costs of the initial  
13 assessment to identify opportunities;

14 (B) 75 percent of the cost of feasibility  
15 studies to assess the potential for the imple-  
16 mentation;

17 (C) 60 percent of the cost of guidance on  
18 overcoming barriers to implementation, includ-  
19 ing financial, contracting, siting, and permitting  
20 issues; and

21 (D) 45 percent of the cost of detailed engi-  
22 neering.

23 (5) RULES AND PROCEDURES.—

24 (A) RULES.—Not later than 180 days  
25 after the date of enactment of this Act, the Sec-

1           retary shall adopt rules and procedures for car-  
2           rying out the program.

3           (B) GRANTS.—Not later than 120 days  
4           after the date of issuance of the rules and pro-  
5           cedures for the program, the Secretary shall  
6           issue grants under this subsection.

7           (6) REPORTS.—The Secretary shall submit to  
8           Congress and make available to the public—

9           (A) not less frequently than once every 2  
10          years, a report describing the performance of  
11          the program under this subsection, including a  
12          synthesis and analysis of the information pro-  
13          vided in the reports submitted to the Secretary  
14          under subsection (b)(4); and

15          (B) on termination of the program under  
16          this subsection, an assessment of the success of,  
17          and education provided by, the measures car-  
18          ried out by eligible entities during the term of  
19          the program.

20          (7) AUTHORIZATION OF APPROPRIATIONS.—  
21          There is authorized to be appropriated to carry out  
22          this subsection \$250,000,000 for the period of fiscal  
23          years 2022 through 2026, to remain available until  
24          expended.



1 **SEC. 33004. CLEAN ENERGY AND SUSTAINABILITY ACCEL-**  
2 **ERATOR.**

3 Title XVI of the Energy Policy Act of 2005 (Public  
4 Law 109–58, as amended) is amended by adding at the  
5 end the following new subtitle:

6 **“Subtitle C—Clean Energy and**  
7 **Sustainability Accelerator**

8 **“SEC. 1621. DEFINITIONS.**

9 “In this subtitle:

10 “(1) ACCELERATOR.—The term ‘Accelerator’  
11 means the Clean Energy and Sustainability Accel-  
12 erator established under section 1622.

13 “(2) BOARD.—The term ‘Board’ means the  
14 Board of Directors of the Accelerator.

15 “(3) CHIEF EXECUTIVE OFFICER.—The term  
16 ‘chief executive officer’ means the chief executive of-  
17 ficer of the Accelerator.

18 “(4) CLIMATE-IMPACTED COMMUNITIES.—The  
19 term ‘climate-impacted communities’ includes—

20 “(A) communities of color, which include  
21 any geographically distinct area the population  
22 of color of which is higher than the average  
23 population of color of the State in which the  
24 community is located;

1           “(B) communities that are already or are  
2 likely to be the first communities to feel the di-  
3 rect negative effects of climate change;

4           “(C) distressed neighborhoods, dem-  
5 onstrated by indicators of need, including pov-  
6 erty, childhood obesity rates, academic failure,  
7 and rates of juvenile delinquency, adjudication,  
8 or incarceration;

9           “(D) low-income communities, defined as  
10 any census block group in which 30 percent or  
11 more of the population are individuals with low  
12 income;

13           “(E) low-income households, defined as a  
14 household with annual income equal to, or less  
15 than, the greater of—

16           “(i) an amount equal to 80 percent of  
17 the median income of the area in which the  
18 household is located, as reported by the  
19 Department of Housing and Urban Devel-  
20 opment; and

21           “(ii) 200 percent of the Federal pov-  
22 erty line;

23           “(F) Tribal communities;

24           “(G) persistent poverty counties, defined  
25 as any county that has had a poverty rate of 20

1 percent or more for the past 30 years as meas-  
2 ured by the 2000, 2010, and 2020 decennial  
3 censuses;

4 “(H) communities disproportionately af-  
5 fected by environmental pollution and other  
6 hazards that can lead to negative public health  
7 effects; and

8 “(I) communities that are economically re-  
9 liant on fossil fuel-based industries.

10 “(5) CLIMATE RESILIENT INFRASTRUCTURE.—  
11 The term ‘climate resilient infrastructure’ means  
12 any project that builds or enhances infrastructure so  
13 that such infrastructure—

14 “(A) is planned, designed, and operated in  
15 a way that anticipates, prepares for, and adapts  
16 to changing climate conditions; and

17 “(B) can withstand, respond to, and re-  
18 cover rapidly from disruptions caused by these  
19 climate conditions.

20 “(6) ELECTRIFICATION.—The term ‘electrifica-  
21 tion’ means the installation, construction, or use of  
22 end-use electric technology that replaces existing fos-  
23 sil-fuel-based technology.

24 “(7) ENERGY EFFICIENCY.—The term ‘energy  
25 efficiency’ means any project, technology, function,

1 or measure that results in the reduction of energy  
2 use required to achieve the same level of service or  
3 output prior to the application of such project, tech-  
4 nology, function, or measure, or substantially re-  
5 duces greenhouse gas emissions relative to emissions  
6 that would have occurred prior to the application of  
7 such project, technology, function, or measure.

8 “(8) FUEL SWITCHING.—The term ‘fuel switch-  
9 ing’ means any project that replaces a fossil-fuel-  
10 based heating system with an electric-powered sys-  
11 tem or one powered by biomass-generated heat.

12 “(9) GREEN BANK.—The term ‘green bank’  
13 means a dedicated public or nonprofit specialized fi-  
14 nance entity that—

15 “(A) is designed to drive private capital  
16 into market gaps for low- and zero-emission  
17 goods and services;

18 “(B) uses finance tools to mitigate climate  
19 change;

20 “(C) does not take deposits;

21 “(D) is funded by government, public, pri-  
22 vate, or charitable contributions; and

23 “(E) invests or finances projects—

24 “(i) alone; or

1                   “(ii) in conjunction with other inves-  
2                   tors.

3                   “(10) QUALIFIED PROJECTS.—The term ‘quali-  
4                   fied projects’ means the following kinds of tech-  
5                   nologies and activities that are eligible for financing  
6                   and investment from the Clean Energy and Sustain-  
7                   ability Accelerator, either directly or through State,  
8                   Territorial, and local green banks funded by the  
9                   Clean Energy and Sustainability Accelerator:

10                   “(A) Renewable energy generation, includ-  
11                   ing the following:

12                   “(i) Solar.

13                   “(ii) Wind.

14                   “(iii) Geothermal.

15                   “(iv) Hydropower.

16                   “(v) Ocean and hydrokinetic.

17                   “(vi) Fuel cell.

18                   “(B) Building energy efficiency, fuel  
19                   switching, and electrification.

20                   “(C) Industrial decarbonization.

21                   “(D) Grid technology such as trans-  
22                   mission, distribution, and storage to support  
23                   clean energy distribution, including smart-grid  
24                   applications.

1           “(E) Agriculture and forestry projects that  
2           reduce net greenhouse gas emissions.

3           “(F) Clean transportation, including the  
4           following:

5                   “(i) Battery electric vehicles.

6                   “(ii) Plug-in hybrid electric vehicles.

7                   “(iii) Hydrogen vehicles.

8                   “(iv) Other zero-emissions fueled vehi-  
9                   cles.

10                   “(v) Related vehicle charging and  
11                   fueling infrastructure.

12           “(G) Climate resilient infrastructure.

13           “(H) Any other key areas identified by the  
14           Board as consistent with the mandate of the  
15           Accelerator as described in section 1623.

16           “(11) RENEWABLE ENERGY GENERATION.—

17           The term ‘renewable energy generation’ means elec-  
18           tricity created by sources that are continually replen-  
19           ished by nature, such as the sun, wind, and water.

20   **“SEC. 1622. ESTABLISHMENT.**

21           “(a) IN GENERAL.—Not later than 1 year after the  
22           date of enactment of this subtitle, there shall be estab-  
23           lished a nonprofit corporation to be known as the Clean  
24           Energy and Sustainability Accelerator.

1       “(b) LIMITATION.—The Accelerator shall not be an  
2 agency or instrumentality of the Federal Government.

3       “(c) FULL FAITH AND CREDIT.—The full faith and  
4 credit of the United States shall not extend to the Accel-  
5 erator.

6       “(d) NONPROFIT STATUS.—The Accelerator shall  
7 maintain its status as an organization exempt from tax-  
8 ation under the Internal Revenue Code of 1986 (26 U.S.C.  
9 1 et seq.).

10 **“SEC. 1623. MANDATE.**

11       “The Accelerator shall make the United States a  
12 world leader in combating the causes and effects of climate  
13 change through the rapid deployment of mature tech-  
14 nologies and scaling of new technologies by maximizing  
15 the reduction of emissions in the United States for every  
16 dollar deployed by the Accelerator, including by—

17               “(1) providing financing support for invest-  
18 ments in the United States in low- and zero-emis-  
19 sions technologies and processes in order to rapidly  
20 accelerate market penetration;

21               “(2) catalyzing and mobilizing private capital  
22 through Federal investment and supporting a more  
23 robust marketplace for clean technologies, while  
24 avoiding competition with private investment;

1           “(3) enabling climate-impacted communities to  
2 benefit from and afford projects and investments  
3 that reduce emissions;

4           “(4) providing support for workers and commu-  
5 nities impacted by the transition to a low-carbon  
6 economy;

7           “(5) supporting the creation of green banks  
8 within the United States where green banks do not  
9 exist; and

10           “(6) causing the rapid transition to a clean en-  
11 ergy economy without raising energy costs to end  
12 users and seeking to lower costs where possible.

13 **“SEC. 1624. FINANCE AND INVESTMENT DIVISION.**

14           “(a) IN GENERAL.—There shall be within the Accel-  
15 erator a finance and investment division, which shall be  
16 responsible for—

17           “(1) the Accelerator’s greenhouse gas emissions  
18 mitigation efforts by directly financing qualifying  
19 projects or doing so indirectly by providing capital to  
20 State, Territorial, and local green banks;

21           “(2) originating, evaluating, underwriting, and  
22 closing the Accelerator’s financing and investment  
23 transactions in qualified projects;

24           “(3) partnering with private capital providers  
25 and capital markets to attract coinvestment from



1 private banks, investors, and others in order to drive  
2 new investment into underpenetrated markets, to in-  
3 crease the efficiency of private capital markets with  
4 respect to investing in greenhouse gas reduction  
5 projects, and to increase total investment caused by  
6 the Accelerator;

7 “(4) managing the Accelerator’s portfolio of as-  
8 sets to ensure performance and monitor risk;

9 “(5) ensuring appropriate debt and risk mitiga-  
10 tion products are offered; and

11 “(6) overseeing prudent, noncontrolling equity  
12 investments.

13 “(b) PRODUCTS AND INVESTMENT TYPES.—The fi-  
14 nance and investment division of the Accelerator may pro-  
15 vide capital to qualified projects in the form of—

16 “(1) senior, mezzanine, and subordinated debt;

17 “(2) credit enhancements including loan loss re-  
18 serves and loan guarantees;

19 “(3) aggregation and warehousing;

20 “(4) equity capital; and

21 “(5) any other financial product approved by  
22 the Board.

23 “(c) STATE, TERRITORIAL, AND LOCAL GREEN  
24 BANK CAPITALIZATION.—The finance and investment di-  
25 vision of the Accelerator shall make capital available to

1 State, Territorial, and local green banks to enable such  
2 banks to finance qualifying projects in their markets that  
3 are better served by a locally based entity, rather than  
4 through direct investment by the Accelerator.

5 “(d) INVESTMENT COMMITTEE.—The debt, risk miti-  
6 gation, and equity investments made by the Accelerator  
7 shall be—

8 “(1) approved by the investment committee of  
9 the Board; and

10 “(2) consistent with an investment policy that  
11 has been established by the investment committee of  
12 the Board in consultation with the risk management  
13 committee of the Board.

14 **“SEC. 1625. START-UP DIVISION.**

15 “There shall be within the Accelerator a Start-up Di-  
16 vision, which shall be responsible for providing technical  
17 assistance and start-up funding to States and other polit-  
18 ical subdivisions that do not have green banks to establish  
19 green banks in those States and political subdivisions, in-  
20 cluding by working with relevant stakeholders in those  
21 States and political subdivisions.

22 **“SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRA-  
23 STRUCTURE FINANCING PROGRAM.**

24 “Not later than 1 year after the date of establishment  
25 of the Accelerator, the Accelerator shall explore the estab-

1 lishment of a program to provide low- and zero-interest  
2 loans, up to 30 years in length, to any school, metropolitan  
3 planning organization, or nonprofit organization seeking  
4 financing for the acquisition of zero-emissions vehicle  
5 fleets or associated infrastructure to support zero-emis-  
6 sions vehicle fleets.

7 **“SEC. 1627. PROJECT PRIORITIZATION AND REQUIRE-**  
8 **MENTS.**

9 “(a) EMISSIONS REDUCTION MANDATE.—In invest-  
10 ing in projects that mitigate greenhouse gas emissions, the  
11 Accelerator shall maximize the reduction of emissions in  
12 the United States for every dollar deployed by the Accel-  
13 erator.

14 “(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—

15 “(1) IN GENERAL.—In order to address envi-  
16 ronmental justice needs, the Accelerator shall, as ap-  
17 plicable, prioritize the provision of program benefits  
18 and investment activity that are expected to directly  
19 or indirectly result in the deployment of projects to  
20 serve, as a matter of official policy, climate-impacted  
21 communities.

22 “(2) MINIMUM PERCENTAGE.—The Accelerator  
23 shall ensure that over the 30-year period of its char-  
24 ter 40 percent of its investment activity is directed  
25 to serve climate-impacted communities.

1 “(c) CONSUMER PROTECTION.—

2 “(1) PRIORITIZATION.—Consistent with the  
3 mandate under section 1623 to maximize the reduc-  
4 tion of emissions in the United States for every dol-  
5 lar deployed by the Accelerator, the Accelerator shall  
6 prioritize qualified projects according to benefits  
7 conferred on consumers and affected communities.

8 “(2) CONSUMER CREDIT PROTECTION.—The  
9 Accelerator shall ensure that any residential energy  
10 efficiency or distributed clean energy project in  
11 which the Accelerator invests directly or indirectly  
12 complies with the requirements of the Consumer  
13 Credit Protection Act (15 U.S.C. 1601 et seq.), in-  
14 cluding, in the case of a financial product that is a  
15 residential mortgage loan, any requirements of title  
16 I of that Act relating to residential mortgage loans  
17 (including any regulations promulgated by the Bu-  
18 reau of Consumer Financial Protection under sec-  
19 tion 129C(b)(3)(C) of that Act (15 U.S.C.  
20 1639c(b)(3)(C))).

21 “(d) LABOR.—

22 “(1) IN GENERAL.—The Accelerator shall en-  
23 sure that laborers and mechanics employed by con-  
24 tractors and subcontractors in construction work fi-  
25 nanced directly by the Accelerator will be paid wages

1 not less than those prevailing on similar construction  
2 in the locality, as determined by the Secretary of  
3 Labor under sections 3141 through 3144, 3146, and  
4 3147 of title 40, United States Code.

5 “(2) PROJECT LABOR AGREEMENT.—The Accel-  
6 erator shall ensure that projects financed directly by  
7 the Accelerator with total capital costs of  
8 \$100,000,000 or greater utilize a project labor  
9 agreement.

10 **“SEC. 1628. EXPLORATION OF ACCELERATED CLEAN EN-  
11 ERGY TRANSITION PROGRAM.**

12 “Not later than 1 year after the date on which the  
13 Accelerator is established, the Board shall explore the es-  
14 tablishment of an accelerated clean energy transition pro-  
15 gram—

16 “(1) to expedite the transition within the power  
17 sector to zero-emissions power generation facilities  
18 or assets; and

19 “(2) to simultaneously invest in local economic  
20 development in communities affected by this transi-  
21 tion away from carbon-intensive facilities or assets.

22 **“SEC. 1629. BOARD OF DIRECTORS.**

23 “(a) IN GENERAL.—The Accelerator shall operate  
24 under the direction of a Board of Directors, which shall  
25 be composed of 7 members.

1 “(b) INITIAL COMPOSITION AND TERMS.—

2 “(1) SELECTION.—The initial members of the  
3 Board shall be selected as follows:

4 “(A) APPOINTED MEMBERS.—Three mem-  
5 bers shall be appointed by the President, with  
6 the advice and consent of the Senate, of whom  
7 no more than two shall belong to the same po-  
8 litical party.

9 “(B) ELECTED MEMBERS.—Four members  
10 shall be elected unanimously by the 3 members  
11 appointed and confirmed pursuant to subpara-  
12 graph (A).

13 “(2) TERMS.—The terms of the initial members  
14 of the Board shall be as follows:

15 “(A) The 3 members appointed and con-  
16 firmed under paragraph (1)(A) shall have initial  
17 5-year terms.

18 “(B) Of the 4 members elected under  
19 paragraph (1)(B), 2 shall have initial 3-year  
20 terms, and 2 shall have initial 4-year terms.

21 “(c) SUBSEQUENT COMPOSITION AND TERMS.—

22 “(1) SELECTION.—Except for the selection of  
23 the initial members of the Board for their initial  
24 terms under subsection (b), the members of the  
25 Board shall be elected by the members of the Board.

1           “(2) DISQUALIFICATION.—A member of the  
2 Board shall be disqualified from voting for any posi-  
3 tion on the Board for which such member is a can-  
4 didate.

5           “(3) TERMS.—All members elected pursuant to  
6 paragraph (1) shall have a term of 5 years.

7           “(d) QUALIFICATIONS.—The members of the Board  
8 shall collectively have expertise in—

9           “(1) the fields of clean energy, electric utilities,  
10 industrial decarbonization, clean transportation, re-  
11 siliency, and agriculture and forestry practices;

12           “(2) climate change science;

13           “(3) finance and investments; and

14           “(4) environmental justice and matters related  
15 to the energy and environmental needs of climate-  
16 impacted communities.

17           “(e) RESTRICTION ON MEMBERSHIP.—No officer or  
18 employee of the Federal or any other level of government  
19 may be appointed or elected as a member of the Board.

20           “(f) QUORUM.—Five members of the Board shall  
21 constitute a quorum.

22           “(g) BYLAWS.—

23           “(1) IN GENERAL.—The Board shall adopt, and  
24 may amend, such bylaws as are necessary for the

1 proper management and functioning of the Accel-  
2 erator.

3 “(2) OFFICERS.—In the bylaws described in  
4 paragraph (1), the Board shall—

5 “(A) designate the officers of the Accel-  
6 erator; and

7 “(B) prescribe the duties of those officers.

8 “(h) VACANCIES.—Any vacancy on the Board shall  
9 be filled through election by the Board.

10 “(i) INTERIM APPOINTMENTS.—A member elected to  
11 fill a vacancy occurring before the expiration of the term  
12 for which the predecessor of that member was appointed  
13 or elected shall serve for the remainder of the term for  
14 which the predecessor of that member was appointed or  
15 elected.

16 “(j) REAPPOINTMENT.—A member of the Board may  
17 be elected for not more than 1 additional term of service  
18 as a member of the Board.

19 “(k) CONTINUATION OF SERVICE.—A member of the  
20 Board whose term has expired may continue to serve on  
21 the Board until the date on which a successor member  
22 is elected.

23 “(l) CHIEF EXECUTIVE OFFICER.—The Board shall  
24 appoint a chief executive officer who shall be responsible  
25 for—



1           “(1) hiring employees of the Accelerator;

2           “(2) establishing the 2 divisions of the Accel-  
3 erator described in sections 1624 and 1625; and

4           “(3) performing any other tasks necessary for  
5 the day-to-day operations of the Accelerator.

6           “(m) ADVISORY COMMITTEE.—

7           “(1) ESTABLISHMENT.—The Accelerator shall  
8 establish an advisory committee (in this subsection  
9 referred to as the ‘advisory committee’), which shall  
10 be composed of not more than 13 members ap-  
11 pointed by the Board on the recommendation of the  
12 president of the Accelerator.

13           “(2) MEMBERS.—Members of the advisory com-  
14 mittee shall be broadly representative of interests  
15 concerned with the environment, production, com-  
16 merce, finance, agriculture, forestry, labor, services,  
17 and State Government. Of such members—

18           “(A) not fewer than 3 shall be representa-  
19 tives of the small business community;

20           “(B) not fewer than 2 shall be representa-  
21 tives of the labor community, except that no 2  
22 members may be from the same labor union;

23           “(C) not fewer than 2 shall be representa-  
24 tives of the environmental nongovernmental or-  
25 ganization community, except that no 2 mem-

1           bers may be from the same environmental orga-  
2           nization;

3           “(D) not fewer than 2 shall be representa-  
4           tives of the environmental justice nongovern-  
5           mental organization community, except that no  
6           2 members may be from the same environ-  
7           mental organization;

8           “(E) not fewer than 2 shall be representa-  
9           tives of the consumer protection and fair lend-  
10          ing community, except that no 2 members may  
11          be from the same consumer protection or fair  
12          lending organization; and

13          “(F) not fewer than 2 shall be representa-  
14          tives of the financial services industry with  
15          knowledge of and experience in financing trans-  
16          actions for clean energy and other sustainable  
17          infrastructure assets.

