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News

August 03, 2021

Summary of Environment, Energy and Tribal Provisions Included in Bipartisan Infrastructure Package

Earlier this week the Senate began consideration of the bipartisan infrastructure bill. Energy and environment, water and tribal provisions included in the bipartisan package are outlined below.

This week, the Senate will continue to take a number of votes on possible amendments before the package passes out of the Senate and moves to the House of Representatives for consideration.

After the Senate passes the bill, we will provide an update that includes substantial changes to the underlying provisions that are outlined below and additional information regarding the bill's outlook.

Energy and Environment-Related Provisions:

11318. Categorical exclusion for certain gathering lines located on federal land and Indian land: Provides a categorical exclusion under the National Environmental Policy Act (NEPA) for gathering lines and associated field compression or pumping units located on federal or Indian land that service oil or gas wells if the gathering line and associated field compression or pumping unit:

- Are located within a field or unit for which an approved land use plan or an environmental document prepared under NEPA analyzed transportation of oil, natural gas or produced water from one or more oil or gas wells as a reasonably foreseeable activity;
- Are located adjacent to or within (i) any existing disturbed area; or (ii) an existing corridor for a right-of-way; and
- Would reduce (i) emissions of methane that would be vented flared, or unintentionally emitted, for gathering lines transporting methane; or (ii) the vehicular traffic that would otherwise service the field or unit.

25012. Advanced transportation research: Establishes the Advanced Research Projects Agency – Infrastructure (ARPA-I) to ensure the U.S. is a leader in deploying advanced infrastructure, as well as lower the long-term costs of infrastructure development; reduce the lifecycle impacts of transportation infrastructure on the environment; improve the safe, secure and efficient movement of goods and people; and promote the resilience of infrastructure from physical and cyber threats. The definition of "infrastructure" includes pipelines. ARPA-I will provide assistance to infrastructure research projects that advance early-stage research with practical application to transportation infrastructure; translate techniques, processes and technologies from the conceptual phase to testing or demonstration; develop advanced manufacturing processes and technologies for the domestic manufacturing of novel

transportation-related technologies; and accelerate transformational technological advances in areas where industry is unlikely to carry out projects due to technical and financial uncertainty. Project assistance may include grants, contracts, cooperative agreements, cash prizes or other similar forms of funding.

Grid Infrastructure Resiliency and Reliability

40101. Preventing outages and enhancing the resilience of the electricity industry: Establishes a grant program to support activities that harden the electric grid, reduce the risk of power lines causing wildfires, and decrease the likelihood and consequences of disruptive events. Eligible recipients include electric grid operators, electricity storage operators, electricity generators, transmission owners or operators, distribution providers, fuel suppliers and other relevant entities. Thirty percent of program funds are set aside for small utilities that sell not more than 4 million megawatt hours of electricity per year. Eligible entities must match 100% of grant funds, though small utilities will only be required to match one-third of grant funds. Establishes a formula grant program for states and tribes to award subgrants to eligible entities for the above activities, with states and tribes providing 15% in matching funds. States and tribes must set aside a percentage of grant funds for small utilities that sell not more than 4 million megawatt hours of electricity per year in an amount not less than the percentage of all customers in the state or tribe served by these entities. Grant funds may not be used for the construction of a new electric generation facility cybersecurity, or large-scale battery storage that is not used for enhancing system adaptive capacity. Fifty percent of program funds shall be used for direct grants to eligible entities, and the remaining 50% will be used for grants to states and tribes. The program provides $5 billion for the period of fiscal years 2022 through 2026.

40102. Hazard mitigation using disaster assistance: Expands the eligible use of hazard mitigation assistance under the Stafford Act to include mitigating wildfire damage, such as through the installation of fire-resistant power wires and infrastructure and the undergrounding of wires.