18          “(3) MEETINGS.—The advisory committee shall  
19          meet not less frequently than once each quarter.

20          “(4) DUTIES.—The advisory committee shall—

21                  “(A) advise the Accelerator on the pro-  
22                  grams undertaken by the Accelerator; and

23                  “(B) submit to the Congress an annual re-  
24                  port with comments from the advisory com-  
25                  mittee on the extent to which the Accelerator is

1 meeting the mandate described in section 1623,  
2 including any suggestions for improvement.

3 “(n) CHIEF RISK OFFICER.—

4 “(1) APPOINTMENT.—Subject to the approval  
5 of the Board, the chief executive officer shall appoint  
6 a chief risk officer from among individuals with ex-  
7 perience at a senior level in financial risk manage-  
8 ment, who—

9 “(A) shall report directly to the Board;  
10 and

11 “(B) shall be removable only by a majority  
12 vote of the Board.

13 “(2) DUTIES.—The chief risk officer, in coordi-  
14 nation with the risk management and audit commit-  
15 tees established under section 1632, shall develop,  
16 implement, and manage a comprehensive process for  
17 identifying, assessing, monitoring, and limiting risks  
18 to the Accelerator, including the overall portfolio di-  
19 versification of the Accelerator.

20 **“SEC. 1630. ADMINISTRATION.**

21 “(a) CAPITALIZATION.—

22 “(1) IN GENERAL.—To the extent and in the  
23 amounts provided in advance in appropriations Acts,  
24 the Secretary of Energy shall transfer to the Accel-  
25 erator—

1           “(A) \$10,000,000,000 on the date on  
2           which the Accelerator is established under sec-  
3           tion 1622; and

4           “(B) \$2,000,000,000 on October 1 of each  
5           of the 5 fiscal years following that date.

6           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
7           For purposes of the transfers under paragraph (1),  
8           there are authorized to be appropriated—

9           “(A) \$10,000,000,000 for the fiscal year in  
10           which the Accelerator is established under sec-  
11           tion 1622; and

12           “(B) \$2,000,000,000 for each of the 5 suc-  
13           ceeding fiscal years.

14           “(b) CHARTER.—The Accelerator shall establish a  
15           charter, the term of which shall be 30 years.

16           “(c) USE OF FUNDS AND RECYCLING.—To the ex-  
17           tent and in the amounts provided in advance in appropria-  
18           tions Acts, the Accelerator—

19           “(1) may use funds transferred pursuant to  
20           subsection (a)(1) to carry out this subtitle, including  
21           for operating expenses; and

22           “(2) shall retain and manage all repayments  
23           and other revenue received under this subtitle from  
24           financing fees, interest, repaid loans, and other types  
25           of funding to carry out this subtitle, including for—

1 “(A) operating expenses; and

2 “(B) recycling such payments and other  
3 revenue for future lending and capital deploy-  
4 ment in accordance with this subtitle.

5 “(d) REPORT.—The Accelerator shall submit on a  
6 quarterly basis to the relevant committees of Congress a  
7 report that describes the financial activities, emissions re-  
8 ductions, and private capital mobilization metrics of the  
9 Accelerator for the previous quarter.

10 “(e) RESTRICTION.—The Accelerator shall not accept  
11 deposits.

12 “(f) COMMITTEES.—The Board shall establish com-  
13 mittees and subcommittees, including—

14 “(1) an investment committee; and

15 “(2) in accordance with section 1631—

16 “(A) a risk management committee; and

17 “(B) an audit committee.

18 **“SEC. 1631. ESTABLISHMENT OF RISK MANAGEMENT COM-  
19 MITTEE AND AUDIT COMMITTEE.**

20 “(a) IN GENERAL.—To assist the Board in fulfilling  
21 the duties and responsibilities of the Board under this sub-  
22 title, the Board shall establish a risk management com-  
23 mittee and an audit committee.

24 “(b) DUTIES AND RESPONSIBILITIES OF RISK MAN-  
25 AGEMENT COMMITTEE.—Subject to the direction of the

1 Board, the risk management committee established under  
2 subsection (a) shall establish policies for and have over-  
3 sight responsibility for—

4 “(1) formulating the risk management policies  
5 of the operations of the Accelerator;

6 “(2) reviewing and providing guidance on oper-  
7 ation of the global risk management framework of  
8 the Accelerator;

9 “(3) developing policies for—

10 “(A) investment;

11 “(B) enterprise risk management;

12 “(C) monitoring; and

13 “(D) management of strategic,  
14 reputational, regulatory, operational, develop-  
15 mental, environmental, social, and financial  
16 risks; and

17 “(4) developing the risk profile of the Accel-  
18 erator, including—

19 “(A) a risk management and compliance  
20 framework; and

21 “(B) a governance structure to support  
22 that framework.

23 “(c) DUTIES AND RESPONSIBILITIES OF AUDIT COM-  
24 MITTEE.—Subject to the direction of the Board, the audit

1 committee established under subsection (a) shall have  
2 oversight responsibility for—

3 “(1) the integrity of—

4 “(A) the financial reporting of the Accel-  
5 erator; and

6 “(B) the systems of internal controls re-  
7 garding finance and accounting;

8 “(2) the integrity of the financial statements of  
9 the Accelerator;

10 “(3) the performance of the internal audit func-  
11 tion of the Accelerator; and

12 “(4) compliance with the legal and regulatory  
13 requirements related to the finances of the Accel-  
14 erator.

15 **“SEC. 1632. OVERSIGHT.**

16 “(a) EXTERNAL OVERSIGHT.—The inspector general  
17 of the Department of Energy shall have oversight respon-  
18 sibilities over the Accelerator.

19 “(b) REPORTS AND AUDIT.—

20 “(1) ANNUAL REPORT.—The Accelerator shall  
21 publish an annual report which shall be transmitted  
22 by the Accelerator to the President and the Con-  
23 gress.

24 “(2) ANNUAL AUDIT OF ACCOUNTS.—The ac-  
25 counts of the Accelerator shall be audited annually.

1 Such audits shall be conducted in accordance with  
2 generally accepted auditing standards by inde-  
3 pendent certified public accountants who are cer-  
4 tified by a regulatory authority of the jurisdiction in  
5 which the audit is undertaken.

6 “(3) ADDITIONAL AUDITS.—In addition to the  
7 annual audits under paragraph (2), the financial  
8 transactions of the Accelerator for any fiscal year  
9 during which Federal funds are available to finance  
10 any portion of its operations may be audited by the  
11 Government Accountability Office in accordance with  
12 such rules and regulations as may be prescribed by  
13 the Comptroller General of the United States.”.

14 **SEC. 33005. DAM SAFETY.**

15 (a) DAM SAFETY CONDITIONS.—Section 10 of the  
16 Federal Power Act (16 U.S.C. 803) is amended by adding  
17 at the end the following:

18 “(k) That the dam and other project works meet the  
19 Commission’s dam safety requirements and that the li-  
20 censee shall continue to manage, operate, and maintain  
21 the dam and other project works in a manner that ensures  
22 dam safety and public safety under the operating condi-  
23 tions of the license.”.



1 (b) DAM SAFETY REQUIREMENTS.—Section 15 of  
2 the Federal Power Act (16 U.S.C. 808) is amended by  
3 adding at the end the following:

4 “(g) The Commission may issue a new license under  
5 this section only if the Commission determines that the  
6 dam and other project works covered by the license meet  
7 the Commission’s dam safety requirements and that the  
8 licensee can continue to manage, operate, and maintain  
9 the dam and other project works in a manner that ensures  
10 dam safety and public safety under the operating condi-  
11 tions of the new license.”.

12 (c) VIABILITY PROCEDURES.—The Federal Energy  
13 Regulatory Commission shall establish procedures to as-  
14 sess the financial viability of an applicant for a license  
15 under the Federal Power Act to meet applicable dam safe-  
16 ty requirements and to operate the dam and project works  
17 under the license.

18 (d) FERC DAM SAFETY TECHNICAL CONFERENCE  
19 WITH STATES.—

20 (1) TECHNICAL CONFERENCE.—Not later than  
21 April 1, 2022, the Federal Energy Regulatory Com-  
22 mission, acting through the Office of Energy  
23 Projects, shall hold a technical conference with the  
24 States to discuss and provide information on—

25 (A) dam maintenance and repair;

1 (B) Risk Informed Decision Making  
2 (RIDM);

3 (C) climate and hydrological regional  
4 changes that may affect the structural integrity  
5 of dams; and

6 (D) high hazard dams.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out  
9 this subsection \$1,000,000 for fiscal year 2022.

10 (3) STATE DEFINED.—In this subsection, the  
11 term “State” has the meaning given such term in  
12 section 3 of the Federal Power Act (16 U.S.C. 796).

13 (e) REQUIRED DAM SAFETY COMMUNICATIONS BE-  
14 TWEEN FERC AND STATES.—

15 (1) IN GENERAL.—The Commission, acting  
16 through the Office of Energy Projects, shall notify  
17 a State within which a project is located when—

18 (A) the Commission issues a finding, fol-  
19 lowing a dam safety inspection, that requires  
20 the licensee for such project to take actions to  
21 repair the dam and other project works that are  
22 the subject of such finding;

23 (B) after a period of 5 years starting on  
24 the date a finding under subparagraph (A) is  
25 issued, the licensee has failed to take actions to

1 repair the dam and other project works, as re-  
2 quired by such finding; and

3 (C) the Commission initiates a non-compli-  
4 ance proceeding or otherwise takes steps to re-  
5 voke a license issued under section 4 of the  
6 Federal Power Act (16 U.S.C. 797) due to the  
7 failure of a licensee to take actions to repair a  
8 dam and other project works.

9 (2) NOTICE UPON REVOCATION, SURRENDER,  
10 OR IMPLIED SURRENDER OF A LICENSE.—If the  
11 Commission issues an order to revoke a license or  
12 approve the surrender or implied surrender of a li-  
13 cense under the Federal Power Act (16 U.S.C. 792  
14 et seq.), the Commission shall provide to the State  
15 within which the project that relates to such license  
16 is located—

17 (A) all records pertaining to the structure  
18 and operation of the applicable dam and other  
19 project works, including, as applicable, any dam  
20 safety inspection reports by independent con-  
21 sultants, specifications for required repairs or  
22 maintenance of such dam and other project  
23 works that have not been completed, and esti-  
24 mates of the costs for such repairs or mainte-  
25 nance;

1 (B) all records documenting the history of  
2 maintenance or repair work for the applicable  
3 dam and other project works;

4 (C) information on the age of the dam and  
5 other project works and the hazard classifica-  
6 tion of the dam and other project works;

7 (D) the most recent assessment of the con-  
8 dition of the dam and other project works by  
9 the Commission;

10 (E) as applicable, the most recent hydro-  
11 logic information used to determine the poten-  
12 tial maximum flood for the dam and other  
13 project works; and

14 (F) the results of the most recent risk as-  
15 sessment completed on the dam and other  
16 project works.

17 (3) DEFINITION.—In this subsection:

18 (A) COMMISSION.—The term “Commis-  
19 sion” means the Federal Energy Regulatory  
20 Commission.

21 (B) LICENSEE.—The term “licensee” has  
22 the meaning given such term in section 3 of the  
23 Federal Power Act (16 U.S.C. 796).

1 (C) PROJECT.—The term “project” has  
2 the meaning given such term in section 3 of the  
3 Federal Power Act (16 U.S.C. 796).

4 **Subtitle D—Smart Communities**  
5 **Infrastructure**

6 **PART 1—SMART COMMUNITIES**

7 **SEC. 34101. 3C ENERGY PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of Energy  
9 shall establish a program to be known as the Cities, Coun-  
10 ties, and Communities Energy Program (or the 3C Energy  
11 Program) to provide technical assistance and competitively  
12 awarded grants to local governments, public housing au-  
13 thorities, nonprofit organizations, and other entities the  
14 Secretary determines to be eligible, to incorporate clean  
15 energy into community development and revitalization ef-  
16 forts.

17 (b) BEST PRACTICE MODELS.—The Secretary of En-  
18 ergy shall—

19 (1) provide a recipient of technical assistance or  
20 a grant under the program established under sub-  
21 section (a) with best practice models that are used  
22 in jurisdictions of similar size and situation; and

23 (2) assist such recipient in developing and im-  
24 plementing strategies to achieve its clean energy  
25 technology goals.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$50,000,000 for each of fiscal years 2022 through 2026.

4 **SEC. 34102. FEDERAL TECHNOLOGY ASSISTANCE.**

5 (a) SMART CITY OR COMMUNITY ASSISTANCE PILOT  
6 PROGRAM.—

7 (1) IN GENERAL.—The Secretary of Energy  
8 shall develop and implement a pilot program under  
9 which the Secretary shall contract with the national  
10 laboratories to provide technical assistance to cities  
11 and communities, to improve the access of such cit-  
12 ies and communities to expertise, competencies, and  
13 infrastructure of the national laboratories for the  
14 purpose of promoting smart city or community tech-  
15 nologies.

16 (2) PARTNERSHIPS.—In carrying out the pro-  
17 gram under this subsection, the Secretary of Energy  
18 shall prioritize assistance for cities and communities  
19 that have partnered with small business concerns.

20 (b) TECHNOLOGIST IN RESIDENCE PILOT PRO-  
21 GRAM.—

22 (1) IN GENERAL.—The Secretary of Energy  
23 shall expand the Technologist in Residence pilot pro-  
24 gram of the Department of Energy to include part-  
25 nerships between national laboratories and local gov-

1 ernments with respect to research and development  
2 relating to smart cities and communities.

3 (2) REQUIREMENTS.—For purposes of the part-  
4 nerships entered into under paragraph (1), tech-  
5 nologists in residence shall work with an assigned  
6 unit of local government to develop an assessment of  
7 smart city or community technologies available and  
8 appropriate to meet the objectives of the city or  
9 community, in consultation with private sector enti-  
10 ties implementing smart city or community tech-  
11 nologies.

12 (c) GUIDANCE.—The Secretary of Energy, in con-  
13 sultation with the Secretary of Commerce, shall issue  
14 guidance with respect to—

15 (1) the scope of the programs established and  
16 implemented under subsections (a) and (b); and

17 (2) requests for proposals from local govern-  
18 ments interested in participating in such programs.

19 (d) CONSIDERATIONS.—In establishing and imple-  
20 menting the programs under subsections (a) and (b), the  
21 Secretary of Energy shall seek to address the needs of  
22 small- and medium-sized cities.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to carry out this section  
25 \$20,000,000 for each of fiscal years 2022 through 2026.

1 **SEC. 34103. TECHNOLOGY DEMONSTRATION GRANT PRO-**  
2 **GRAM.**

3 (a) **IN GENERAL.**—The Secretary of Commerce shall  
4 establish a smart city or community regional demonstra-  
5 tion grant program under which the Secretary shall con-  
6 duct demonstration projects focused on advanced smart  
7 city or community technologies and systems in a variety  
8 of communities, including small- and medium-sized cities.

9 (b) **GOALS.**—The goals of the program established  
10 under subsection (a) are—

11 (1) to demonstrate—

12 (A) potential benefits of concentrated in-  
13 vestments in smart city or community tech-  
14 nologies relating to public safety that are re-  
15 peatable and scalable; and

16 (B) the efficiency, reliability, and resilience  
17 of civic infrastructure and services;

18 (2) to facilitate the adoption of advanced smart  
19 city or community technologies and systems; and

20 (3) to demonstrate protocols and standards that  
21 allow for the measurement and validation of the cost  
22 savings and performance improvements associated  
23 with the installation and use of smart city or com-  
24 munity technologies and practices.

25 (c) **DEMONSTRATION PROJECTS.**—



1           (1) ELIGIBILITY.—Subject to paragraph (2), a  
2 unit of local government shall be eligible to receive  
3 a grant for a demonstration project under this sec-  
4 tion.

5           (2) COOPERATION.—To qualify for a dem-  
6 onstration project under this section, a unit of local  
7 government shall agree to follow applicable best  
8 practices identified by the Secretary of Commerce  
9 and the Secretary of Energy, in consultation with in-  
10 dustry entities, to evaluate the effectiveness of the  
11 implemented smart city or community technologies  
12 to ensure that—

13                   (A) technologies and interoperability can  
14 be assessed;

15                   (B) best practices can be shared; and

16                   (C) data can be shared in a public, inter-  
17 operable, and transparent format.

18           (3) FEDERAL SHARE OF COST OF TECHNOLOGY  
19 INVESTMENTS.—The Secretary of Commerce—

20                   (A) subject to subparagraph (B), shall pro-  
21 vide to a unit of local government selected  
22 under this section for the conduct of a dem-  
23 onstration project a grant in an amount equal  
24 to not more than 50 percent of the total cost  
25 of technology investments to incorporate and

1 assess smart city or community technologies in  
2 the applicable jurisdiction; but

3 (B) may waive the cost-share requirement  
4 of subparagraph (A) as the Secretary deter-  
5 mines to be appropriate.

6 (d) REQUIREMENT.—In conducting demonstration  
7 projects under this section, the Secretary shall—

8 (1) develop competitive, technology-neutral re-  
9 quirements;

10 (2) seek to leverage ongoing or existing civic in-  
11 frastructure investments; and

12 (3) take into consideration the non-Federal cost  
13 share as a competitive criterion in applicant selec-  
14 tion in order to leverage non-Federal investment.

15 (e) PUBLIC AVAILABILITY OF DATA AND RE-  
16 PORTS.—The Secretary of Commerce shall ensure that re-  
17 ports, public data sets, schematics, diagrams, and other  
18 works created using a grant provided under this section  
19 are—

20 (1) available on a royalty-free, non-exclusive  
21 basis; and

22 (2) open to the public to reproduce, publish, or  
23 otherwise use, without cost.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out subsection

1 (c) \$100,000,000 for each of fiscal years 2022 through  
2 2026.

3 **SEC. 34104. SMART CITY OR COMMUNITY.**

4 (a) IN GENERAL.—In this subpart, the term “smart  
5 city or community” means a community in which innova-  
6 tive, advanced, and trustworthy information and commu-  
7 nication technologies and related mechanisms are ap-  
8 plied—

9 (1) to improve the quality of life for residents;

10 (2) to increase the efficiency and cost effective-  
11 ness of civic operations and services;

12 (3) to promote economic growth; and

13 (4) to create a community that is safer and  
14 more secure, sustainable, resilient, livable, and work-  
15 able.

16 (b) INCLUSIONS.—The term “smart city or commu-  
17 nity” includes a local jurisdiction that—

18 (1) gathers and incorporates data from sys-  
19 tems, devices, and sensors embedded in civic systems  
20 and infrastructure to improve the effectiveness and  
21 efficiency of civic operations and services;

22 (2) aggregates and analyzes gathered data;

23 (3) communicates the analysis and data in a va-  
24 riety of formats;

1           (4) makes corresponding improvements to civic  
2 systems and services based on gathered data; and

3           (5) integrates measures—

4                 (A) to ensure the resilience of civic systems  
5 against cybersecurity threats and physical and  
6 social vulnerabilities and breaches;

7                 (B) to protect the private data of resi-  
8 dents; and

9                 (C) to measure the impact of smart city or  
10 community technologies on the effectiveness and  
11 efficiency of civic operations and services.

## 12       **PART 2—CLEAN CITIES COALITION PROGRAM**

### 13       **SEC. 34201. CLEAN CITIES COALITION PROGRAM.**

14       (a) IN GENERAL.—The Secretary shall carry out a  
15 program to be known as the Clean Cities Coalition Pro-  
16 gram.

17       (b) PROGRAM ELEMENTS.—In carrying out the pro-  
18 gram under subsection (a), the Secretary shall—

19                 (1) establish criteria for designating local and  
20 regional Clean Cities Coalitions;

21                 (2) designate local and regional Clean Cities  
22 Coalitions that the Secretary determines meet the  
23 criteria established under paragraph (1);

1           (3) make awards to each designated Clean Cit-  
2           ies Coalition for administrative and program ex-  
3           penses of the coalition;

4           (4) make competitive awards to designated  
5           Clean Cities Coalitions for projects and activities de-  
6           scribed in subsection (c);

7           (5) provide technical assistance and training to  
8           designated Clean Cities Coalitions;

9           (6) provide opportunities for communication  
10          and sharing of best practices among designated  
11          Clean Cities Coalitions; and

12          (7) maintain, and make available to the public,  
13          a centralized database of information included in the  
14          reports submitted under subsection (d).

15          (c) PROJECTS AND ACTIVITIES.—Projects and activi-  
16          ties eligible for awards under subsection (b)(4) are  
17          projects and activities that reduce petroleum consumption,  
18          improve air quality, promote energy and economic secu-  
19          rity, and encourage deployment of a diverse, domestic sup-  
20          ply of alternative fuels in the transportation sector by—

21                (1) encouraging the purchase and use of alter-  
22                native fuel vehicles and alternative fuels, including  
23                by fleet managers;

1           (2) expediting the establishment of local, re-  
2 regional, and national infrastructure to fuel alternative  
3 fuel vehicles;

4           (3) advancing the use of other petroleum fuel  
5 reduction technologies and strategies;

6           (4) conducting outreach and education activities  
7 to advance the use of alternative fuels and alter-  
8 native fuel vehicles;

9           (5) providing training and technical assistance  
10 and tools to users that adopt petroleum fuel reduc-  
11 tion technologies; or

12           (6) collaborating with and training officials and  
13 first responders with responsibility for permitting  
14 and enforcing fire, building, and other safety codes  
15 related to the deployment and use of alternative  
16 fuels or alternative fuel vehicles.

17       (d) ANNUAL REPORT.—Each designated Clean Cities  
18 Coalition shall submit an annual report to the Secretary  
19 on the activities and accomplishments of the coalition.

20       (e) DEFINITIONS.—In this section:

21           (1) ALTERNATIVE FUEL.—The term “alter-  
22 native fuel” has the meaning given such term in sec-  
23 tion 32901 of title 49, United States Code.

24           (2) ALTERNATIVE FUEL VEHICLE.—The term  
25 “alternative fuel vehicle” means any vehicle that is

1 capable of operating, partially or exclusively, on an  
2 alternative fuel.

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

5 (f) FUNDING.—

6 (1) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated to carry out  
8 this section—

9 (A) \$50,000,000 for fiscal year 2022;

10 (B) \$60,000,000 for fiscal year 2023;

11 (C) \$75,000,000 for fiscal year 2024;

12 (D) \$90,000,000 for fiscal year 2025; and

13 (E) \$100,000,000 for fiscal year 2026.

14 (2) ALLOCATIONS.—The Secretary shall allo-  
15 cate funds made available to carry out this section  
16 in each fiscal year as follows:

17 (A) 30 percent of such funds shall be dis-  
18 tributed as awards under subsection (b)(3).

19 (B) 50 percent of such funds shall be dis-  
20 tributed as competitive awards under subsection  
21 (b)(4).

22 (C) 20 percent of such funds shall be used  
23 to carry out the duties of the Secretary under  
24 this section.

**PART 3—VEHICLE INFRASTRUCTURE****Subpart A—Electric Vehicle Infrastructure****SEC. 34311. DEFINITIONS.**

In this part:

(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;

(B) a community in which climate change, pollution, or environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by dis-



1 proportionately affecting indigenous peoples,  
2 communities of color, migrant communities,  
3 deindustrialized communities, depopulated rural  
4 communities, the poor, low-income workers,  
5 women, the elderly, the unhoused, people with  
6 disabilities, or youth; or

7 (C) any other community that the Sec-  
8 retary determines is disproportionately vulner-  
9 able to, or bears a disproportionate burden of,  
10 any combination of economic, social, and envi-  
11 ronmental stressors.

12 **SEC. 34312. ELECTRIC VEHICLE SUPPLY EQUIPMENT RE-**  
13 **BATE PROGRAM.**

14 (a) **REBATE PROGRAM.**—Not later than January 1,  
15 2022, the Secretary shall establish a rebate program to  
16 provide rebates for covered expenses associated with pub-  
17 licly accessible electric vehicle supply equipment (in this  
18 section referred to as the “rebate program”).

19 (b) **REBATE PROGRAM REQUIREMENTS.**—

20 (1) **ELIGIBLE ENTITIES.**—A rebate under the  
21 rebate program may be made to an individual, a  
22 State, local, Tribal, or Territorial government, a pri-  
23 vate entity, a not-for-profit entity, a nonprofit entity,  
24 or a metropolitan planning organization.

25 (2) **ELIGIBLE EQUIPMENT.**—

1 (A) IN GENERAL.—Not later than 180  
2 days after the date of the enactment of this  
3 Act, the Secretary shall publish and maintain  
4 on the Department of Energy internet website  
5 a list of electric vehicle supply equipment that  
6 is eligible for the rebate program.

7 (B) UPDATES.—The Secretary may, by  
8 regulation, add to, or otherwise revise, the list  
9 of electric vehicle supply equipment under sub-  
10 paragraph (A) if the Secretary determines that  
11 such addition or revision will likely lead to—

12 (i) greater usage of electric vehicle  
13 supply equipment;

14 (ii) greater access to electric vehicle  
15 supply equipment by users; or

16 (iii) an improved experience for users  
17 of electric vehicle supply equipment, in-  
18 cluding accessibility in compliance with the  
19 Americans with Disabilities Act of 1990  
20 (42 U.S.C. 12101 et seq.).

21 (C) LOCATION REQUIREMENT.—To be eli-  
22 gible for the rebate program, the electric vehicle  
23 supply equipment described in subparagraph  
24 (A) shall be installed—

25 (i) in the United States;

1 (ii) on property—

2 (I) owned by the eligible entity  
3 under paragraph (1); or

4 (II) on which the eligible entity  
5 under paragraph (1) has authority to  
6 install electric vehicle supply equip-  
7 ment; and

8 (iii) at a location that is—

9 (I) a multi-unit housing struc-  
10 ture;

11 (II) a workplace;

12 (III) a commercial location; or

13 (IV) open to the public for a  
14 minimum of 12 hours per day;

15 (3) APPLICATION.—

16 (A) IN GENERAL.—An eligible entity under  
17 paragraph (1) may submit to the Secretary an  
18 application for a rebate under the rebate pro-  
19 gram. Such application shall include—

20 (i) the estimated cost of covered ex-  
21 penses to be expended on the electric vehi-  
22 cle supply equipment that is eligible under  
23 paragraph (2);

1           (ii) the estimated installation cost of  
2           the electric vehicle supply equipment that  
3           is eligible under paragraph (2);

4           (iii) the global positioning system lo-  
5           cation, including the integer number of de-  
6           grees, minutes, and seconds, where such  
7           electric vehicle supply equipment is to be  
8           installed, and identification of whether  
9           such location is—

10                   (I) a multi-unit housing struc-  
11                   ture;

12                   (II) a workplace;

13                   (III) a commercial location; or

14                   (IV) open to the public for a  
15                   minimum of 12 hours per day;

16           (iv) the technical specifications of  
17           such electric vehicle supply equipment, in-  
18           cluding the maximum power voltage and  
19           amperage of such equipment;

20           (v) an identification of any existing  
21           electric vehicle supply equipment that—

22                   (I) is available to the public for a  
23                   minimum of 12 hours per day; and

24                   (II) is not further than 50 miles  
25                   from the global positioning system lo-

1                    cation identified under clause (iii);  
2                    and  
3                    (vi) any other information determined  
4                    by the Secretary to be necessary for a com-  
5                    plete application.

6                    (B) REVIEW PROCESS.—The Secretary  
7                    shall review an application for a rebate under  
8                    the rebate program and approve an eligible en-  
9                    tity under paragraph (1) to receive such rebate  
10                   if the application meets the requirements of the  
11                   rebate program under this subsection.

12                   (C) NOTIFICATION TO ELIGIBLE ENTITY.—  
13                   Not later than 1 year after the date on which  
14                   the eligible entity under paragraph (1) applies  
15                   for a rebate under the rebate program, the Sec-  
16                   retary shall notify the eligible entity whether  
17                   the eligible entity will be awarded a rebate  
18                   under the rebate program following the submis-  
19                   sion of additional materials required under  
20                   paragraph (5).

21                   (4) REBATE AMOUNT.—

22                   (A) IN GENERAL.—Except as provided in  
23                   subparagraph (B), the amount of a rebate made  
24                   under the rebate program for each charging  
25                   unit shall be the lesser of—

1 (i) 75 percent of the applicable cov-  
2 ered expenses;

3 (ii) \$2,000 for covered expenses asso-  
4 ciated with the purchase and installation of  
5 non-networked level 2 charging equipment;

6 (iii) \$4,000 for covered expenses asso-  
7 ciated with the purchase and installation of  
8 networked level 2 charging equipment; or

9 (iv) \$100,000 for covered expenses as-  
10 sociated with the purchase and installation  
11 of networked direct current fast charging  
12 equipment.

13 (B) REBATE AMOUNT FOR REPLACEMENT  
14 EQUIPMENT.—A rebate made under the rebate  
15 program for replacement of pre-existing electric  
16 vehicle supply equipment at a single location  
17 shall be the lesser of—

18 (i) 75 percent of the applicable cov-  
19 ered expenses;

20 (ii) \$1,000 for covered expenses asso-  
21 ciated with the purchase and installation of  
22 non-networked level 2 charging equipment;

23 (iii) \$2,000 for covered expenses asso-  
24 ciated with the purchase and installation of  
25 networked level 2 charging equipment; or

1 (iv) \$25,000 for covered expenses as-  
2 sociated with the purchase and installation  
3 of networked direct current fast charging  
4 equipment.

5 (5) DISBURSEMENT OF REBATE.—

6 (A) IN GENERAL.—The Secretary shall  
7 disburse a rebate under the rebate program to  
8 an eligible entity under paragraph (1), following  
9 approval of an application under paragraph (3),  
10 if such entity submits the materials required  
11 under subparagraph (B).

12 (B) MATERIALS REQUIRED FOR DISBURSE-  
13 MENT OF REBATE.—Not later than one year  
14 after the date on which the eligible entity under  
15 paragraph (1) receives notice under paragraph  
16 (3)(C) that the eligible entity has been ap-  
17 proved for a rebate, such eligible entity shall  
18 submit to the Secretary the following—

19 (i) a record of payment for covered  
20 expenses expended on the installation of  
21 the electric vehicle supply equipment that  
22 is eligible under paragraph (2);

23 (ii) a record of payment for the elec-  
24 tric vehicle supply equipment that is eligi-  
25 ble under paragraph (2);

1 (iii) the global positioning system lo-  
2 cation of where such electric vehicle supply  
3 equipment was installed and identification  
4 of whether such location is—

5 (I) a multi-unit housing struc-  
6 ture;

7 (II) a workplace;

8 (III) a commercial location; or

9 (IV) open to the public for a  
10 minimum of 12 hours per day;

11 (iv) the technical specifications of the  
12 electric vehicle supply equipment that is el-  
13 igible under paragraph (2), including the  
14 maximum power voltage and amperage of  
15 such equipment; and

16 (v) any other information determined  
17 by the Secretary to be necessary.

18 (C) AGREEMENT TO MAINTAIN.—To be eli-  
19 gible for a rebate under the rebate program, an  
20 eligible entity under paragraph (1) shall enter  
21 into an agreement with the Secretary to main-  
22 tain the electric vehicle supply equipment that  
23 is eligible under paragraph (2) in a satisfactory  
24 manner for not less than 5 years after the date



1 on which the eligible entity under paragraph (1)  
2 receives the rebate under the rebate program.

3 (D) EXCEPTION.—The Secretary shall not  
4 disburse a rebate under the rebate program if  
5 materials submitted under subparagraph (B) do  
6 not meet the same global positioning system lo-  
7 cation and technical specifications for the elec-  
8 tric vehicle supply equipment that is eligible  
9 under paragraph (2) provided in an application  
10 under paragraph (3).

11 (6) MULTI-PORT CHARGERS.—An eligible entity  
12 under paragraph (1) shall be awarded a rebate  
13 under the rebate program for covered expenses relat-  
14 ing to the purchase and installation of a multi-port  
15 charger based on the number of publicly accessible  
16 charging ports, with each subsequent port after the  
17 first port being eligible for 50 percent of the full re-  
18 bate amount.

19 (7) NETWORKED DIRECT CURRENT FAST  
20 CHARGING.—Of amounts appropriated to carry out  
21 the rebate program, not more than 40 percent may  
22 be used for rebates of networked direct current fast  
23 charging equipment.

24 (8) HYDROGEN FUEL CELL REFUELING INFRA-  
25 STRUCTURE.—Hydrogen refueling equipment shall

1 be eligible for a rebate under the rebate program as  
2 though it were networked direct current fast charg-  
3 ing equipment. All requirements related to public ac-  
4 cessibility of installed locations shall apply.

5 (9) REPORT.—Not later than 3 years after the  
6 first date on which the Secretary awards a rebate  
7 under the rebate program, the Secretary shall sub-  
8 mit to the Committee on Energy and Commerce of  
9 the House of Representatives and the Committee on  
10 Energy and Natural Resources of the Senate a re-  
11 port of the number of rebates awarded for electric  
12 vehicle supply equipment and hydrogen fuel cell re-  
13 fueling equipment in each of the location categories  
14 described in paragraph (2)(C)(iii).

15 (c) DEFINITIONS.—In this section:

16 (1) COVERED EXPENSES.—The term “covered  
17 expenses” means an expense that is associated with  
18 the purchase and installation of electric vehicle sup-  
19 ply equipment, including—

20 (A) the cost of electric vehicle supply  
21 equipment;

22 (B) labor costs associated with the installa-  
23 tion of such electric vehicle supply equipment,  
24 only if wages for such labor are paid at rates  
25 not less than those prevailing on similar labor

1 in the locality of installation, as determined by  
2 the Secretary of Labor under subchapter IV of  
3 chapter 31 of title 40, United States Code  
4 (commonly referred to as the “Davis-Bacon  
5 Act”);

6 (C) material costs associated with the in-  
7 stallation of such electric vehicle supply equip-  
8 ment, including expenses involving electrical  
9 equipment and necessary upgrades or modifica-  
10 tions to the electrical grid and associated infra-  
11 structure required for the installation of such  
12 electric vehicle supply equipment;

13 (D) permit costs associated with the instal-  
14 lation of such electric vehicle supply equipment;  
15 and

16 (E) the cost of an on-site energy storage  
17 system.

18 (2) ELECTRIC VEHICLE.—The term “electric  
19 vehicle” means a vehicle that derives all or part of  
20 its power from electricity.

21 (3) MULTI-PORT CHARGER.—The term “multi-  
22 port charger” means electric vehicle supply equip-  
23 ment capable of charging more than one electric ve-  
24 hicle.

1           (4) LEVEL 2 CHARGING EQUIPMENT.—The  
2 term “level 2 charging equipment” means electric  
3 vehicle supply equipment that provides an alter-  
4 nating current power source at a minimum of 208  
5 volts.

6           (5) NETWORKED DIRECT CURRENT FAST  
7 CHARGING EQUIPMENT.—The term “networked di-  
8 rect current fast charging equipment” means electric  
9 vehicle supply equipment that provides a direct cur-  
10 rent power source at a minimum of 50 kilowatts and  
11 is enabled to connect to a network to facilitate data  
12 collection and access.

13           (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$100,000,000 for each of fiscal years 2022 through 2026.

16 **SEC. 34313. MODEL BUILDING CODE FOR ELECTRIC VEHI-**  
17 **CLE SUPPLY EQUIPMENT.**

18           (a) REVIEW.—The Secretary shall review proposed or  
19 final model building codes for—

20           (1) integrating electric vehicle supply equipment  
21 into residential and commercial buildings that in-  
22 clude space for individual vehicle or fleet vehicle  
23 parking; and

24           (2) integrating onsite renewable power equip-  
25 ment and electric storage equipment (including elec-

1       tric vehicle batteries to be used for electric storage)  
2       into residential and commercial buildings.

3       (b) **TECHNICAL ASSISTANCE.**—The Secretary shall  
4 provide technical assistance to stakeholders representing  
5 the building construction industry, manufacturers of elec-  
6 tric vehicles and electric vehicle supply equipment, State  
7 and local governments, and any other persons with rel-  
8 evant expertise or interests to facilitate understanding of  
9 the model code and best practices for adoption by jurisdic-  
10 tions.

11 **SEC. 34314. ELECTRIC VEHICLE SUPPLY EQUIPMENT CO-**  
12 **ORDINATION.**

13       (a) **IN GENERAL.**—Not later than 90 days after the  
14 date of enactment of this Act, the Secretary, acting  
15 through the Assistant Secretary of the Office of Electricity  
16 Delivery and Energy Reliability (including the Smart Grid  
17 Task Force), shall convene a group to assess progress in  
18 the development of standards necessary to—

19               (1) support the expanded deployment of electric  
20 vehicle supply equipment;

21               (2) develop an electric vehicle charging network  
22 to provide reliable charging for electric vehicles na-  
23 tionwide, taking into consideration range anxiety  
24 and the location of charging infrastructure to ensure

1 an electric vehicle can travel throughout the United  
2 States without losing a charge; and

3 (3) ensure the development of such network will  
4 not compromise the stability and reliability of the  
5 electric grid.

6 (b) REPORT TO CONGRESS.—Not later than 1 year  
7 after the date of enactment of this Act, the Secretary shall  
8 provide to the Committee on Energy and Commerce of the  
9 House of Representatives and to the Committee on En-  
10 ergy and Natural Resources of the Senate a report con-  
11 taining the results of the assessment carried out under  
12 subsection (a) and recommendations to overcome any bar-  
13 riers to standards development or adoption identified by  
14 the group convened under such subsection.

15 **SEC. 34315. STATE CONSIDERATION OF ELECTRIC VEHICLE**  
16 **CHARGING.**

17 (a) CONSIDERATION AND DETERMINATION RESPECT-  
18 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)  
19 of the Public Utility Regulatory Policies Act of 1978 (16  
20 U.S.C. 2621(d)) is amended by adding at the end the fol-  
21 lowing:

22 “(20) ELECTRIC VEHICLE CHARGING PRO-  
23 GRAMS.—

1           “(A) IN GENERAL.—Each State shall con-  
2 sider measures to promote greater electrifica-  
3 tion of the transportation sector, including—

4           “(i) authorizing measures to stimulate  
5 investment in and deployment of electric  
6 vehicle supply equipment and to foster the  
7 market for electric vehicle charging;

8           “(ii) authorizing each electric utility  
9 of the State to recover from ratepayers any  
10 capital, operating expenditure, or other  
11 costs of the electric utility relating to load  
12 management, programs, or investments as-  
13 sociated with the integration of electric ve-  
14 hicle supply equipment into the grid; and

15           “(iii) allowing a person or agency that  
16 owns and operates an electric vehicle  
17 charging facility for the sole purpose of re-  
18 charging an electric vehicle battery to be  
19 excluded from regulation as an electric  
20 utility pursuant to section 3(4) when mak-  
21 ing electricity sales from the use of the  
22 electric vehicle charging facility, if such  
23 sales are the only sales of electricity made  
24 by the person or agency.

1           “(B) DEFINITION.—For purposes of this  
2           paragraph, the term ‘electric vehicle supply  
3           equipment’ means conductors, including  
4           ungrounded, grounded, and equipment ground-  
5           ing conductors, electric vehicle connectors, at-  
6           tachment plugs, and all other fittings, devices,  
7           power outlets, or apparatuses installed specifi-  
8           cally for the purpose of delivering energy to an  
9           electric vehicle.”.

10       (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

11           (1) TIME LIMITATIONS.—Section 112(b) of the  
12       Public Utility Regulatory Policies Act of 1978 (16  
13       U.S.C. 2622(b)) is amended by adding at the end  
14       the following:

15           “(7)(A) Not later than 1 year after the date of  
16       enactment of this paragraph, each State regulatory  
17       authority (with respect to each electric utility for  
18       which it has ratemaking authority) and each non-  
19       regulated electric utility shall commence the consid-  
20       eration referred to in section 111, or set a hearing  
21       date for consideration, with respect to the standards  
22       established by paragraph (20) of section 111(d).

23           “(B) Not later than 2 years after the date of  
24       the enactment of this paragraph, each State regu-  
25       latory authority (with respect to each electric utility



1 for which it has ratemaking authority), and each  
2 nonregulated electric utility, shall complete the con-  
3 sideration, and shall make the determination, re-  
4 ferred to in section 111 with respect to each stand-  
5 ard established by paragraph (20) of section  
6 111(d).”.

7 (2) FAILURE TO COMPLY.—Section 112(c) of  
8 the Public Utility Regulatory Policies Act of 1978  
9 (16 U.S.C. 2622(c)) is amended by adding at the  
10 end the following: “In the case of the standard es-  
11 tablished by paragraph (20) of section 111(d), the  
12 reference contained in this subsection to the date of  
13 enactment of this Act shall be deemed to be a ref-  
14 erence to the date of enactment of that paragraph.”.