40103. Electric grid reliability and resilience research, development and demonstration: Establishes a competitive federal financial assistance program to support innovative approaches to transmission, storage and distribution infrastructure hardening and new approaches to regional grid resilience. Eligible recipients include states, a partnership of two or more states, tribes, local governments and public utility commissions. Cost-sharing requirements under the Energy Policy Act of 2005 shall apply to assistance provided through this program. Provides $5 billion for the program for the period of fiscal years 2022 through 2026.

Directs the Secretary of Energy to provide financial assistance to rural and remote areas to support the cost-effectiveness of energy generation, transmission or distribution systems; siting or upgrading transmission and distribution lines; reducing greenhouse gas emissions from energy generation; providing or modernizing electric generation facilities; and increasing energy efficiency. Authorizes $1 billion for the program for the period of fiscal years 2022 through 2026.

Requires the Secretary of Energy to develop an energy infrastructure resilience assessment in coordination with the Secretary of Homeland Security, the Federal Energy Regulatory Commission (FERC), the North American Electric Reliability Corporation (NERC) and energy infrastructure stakeholders within 180 days. The assessment shall include an inventory of easily transported high-voltage recovery transformers and any efforts carried out by industry to share transformers and equipment, develop plans for next-generation transformers, and plan for surge and long-term manufacturing of transformer designs.

40104. Utility demand response: Amends the Public Utility Regulatory Policies Act to require state electric utility regulators to consider whether to promote demand-response and demand-flexibility practices to reduce electricity consumption during periods of peak demand and whether to establish rate mechanisms to recover the costs of promoting these practices. Regulators would be required to begin consideration within one year of enactment and complete consideration within two years. Expands the list of optional features of state energy conservation plans under the National Energy Conservation Policy Act to include programs that promote the installation and use of demand-response technology and demand-response practices.

40105. Siting of interstate electric transmission facilities: Directs the Department of Energy to study capacity constraints and consult with affected Indian tribes when designating National Interest Electric Transmission Corridors. Expands the list of criteria the department must consider when making this designation to include geographic areas that are experiencing electric energy transmission capacity constraints and congestion or areas expected to experience constraints or congestion. Empowers FERC to issue

permits for construction or modification of interstate transmission facilities if a state commission withholds or denies an application seeking approval for the siting of such facilities, though FERC must consider whether the applicant has engaged in good faith consultations with states and non-federal entities before exercising this authority.

40106. Transmission Facilitation Program: Establishes a $2.5 billion revolving loan fund program to facilitate the construction of electric power transmission lines and related facilities, increase transmission capacity of existing transmission lines, or connect isolated microgrids to an existing transmission, transportation or telecommunications infrastructure corridor in Alaska, Hawaii or a U.S. territory. The Department of Energy may enter into capacity contracts with loan recipients to buy up to 50% of the planned capacity for up to 40 years, which the department may sell once the project has ensured financial viability. To carry out the program, $10 million is authorized for each of fiscal years 2022 through 2026. The interest rate paid on loans shall be fixed by the department. The department may also enter into public-private partnerships with entities developing projects if the project is located in a National Interest Electric Transmission Corridor or if the project is necessary to accommodate an actual or projected increase in demand for electric transmission capacity across more than one state or transmission planning region. Priority shall be given to projects that use technology that enhances the capacity, efficiency, resiliency or reliability of an electric power transmission system; will improve the resilience and reliability of a transmission system; facilitate interregional transfer capacity that supports strong and equitable economic growth; and contribute to national or subnational goals to lower electricity sector greenhouse gas emissions.

40107. Deployment of technologies to enhance grid flexibility: Expands the list of qualifying Smart Grid investments under the Energy Independence and Security Act to include expenses for:

- Data analytics that enable software to engage in Smart Grid functions; software and devices that allow buildings to engage in demand flexibility or Smart Grid functions;
- Operational fiber and wireless broadband communications networks to enable data flow between distribution system components for utility communications;
- The purchase and installation of advanced transmission technologies such as dynamic line rating, flow control devices, advanced conductors, network topology optimization, or other technologies to increase the operational transfer capacity of a transmission network; and
- The ability to redirect or shut power off to minimize blackouts and damage resulting from extreme weather or natural disasters.