15 (3) PRIOR STATE ACTIONS.—Section 112 of the  
16 Public Utility Regulatory Policies Act of 1978 (16  
17 U.S.C. 2622) is amended by adding at the end the  
18 following:

19 “(g) PRIOR STATE ACTIONS.—Subsections (b) and  
20 (c) of this section shall not apply to the standard estab-  
21 lished by paragraph (20) of section 111(d) in the case of  
22 any electric utility in a State if, before the enactment of  
23 this subsection—

24 “(1) the State has implemented for such utility  
25 the standard concerned (or a comparable standard);

1           “(2) the State regulatory authority for such  
2 State or relevant nonregulated electric utility has  
3 conducted a proceeding to consider implementation  
4 of the standard concerned (or a comparable stand-  
5 ard) for such utility;

6           “(3) the State legislature has voted on the im-  
7 plementation of such standard (or a comparable  
8 standard) for such utility; or

9           “(4) the State has taken action to implement  
10 incentives or other steps to strongly encourage the  
11 deployment of electric vehicles.”.

12           (4) PRIOR AND PENDING PROCEEDINGS.—Sec-  
13 tion 124 of the Public Utility Regulatory Policies  
14 Act of 1978 (16 U.S.C. 2634) is amended is amend-  
15 ed by adding at the end the following: “In the case  
16 of the standard established by paragraph (20) of  
17 section 111(d), the reference contained in this sec-  
18 tion to the date of the enactment of this Act shall  
19 be deemed to be a reference to the date of enact-  
20 ment of such paragraph (20).”.

21 **SEC. 34316. STATE ENERGY PLANS.**

22           (a) STATE ENERGY CONSERVATION PLANS.—Section  
23 362(d) of the Energy Policy and Conservation Act (42  
24 U.S.C. 6322(d)) is amended—

1           (1) in paragraph (16), by striking “; and” and  
2 inserting a semicolon;

3           (2) by redesignating paragraph (17) as para-  
4 graph (18); and

5           (3) by inserting after paragraph (16) the fol-  
6 lowing:

7           “(17) a State energy transportation plan devel-  
8 oped in accordance with section 367; and”.

9           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
10 365(f) of the Energy Policy and Conservation Act (42  
11 U.S.C. 6325(f)) is amended to read as follows:

12           “(f) AUTHORIZATION OF APPROPRIATIONS.—

13           “(1) STATE ENERGY CONSERVATION PLANS.—  
14 For the purpose of carrying out this part, there are  
15 authorized to be appropriated \$100,000,000 for each  
16 of fiscal years 2022 through 2026.

17           “(2) STATE ENERGY TRANSPORTATION  
18 PLANS.—In addition to the amounts authorized  
19 under paragraph (1), for the purpose of carrying out  
20 section 367, there are authorized to be appropriated  
21 \$25,000,000 for each of fiscal years 2022 through  
22 2026.”.

23           (c) STATE ENERGY TRANSPORTATION PLANS.—

24           (1) IN GENERAL.—Part D of title III of the  
25 Energy Policy and Conservation Act (42 U.S.C.

1       6321 et seq.) is further amended by adding at the  
2       end the following:

3       **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

4       “(a) IN GENERAL.—The Secretary may provide fi-  
5       nancial assistance to a State to develop a State energy  
6       transportation plan, for inclusion in a State energy con-  
7       servation plan under section 362(d), to promote the elec-  
8       trification of the transportation system, reduced consump-  
9       tion of fossil fuels, and improved air quality.

10       “(b) DEVELOPMENT.—A State developing a State en-  
11       ergy transportation plan under this section shall carry out  
12       this activity through the State energy office that is respon-  
13       sible for developing the State energy conservation plan  
14       under section 362.

15       “(c) CONTENTS.—A State developing a State energy  
16       transportation plan under this section shall include in such  
17       plan a plan to—

18               “(1) deploy a network of electric vehicle supply  
19       equipment to ensure access to electricity for electric  
20       vehicles, including commercial vehicles, to an extent  
21       that such electric vehicles can travel throughout the  
22       State without running out of a charge; and

23               “(2) promote modernization of the electric grid,  
24       including through the use of renewable energy  
25       sources to power the electric grid, to accommodate

1 demand for power to operate electric vehicle supply  
2 equipment and to utilize energy storage capacity  
3 provided by electric vehicles, including commercial  
4 vehicles.

5 “(d) COORDINATION.—In developing a State energy  
6 transportation plan under this section, a State shall co-  
7 ordinate, as appropriate, with—

8 “(1) State regulatory authorities (as defined in  
9 section 3 of the Public Utility Regulatory Policies  
10 Act of 1978 (16 U.S.C. 2602));

11 “(2) electric utilities;

12 “(3) regional transmission organizations or  
13 independent system operators;

14 “(4) private entities that provide electric vehicle  
15 charging services;

16 “(5) State transportation agencies, metropoli-  
17 tan planning organizations, and local governments;

18 “(6) electric vehicle manufacturers;

19 “(7) public and private entities that manage ve-  
20 hicle fleets; and

21 “(8) public and private entities that manage  
22 ports, airports, or other transportation hubs.

23 “(e) TECHNICAL ASSISTANCE.—Upon request of the  
24 Governor of a State, the Secretary shall provide informa-  
25 tion and technical assistance in the development, imple-

1 mentation, or revision of a State energy transportation  
2 plan.

3       “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-  
4 FINED.—For purposes of this section, the term ‘electric  
5 vehicle supply equipment’ means conductors, including  
6 ungrounded, grounded, and equipment grounding conduc-  
7 tors, electric vehicle connectors, attachment plugs, and all  
8 other fittings, devices, power outlets, or apparatuses in-  
9 stalled specifically for the purpose of delivering energy to  
10 an electric vehicle.”.

11           (2) CONFORMING AMENDMENT.—The table of  
12 sections for part D of title III of the Energy Policy  
13 and Conservation Act is further amended by adding  
14 at the end the following:

“Sec. 367. State energy security plans.”.

15 **SEC. 34317. TRANSPORTATION ELECTRIFICATION.**

16 Section 131 of the Energy Independence and Security  
17 Act of 2007 (42 U.S.C. 17011) is amended—

18           (1) in subsection (a)(6)—

19                   (A) in subparagraph (A), by inserting “,  
20 including ground support equipment at ports”  
21 before the semicolon;

22                   (B) in subparagraph (E), by inserting  
23 “and vehicles” before the semicolon;

24                   (C) in subparagraph (H), by striking  
25 “and” at the end;

1 (D) in subparagraph (I)—

2 (i) by striking “battery chargers,”;

3 and

4 (ii) by striking the period at the end

5 and inserting a semicolon; and

6 (E) by adding at the end the following:

7 “(J) installation of electric vehicle supply  
8 equipment for recharging plug-in electric drive  
9 vehicles, including such equipment that is acces-  
10 sible in rural and urban areas and in under-  
11 served or disadvantaged communities and such  
12 equipment for medium- and heavy-duty vehicles,  
13 including at depots and in-route locations;

14 “(K) multi-use charging hubs used for  
15 multiple forms of transportation;

16 “(L) medium- and heavy-duty vehicle  
17 smart charging management and refueling;

18 “(M) battery recycling and secondary use,  
19 including for medium- and heavy-duty vehicles;  
20 and

21 “(N) sharing of best practices, and tech-  
22 nical assistance provided by the Department to  
23 public utilities commissions and utilities, for  
24 medium- and heavy-duty vehicle electrifica-  
25 tion.”;

1 (2) in subsection (b)—

2 (A) in paragraph (3)(A)(ii), by inserting “,  
3 components for such vehicles, and charging  
4 equipment for such vehicles” after “vehicles”;  
5 and

6 (B) in paragraph (6), by striking  
7 “\$90,000,000 for each of fiscal years 2008  
8 through 2012” and inserting “\$2,000,000,000  
9 for each of fiscal years 2022 through 2026”;

10 (3) in subsection (c)—

11 (A) in the header, by striking “NEAR-  
12 TERM” and inserting “LARGE-SCALE”; and

13 (B) in paragraph (4), by striking  
14 “\$95,000,000 for each of fiscal years 2008  
15 through 2013” and inserting “\$2,500,000,000  
16 for each of fiscal years 2022 through 2026”;  
17 and

18 (4) by redesignating subsection (d) as sub-  
19 section (e) and inserting after subsection (e) the fol-  
20 lowing:

21 “(d) PRIORITY.—In providing grants under sub-  
22 sections (b) and (c), the Secretary shall give priority con-  
23 sideration to applications that contain a written assurance  
24 that all laborers and mechanics employed by contractors  
25 or subcontractors during construction, alteration, or re-



1 pair that is financed, in whole or in part, by a grant pro-  
2 vided under this section shall be paid wages at rates not  
3 less than those prevailing on similar construction in the  
4 locality, as determined by the Secretary of Labor in ac-  
5 cordance with sections 3141 through 3144, 3146, and  
6 3147 of title 40, United States Code (and the Secretary  
7 of Labor shall, with respect to the labor standards de-  
8 scribed in this clause, have the authority and functions  
9 set forth in Reorganization Plan Numbered 14 of 1950  
10 (5 U.S.C. App.) and section 3145 of title 40, United  
11 States Code).”.

12 **SEC. 34318. FEDERAL FLEETS.**

13 (a) MINIMUM FEDERAL FLEET REQUIREMENT.—  
14 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.  
15 13212) is amended—

16 (1) in subsection (a), by adding at the end the  
17 following:

18 “(3) The Secretary, in consultation with the Adminis-  
19 trator of General Services, shall ensure that in acquiring  
20 medium- and heavy-duty vehicles for a Federal fleet, a  
21 Federal entity shall acquire zero emission vehicles to the  
22 maximum extent feasible.”;

23 (2) by striking subsection (b) and inserting the  
24 following:

25 “(b) PERCENTAGE REQUIREMENTS.—

1 “(1) IN GENERAL.—

2 “(A) LIGHT-DUTY VEHICLES.—Beginning  
3 in fiscal year 2025, 100 percent of the total  
4 number of light-duty vehicles acquired by a  
5 Federal entity for a Federal fleet shall be alter-  
6 native fueled vehicles, of which—

7 “(i) at least 50 percent shall be zero  
8 emission vehicles or plug-in hybrids in fis-  
9 cal years 2025 through 2034;

10 “(ii) at least 75 percent shall be zero  
11 emission vehicles or plug-in hybrids in fis-  
12 cal years 2035 through 2049; and

13 “(iii) 100 percent shall be zero emis-  
14 sion vehicles in fiscal year 2050 and there-  
15 after.

16 “(B) MEDIUM- AND HEAVY-DUTY VEHI-  
17 CLES.—The following percentages of the total  
18 number of medium- and heavy-duty vehicles ac-  
19 quired by a Federal entity for a Federal fleet  
20 shall be alternative fueled vehicles:

21 “(i) At least 20 percent in fiscal years  
22 2025 through 2029.

23 “(ii) At least 30 percent in fiscal  
24 years 2030 through 2039.

1                   “(iii) At least 40 percent in fiscal  
2                   years 2040 through 2049.

3                   “(iv) At least 50 percent in fiscal year  
4                   2050 and thereafter.

5                   “(2) EXCEPTION.—The Secretary, in consulta-  
6                   tion with the Administrator of General Services  
7                   where appropriate, may permit a Federal entity to  
8                   acquire for a Federal fleet a smaller percentage than  
9                   is required in paragraph (1) for a fiscal year, so long  
10                  as the aggregate percentage acquired for each class  
11                  of vehicle for all Federal fleets in the fiscal year is  
12                  at least equal to the required percentage.

13                  “(3) DEFINITIONS.—In this subsection:

14                  “(A) FEDERAL FLEET.—The term ‘Fed-  
15                  eral fleet’ means a fleet of vehicles that are cen-  
16                  trally fueled or capable of being centrally fueled  
17                  and are owned, operated, leased, or otherwise  
18                  controlled by or assigned to any Federal execu-  
19                  tive department, military department, Govern-  
20                  ment corporation, independent establishment,  
21                  or executive agency, the United States Postal  
22                  Service, the Congress, the courts of the United  
23                  States, or the Executive Office of the President.  
24                  Such term does not include—

1           “(i) motor vehicles held for lease or  
2           rental to the general public;

3           “(ii) motor vehicles used for motor ve-  
4           hicle manufacturer product evaluations or  
5           tests;

6           “(iii) law enforcement vehicles;

7           “(iv) emergency vehicles; or

8           “(v) motor vehicles acquired and used  
9           for military purposes that the Secretary of  
10          Defense has certified to the Secretary must  
11          be exempt for national security reasons.

12          “(B) FLEET.—The term ‘fleet’ means—

13           “(i) 20 or more light-duty vehicles, lo-  
14           cated in a metropolitan statistical area or  
15           consolidated metropolitan statistical area,  
16           as established by the Bureau of the Cen-  
17           sus, with a 1980 population of more than  
18           250,000; or

19           “(ii) 10 or more medium- or heavy-  
20           duty vehicles, located at a Federal facility  
21           or located in a metropolitan statistical area  
22           or consolidated metropolitan statistical  
23           area, as established by the Bureau of the  
24           Census, with a 1980 population of more  
25           than 250,000.”; and

1 (3) in subsection (f)(2)(B)—

2 (A) by striking “, either”; and

3 (B) in clause (i), by striking “or” and in-  
4 sserting “and”.

5 (b) FEDERAL FLEET CONSERVATION REQUIRE-  
6 MENTS.—Section 400FF(a) of the Energy Policy and  
7 Conservation Act (42 U.S.C. 6374e) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “18 months after the date  
10 of enactment of this section” and inserting “12  
11 months after the date of enactment of the  
12 Leading Infrastructure For Tomorrow’s Amer-  
13 ica Act”;

14 (B) by striking “2010” and inserting  
15 “2022”; and

16 (C) by striking “and increase alternative  
17 fuel consumption” and inserting “, increase al-  
18 ternative fuel consumption, and reduce vehicle  
19 greenhouse gas emissions”; and

20 (2) by striking paragraph (2) and inserting the  
21 following:

22 “(2) GOALS.—The goals of the requirements  
23 under paragraph (1) are that each Federal agency  
24 shall—

1           “(A) reduce fleet-wide per-mile greenhouse  
2 gas emissions from agency fleet vehicles, rel-  
3 ative to a baseline of emissions in 2015, by—

4           “(i) not less than 30 percent by the  
5 end of fiscal year 2025;

6           “(ii) not less than 50 percent by the  
7 end of fiscal year 2030; and

8           “(iii) 100 percent by the end of fiscal  
9 year 2050; and

10          “(B) increase the annual percentage of al-  
11 ternative fuel consumption by agency fleet vehi-  
12 cles as a proportion of total annual fuel con-  
13 sumption by Federal fleet vehicles, to achieve—

14          “(i) 25 percent of total annual fuel  
15 consumption that is alternative fuel by the  
16 end of fiscal year 2025;

17          “(ii) 50 percent of total annual fuel  
18 consumption that is alternative fuel by the  
19 end of fiscal year 2035; and

20          “(iii) at least 85 percent of total an-  
21 nual fuel consumption that is alternative  
22 fuel by the end of fiscal year 2050.”.

1           **Subpart B—Electric Vehicles for Underserved**  
2   **Communities**

3   **SEC. 34321. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**  
4                                   **UNDERSERVED AND DISADVANTAGED COM-**  
5                                   **MUNITIES.**

6           (a) IN GENERAL.—

7                   (1) ASSESSMENT.—The Secretary shall conduct  
8                   an assessment of the state of, challenges to, and op-  
9                   portunities for the deployment of electric vehicle  
10                   charging infrastructure in underserved or disadvan-  
11                   taged communities located throughout the United  
12                   States.

13                   (2) REPORT.—Not later than 1 year after the  
14                   date of the enactment of this Act, the Secretary  
15                   shall submit to the Committee on Energy and Com-  
16                   merce of the House of Representatives and the Com-  
17                   mittee on Energy and Natural Resources of the Sen-  
18                   ate a report on the results of the assessment con-  
19                   ducted under paragraph (1), which shall—

20                           (A) describe the state of deployment of  
21                           electric vehicle charging infrastructure in un-  
22                           derserved or disadvantaged communities located  
23                           in urban, suburban, and rural areas, including  
24                           description of—

25                                   (i) the state of deployment of electric  
26                                   vehicle charging infrastructure that is—

1 (I) publicly accessible;

2 (II) installed in or available to  
3 occupants of public and affordable  
4 housing;

5 (III) installed in or available to  
6 occupants of multi-unit dwellings;

7 (IV) available to public sector  
8 and commercial fleets; and

9 (V) installed in or available at  
10 places of work;

11 (ii) policies, plans, and programs that  
12 cities, States, utilities, and private entities  
13 are using to encourage greater deployment  
14 and usage of electric vehicles and the asso-  
15 ciated electric vehicle charging infrastruc-  
16 ture, including programs to encourage de-  
17 ployment of publicly accessible electric ve-  
18 hicle charging stations and electric vehicle  
19 charging stations available to residents in  
20 publicly owned and privately owned multi-  
21 unit dwellings;

22 (iii) ownership models for Level 2  
23 charging stations and DC FAST charging  
24 stations located in residential multi-unit



1 dwellings, commercial buildings, and pub-  
2 licly accessible areas;

3 (iv) mechanisms for financing electric  
4 vehicle charging stations; and

5 (v) rates charged for the use of Level  
6 2 charging stations and DC FAST charg-  
7 ing stations;

8 (B) identify current barriers to expanding  
9 deployment of electric vehicle charging infra-  
10 structure in underserved or disadvantaged com-  
11 munities in urban, suburban, and rural areas,  
12 including barriers to expanding deployment of  
13 publicly accessible electric vehicle charging in-  
14 frastructure;

15 (C) identify the potential for, and barriers  
16 to, recruiting and entering into contracts with  
17 locally owned small and disadvantaged busi-  
18 nesses, including women and minority-owned  
19 businesses, to deploy electric vehicle charging  
20 infrastructure in underserved or disadvantaged  
21 communities in urban, suburban, and rural  
22 areas;

23 (D) compile and provide an analysis of  
24 best practices and policies used by State and  
25 local governments, nonprofit organizations, and

1 private entities to increase deployment of elec-  
2 tric vehicle charging infrastructure in under-  
3 served or disadvantaged communities in urban,  
4 suburban, and rural areas, including best prac-  
5 tices and policies relating to—

6 (i) public outreach and engagement;

7 (ii) increasing deployment of publicly  
8 accessible electric vehicle charging infra-  
9 structure; and

10 (iii) increasing deployment of electric  
11 vehicle charging infrastructure in publicly  
12 owned and privately owned multi-unit  
13 dwellings;

14 (E) to the extent practicable, enumerate  
15 and identify in urban, suburban, and rural  
16 areas within each State with detail at the level  
17 of ZIP Codes and census tracts—

18 (i) the number of existing and  
19 planned publicly accessible Level 2 charg-  
20 ing stations and DC FAST charging sta-  
21 tions for individually owned light-duty and  
22 medium-duty electric vehicles;

23 (ii) the number of existing and  
24 planned Level 2 charging stations and DC  
25 FAST charging stations for public sector

1           and commercial fleet electric vehicles and  
2           medium- and heavy-duty electric vehicles;  
3           and

4                   (iii) the number and type of electric  
5           vehicle charging stations installed in or  
6           available to occupants of public and afford-  
7           able housing; and

8                   (F) describe the methodology used to ob-  
9           tain the information provided in the report.

10          (b) FIVE-YEAR UPDATE ASSESSMENT.—Not later  
11 than 5 years after the date of the enactment of this Act,  
12 the Secretary shall—

13                   (1) update the assessment conducted under  
14 subsection (a)(1); and

15                   (2) make public and submit to the Committee  
16 on Energy and Commerce of the House of Rep-  
17 resentatives and the Committee on Energy and Nat-  
18 ural Resources of the Senate a report, which shall—

19                           (A) update the information required by  
20 subsection (a)(2); and

21                           (B) include a description of case studies  
22 and key lessons learned after the date on which  
23 the report under subsection (a)(2) was sub-  
24 mitted with respect to expanding the deploy-  
25 ment of electric vehicle charging infrastructure

1 in underserved or disadvantaged communities in  
2 urban, suburban, and rural areas.

3 **SEC. 34322. ENSURING PROGRAM BENEFITS FOR UNDER-**  
4 **SERVED AND DISADVANTAGED COMMU-**  
5 **NITIES.**

6 In administering a relevant program, the Secretary  
7 shall, to the extent practicable, invest or direct available  
8 and relevant programmatic resources so that such pro-  
9 gram—

10 (1) promotes electric vehicle charging infra-  
11 structure;

12 (2) supports clean and multi-modal transpor-  
13 tation;

14 (3) provides improved air quality and emissions  
15 reductions; and

16 (4) prioritizes the needs of underserved or dis-  
17 advantaged communities.