Expands the definition of “smart grid functions” to include:

- The ability to use data analytics and software-as-service to provide flexibility by improving the visibility of the electrical system to grid operators that can help quickly rebalance the system with autonomous controls;
- The ability to provide energy storage to meet fluctuating electricity demand, provide voltage support and integrate intermittent generation sources, including vehicle-to-grid technologies;
- The ability of hardware, software and associated protocols applied to existing transmission facilities to increase the operational transfer capacity of a transmission network;
- The ability to anticipate and mitigate impacts of extreme weather or natural disasters on grid resiliency;
- The ability to facilitate the integration of renewable energy resources, electric vehicle charging infrastructure, and vehicle-to-grid technologies; and
- The ability to reliably meet increased demand from electric vehicles and the electrification of appliances and other sectors.

Appropriates $3 billion for the program, available through Sept. 30, 2026.

40108. State energy security plans: Provides financial assistance for the development and implementation of state energy security plans to secure energy infrastructure against physical and cybersecurity threats, mitigate the risk of energy disruptions, and enhance the response to and recovery from energy disruptions. State plans must address all energy sources and regulated and unregulated energy providers; provide an energy profile of the state; address potential physical and cybersecurity hazards and vulnerabilities; provide a risk assessment of energy infrastructure and cross-sector interdependencies; provide a risk mitigation approach to enhance reliability and end-use resilience; and address coordination with Indian tribes and across regions and states.

40109. State energy program: Amends the list of mandatory components of state energy conservation plans to include activities to support transmission and distribution planning, including support for local governments and Indian tribes; feasibility studies for

transmission line routes and alternatives; preparation of necessary project design and permits; and outreach to affected stakeholders. Modifies the list of optional components of state energy conservation plans to include programs to increase transportation energy efficiency, including programs to help reduce carbon emissions in the transportation sector by 2050 and accelerate the use of alternative transport fuels for and electrification of state vehicle fleets, taxis and ridesharing services, mass transit, school buses, ferries and privately owned vehicles. Authorizes $500 million for the period between fiscal years 2022 and 2026 for the State Energy Program.

40111. Study of codes and standards for use of energy storage systems across sectors: Directs the Secretary of Energy to conduct a study of types and the commercial applications of codes and standards applied to stationary and mobile energy storage systems, in addition to those that move between stationary and mobile applications such as electric vehicle batteries.

40112. Demonstration of electric vehicle battery second-life applications for grid services: Directs the Department of Energy to establish a demonstration project for second-life applications of electric vehicle batteries as aggregated energy storage installations to provide storage services to the grid.

Cybersecurity

40121. Enhancing grid security through public-private partnerships: Requires the Secretary of Energy, in coordination with the secretary of homeland security, the heads of other agencies, the Electric Reliability Organization and industry stakeholders, to carry out a program to promote and advance the physical security and cybersecurity of electric utilities, with priority given to utilities with fewer resources. The energy secretary must submit a report to Congress within one year on how to improve the cybersecurity of electricity distribution systems.

40122. Energy Cyber Sense program: Creates a voluntary Energy Cyber Sense program to test the cybersecurity of products and technologies intended for use in the energy sector, including the bulk-power system.

40123. Incentives for advanced cybersecurity technology investment: Directs FERC to establish incentive-based rate treatments for the transmission of electricity in interstate commerce and the sale of electricity at wholesale in interstate commerce by encouraging investments in advanced cybersecurity technology and participation in cybersecurity threat information sharing systems.

40124. Rural and municipality utility advanced cybersecurity grant and technical assistance program: Establishes a grant program to provide funding and technical assistance for utilities to detect, respond to and recover from cybersecurity threats. Priority is given to entities with limited cybersecurity resources; own assets critical to the reliability of the bulk-power system; or own defense critical electric infrastructure. Provides $250 million for the period of fiscal years 2022 through 2026.

40125. Enhanced grid security: Creates a research, development and demonstration program to develop advanced cybersecurity applications and technologies for the energy sector. Provides $250 million for the period of fiscal years 2022 through 2026.

Establishes an energy sector operational support for cyber-resilience program to test the emergency response capabilities of the Department of Energy and the coordination of the department with other agencies, the National Laboratories and the private sector. Authorizes $50 million for this program through fiscal year 2026.

Creates a program to increase the functional preservation of electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards. Provides $50 million for the program through fiscal year 2026.

40126. Cybersecurity plan: Authorizes the secretary of energy to require that recipients of any award or funding under this division to submit cybersecurity plans that demonstrate the recipient’s cybersecurity maturity in the context of the project.

Supply Chains for Clean Energy Technologies

40201. Earth Mapping Resources Initiative: Codifies the Earth Mapping Resources Initiative to accelerate efforts at the U.S. Geological Survey (USGS) to map domestic mineral resources, with priority given to the mapping and assessment of critical minerals. Provides $320 million through 2026 for the program.

40202. National Cooperative Geologic Mapping Program: Adds an abandoned mine land and mine waste geological mapping component to the National Cooperative Geologic Mapping Program to ensure mine waste is catalogued and characterized for the occurrence of critical minerals. Extends the authorization of the program through 2031.

40203. National Geological and Geophysical Data Preservation Program: Directs the National Geological and Geophysical Data Preservation Program to preserve samples to track geochemical signatures from critical minerals for use in provenance tracking frameworks.

40204. USGS energy and minerals research facility: Establishes a research facility to support energy and minerals research within USGS. Provides $167 million for the program.

40205. Rare earth elements demonstration facility: Authorizes $140 million for the Department of Energy to demonstrate the feasibility of a full-scale rare earth element extraction and separation facility and refinery.

40206. Critical minerals supply chains and reliability: Directs the secretaries of the departments of Interior and Agriculture to complete federal permitting and review processes with maximum efficiency for critical minerals projects on federal land through:

- Establishing and adhering to timelines and schedules for decisions on applications, leases, licenses, permits and other use authorizations;
- Establishing clear, quantifiable permitting performance goals and tracking progress against these goals;
- Engaging in early collaboration among agencies, project sponsors and affected stakeholders to address the interest of these parties and minimize delays;
- Ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding projects and agency performance;
- Engaging in early and active collaboration with state, local and tribal governments;
- Providing demonstrable investments in the performance of federal permitting and review processes, including lower costs and more timely decisions;
- Expanding and institutionalizing federal permitting and review process improvements that have proven effective;
- Developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, state and local levels; and
- Developing other practices, such as preapplication procedures.

Requires an annual report summarizing the implementation of these permitting improvement measures and comparing the United States to other countries in terms of permitting efficiency for critical minerals projects.

40207. Battery processing and manufacturing: Establishes a grant program within the Department of Energy Office of Fossil Energy to ensure the nation has a viable battery materials processing industry to supply the North American battery supply chain and expand advanced battery manufacturing capability. Grant amounts shall be limited to $50 million for battery material processing demonstration projects; $100 million for battery material processing facility construction projects; and $50 million for projects that retool, retrofit or expand one or more existing domestic battery material processing facilities. Priority is given to entities that are located and owned in the United States, deploy North American intellectual property and content, represent consortia or industry partnerships, and will not use battery material supplied by or originating from foreign entities of concern. Authorizes $3 billion for the program through fiscal year 2026.

Creates a battery manufacturing and recycling grant program within the Office of Energy Efficiency and Renewable Energy for advanced battery component manufacturing, advanced battery manufacturing or recycling. Grant amounts are limited to $50 million for demonstration projects for advanced battery component manufacturing, advanced battery manufacturing, and recycling; $100 million for the construction of commercial-scale facilities for advanced battery component manufacturing, advanced battery manufacturing, and recycling; and $50 million for retooling, retrofitting or expanding existing facilities for advanced battery

component manufacturing, advanced battery manufacturing, and recycling. Priority is given to entities that are located and owned in the United States, deploy North American intellectual property and content, represent consortia or industry partnerships, will not use battery material supplied by or originating from foreign entities of concern, and will not export recovered components to foreign entities of concern. Authorizes $3 billion for the program through fiscal year 2026.