18 **SEC. 34323. DEFINITIONS.**

19 In this part:

20 (1) **ELECTRIC VEHICLE CHARGING INFRA-**  
21 **STRUCTURE.**—The term “electric vehicle charging  
22 infrastructure” means electric vehicle supply equip-  
23 ment, including any conductors, electric vehicle con-  
24 nectors, attachment plugs, and all other fittings, de-  
25 vices, power outlets, or apparatuses installed specifi-

1 cally for the purposes of delivering energy to an elec-  
2 tric vehicle.

3 (2) PUBLICLY ACCESSIBLE.—The term “pub-  
4 licly accessible” means, with respect to electric vehi-  
5 cle charging infrastructure, electric vehicle charging  
6 infrastructure that is available, at zero or reasonable  
7 cost, to members of the public for the purpose of  
8 charging a privately owned or leased electric vehicle,  
9 or electric vehicle that is available for use by mem-  
10 bers of the general public as part of a ride service  
11 or vehicle sharing service or program, including  
12 within or around—

13 (A) public sidewalks and streets;

14 (B) public parks;

15 (C) public buildings, including—

16 (i) libraries;

17 (ii) schools; and

18 (iii) government offices;

19 (D) public parking;

20 (E) shopping centers; and

21 (F) commuter transit hubs.

22 (3) RELEVANT PROGRAM.—The term “relevant  
23 program” means a program of the Department of  
24 Energy, including—

1 (A) the State energy program under part  
2 D of title III the Energy Policy and Conserva-  
3 tion Act (42 U.S.C. 6321 et seq.);

4 (B) the Clean Cities program;

5 (C) the Energy Efficiency and Conserva-  
6 tion Block Grant Program established under  
7 section 542 of the Energy Independence and  
8 Security Act of 2007 (42 U.S.C. 17152);

9 (D) loan guarantees made pursuant to title  
10 XVII of the Energy Policy Act of 2005 (42  
11 U.S.C. 16511 et seq.); and

12 (E) such other programs as the Secretary  
13 determines appropriate.

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Energy.

16 (5) UNDERSERVED OR DISADVANTAGED COM-  
17 MUNITY.—The term “underserved or disadvantaged  
18 community” means a community located within a  
19 ZIP Code or census tract that is identified as—

20 (A) a low-income community;

21 (B) a community of color;

22 (C) a Tribal community;

23 (D) having a disproportionately low num-  
24 ber of electric vehicle charging stations per cap-  
25 ita, compared to similar areas; or

1           (E) any other community that the Sec-  
2           retary determines is disproportionately vulner-  
3           able to, or bears a disproportionate burden of,  
4           any combination of economic, social, environ-  
5           mental, and climate stressors.

6 **Subpart C—Port Electrification and Decarbonization**

7 **SEC. 34331. DEFINITIONS.**

8           For purposes of this subtitle:

9           (1) ADMINISTRATOR.—The term “Adminis-  
10          trator” means the Administrator of the Environ-  
11          mental Protection Agency.

12          (2) ALTERNATIVE EMISSIONS CONTROL TECH-  
13          NOLOGY.—The term “alternative emissions control  
14          technology” means any technology, technique, or  
15          measure that—

16                (A) captures the emissions of nitrogen  
17                oxide, particulate matter, reactive organic com-  
18                pounds, and greenhouse gases from the auxil-  
19                iary engine and auxiliary boiler of an ocean-  
20                going vessel at berth;

21                (B) is verified or approved by a State or  
22                Federal air quality regulatory agency; and

23                (C) the use of which achieves at least the  
24                equivalent reduction of such emissions as the

1 use of shore power for an ocean-going vessel at  
2 berth.

3 (3) CARGO-HANDLING EQUIPMENT.—The term  
4 “cargo-handling equipment” includes—

5 (A) ship-to-shore container cranes and  
6 other cranes;

7 (B) container-handling equipment; and

8 (C) equipment for moving or handling  
9 cargo, including trucks, reachstackers,  
10 toploaders, and forklifts.

11 (4) CRITERIA POLLUTANT.—The term “criteria  
12 pollutant” means any air pollutant for which a na-  
13 tional ambient air quality standard is in effect under  
14 section 109 of the Clean Air Act (42 U.S.C. 7409).

15 (5) DISTRIBUTED ENERGY SYSTEM.—

16 (A) IN GENERAL.—The term “distributed  
17 energy system” means any energy system  
18 that—

19 (i) is located on or near a customer  
20 site;

21 (ii) is operated on the customer side  
22 of the electric meter; and

23 (iii) is interconnected with the electric  
24 grid.



1 (B) INCLUSIONS.—The term “distributed  
2 energy system” includes—

- 3 (i) clean electricity generation;  
4 (ii) energy efficiency;  
5 (iii) energy demand management;  
6 (iv) an energy storage system; and  
7 (v) a microgrid.

8 (6) ELIGIBLE ENTITY.—The term “eligible enti-  
9 ty” means—

10 (A) a port authority;

11 (B) a State, regional, local, or Tribal agen-  
12 cy that has jurisdiction over a port authority or  
13 a port;

14 (C) an air pollution control district or air  
15 quality management district; or

16 (D) a private entity (including any non-  
17 profit organization) that—

18 (i) applies for a grant under this sec-  
19 tion in partnership with an entity de-  
20 scribed in subparagraph (A), (B), or (C);  
21 and

22 (ii) owns, operates, or uses the facili-  
23 ties, cargo-handling equipment, transpor-  
24 tation equipment, or related technology of  
25 a port.

1           (7) ENERGY STORAGE SYSTEM.—The term “en-  
2           ergy storage system” means any system, equipment,  
3           facility, or technology that—

4                   (A) is capable of storing energy for a pe-  
5                   riod of time and dispatching the stored energy;  
6                   and

7                   (B) uses a mechanical, electrical, chemical,  
8                   electrochemical, or thermal process to store en-  
9                   ergy that—

10                           (i) was generated at an earlier time  
11                           for use at a later time; or

12                           (ii) was generated from a mechanical  
13                           process, and would otherwise be wasted,  
14                           for use at a later time.

15           (8) ENVIRONMENTAL JUSTICE COMMUNITY.—  
16           The term “environmental justice community” means  
17           any population of color, community of color, indige-  
18           nous community, or low-income community that ex-  
19           periences a disproportionate burden of the negative  
20           human health and environmental impacts of pollu-  
21           tion or other environmental hazards.

22           (9) FULLY AUTOMATED CARGO-HANDLING  
23           EQUIPMENT.—The term “fully automated cargo-  
24           handling equipment” means cargo-handling equip-  
25           ment that does not require the exercise of human

1 intervention or control to operate or monitor,  
2 through either direct or remote means.

3 (10) HARBOR VESSEL.—The term “harbor ves-  
4 sel” means a ship, boat, lighter, or maritime vessel  
5 designed for service at and around a harbor or port.

6 (11) NONATTAINMENT AREA.—The term “non-  
7 attainment area” has the meaning given such term  
8 in section 171 of the Clean Air Act (42 U.S.C.  
9 7501).

10 (12) PORT.—The term “port” means any mari-  
11 time port or inland port.

12 (13) PORT AUTHORITY.—The term “port au-  
13 thority” means a governmental or quasi-  
14 governmental authority formed by a legislative body  
15 to operate a port.

16 (14) QUALIFIED CLIMATE ACTION PLAN.—The  
17 term “qualified climate action plan” means a de-  
18 tailed and strategic plan that—

19 (A) establishes goals for an eligible entity  
20 to reduce emissions at one or more ports of—

21 (i) greenhouse gases;

22 (ii) criteria pollutants, and precursors  
23 thereof; and

24 (iii) hazardous air pollutants;

1 (B) describes how an eligible entity will im-  
2 plement measures at one or more ports to meet  
3 the goals established in subparagraph (A);

4 (C) describes how an eligible entity has im-  
5 plemented or will implement measures to in-  
6 crease the resilience of the port or ports in-  
7 volved, including measures related to with-  
8 standing and recovering from extreme weather  
9 events;

10 (D) describes how an eligible entity will  
11 implement emissions accounting and inventory  
12 practices to—

13 (i) determine baseline greenhouse gas  
14 emissions at a port; and

15 (ii) measure the progress of the eligi-  
16 ble entity in reducing such emissions;

17 (E) demonstrates how implementation of  
18 the proposed measures will not result in a net  
19 loss of jobs at the port or ports involved; and

20 (F) includes a strategy to—

21 (i) collaborate with stakeholders that  
22 may be affected by implementation of the  
23 plan, including local environmental justice  
24 communities and other near-port commu-  
25 nities;

1 (ii) address the potential, cumulative,  
2 community-level effects on stakeholders of  
3 implementing the plan; and

4 (iii) provide effective, advance commu-  
5 nication to stakeholders to avoid and mini-  
6 mize conflicts.

7 (15) SHORE POWER.—The term “shore power”  
8 means the provision of shoreside electrical power to  
9 a ship at berth that has shut down main and auxil-  
10 iary engines.

11 (16) ZERO-EMISSIONS PORT EQUIPMENT AND  
12 TECHNOLOGY.—The term “zero-emissions port  
13 equipment and technology”—

14 (A) means any equipment, technology, or  
15 measure that—

16 (i) is used at a port; and

17 (ii)(I) produces zero exhaust emissions  
18 of—

19 (aa) any criteria pollutant and  
20 precursor thereof; and

21 (bb) any greenhouse gas, other  
22 than water vapor; or

23 (II) captures 100 percent of the ex-  
24 haust emissions produced by an ocean-  
25 going vessel at berth; and

1 (B) includes any equipment, technology, or  
2 measure described in subparagraph (A) that  
3 is—

- 4 (i) cargo-handling equipment;  
5 (ii) a harbor vessel;  
6 (iii) shore power;  
7 (iv) electrical charging infrastructure;  
8 (v) a distributed energy system;  
9 (vi) a vehicle, including an electric  
10 transport refrigeration unit;  
11 (vii) any technology or measure that  
12 reduces vehicle idling;  
13 (viii) any alternative emissions control  
14 technology;  
15 (ix) any equipment, technology, or  
16 measure related to grid modernization; or  
17 (x) any other technology, equipment,  
18 or measure that the Administrator deter-  
19 mines to be appropriate.

20 **SEC. 34332. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

21 (a) ESTABLISHMENT.—Not later than 6 months after  
22 the date of enactment of this Act, the Administrator shall  
23 establish a program to award grants to eligible entities  
24 to develop and implement a qualified climate action plan  
25 at one or more ports.

1 (b) GRANTS.—In carrying out the program estab-  
2 lished under subsection (a), the Administrator shall award  
3 the following types of grants:

4 (1) QUALIFIED CLIMATE ACTION PLAN DEVELOP-  
5 OPMENT.—The Administrator may award grants to  
6 eligible entities for development of a qualified cli-  
7 mate action plan.

8 (2) ZERO-EMISSIONS PORT EQUIPMENT AND  
9 TECHNOLOGY.—

10 (A) IN GENERAL.—The Administrator may  
11 award grants to eligible entities to purchase, in-  
12 stall, or utilize zero-emissions port equipment  
13 and technology at one or more ports.

14 (B) RELATION TO QUALIFIED CLIMATE AC-  
15 TION PLAN.—The use of equipment and tech-  
16 nology pursuant to a grant under this sub-  
17 section shall be consistent with the qualified cli-  
18 mate action plan of the eligible entity.

19 (c) APPLICATION.—

20 (1) IN GENERAL.—To seek a grant that is  
21 awarded under subsection (b), an eligible entity shall  
22 submit an application to the Administrator at such  
23 time, in such manner, and containing such informa-  
24 tion and assurances as the Administrator may re-  
25 quire.

1           (2) CONCURRENT APPLICATIONS.—An eligible  
2           entity may submit concurrent applications for both  
3           types of grants described in subsection (b), provided  
4           that the eligible entity demonstrates how use of a  
5           grant awarded under subsection (b)(2) will be con-  
6           sistent with the qualified climate action plan to be  
7           developed using a grant awarded under subsection  
8           (b)(1).

9           (d) PROHIBITED USE.—An eligible entity may not  
10          use a grant awarded under subsection (b)(2) to purchase  
11          fully automated cargo-handling equipment or terminal in-  
12          frastructure that is designed for fully automated cargo-  
13          handling equipment.

14          (e) COST SHARE.—An eligible entity may not use a  
15          grant awarded under subsection (b)(2) to cover more than  
16          80 percent of the cost of purchasing, installing, or utilizing  
17          zero-emissions port equipment and technology.

18          (f) LABOR.—

19                 (1) WAGES.—All laborers and mechanics em-  
20                 ployed by a subgrantee of an eligible entity, and any  
21                 subgrantee thereof at any tier, to perform construc-  
22                 tion, alteration, installation, or repair work that is  
23                 assisted, in whole or in part, by a grant awarded  
24                 under this section shall be paid wages at rates not  
25                 less than those prevailing on similar construction, al-



1       teration, installation, or repair work in the locality  
2       as determined by the Secretary of Labor in accord-  
3       ance with subchapter IV of chapter 31 of title 40,  
4       United States Code.

5           (2) LABOR STANDARDS.—With respect to the  
6       labor standards in paragraph (1), the Secretary of  
7       Labor shall have the authority and functions set  
8       forth in Reorganization Plan Numbered 14 of 1950  
9       (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of  
10      title 40, United States Code.

11          (3) PROJECT LABOR AGREEMENT.—Any  
12      projects initiated using a grant under subsection  
13      (b)(2) with total capital costs of \$1,000,000 or  
14      greater shall utilize a project labor agreement, as de-  
15      scribed in section 8(f) of the National Labor Rela-  
16      tions Act (29 U.S.C. 158(f)).

17          (4) PROTECTIONS.—An eligible entity may not  
18      extend use of a grant provided under this subtitle to  
19      a subgrantee of the eligible entity, and any sub-  
20      grantee thereof at any tier, to perform construction,  
21      alteration, installation, or repair work at any loca-  
22      tion other than the port or ports involved.

23          (g) PRIORITY.—The Administrator shall prioritize  
24      awarding grants under subsection (b)(2) to eligible entities  
25      based on the following:

1           (1) The degree to which the eligible entity pro-  
2       poses to reduce—

3                   (A) the amount of greenhouse gases emit-  
4       ted at a port;

5                   (B) the amount of criteria pollutants, in-  
6       cluding any precursor thereof, emitted at a  
7       port;

8                   (C) the amount of hazardous air pollutants  
9       emitted at a port; and

10                  (D) health disparities in environmental jus-  
11       tice communities near a port.

12           (2) The degree to which the eligible entity—

13                   (A) takes a regional approach, as applica-  
14       ble, to reducing greenhouse gas emissions by  
15       collaborating efforts with other ports and local  
16       electric utility owners and operators;

17                   (B) with respect to use of the grant, pro-  
18       poses to enable increased electrification of infra-  
19       structure or operations at the port or ports in-  
20       volved; and

21                   (C) proposes to use equipment and tech-  
22       nology that is produced in the United States.

23           (3) The degree to which the eligible entity, any  
24       subgrantee of such eligible entity, and any sub-  
25       grantee thereof proposes to hire individuals to carry

1 out the installation of zero-emissions port equipment  
2 and technology who—

3 (A) are domiciled—

4 (i) if the applicable installation area is  
5 a major urban area, not further than 15  
6 miles from such installation area; and

7 (ii) if the applicable installation area  
8 is not a major urban area, not further  
9 than 50 miles from such installation area;

10 (B) are displaced and unemployed energy  
11 workers;

12 (C) are members of the Armed Forces  
13 serving on active duty, separated from active  
14 duty, or retired from active duty;

15 (D) have been incarcerated or served time  
16 in a juvenile or adult detention or correctional  
17 facility, or been placed on probation, community  
18 supervision, or in a diversion scheme;

19 (E) have a disability;

20 (F) are homeless;

21 (G) are receiving public assistance;

22 (H) lack a general education diploma or  
23 high school diploma;

24 (I) are emancipated from the foster care  
25 system; or

1           (J) are registered apprentices with fewer  
2           than 15 percent of the required graduating ap-  
3           prentice hours in a program.

4           (h) OUTREACH.—Not later than 90 days after the  
5           date on which funds are made available to carry out this  
6           section, the Administrator shall develop and carry out an  
7           educational outreach program to promote and explain the  
8           program established under this subtitle.

9           (i) REPORTS.—

10           (1) REPORT TO ADMINISTRATOR.—Not later  
11           than 90 days after receipt of a grant awarded under  
12           subsection (b), and thereafter on a periodic basis to  
13           be determined by the Administrator, the grantee  
14           shall submit to the Administrator a report on the  
15           progress of the grantee in carrying out measures  
16           funded through the grant.

17           (2) ANNUAL REPORT TO CONGRESS.—Not later  
18           than 1 year after the establishment of the program  
19           in subsection (a), and annually thereafter, the Ad-  
20           ministrator shall submit to Congress and make  
21           available on the public website of the Environmental  
22           Protection Agency a report that includes, with re-  
23           spect to each grant awarded under this section dur-  
24           ing the preceding calendar year—

1 (A) the name and location of the eligible  
2 entity that was awarded such grant;

3 (B) the amount of such grant that the eli-  
4 gible entity was awarded;

5 (C) the name and location of each port  
6 where measures are carried out;

7 (D) an estimate of the impact of measures  
8 on reducing—

9 (i) the amount of greenhouse gases  
10 emitted at each port;

11 (ii) the amount of criteria pollutants,  
12 including any precursors thereof, emitted  
13 at each port;

14 (iii) the amount of hazardous air pol-  
15 lutants emitted at each port; and

16 (iv) health disparities in near-port  
17 communities; and

18 (E) any other information the Adminis-  
19 trator determines necessary to understand the  
20 impact of grants awarded under this subsection.

21 **SEC. 34333. MODEL METHODOLOGIES.**

22 The Administrator shall—

23 (1) develop model methodologies that may be  
24 used by an eligible entity in developing emissions ac-

1 counting and inventory practices for a qualified cli-  
2 mate action plan; and

3 (2) ensure that such methodologies are designed  
4 to measure progress in reducing air pollution in  
5 near-port communities.

6 **SEC. 34334. PORT ELECTRIFICATION.**

7 (a) IN GENERAL.—Not later than 90 days after the  
8 date of enactment of this Act, the Administrator, in con-  
9 sultation with the Secretary of Energy, shall initiate a  
10 study to evaluate—

11 (1) how ports, intermodal port transfer facili-  
12 ties, and surrounding communities may benefit from  
13 increased electrification of port infrastructure or op-  
14 erations;

15 (2) the effects of increased electrification of  
16 port infrastructure and operations on air quality and  
17 energy demand;

18 (3) the scale of investment needed to increase  
19 and maintain electrification of port infrastructure  
20 and operations, including an assessment of ports  
21 where zero-emissions port equipment and technology  
22 have already been installed or utilized;

23 (4) how emerging technologies and strategies  
24 may be used to increase port electrification; and

1           (5) how ports and intermodal port transfer fa-  
2           cilities can partner with electric utility owners and  
3           operators and electrical equipment providers to  
4           strengthen the reliability and resiliency of the elec-  
5           tric transmission and distribution system, in order  
6           to enable greater deployment of zero-emissions port  
7           equipment and technology.

8           (b) REPORT.—Not later than 1 year after initiating  
9           the study under subsection (a), the Administrator shall  
10          submit to Congress and make available on the public  
11          website of the Environmental Protection Agency a report  
12          that describes the results of the study.

13       **SEC. 34335. AUTHORIZATION OF APPROPRIATIONS.**

14          (a) IN GENERAL.—There is authorized to be appro-  
15          priated to carry out this subtitle \$750,000,000 for each  
16          of fiscal years 2022 through 2026, to remain available  
17          until expended.

18          (b) DEVELOPMENT OF QUALIFIED CLIMATE ACTION  
19          PLANS.—In addition to the authorization of appropria-  
20          tions in subsection (a), there is authorized to be appro-  
21          priated to carry out section 34332(b)(1) \$50,000,000 for  
22          fiscal year 2022, to remain available until expended.

23          (c) NONATTAINMENT AREAS.—To the extent prac-  
24          ticable, at least 25 percent of amounts made available to  
25          carry out this subtitle in each fiscal year shall be used

1 to award grants under section 34332(b)(2) to eligible enti-  
2 ties to carry out measures at ports that are in a nonattain-  
3 ment area.

#### 4 **Subpart D—Other Vehicles**

##### 5 **SEC. 34341. CLEAN SCHOOL BUS PROGRAM.**

6 (a) IN GENERAL.—Section 741 of the Energy Policy  
7 Act of 2005 (42 U.S.C. 16091) is amended to read as  
8 follows:

##### 9 **“SEC. 741. CLEAN SCHOOL BUS PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-  
12 trator’ means the Administrator of the Environ-  
13 mental Protection Agency.