Directs the secretary of energy to continue the Lithium-Ion Battery Recycling Prize Competition. Authorizes $10 million to increase the number of winners in the competition and increase the prize awarded to each winner.

Establishes a battery recycling research, development and demonstration grant program for the development of innovative approaches to increase battery reuse and recycling. Eligible entities include institutes of higher education, National Laboratories, federal and state research agencies, nonprofit organizations, industrial entities, manufacturing entities, private battery-collection entities, battery producers and retailers, and state and municipal governments. Authorizes $60 million for the program through fiscal year 2026.

Establishes a state and local government grant program to assist with the establishment or enhancement of state battery collection, recycling and reprocessing programs. The non-federal cost share of projects funded through the program is 50%. Authorizes $50 million for the program through fiscal year 2026.

Establishes a grant program for retailers that sell batteries or battery-containing products to establish collection systems for these batteries and products for reuse, recycling or disposal. Authorizes $15 million for the program through fiscal year 2026.

Creates a task force on extended battery producer responsibility to develop a framework that addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models and transportation of collected materials; provides sufficient flexibility to allow producers to determine cost-effective strategies for compliance with the framework; and outlines regulatory pathways for effective recycling. The task force must submit a report within one year outlining the framework developed and recommendations for enforcement and effective recycling.

40208. Electric drive vehicle battery recycling and second-life applications program: Expands an existing electric vehicle battery second-life applications grant program to include battery recycling in order to increase recycling rates. Grants shall be awarded for research and development of solutions to increase battery recycling, maximize recovery of critical minerals and extend the lifecycle of electric vehicle batteries. Provides $200 million for the program through fiscal year 2026.

40209. Advanced Energy Manufacturing and Recycling Grant Program: Establishes a grant program to enable small and medium-size manufacturers to build new or retrofit existing facilities to produce or recycle advanced energy products in communities where coal mine or coal power plants have shut down. Authorizes $750 million for the program through fiscal year 2026.

40210. Critical minerals mining and recycling research: Creates a critical minerals mining and recycling research grant program to support basic research to advance critical minerals mining, recycling and reclamation strategies and technologies. Eligible recipients include institutions of higher education, National Laboratories, nonprofit organizations and consortia of these entities that work with private industry.

Creates the National Science and Technology Council Critical Minerals Subcommittee to coordinate federal efforts to ensure secure and reliable supplies of critical minerals to the United States.

Establishes a grant program to finance pilot projects for the development, processing or recycling of critical minerals and metals in the United States. Award amounts are not to exceed $10 million. Thirty percent of grant awards shall be for the secondary recovery of critical minerals and metals. Authorizes $100 million for the program in each of fiscal years 2021 through 2024.

40211. 21st century energy workforce advisory board: Establishes an advisory board to support and develop a skilled energy workforce, with the board submitting a report within one year and every two years thereafter with its recommendations. The board shall have between 10 and 15 members, with at least one member representing a labor organization.

Carbon Capture, Utilization, Storage, and Transportation Infrastructure

40302. Carbon utilization program: Establishes a grant program to develop standards and certifications to facilitate the commercialization of products that use or are derived from anthropogenic carbon dioxides, formed in coordination with federal agencies and standard-setting organizations. Eligible entities will receive grant funding to use carbon products that demonstrate significant reductions in lifecycle greenhouse gas emissions.

- Future funding includes:
  - $41,000,000 for fiscal year 2022;
  - $65,250,000 for fiscal year 2023;
  - $66,562,500 for fiscal year 2024;
  - $67,940,625 for fiscal year 2025; and
  - $69,387,656 for fiscal year 2026.

40303. Carbon capture technology program: Adds a front-end engineering and design program for carbon dioxide transport infrastructure necessary to enable deployment of carbon capture, utilization and storage technologies and by adding activities under the front-end engineering and design program by $100,000,000 for the period of fiscal years 2022 through 2026.

40304. Carbon dioxide transportation infrastructure finance and innovation: Adds the Carbon Dioxide Transportation Infrastructure Finance and Innovation CIFIA Program. Eligible projects would be for common carrier carbon dioxide transportation infrastructure or associated equipment, including pipeline, shipping, rail or other equipment, that transport or handle carbon dioxide captured from anthropogenic sources or ambient air. All iron, steel and manufactured goods used on the pipeline must be produced in the United States.

(A) $600,000,000 for each of fiscal years 2022 and 2023; and
(B) $300,000,000 for each of fiscal years 2024 through 2026.

40306. Secure geologic storage permitting: Authorizes funding for the permitting of Class VI wells for the injection of carbon dioxide for the purpose of geologic sequestration in accordance with the requirements of the Safe Drinking Water Act and the Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO_2) Geologic Sequestration (GS) Wells with $5,000,000 provided for each of fiscal years 2022 through 2026.

40307. Geologic carbon sequestration on the Outer Continental Shelf: The Outer Continental Shelf Lands Act is amended by adding support for projects directly related to the injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestrations. Added projects include leases, easements or rights-of-way for energy and related purposes covered under the Outer Continental Shelf Lands Act.

40308. Carbon removal: Adds project funding for regional direct air capture hubs. The program will fund projects that contribute to the development of four regional direct air capture hubs. Grants will be given to projects that accelerate commercialization of, and demonstrate the removal, processing, transport, sequestration and utilization of, carbon dioxide captured from the atmosphere. Projects will have the capacity to utilize at least 1,000,000 metric tons of carbon dioxide from the atmosphere annually. Appropriates $3,500,000,000 for fiscal years 2022 through 2026.

Hydrogen Research and Development

40313. Clean hydrogen research and development program: Establishes a series of technology cost goals aimed at reaching a clean hydrogen production standard. Advances research and development to demonstrate and commercialize the use of clean hydrogen in the transportation, utility, industrial, commercial and residential sectors; and to demonstrate a standard of clean hydrogen production in the transportation, utility, industrial, commercial and residential sectors by 2040. Supports the production of hydrogen from diverse energy sources, including fossil fuels with carbon capture, renewable energy resources, nuclear energy and hydrogen-carrier fuels. Also supports hydrogen transmission by pipeline, including retrofitting existing natural gas transportation infrastructure to accommodate hydrogen carriers.

40314. Additional clean hydrogen programs:

Regional clean hydrogen hubs: Creates a program to support the development of at least four regional clean hydrogen hubs that demonstrably aid the achievement of the clean hydrogen production standard, demonstrate the production, processing, delivery, storage and end-use of clean hydrogen and can be developed into a national clean hydrogen network. At least two regional clean hydrogen hubs shall be located in the regions of the United States with the greatest natural gas resources. Appropriates $8,000,000,000 for fiscal years 2022 through 2026.

National clean hydrogen strategy and roadmap: Requires the secretary of energy to develop a national strategy to facilitate the widescale production, processing, delivery, storage and use of clean hydrogen. Identifies opportunities to use existing infrastructure including all components of the natural gas infrastructure system for clean hydrogen deployment. The initial roadmap should be submitted to Congress 180 days after the date of enactment and again once every three years.

Clean hydrogen manufacturing and recycling: Awards multiyear grants to eligible entities for research and development of projects that advance clean hydrogen production, processing, delivery and storage. Provides $500,000,000 for fiscal years 2022 through 2026.