14 “(2) CLEAN SCHOOL BUS.—The term ‘clean  
15 school bus’ means a school bus that is a zero-emis-  
16 sion school bus.

17 “(3) COMMUNITY OF COLOR.—The term ‘com-  
18 munity of color’ means any geographically distinct  
19 area the population of color of which is higher than  
20 the average population of color of the State in which  
21 the community is located.

22 “(4) ELIGIBLE CONTRACTOR.—The term ‘eligi-  
23 ble contractor’ means a contractor that is a for-prof-  
24 it, not-for-profit, or nonprofit entity that has the ca-  
25 pacity—



1           “(A) to sell clean school buses, or charging  
2           or other equipment needed to charge or main-  
3           tain clean school buses, to individuals or enti-  
4           ties that own a school bus or fleet of school  
5           buses; or

6           “(B) to arrange financing for such a sale.

7           “(5) ELIGIBLE RECIPIENT.—

8           “(A) IN GENERAL.—Subject to subpara-  
9           graph (B), the term ‘eligible recipient’ means—

10           “(i) 1 or more local or State govern-  
11           mental entities responsible for—

12           “(I) providing school bus service  
13           to 1 or more public school systems; or

14           “(II) the purchase of school  
15           buses;

16           “(ii) a tribally controlled school (as  
17           defined in section 5212 of the Tribally  
18           Controlled Schools Act of 1988 (25 U.S.C.  
19           2511));

20           “(iii) a nonprofit school transportation  
21           association; or

22           “(iv) 1 or more contracting entities  
23           that provide school bus service to 1 or  
24           more public school systems.

1           “(B) SPECIAL REQUIREMENTS.—In the  
2 case of eligible recipients identified under  
3 clauses (iii) and (iv) of subparagraph (A), the  
4 Administrator shall establish timely and appro-  
5 priate requirements for notice and may estab-  
6 lish timely and appropriate requirements for ap-  
7 proval by the public school systems that would  
8 be served by buses purchased using award  
9 funds made available under this section.

10           “(6) INDIGENOUS COMMUNITY.—The term ‘in-  
11 digenous community’ means—

12           “(A) a federally recognized Indian Tribe;

13           “(B) a State-recognized Indian Tribe;

14           “(C) an Alaska Native or Native Hawaiian  
15 community or organization; and

16           “(D) any other community of indigenous  
17 people, including communities in other coun-  
18 tries.

19           “(7) LOW INCOME.—The term ‘low income’  
20 means an annual household income equal to, or less  
21 than, the greater of—

22           “(A) an amount equal to 80 percent of the  
23 median income of the area in which the house-  
24 hold is located, as reported by the Department  
25 of Housing and Urban Development; and

1           “(B) 200 percent of the Federal poverty  
2           line.

3           “(8) LOW-INCOME COMMUNITY.—The term  
4           ‘low-income community’ means any census block  
5           group in which 30 percent or more of the population  
6           are individuals with low income.

7           “(9) SCHOOL BUS.—The term ‘school bus’ has  
8           the meaning given the term ‘schoolbus’ in section  
9           30125(a) of title 49, United States Code.

10          “(10) SCRAP.—

11                 “(A) IN GENERAL.—The term ‘scrap’  
12                 means, with respect to a school bus engine re-  
13                 placed using funds awarded under this section,  
14                 to recycle, crush, or shred the engine within  
15                 such period and in such manner as determined  
16                 by the Administrator.

17                 “(B) EXCLUSION.—The term ‘scrap’ does  
18                 not include selling, leasing, exchanging, or oth-  
19                 erwise disposing of an engine described in sub-  
20                 paragraph (A) for use in another motor vehicle  
21                 in any location.

22           “(11) SECRETARY.—The term ‘Secretary’  
23           means the Secretary of Energy.

24           “(12) ZERO-EMISSION SCHOOL BUS.—The term  
25           ‘zero-emission school bus’ means a school bus with

1 a drivetrain that produces, under any possible oper-  
2 ational mode or condition, zero exhaust emission  
3 of—

4 “(A) any air pollutant that is listed pursu-  
5 ant to section 108(a) of the Clean Air Act (42  
6 U.S.C. 7408(a)) (or any precursor to such an  
7 air pollutant); and

8 “(B) any greenhouse gas.

9 “(b) PROGRAM FOR REPLACEMENT OF EXISTING  
10 SCHOOL BUSES WITH CLEAN SCHOOL BUSES.—

11 “(1) ESTABLISHMENT.—The Administrator, in  
12 consultation with the Secretary, shall establish a  
13 program for—

14 “(A) making awards on a competitive basis  
15 of grants, rebates, and low-cost revolving loans  
16 to eligible recipients for the replacement of ex-  
17 isting school buses with clean school buses; and

18 “(B) making awards of contracts to eligi-  
19 ble contractors for providing rebates and low-  
20 cost revolving loans for the replacement of ex-  
21 isting school buses with clean school buses.

22 “(2) APPLICATIONS.—An applicant for an  
23 award under this section shall submit to the Admin-  
24 istrator an application at such time, in such manner,

1 and containing such information as the Adminis-  
2 trator may require, including—

3 “(A) a written assurance that—

4 “(i) all laborers and mechanics em-  
5 ployed by contractors or subcontractors  
6 during construction, alteration, or repair,  
7 or at any manufacturing operation, that is  
8 financed, in whole or in part, by an award  
9 under this section, shall be paid wages at  
10 rates not less than those prevailing in a  
11 similar firm or on similar construction in  
12 the locality, as determined by the Sec-  
13 retary of Labor in accordance with sub-  
14 chapter IV of chapter 31 of title 40,  
15 United States Code; and

16 “(ii) the Secretary of Labor shall,  
17 with respect to the labor standards de-  
18 scribed in this clause, have the authority  
19 and functions set forth in Reorganization  
20 Plan Numbered 14 of 1950 (64 Stat.  
21 1267; 5 U.S.C. App.) and section 3145 of  
22 title 40, United States Code;

23 “(B) a certification that no public work or  
24 service normally performed by a public em-

1            ployee will be privatized or subcontracted in  
2            carrying out a project funded by the award;

3            “(C) to ensure a fair assessment of work-  
4            force impact related to an award under this sec-  
5            tion, a detailed accounting with respect to rel-  
6            evant employees, including employees in each of  
7            management, administration, operations, and  
8            maintenance, of the eligible recipient at the  
9            time of the application, including—

10            “(i) the number of employees, orga-  
11            nized by salary;

12            “(ii) the bargaining unit status of  
13            each employee;

14            “(iii) the full- or part-time status of  
15            each employee; and

16            “(iv) the job title of each employee;  
17            and

18            “(D) a description of coordination and ad-  
19            vance planning with the local electricity pro-  
20            vider.

21            “(3) ELIGIBLE MANUFACTURERS.—

22            “(A) IN GENERAL.—The Administrator  
23            shall maintain and make publicly available a list  
24            of manufacturers of clean school bus manufac-

1           turers from whom recipients of awards under  
2           this section may order clean school buses.

3           “(B) CRITERIA.—The Administrator shall  
4           establish a process by which manufacturers may  
5           seek inclusion on the list established pursuant  
6           to this subparagraph, which process shall in-  
7           clude the submission of such information as the  
8           Administrator may require, including—

9                   “(i) a disclosure of whether there has  
10                   been any administrative merits determina-  
11                   tion, arbitral award or decision, or civil  
12                   judgment, as defined in guidance issued by  
13                   the Secretary of Labor, rendered against  
14                   the manufacturer in the preceding 3 years  
15                   for violations of applicable labor, employ-  
16                   ment, civil rights, or health and safety  
17                   laws; and

18                   “(ii) specific information regarding  
19                   the actions the manufacturer will take to  
20                   demonstrate compliance with, and where  
21                   possible exceedance of, requirements under  
22                   applicable labor, employment, civil rights,  
23                   and health and safety laws, and actions the  
24                   manufacturer will take to ensure that its  
25                   direct suppliers demonstrate compliance

1 with applicable labor, employment, civil  
2 rights, and health and safety laws.

3 “(4) PRIORITY OF APPLICATIONS.—

4 “(A) HIGHEST PRIORITY.—In making  
5 awards under paragraph (1), the Administrator  
6 shall give highest priority to applicants that  
7 propose to replace school buses that serve the  
8 highest number of students (measured in abso-  
9 lute numbers or percentage of student popu-  
10 lation) who are eligible for free or reduced price  
11 lunches under the Richard B. Russell National  
12 School Lunch Act (42 U.S.C. 1751 et seq.).

13 “(B) ADDITIONAL PRIORITY.—In making  
14 awards under paragraph (1), the Administrator  
15 shall give priority to applicants that propose to  
16 complement the assistance received through the  
17 award by securing additional sources of funding  
18 for the activities supported through the award,  
19 such as through—

20 “(i) public-private partnerships with  
21 electric companies;

22 “(ii) grants from other entities; or

23 “(iii) issuance of school bonds.



1           “(5) USE OF SCHOOL BUS FLEET.—All clean  
2 school buses acquired with funds provided under this  
3 section shall—

4           “(A) be operated as part of the school bus  
5 fleet for which the award was made for not less  
6 than 5 years;

7           “(B) be maintained, operated, charged,  
8 and fueled according to manufacturer rec-  
9 ommendations or State requirements; and

10          “(C) not be manufactured or retrofitted  
11 with, or otherwise have installed, a power unit  
12 or other technology that creates air pollution  
13 within the school bus, such as an unvented die-  
14 sel passenger heater.

15          “(6) AWARDS.—

16          “(A) IN GENERAL.—In making awards  
17 under paragraph (1), the Administrator may  
18 make awards for up to 100 percent of the re-  
19 placement costs for clean school buses, provided  
20 that such replacement costs shall not exceed  
21 110 percent of the amount equal to the dif-  
22 ference between the cost of a clean school bus  
23 and the cost of a diesel school bus.

24          “(B) STRUCTURING AWARDS.—In making  
25 an award under paragraph (1)(A), the Adminis-

1           trator shall decide whether to award a grant,  
2           rebate, or low-cost revolving loan, or a combina-  
3           tion thereof, based primarily on—

4                   “(i) how best to facilitate replacing  
5                   existing school buses with clean school  
6                   buses; and

7                   “(ii) the preference of the eligible re-  
8                   cipient.

9                   “(C) INCLUDED COSTS.—Awards under  
10                  paragraph (1) may pay for—

11                   “(i) acquisition and labor costs for  
12                   charging or other infrastructure needed to  
13                   charge or maintain clean school buses;

14                   “(ii) workforce development and train-  
15                   ing, to support the maintenance, charging,  
16                   and operations of electric school buses; and

17                   “(iii) planning and technical activities  
18                   to support the adoption and deployment of  
19                   clean school buses.

20                   “(D) EXCEPTION.—In the case of awards  
21                  under paragraph (1) to eligible recipients de-  
22                  scribed in subsection (a)(4)(A)(iv), the Adminis-  
23                  trator may make awards for up to 70 percent  
24                  of the replacement costs for clean school buses,  
25                  except that if such a recipient demonstrates, to

1 the satisfaction of the Administrator, that its  
2 labor standards are equal to or exceed those of  
3 the public school system that would be served  
4 by the clean school buses acquired with an  
5 award under this section, the Administrator  
6 may make an award to such recipient for up to  
7 90 percent of the replacement costs for clean  
8 school buses.

9 “(E) REQUIREMENTS.—The Administrator  
10 shall require, as a condition of receiving an  
11 award under this section, that award recipi-  
12 ents—

13 “(i) do not, as a result of receiving  
14 the award—

15 “(I) lay off, transfer, or demote  
16 any current employee; or

17 “(II) reduce the salary or bene-  
18 fits of any current employee or worsen  
19 the conditions of work of any current  
20 employee; and

21 “(ii) provide current employees with  
22 training to effectively operate, maintain, or  
23 otherwise adapt to new technologies relat-  
24 ing to clean school buses.

25 “(F) BUY AMERICA.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), any clean school bus or  
3           electric vehicle supply equipment pur-  
4           chased using funds awarded under the this  
5           section shall comply with the requirements  
6           described in section 5323(j) of title 49,  
7           United States Code.

8           “(ii) EXCEPTIONS.—

9           “(I) WAIVER.—The Adminis-  
10          trator may provide a waiver to the re-  
11          quirements describe in clause (i) in  
12          the same manner and to the same ex-  
13          tent as the Secretary of Transpor-  
14          tation may provide a waiver under  
15          section 5323(j)(2) of title 49, United  
16          States Code.

17          “(II) PERCENTAGE OF COMPO-  
18          NENTS AND SUBCOMPONENTS.—The  
19          Administrator may grant a waiver in  
20          accordance with section 5323(j)(2)(C)  
21          of title 49, United States Code, when  
22          a grant recipient procures a clean  
23          school bus or electric vehicle supply  
24          equipment using funds awarded under  
25          the program for which the cost of

1 components and subcomponents pro-  
2 duced in the United States—

3 “(aa) for each of fiscal years  
4 2022 through 2026, is more than  
5 60 percent of the cost of all com-  
6 ponents of the clean school bus;  
7 and

8 “(bb) for fiscal year 2026  
9 and each fiscal year thereafter, is  
10 more than 70 percent of the cost  
11 of all components of the clean  
12 school bus.

13 “(7) DEPLOYMENT AND DISTRIBUTION.—The  
14 Administrator shall—

15 “(A) to the maximum extent practicable,  
16 achieve nationwide deployment of clean school  
17 buses through the program under this section;

18 “(B) ensure, as practicable, a broad geo-  
19 graphic distribution of awards under paragraph  
20 (1) each fiscal year; and

21 “(C) solicit early applications for large-  
22 scale deployments and, as soon as reasonably  
23 practicable, award grants for at least one such  
24 large scale deployment in a rural location and

1 another in an urban location, subject to the re-  
2 quirement that each such award recipient—

3 “(i) participate in the development of  
4 best practices, lessons learned, and other  
5 information sharing to guide the imple-  
6 mentation of the award program, including  
7 relating to building out associated infra-  
8 structure; and

9 “(ii) cooperate as specified in sub-  
10 paragraph (D); and

11 “(D) develop, in cooperation with award  
12 recipients, resources for future award recipients  
13 under this section.

14 “(8) SCRAPPAGE.—

15 “(A) IN GENERAL.—The Administrator  
16 shall require the recipient of an award under  
17 paragraph (1) to verify, not later than 1 year  
18 after receiving a clean school bus purchased  
19 using the award, that the engine of the replaced  
20 school bus has been scrapped.

21 “(B) EXCEPTION.—Subject to such condi-  
22 tions the Administrator determines appropriate,  
23 giving consideration to public health and reduc-  
24 ing emissions of pollutants, the Administrator

1           may waive the requirements of subparagraph  
2           (A) for school buses that meet—

3                   “(i) the emission standards applicable  
4                   to a new school bus as of the date of en-  
5                   actment of the Leading Infrastructure For  
6                   Tomorrow’s America Act; or

7                   “(ii) subsequent emission standards  
8                   that are at least as stringent as the stand-  
9                   ards referred to in clause (i).

10          “(c) EDUCATION AND OUTREACH.—

11               “(1) IN GENERAL.—Not later than 90 days  
12               after the date of enactment of the Leading Infra-  
13               structure For Tomorrow’s America Act, the Admin-  
14               istrator shall develop an education and outreach pro-  
15               gram to promote and explain the award program  
16               under this section.

17               “(2) COORDINATION WITH STAKEHOLDERS.—

18               The education and outreach program under para-  
19               graph (1) shall be designed and conducted in con-  
20               junction with interested national school bus trans-  
21               portation associations, labor unions, electric utilities,  
22               manufacturers of clean school buses, manufacturers  
23               of components of clean school buses, clean transpor-  
24               tation nonprofit organizations, and other stake-  
25               holders.

1           “(3) COMPONENTS.—The education and out-  
2 reach program under paragraph (1) shall—

3           “(A) inform, encourage, and support po-  
4 tential award recipients on the process of apply-  
5 ing for awards and fulfilling the requirements  
6 of awards;

7           “(B) describe the available technologies  
8 and the benefits of the technologies;

9           “(C) explain the benefits of participating  
10 in the award program;

11           “(D) make available information regarding  
12 best practices, lessons learned, and technical  
13 and other information regarding—

14           “(i) clean school bus acquisition and  
15 deployment;

16           “(ii) the build-out of associated infra-  
17 structure and advance planning with the  
18 local electricity supplier;

19           “(iii) workforce development and  
20 training; and

21           “(iv) any other information that, in  
22 the judgment of the Administrator, is rel-  
23 evant to transitioning to and deploying  
24 clean school buses;



1           “(E) make available the information pro-  
2           vided by the Secretary pursuant to subsection  
3           (d);

4           “(F) in consultation with the Secretary,  
5           make information available about how clean  
6           school buses can be part of building community  
7           resilience to the effects of climate change; and

8           “(G) include, as appropriate, information  
9           from the annual report required under sub-  
10          section (g).

11         “(d) DOE ASSISTANCE.—

12           “(1) INFORMATION GATHERING.—The Sec-  
13           retary shall gather, and not less than annually share  
14           with the Administrator, information regarding—

15           “(A) vehicle-to-grid technology, including  
16           best practices and use-case scenarios;

17           “(B) the use of clean school buses for com-  
18           munity resilience; and

19           “(C) technical aspects of clean school bus  
20           management and deployment.

21           “(2) TECHNICAL ASSISTANCE.—The Secretary  
22           shall, in response to a request from the Adminis-  
23           trator, or from an applicant for or recipient of an  
24           award under this section, provide technical assist-

1           ance in the development of an application for or the  
2           use of award funds.

3           “(e) ADMINISTRATIVE COSTS.—The Administrator  
4 may use, for the administrative costs of carrying out this  
5 section, not more than two percent of the amounts made  
6 available to carry out this section for any fiscal year.

7           “(f) ANNUAL REPORT.—Not later than January 31  
8 of each year, the Administrator shall submit to Congress  
9 a report that—

10                   “(1) evaluates the implementation of this sec-  
11           tion;

12                   “(2) describes—

13                           “(A) the total number of applications re-  
14                   ceived for awards under this section;

15                           “(B) the number of clean school buses re-  
16                   quested in such applications;

17                           “(C) the awards made under this section  
18                   and the criteria used to select the award recipi-  
19                   ents;

20                           “(D) the awards made under this section  
21                   for charging and fueling infrastructure;

22                           “(E) ongoing compliance with the commit-  
23                   ments made by manufacturers on the list main-  
24                   tained by the Administrator under subsection  
25                   (b)(3);

1           “(F) the estimated effect of the awards  
2           under this section on emission of air pollutants,  
3           including greenhouse gases; and

4           “(G) any other information the Adminis-  
5           trator considers appropriate; and

6           “(3) describes any waiver granted under sub-  
7           section (b)(5)(B) during the preceding year.

8           “(g) AUTHORIZATION OF APPROPRIATIONS.—

9           “(1) IN GENERAL.—There is authorized to be  
10          appropriated to the Administrator to carry out this  
11          section, to remain available until expended,  
12          \$130,000,000 for each of fiscal years 2022 through  
13          2026.

14          “(2) ALLOCATION.—Of the amount authorized  
15          to be appropriated for carrying out this section for  
16          each fiscal year, no less than \$52,000,000 shall be  
17          used for awards under this section to eligible recipi-  
18          ents proposing to replace school buses to serve a  
19          community of color, indigenous community, low-in-  
20          come community, or any community located in an  
21          air quality area designated pursuant to section 107  
22          of the Clean Air Act (42 U.S.C. 7407) as nonattain-  
23          ment.”.

24          (b) TECHNICAL AMENDMENT TO STRIKE REDUN-  
25          DANT AUTHORIZATION.—The Safe, Accountable, Flexible,

1 Efficient Transportation Equity Act: A Legacy for Users  
2 (commonly referred to as “SAFETEA-LU”) is amend-  
3 ed—

4 (1) by striking section 6015 (42 U.S.C.  
5 16091a); and

6 (2) in the table of contents in section 1(b) of  
7 such Act, by striking the item relating to section  
8 6015.

9 **SEC. 34342. PILOT PROGRAM FOR THE ELECTRIFICATION**  
10 **OF CERTAIN REFRIGERATED VEHICLES.**

11 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Ad-  
12 ministrator shall establish and carry out a pilot program  
13 to award funds, in the form of grants, rebates, and low-  
14 cost revolving loans, as determined appropriate by the Ad-  
15 ministrator, on a competitive basis, to eligible entities to  
16 carry out projects described in subsection (b).

17 (b) PROJECTS.—An eligible entity receiving an award  
18 of funds under subsection (a) may use such funds only  
19 for one or more of the following projects:

20 (1) TRANSPORT REFRIGERATION UNIT RE-  
21 PLACEMENT.—A project to retrofit a heavy-duty ve-  
22 hicle by replacing or retrofitting the existing diesel-  
23 powered transport refrigeration unit in such vehicle  
24 with an electric transport refrigeration unit and re-  
25 tiring the replaced unit for scrappage.

1           (2) SHORE POWER INFRASTRUCTURE.—A  
2 project to purchase and install shore power infra-  
3 structure or other equipment that enables transport  
4 refrigeration units to connect to electric power and  
5 operate without using diesel fuel.

6           (c) MAXIMUM AMOUNTS.—The amount of an award  
7 of funds under subsection (a) shall not exceed—

8           (1) for the costs of a project described in sub-  
9 section (b)(1), 75 percent of such costs; and

10           (2) for the costs of a project described in sub-  
11 section (b)(2), 55 percent of such costs.

12           (d) APPLICATIONS.—To be eligible to receive an  
13 award of funds under subsection (a), an eligible entity  
14 shall submit to the Administrator—

15           (1) a description of the air quality in the area  
16 served by the eligible entity, including a description  
17 of how the air quality is affected by diesel emissions  
18 from heavy-duty vehicles;

19           (2) a description of the project proposed by the  
20 eligible entity, including—

21           (A) any technology to be used or funded by  
22 the eligible entity; and

23           (B) a description of the heavy-duty vehicle  
24 or vehicles of the eligible entity, that will be ret-  
25 rofitted, if any, including—

- 1 (i) the number of such vehicles;
- 2 (ii) the uses of such vehicles;
- 3 (iii) the locations where such vehicles
- 4 dock for the purpose of loading or unload-
- 5 ing; and
- 6 (iv) the routes driven by such vehicles,
- 7 including the times at which such vehicles
- 8 are driven;
- 9 (3) an estimate of the cost of the proposed
- 10 project;
- 11 (4) a description of the age and expected life-
- 12 time control of the equipment used or funded by the
- 13 eligible entity; and
- 14 (5) provisions for the monitoring and
- 15 verification of the project including to verify
- 16 scrappage of replaced units.
- 17 (e) PRIORITY.—In awarding funds under subsection
- 18 (a), the Administrator shall give priority to proposed
- 19 projects that, as determined by the Administrator—
- 20 (1) maximize public health benefits;
- 21 (2) are the most cost-effective; and
- 22 (3) will serve the communities that are most
- 23 polluted by diesel motor emissions, including com-
- 24 munities that the Administrator identifies as being
- 25 in either nonattainment or maintenance of the na-

1 tional ambient air quality standards for a criteria  
2 pollutant, particularly for—

3 (A) ozone; and

4 (B) particulate matter.

5 (f) DATA RELEASE.—Not later than 120 days after  
6 the date on which an award of funds is made under this  
7 section, the Administrator shall publish on the website of  
8 the Environmental Protection Agency, on a downloadable  
9 electronic database, information with respect to such  
10 award of funds, including—

11 (1) the name and location of the recipient;

12 (2) the total amount of funds awarded;

13 (3) the intended use or uses of the awarded  
14 funds;

15 (4) the date on which the award of funds was  
16 approved;

17 (5) where applicable, an estimate of any air pol-  
18 lution or greenhouse gas emissions avoided as a re-  
19 sult of the project funded by the award; and

20 (6) any other data the Administrator deter-  
21 mines to be necessary for an evaluation of the use  
22 and effect of awarded funds provided under this sec-  
23 tion.

24 (g) REPORTS TO CONGRESS.—

1           (1) ANNUAL REPORT TO CONGRESS.—Not later  
2 than 1 year after the date of the establishment of  
3 the pilot program under this section, and annually  
4 thereafter until amounts made available to carry out  
5 this section are expended, the Administrator shall  
6 submit to Congress and make available to the public  
7 a report that describes, with respect to the applica-  
8 ble year—

9                   (A) the number of applications for awards  
10 of funds received under such program;

11                   (B) all awards of funds made under such  
12 program, including a summary of the data de-  
13 scribed in subsection (f);

14                   (C) the estimated reduction of annual  
15 emissions of air pollutants regulated under sec-  
16 tion 109 of the Clean Air Act (42 U.S.C.  
17 7409), and the estimated reduction of green-  
18 house gas emissions, associated with the awards  
19 of funds made under such program;

20                   (D) the number of awards of funds made  
21 under such program for projects in communities  
22 described in subsection (e)(3); and

23                   (E) any other data the Administrator de-  
24 termines to be necessary to describe the imple-



1           mentation, outcomes, or effectiveness of such  
2           program.

3           (2) FINAL REPORT.—Not later than 1 year  
4           after amounts made available to carry out this sec-  
5           tion are expended, or 5 years after the pilot program  
6           is established, whichever comes first, the Adminis-  
7           trator shall submit to Congress and make available  
8           to the public a report that describes—

9                   (A) all of the information collected for the  
10                   annual reports under paragraph (1);

11                   (B) any benefits to the environment or  
12                   human health that could result from the wide-  
13                   spread application of electric transport refriger-  
14                   eration units for short-haul transportation and  
15                   delivery of perishable goods or other goods re-  
16                   quiring climate-controlled conditions, including  
17                   in low-income communities and communities of  
18                   color;

19                   (C) any challenges or benefits that recipi-  
20                   ents of awards of funds under such program re-  
21                   ported with respect to the integration or use of  
22                   electric transport refrigeration units and associ-  
23                   ated technologies;

1 (D) an assessment of the national market  
2 potential for electric transport refrigeration  
3 units;

4 (E) an assessment of challenges and op-  
5 portunities for widespread deployment of elec-  
6 tric transport refrigeration units, including in  
7 urban areas; and

8 (F) recommendations for how future Fed-  
9 eral, State, and local programs can best support  
10 the adoption and widespread deployment of  
11 electric transport refrigeration units.

12 (h) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Environ-  
15 mental Protection Agency.

16 (2) DIESEL-POWERED TRANSPORT REFRIGERA-  
17 TION UNIT.—The term “diesel-powered transport re-  
18 frigeration unit” means a transport refrigeration  
19 unit that is powered by an independent diesel inter-  
20 nal combustion engine.

21 (3) ELECTRIC TRANSPORT REFRIGERATION  
22 UNIT.—The term “electric transport refrigeration  
23 unit” means a transport refrigeration unit in which  
24 the refrigeration or climate-control system is driven  
25 by an electric motor when connected to shore power

1 infrastructure or other equipment that enables  
2 transport refrigeration units to connect to electric  
3 power, including all-electric transport refrigeration  
4 units, hybrid electric transport refrigeration units,  
5 and standby electric transport refrigeration units.

6 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
7 ty” means—

8 (A) a regional, State, local, or Tribal agen-  
9 cy, or port authority, with jurisdiction over  
10 transportation or air quality;

11 (B) a nonprofit organization or institution  
12 that—

13 (i) represents or provides pollution re-  
14 duction or educational services to persons  
15 or organizations that own or operate  
16 heavy-duty vehicles or fleets of heavy-duty  
17 vehicles; or

18 (ii) has, as its principal purpose, the  
19 promotion of air quality;

20 (C) an individual or entity that is the  
21 owner of record of a heavy-duty vehicle or a  
22 fleet of heavy-duty vehicles that operates for the  
23 transportation and delivery of perishable goods  
24 or other goods requiring climate-controlled con-  
25 ditions;

1 (D) an individual or entity that is the  
2 owner of record of a facility that operates as a  
3 warehouse or storage facility for perishable  
4 goods or other goods requiring climate-con-  
5 trolled conditions; or

6 (E) a hospital or public health institution  
7 that utilizes refrigeration for storage of perish-  
8 able goods or other goods requiring climate-con-  
9 trolled conditions.

10 (5) HEAVY-DUTY VEHICLE.—The term “heavy-  
11 duty vehicle” means—

12 (A) a commercial truck or van—

13 (i) used for the primary purpose of  
14 transporting perishable goods or other  
15 goods requiring climate-controlled condi-  
16 tions; and

17 (ii) with a gross vehicle weight rating  
18 greater than 6,000 pounds; or

19 (B) an insulated cargo trailer used in  
20 transporting perishable goods or other goods re-  
21 quiring climate-controlled conditions when  
22 mounted on a semitrailer.

23 (6) SHORE POWER INFRASTRUCTURE.—The  
24 term “shore power infrastructure” means electrical  
25 infrastructure that provides power to the electric

1 transport refrigeration unit of a heavy-duty vehicle  
2 when such vehicle is stationary on a property where  
3 such vehicle is parked or loaded, including a food  
4 distribution center or other location where heavy-  
5 duty vehicles congregate.

6 (7) TRANSPORT REFRIGERATION UNIT.—The  
7 term “transport refrigeration unit” means a climate-  
8 control system installed on a heavy-duty vehicle for  
9 the purpose of maintaining the quality of perishable  
10 goods or other goods requiring climate-controlled  
11 conditions.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be  
14 appropriated to carry out this section \$10,000,000,  
15 to remain available until expended.

16 (2) ADMINISTRATIVE EXPENSES.—The Admin-  
17 istrator may use not more than 1 percent of  
18 amounts made available pursuant to paragraph (1)  
19 for administrative expenses to carry out this section.

20 **SEC. 34343. DOMESTIC MANUFACTURING CONVERSION**  
21 **GRANT PROGRAM.**

22 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND  
23 FUEL CELL BUSES.—Subtitle B of title VII of the Energy  
24 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-  
25 ed—

1 (1) in the subtitle header, by inserting “**Plug-**  
2 **In Electric Vehicles,**” before “**Hybrid Vehi-**  
3 **cles**”; and

4 (2) in part 1, in the part header, by striking  
5 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

6 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of  
7 the Energy Policy Act of 2005 (42 U.S.C. 16061) is  
8 amended to read as follows:

9 “**SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

10 “The Secretary shall accelerate efforts, related to do-  
11 mestic manufacturing, that are directed toward the im-  
12 provement of batteries, power electronics, and other tech-  
13 nologies for use in plug-in electric vehicles.”.

14 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-  
15 HICLES.—Section 712 of the Energy Policy Act of 2005  
16 (42 U.S.C. 16062) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1), by inserting “, plug-  
19 in electric,” after “efficient hybrid”; and

20 (B) by amending paragraph (3) to read as  
21 follows:

22 “(3) PRIORITY.—Priority shall be given to—

23 “(A) the refurbishment or retooling of  
24 manufacturing facilities that have recently

1           ceased operation or would otherwise cease oper-  
2           ation in the near future; and

3           “(B) applications containing—

4           “(i) a written assurance that—

5           “(I) all laborers and mechanics  
6           employed by contractors or sub-  
7           contractors during construction, alter-  
8           ation, or repair, or at any manufac-  
9           turing operation, that is financed, in  
10          whole or in part, by a loan under this  
11          section shall be paid wages at rates  
12          not less than those prevailing in a  
13          similar firm or on similar construction  
14          in the locality, as determined by the  
15          Secretary of Labor in accordance with  
16          subchapter IV of chapter 31 of title  
17          40, United States Code; and

18          “(II) the Secretary of Labor  
19          shall, with respect to the labor stand-  
20          ards described in this paragraph, have  
21          the authority and functions set forth  
22          in Reorganization Plan Numbered 14  
23          of 1950 (64 Stat. 1267; 5 U.S.C.  
24          App.) and section 3145 of title 40,  
25          United States Code;

1           “(ii) a disclosure of whether there has  
2           been any administrative merits determina-  
3           tion, arbitral award or decision, or civil  
4           judgment, as defined in guidance issued by  
5           the Secretary of Labor, rendered against  
6           the applicant in the preceding 3 years for  
7           violations of applicable labor, employment,  
8           civil rights, or health and safety laws;

9           “(iii) specific information regarding  
10          the actions the applicant will take to dem-  
11          onstrate compliance with, and where pos-  
12          sible exceedance of, requirements under  
13          applicable labor, employment, civil rights,  
14          and health and safety laws, and actions the  
15          applicant will take to ensure that its direct  
16          suppliers demonstrate compliance with ap-  
17          plicable labor, employment, civil rights,  
18          and health and safety laws; and

19          “(iv) an estimate and description of  
20          the jobs and types of jobs to be retained or  
21          created by the project and the specific ac-  
22          tions the applicant will take to increase  
23          employment and retention of dislocated  
24          workers, veterans, individuals from low-in-  
25          come communities, women, minorities, and



1           other groups underrepresented in manufac-  
2           turing, and individuals with a barrier to  
3           employment.”; and

4           (2) by striking subsection (c) and inserting the  
5           following:

6           “(c) COST SHARE AND GUARANTEE OF OPER-  
7           ATION.—

8           “(1) CONDITION.—A recipient of a grant under  
9           this section shall pay the Secretary the full amount  
10          of the grant if the facility financed in whole or in  
11          part under this subsection fails to manufacture  
12          goods for a period of at least 10 years after the com-  
13          pletion of construction.

14          “(2) COST SHARE.—Section 988(c) shall apply  
15          to a grant made under this subsection.

16          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
17          is authorized to be appropriated to the Secretary to carry  
18          out this section \$2,500,000,000 for each of fiscal years  
19          2022 through 2026.

20          “(e) PERIOD OF AVAILABILITY.—An award made  
21          under this section after the date of enactment of this sub-  
22          section shall only be available with respect to facilities and  
23          equipment placed in service before December 30, 2035.”.

24          (d) CONFORMING AMENDMENT.—The table of con-  
25          tents of the Energy Policy Act of 2005 is amended—

1 (1) in the item relating to subtitle B of title  
2 VII, by inserting “Plug-In Electric Vehicles,” before  
3 “Hybrid Vehicles”;

4 (2) in the item relating to part 1 of such sub-  
5 title, by striking “Hybrid” and inserting “Plug-In  
6 Electric”; and

7 (3) in the item relating to section 711, by strik-  
8 ing “Hybrid” and inserting “Plug-in electric”.

9 **SEC. 34344. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**  
10 **TURING INCENTIVE PROGRAM.**

11 Section 136 of the Energy Independence and Security  
12 Act of 2007 (42 U.S.C. 17013) is amended—

13 (1) in subsection (a)—

14 (A) by amending paragraph to read as fol-  
15 lows:

16 “(1) **ADVANCED TECHNOLOGY VEHICLE.**—The  
17 term ‘advanced technology vehicle’ means—

18 “(A) an ultra efficient vehicle;

19 “(B) a light-duty vehicle or medium-duty  
20 passenger vehicle that—

21 “(i) meets the Bin 160 Tier III emis-  
22 sion standard established in regulations  
23 issued by the Administrator of the Envi-  
24 ronmental Protection Agency under section  
25 202(i) of the Clean Air Act (42 U.S.C.

1 7521(i)), or a lower-numbered Bin emis-  
2 sion standard;

3 “(ii) meets any new emission standard  
4 in effect for fine particulate matter pre-  
5 scribed by the Administrator under that  
6 Act (42 U.S.C. 7401 et seq.); and

7 “(iii) either—

8 “(I) complies with the applicable  
9 regulatory standard for emissions of  
10 greenhouse gases for model year 2027  
11 or later; or

12 “(II) emits zero emissions of  
13 greenhouse gases; or

14 “(C) a heavy-duty vehicle (excluding a me-  
15 dium-duty passenger vehicle) that—

16 “(i) demonstrates achievement below  
17 the applicable regulatory standards for  
18 emissions of greenhouse gases for model  
19 year 2027 vehicles promulgated by the Ad-  
20 ministrator on October 25, 2016 (81 Fed.  
21 Reg. 73478);

22 “(ii) complies with the applicable reg-  
23 ulatory standard for emissions of green-  
24 house gases for model year 2030 or later;  
25 or

1                   “(iii) emits zero emissions of green-  
2                   house gases.”;

3                   (B) by striking paragraph (2) and redesign-  
4                   nating paragraph (3) as paragraph (2);

5                   (C) by striking paragraph (4) and insert-  
6                   ing the following:

7                   “(3) QUALIFYING COMPONENT.—The term  
8                   ‘qualifying component’ means a material, technology,  
9                   component, system, or subsystem in an advanced  
10                  technology vehicle, including an ultra-efficient com-  
11                  ponent.

12                  “(4) ULTRA-EFFICIENT COMPONENT.—The  
13                  term ‘ultra-efficient component’ means—

14                         “(A) a component of an ultra efficient ve-  
15                         hicle;

16                         “(B) fuel cell technology;

17                         “(C) battery technology, including a bat-  
18                         tery cell, battery, battery management system,  
19                         or thermal control system;

20                         “(D) an automotive semiconductor or com-  
21                         puter;

22                         “(E) an electric motor, axle, or component;  
23                         and

24                         “(F) an advanced lightweight, high-  
25                         strength, or high-performance material.”; and

1 (D) in paragraph (5)—

2 (i) in subparagraph (B), by striking  
3 “or” at the end;

4 (ii) in subparagraph (C), by striking  
5 the period at the end and inserting “; or”;  
6 and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(D) at least 75 miles per gallon equiva-  
10 lent while operating as a hydrogen fuel cell elec-  
11 tric vehicle.”;

12 (2) by amending subsection (b) to read as fol-  
13 lows:

14 “(b) ADVANCED VEHICLES MANUFACTURING FACIL-  
15 ITY.—

16 “(1) IN GENERAL.—The Secretary shall provide  
17 facility funding awards under this section to ad-  
18 vanced technology vehicle manufacturers and compo-  
19 nent suppliers to pay not more than 50 percent of  
20 the cost of—

21 “(A) reequipping, expanding, or estab-  
22 lishing a manufacturing facility in the United  
23 States to produce—

24 “(i) advanced technology vehicles; or

25 “(ii) qualifying components; and

1           “(B) engineering integration performed in  
2           the United States of advanced technology vehi-  
3           cles and qualifying components.

4           “(2) ULTRA-EFFICIENT COMPONENTS COST  
5           SHARE.—Notwithstanding paragraph (1), a facility  
6           funding award under such paragraph may pay not  
7           more than 80 percent of the cost of a project to  
8           reequip, expand, or establish a manufacturing facil-  
9           ity in the United States to produce ultra-efficient  
10          components.”;

11          (3) in subsection (c), by striking “2020” and  
12          inserting “2026” each place it appears;

13          (4) in subsection (d)—

14                 (A) by amending paragraph (2) to read as  
15                 follows:

16                 “(2) APPLICATION.—An applicant for a loan  
17                 under this subsection shall submit to the Secretary  
18                 an application at such time, in such manner, and  
19                 containing such information as the Secretary may  
20                 require, including—

21                         “(A) a written assurance that—

22                                 “(i) all laborers and mechanics em-  
23                                 ployed by contractors or subcontractors  
24                                 during construction, alteration, or repair,  
25                                 or at any manufacturing operation, that is

1           financed, in whole or in part, by a loan  
2           under this section shall be paid wages at  
3           rates not less than those prevailing in a  
4           similar firm or on similar construction in  
5           the locality, as determined by the Sec-  
6           retary of Labor in accordance with sub-  
7           chapter IV of chapter 31 of title 40,  
8           United States Code; and

9           “(ii) the Secretary of Labor shall,  
10          with respect to the labor standards de-  
11          scribed in this paragraph, have the author-  
12          ity and functions set forth in Reorganiza-  
13          tion Plan Numbered 14 of 1950 (64 Stat.  
14          1267; 5 U.S.C. App.) and section 3145 of  
15          title 40, United States Code;

16          “(B) a disclosure of whether there has  
17          been any administrative merits determination,  
18          arbitral award or decision, or civil judgment, as  
19          defined in guidance issued by the Secretary of  
20          Labor, rendered against the applicant in the  
21          preceding 3 years for violations of applicable  
22          labor, employment, civil rights, or health and  
23          safety laws;

24          “(C) specific information regarding the ac-  
25          tions the applicant will take to demonstrate

1 compliance with, and where possible exceedance  
2 of, requirements under applicable labor, employ-  
3 ment, civil rights, and health and safety laws,  
4 and actions the applicant will take to ensure  
5 that its direct suppliers demonstrate compliance  
6 with applicable labor, employment, civil rights,  
7 and health and safety laws; and

8 “(D) an estimate and description of the  
9 jobs and types of jobs to be retained or created  
10 by the project and the specific actions the appli-  
11 cant will take to increase employment and re-  
12 tention of dislocated workers, veterans, individ-  
13 uals from low-income communities, women, mi-  
14 norities, and other groups underrepresented in  
15 manufacturing, and individuals with a barrier  
16 to employment.”;

17 (B) by amending paragraph (3) to read as  
18 follows:

19 “(3) SELECTION OF ELIGIBLE PROJECTS.—

20 “(A) IN GENERAL.—The Secretary shall  
21 select eligible projects to receive loans under  
22 this subsection in cases in which the Secretary  
23 determines—

24 “(i) the loan recipient—



1                   “(I) has a reasonable prospect of  
2                   repaying the principal and interest on  
3                   the loan;

4                   “(II) will provide sufficient infor-  
5                   mation to the Secretary for the Sec-  
6                   retary to ensure that the qualified in-  
7                   vestment is expended efficiently and  
8                   effectively; and

9                   “(III) has met such other criteria  
10                  as may be established and published  
11                  by the Secretary; and

12                  “(ii) the amount of the loan (when  
13                  combined with amounts available to the  
14                  loan recipient from other sources) will be  
15                  sufficient to carry out the project.

16                  “(B) REASONABLE PROSPECT OF REPAY-  
17                  MENT.—The Secretary shall base a determina-  
18                  tion of whether there is a reasonable prospect  
19                  of repayment of the principal and interest on a  
20                  loan under subparagraph (A) on a comprehen-  
21                  sive evaluation of whether the loan recipient has  
22                  a reasonable prospect of repaying the principal  
23                  and interest, including evaluation of—

1           “(i) the strength of an eligible  
2 project’s contractual terms (if commer-  
3 cially reasonably available);

4           “(ii) the forecast of noncontractual  
5 cash flows supported by market projections  
6 from reputable sources, as determined by  
7 the Secretary;

8           “(iii) cash sweeps and other structure  
9 enhancements;

10          “(iv) the projected financial strength  
11 of the loan recipient at the time of loan  
12 close and projected throughout the loan  
13 term after the project is completed;

14          “(v) the financial strength of the loan  
15 recipient’s investors and strategic partners,  
16 if applicable; and

17          “(vi) other financial metrics and anal-  
18 yses that are relied upon by the private  
19 lending community and nationally recog-  
20 nized credit rating agencies, as determined  
21 appropriate by the Secretary.”; and

22 (C) in paragraph (4)—

23          (i) in subparagraph (B)(i), by striking  
24 “; and” and inserting “; or”;

1 (ii) in subparagraph (C), by striking  
2 “; and” and inserting a semicolon;

3 (iii) in subparagraph (D), by striking  
4 the period at the end and inserting “;  
5 and”; and

6 (iv) by adding at the end the fol-  
7 lowing:

8 “(E) shall be subject to the condition that  
9 the loan is not subordinate to other financing.”;

10 (5) by amending subsection (e) to read as fol-  
11 lows:

12 “(e) REGULATIONS.—Not later than 6 months after  
13 the date of enactment of the Leading Infrastructure For  
14 Tomorrow’s America Act, the Secretary shall issue a final  
15 rule establishing regulations to carry out this section.”;

16 (6) by amending subsection (f) to read as fol-  
17 lows:

18 “(f) FEES.—The Secretary shall charge and collect  
19 fees for loans under this section in amounts the Secretary  
20 determines are sufficient to cover applicable administra-  
21 tive expenses (including any costs associated with third-  
22 party consultants engaged by the Secretary), which may  
23 not exceed \$100,000 or 10 basis points of the loan and  
24 may not be collected prior to financial closing.”;

1           (7) by amending subsection (g) to read as fol-  
2       lows:

3       “(g) PRIORITY.—The Secretary shall, in making  
4       awards or loans to those manufacturers that have existing  
5       facilities (which may be idle), give priority to those facili-  
6       ties that are or would be—

7           “(1) oldest or in existence for at least 20 years;

8           “(2) recently closed, or at risk of closure;

9           “(3) utilized primarily for the manufacture of  
10       medium-duty passenger vehicles or other heavy-duty  
11       vehicles that emit zero greenhouse gas emissions; or

12          “(4) utilized primarily for the manufacture of  
13       ultra-efficient components.”;

14       (8) in subsection (h)—

15           (A) in the header, by striking “AUTO-  
16       MOBILE” and inserting “ADVANCED TECH-  
17       NOLOGY VEHICLE”; and

18           (B) in paragraph (1)(B), by striking  
19       “automobiles, or components of automobiles”  
20       and inserting “advanced technology vehicles, or  
21       components of advanced technology vehicles”;

22       (9) by striking subsection (i) and redesignating  
23       subsection (j) as subsection (i); and

24       (10) by adding at the end the following:

1       “(j) COORDINATION.—In carrying out this section,  
2 the Secretary shall coordinate with relevant vehicle, bio-  
3 energy, and hydrogen and fuel cell demonstration project  
4 activities supported by the Department.

5       “(k) OUTREACH.—In carrying out this section, the  
6 Secretary shall—

7           “(1) provide assistance with the completion of  
8 applications for awards or loans under this section;  
9 and

10          “(2) conduct outreach, including through con-  
11 ferences and online programs, to disseminate infor-  
12 mation on awards and loans under this section to  
13 potential applicants.

14       “(l) REPORT.—Not later than 2 years after the date  
15 of the enactment of this subsection, and every 3 years  
16 thereafter, the Secretary shall submit to Congress a report  
17 on the status of projects supported by a loan under this  
18 section, including—

19           “(1) a list of projects receiving a loan under  
20 this section, including the loan amount and con-  
21 struction status of each such project;

22           “(2) the status of each project’s loan repay-  
23 ment, including future repayment projections;

1           “(3) data regarding the number of direct and  
2 indirect jobs retained, restored, or created by fi-  
3 nanced projects;

4           “(4) the number of new projects projected to  
5 receive a loan under this section in the next 2 years  
6 and the aggregate loan amount;

7           “(5) evaluation of ongoing compliance with the  
8 assurances and commitments and of the predictions  
9 made by applicants pursuant to subsection (d)(2);  
10 and

11           “(6) any other metrics the Secretary finds ap-  
12 propriate.”.

## 13           **TITLE IV—HEALTH CARE** 14           **INFRASTRUCTURE**

### 15   **SEC. 40001. CORE PUBLIC HEALTH INFRASTRUCTURE FOR** 16           **STATE, LOCAL, TRIBAL, AND TERRITORIAL** 17           **HEALTH DEPARTMENTS.**

18           (a) PROGRAM.—The Secretary of Health and Human  
19 Services (in this title referred to as the “Secretary”), act-  
20 ing through the Director of the Centers for Disease Con-  
21 trol and Prevention, shall establish a core public health  
22 infrastructure program consisting of awarding grants  
23 under subsection (b).

24           (b) GRANTS.—

1           (1) AWARD.—For the purpose of addressing  
2           core public health infrastructure needs, the Sec-  
3           retary—

4                   (A) shall award a grant to each State  
5           health department; and

6                   (B) may award grants on a competitive  
7           basis to State, local, Tribal, or territorial health  
8           departments.

9           (2) ALLOCATION.—Of the total amount of  
10          funds awarded as grants under this subsection for a  
11          fiscal year—

12                   (A) not less than 50 percent shall be for  
13          grants to State health departments under para-  
14          graph (1)(A); and

15                   (B) not less than 30 percent shall be for  
16          grants to State, local, Tribal, or territorial  
17          health departments under paragraph (1)(B).

18          (c) USE OF FUNDS.—A State, local, Tribal, or terri-  
19          torial health department receiving a grant under sub-  
20          section (b) shall use the grant funds to address core public  
21          health infrastructure needs, including those identified in  
22          the accreditation process under subsection (g).

23          (d) FORMULA GRANTS TO STATE HEALTH DEPART-  
24          MENTS.—In making grants under subsection (b)(1)(A),

1 the Secretary shall award funds to each State health de-  
2 partment in accordance with—

3           (1) a formula based on population size, burden  
4           of preventable disease and disability, and core public  
5           health infrastructure gaps, including those identified  
6           in the accreditation process under subsection (g);  
7           and

8           (2) application requirements established by the  
9           Secretary, including a requirement that the State  
10          health department submit a plan that demonstrates  
11          to the satisfaction of the Secretary that the State’s  
12          health department will—

13                   (A) address its highest priority core public  
14                   health infrastructure needs; and

15                   (B) as appropriate, allocate funds to local  
16                   health departments within the State.

17          (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-  
18          AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In  
19          making grants under subsection (b)(1)(B), the Secretary  
20          shall give priority to applicants demonstrating core public  
21          health infrastructure needs identified in the accreditation  
22          process under subsection (g).

23          (f) MAINTENANCE OF EFFORT.—The Secretary may  
24          award a grant to an entity under subsection (b) only if



1 the entity demonstrates to the satisfaction of the Sec-  
2 retary that—

3 (1) funds received through the grant will be ex-  
4 pended only to supplement, and not supplant, non-  
5 Federal and Federal funds otherwise available to the  
6 entity for the purpose of addressing core public  
7 health infrastructure needs; and

8 (2) with respect to activities for which the grant  
9 is awarded, the entity will maintain expenditures of  
10 non-Federal amounts for such activities at a level  
11 not less than the level of such expenditures main-  
12 tained by the entity for the fiscal year preceding the  
13 fiscal year for which the entity receives the grant.

14 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-  
15 ITATION PROGRAM.—

16 (1) IN GENERAL.—The Secretary shall—

17 (A) develop, and periodically review and  
18 update, standards for voluntary accreditation of  
19 State, local, Tribal, and territorial health de-  
20 partments and public health laboratories for the  
21 purpose of advancing the quality and perform-  
22 ance of such departments and laboratories; and

23 (B) implement a program to accredit such  
24 health departments and laboratories in accord-  
25 ance with such standards.

1           (2) COOPERATIVE AGREEMENT.—The Secretary  
2           may enter into a cooperative agreement with a pri-  
3           vate nonprofit entity to carry out paragraph (1).

4           (h) REPORT.—The Secretary shall submit to the Con-  
5           gress an annual report on progress being made to accredit  
6           entities under subsection (g), including—

7           (1) a strategy, including goals and objectives,  
8           for accrediting entities under subsection (g) and  
9           achieving the purpose described in subsection  
10          (g)(1)(A);

11          (2) identification of gaps in research related to  
12          core public health infrastructure; and

13          (3) recommendations of priority areas for such  
14          research.

15          (i) DEFINITION.—In this section, the term “core pub-  
16          lic health infrastructure” includes—

17          (1) workforce capacity and competency;

18          (2) laboratory systems;

19          (3) testing capacity, including test platforms,  
20          mobile testing units, and personnel;

21          (4) health information, health information sys-  
22          tems, and health information analysis;

23          (5) disease surveillance;

24          (6) contact tracing;

25          (7) communications;



1 \$1,000,000,000 for the period of fiscal years 2022  
2 through 2026.

3 **SEC. 40003. HOSPITAL INFRASTRUCTURE.**

4 (a) IN GENERAL.—Section 1610(a) of the Public  
5 Health Service Act (42 U.S.C. 300r(a)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) in clause (i), by striking “or” at the  
8 end;

9 (B) in clause (ii), by striking the period at  
10 the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(iii) increase capacity and update hospitals  
13 and other medical facilities in order to better serve  
14 communities in need.”; and

15 (2) by striking paragraph (3) and inserting the  
16 following:

17 “(3) PRIORITY.—In awarding grants under this sub-  
18 section, the Secretary shall give priority to applicants  
19 whose projects will include, by design, public health emer-  
20 gency preparedness or cybersecurity against cyber threats.

21 “(4) AMERICAN IRON AND STEEL PRODUCTS.—

22 “(A) IN GENERAL.—As a condition on receipt  
23 of a grant under this subsection for a project, an en-  
24 tity shall ensure that all of the iron and steel prod-

1       ucts used in the project are produced in the United  
2       States.

3           “(B) APPLICATION.—Subparagraph (A) shall  
4       be waived in any case or category of cases in which  
5       the Secretary finds that—

6           “(i) applying subparagraph (A) would be  
7       inconsistent with the public interest;

8           “(ii) iron and steel products are not pro-  
9       duced in the United States in sufficient and  
10      reasonably available quantities and of a satis-  
11      factory quality; or

12          “(iii) inclusion of iron and steel products  
13      produced in the United States will increase the  
14      cost of the overall project by more than 25 per-  
15      cent.

16          “(C) WAIVER.—If the Secretary receives a re-  
17      quest for a waiver under this paragraph, the Sec-  
18      retary shall make available to the public, on an in-  
19      formal basis, a copy of the request and information  
20      available to the Secretary concerning the request,  
21      and shall allow for informal public input on the re-  
22      quest for at least 15 days prior to making a finding  
23      based on the request. The Secretary shall make the  
24      request and accompanying information available by  
25      electronic means, including on the official public

1 internet site of the Department of Health and  
2 Human Services.

3 “(D) INTERNATIONAL AGREEMENTS.—This  
4 paragraph shall be applied in a manner consistent  
5 with United States obligations under international  
6 agreements.

7 “(E) MANAGEMENT AND OVERSIGHT.—The  
8 Secretary may retain up to 0.25 percent of the funds  
9 appropriated for this subsection for management  
10 and oversight of the requirements of this paragraph.

11 “(F) EFFECTIVE DATE.—This paragraph does  
12 not apply with respect to a project if a State agency  
13 approves the engineering plans and specifications for  
14 the project, in that agency’s capacity to approve  
15 such plans and specifications prior to a project re-  
16 questing bids, prior to the date of enactment of this  
17 paragraph.

18 “(5) AUTHORIZATION OF APPROPRIATIONS.—To  
19 carry out this subsection, there is authorized to be appro-  
20 priated \$2,000,000,000 for each of fiscal years 2022  
21 through 2026.”.

22 (b) TECHNICAL UPDATE.—Section 1610(b) of the  
23 Public Health Service Act (42 U.S.C. 300r(b)) is amended  
24 by striking paragraph (3).

1 **SEC. 40004. PILOT PROGRAM TO IMPROVE LABORATORY IN-**  
2 **FRASTRUCTURE.**

3 (a) IN GENERAL.—The Secretary shall award grants  
4 to States and political subdivisions of States to support  
5 the improvement, renovation, or modernization of infra-  
6 structure at clinical laboratories (as defined in section 353  
7 of the Public Health Service Act (42 U.S.C. 263a)) that  
8 will help to improve SARS–CoV–2 and COVID–19 testing  
9 and response activities, including the expansion and en-  
10 hancement of testing capacity at such laboratories.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
12 out this section, there is authorized to be appropriated  
13 \$4,500,000,000 for the period of fiscal years 2022  
14 through 2026.

15 **SEC. 40005. 21ST CENTURY INDIAN HEALTH PROGRAM HOS-**  
16 **PITALS AND OUTPATIENT HEALTH CARE FA-**  
17 **CILITIES.**

18 The Indian Health Care Improvement Act is amend-  
19 ed by inserting after section 301 of such Act (25 U.S.C.  
20 1631) the following:

21 **“SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN,**  
22 **CONSTRUCTION, MODERNIZATION, AND REN-**  
23 **OVATION OF HOSPITALS AND OUTPATIENT**  
24 **HEALTH CARE FACILITIES.**

25 “(a) ADDITIONAL FUNDING.—For the purpose de-  
26 scribed in subsection (b), in addition to any other funds

1 available for such purpose, there is authorized to be appro-  
2 priated \$5,000,000,000 for the period of fiscal years 2022  
3 through 2026.

4 “(b) PURPOSE.—The purpose described in this sub-  
5 section is the planning, design, construction, moderniza-  
6 tion, and renovation of hospitals and outpatient health  
7 care facilities that are funded, in whole or part, by the  
8 Service through, or provided for in, a contract or compact  
9 with the Service under the Indian Self-Determination and  
10 Education Assistance Act (25 U.S.C. 5301 et seq.), in-  
11 cluding to address COVID–19 and other subsequent pub-  
12 lic health crises.”.

13 **SEC. 40006. PILOT PROGRAM TO IMPROVE COMMUNITY-**  
14 **BASED CARE INFRASTRUCTURE.**

15 (a) IN GENERAL.—The Secretary may award grants  
16 to qualified teaching health centers (as defined in section  
17 340H of the Public Health Service Act (42 U.S.C. 256h))  
18 and behavioral health care centers (as defined by the Sec-  
19 retary, to include both substance abuse and mental health  
20 care facilities) to support the improvement, renovation, or  
21 modernization of infrastructure at such centers, including  
22 to address COVID–19 and other subsequent public health  
23 crises.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
25 out this section, there is authorized to be appropriated



1 \$500,000,000 for the period of fiscal years 2022 through  
2 2026.

3 **SEC. 40007. COMMUNITY HEALTH CENTER CAPITAL**  
4 **PROJECT FUNDING.**

5 Section 10503 of the Patient Protection and Afford-  
6 able Care Act (42 U.S.C. 254b–2) is amended by striking  
7 subsection (c) and inserting the following:

8 “(c) CAPITAL PROJECTS.—

9 “(1) IN GENERAL.—There is authorized to be  
10 appropriated to the CHC Fund to be transferred to  
11 the Secretary of Health and Human Services for  
12 capital projects of the community health center pro-  
13 gram under section 330 of the Public Health Service  
14 Act, \$10,000,000,000 for the period of fiscal years  
15 2022 through 2026.

16 “(2) EXPEDITED AWARDS.—The Secretary of  
17 Health and Human Services shall take such steps as  
18 may be necessary to expedite the award of grants for  
19 capital projects pursuant to paragraph (1) and en-  
20 sure that some such awards are made during fiscal  
21 year 2022.”.

22 **SEC. 40008. ENERGY EFFICIENCY.**

23 (a) IN GENERAL.—As a condition on receipt of a  
24 grant for a project under section 40004 or 40006, or  
25 under section 1610(a) of the Public Health Service Act,

1 as amended by section 40003, section 301A of the Indian  
2 Health Care Improvement Act, as added by section 40005,  
3 or section 10503(c) of the Patient Protection and Afford-  
4 able Care Act, as amended by section 40007, a grant re-  
5 cipient shall ensure that the project increases—

6 (1) energy efficiency;

7 (2) energy resilience; or

8 (3) the use of renewable energy.

9 (b) APPLICATION.—Subsection (a) shall be waived in  
10 any case or category of cases in which the Secretary finds  
11 that applying subsection (a)—

12 (1) would be inconsistent with the public inter-  
13 est; or

14 (2) will increase the cost of the overall project  
15 by more than 25 percent.

16 (c) WAIVER.—If the Secretary receives a request for  
17 a waiver under this section, the Secretary shall make avail-  
18 able to the public, on an informal basis, a copy of the re-  
19 quest and information available to the Secretary con-  
20 cerning the request, and shall allow for informal public  
21 input on the request for at least 15 days prior to making  
22 a finding based on the request. The Secretary shall make  
23 the request and accompanying information available by  
24 electronic means, including on the official public internet  
25 site of the Department of Health and Human Services.

1 (d) MANAGEMENT AND OVERSIGHT.—The Secretary  
2 may retain up to 0.25 percent of the funds appropriated  
3 for this the provisions of law referred to in subsection (a)  
4 for management and oversight of the requirements of this  
5 section.

6 (e) EFFECTIVE DATE.—This section does not apply  
7 with respect to a project if a State agency approves the  
8 engineering plans and specifications for the project, in  
9 that agency’s capacity to approve such plans and specifica-  
10 tions prior to a project requesting bids, prior to the date  
11 of enactment of this section.

## 12 **TITLE V—BROWNFIELDS**

### 13 **REDEVELOPMENT**

#### 14 **SEC. 50001. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 104(k)(13) of the Comprehensive Environ-  
16 mental Response, Compensation, and Liability Act of  
17 1980 (42 U.S.C. 9604(k)(13)) is amended to read as fol-  
18 lows:

19 “(13) AUTHORIZATION OF APPROPRIATIONS.—  
20 There is authorized to be appropriated to carry out  
21 this subsection—

22 “(A) \$350,000,000 for fiscal year 2022;

23 “(B) \$400,000,000 for fiscal year 2023;

24 “(C) \$450,000,000 for fiscal year 2024;

1                   “(D) \$500,000,000 for fiscal year 2025;

2                   and

3                   “(E) \$550,000,000 for fiscal year 2026.”.

4 **SEC. 50002. STATE RESPONSE PROGRAMS.**

5           Section 128(a)(3) of the Comprehensive Environ-  
6 mental Response, Compensation, and Liability Act of  
7 1980 (42 U.S.C. 9628(a)(3)) is amended to read as fol-  
8 lows:

9                   “(3) FUNDING.—There is authorized to be ap-  
10 propriated to carry out this subsection—

11                   “(A) \$70,000,000 for fiscal year 2022;

12                   “(B) \$80,000,000 for fiscal year 2023;

13                   “(C) \$90,000,000 for fiscal year 2024;

14                   “(D) \$100,000,000 for fiscal year 2025;

15                   and

16                   “(E) \$110,000,000 for fiscal year 2026.”.

○