Clean hydrogen electrolysis program: Creates a program that supports improving the efficiency and reducing the cost of clean hydrogen production using electrolyzers. The goal of the program is to reduce the cost of hydrogen production to less than $2 per kilogram by 2026. Provides $1,000,000,000 for fiscal years 2022 through 2026 to remain available until expended.

40315. Clean hydrogen production qualifications: Requires the Environmental Protection Agency and the Department of the Interior to establish an initial standard for the carbon intensity of clean hydrogen production. Defines the term “clean hydrogen” as hydrogen produced with a carbon intensity equal to or less than 2 kilograms of carbon dioxide-equivalent per kilogram of hydrogen produced at the site of production.

Hydropower

40334. Pumped storage hydropower wind and solar integration and system reliability initiative: Provides financial assistance to eligible entities to carry out project design, transmission studies, power market assessments and permitting for a pumped storage hydropower project to facilitate long-term storage of renewable electricity. Projects must be designed to provide a minimum of 1,000 megawatts of storage capacity and be able to provide usage in more than one organized electricity market. Appropriates $2,000,000 per year for fiscal years 2022 through 2026.

Department of Energy Loan Program

40401. Department of Energy loan programs: Expands eligibility for the Title XVII Innovative Energy Loan Guarantee Program to include projects that increase the domestically produced supply of critical minerals, including through the production, processing, manufacturing, recycling or fabrication of mineral alternatives.

Amends the Alaska Natural Gas Pipeline Act by removing requirements that an Alaskan natural gas pipeline transport gas to West Coast states or the continental United States in order to receive Department of Energy loan guarantees.

Energy Information Administration

40418. Report on costs of carbon abatement in the electricity sector: The administrator of the Energy Information Administration will submit to Congress a report on the potential use of levelized cost of carbon abatement or a similar metric in analyzing generators of electricity. The report covers:

- Identification of limitations and appropriate uses of the metric;
- Feasibility and impact of incorporating levelized cost of carbon abatement in long-term forecasts to compare technical approaches and understand real-time changes in fossil-fuel and nuclear dispatch, system-level costs of technology options to reduce emissions and costs of policy options, including current policies, regarding valid and verifiable reductions and removals of carbon; and

- Potential process to measure carbon dioxide emissions intensity per unit of output production for a range of energy sources, sectors and geographic regions.

The report will include a corresponding process to provide a framework for reporting the status and costs of carbon dioxide reduction relative to specific goals.

Energy Efficiency and Building Infrastructure

40552. Energy Efficiency and Conservation Block Grant Program: Creates program for financing energy efficiency, renewable energy and zero emission transportation capital investments, projects and programs. Allows for leveraging of public and private sector funds as incentives for the purchase and installation of energy efficient transportation. Provides $550,000,000 for fiscal year 2022 to remain available until expended.

Methane Reduction Infrastructure

40601. Orphaned well site plugging, remediation and restoration: Provides grants to the federal land management agencies and oil and gas producing states and Indian tribes to support practical and economical remedies for environmental problems caused by orphaned wells on federal land, tribal land, and state and private land. Authorizes $250 million for orphaned well plugging and remediation on federal land; $4.3 billion for orphaned well plugging and remediation on state land; and $150 million for orphaned well plugging and remediation on tribal land. Funds will remain available until Sept. 30, 2030. Includes the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to plug, remediate and restore oil and gas well sites on cessation of operation. Appropriates $30,000,000 for fiscal year 2022 until Sept. 30, 2030, to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the federal land management agencies, states, and Indian tribes in:

(A) identifying and characterizing undocumented orphaned wells; and
(B) mitigating the environmental risks of undocumented orphaned wells.

Federal Permitting Improvement

70801. Federal permitting improvement: Amends the Federal Permitting Improvement Steering Council of the Fixing America's Surface Transportation (FAST) Act performance schedules to have the most efficient possible processes, including alignment of federal reviews of projects, reduction of permitting and project delivery time and consideration of the best practices for public participation. Makes the permitting reforms established by the FAST Act permanent and extends them to projects sponsored by Indian tribes or located on tribal land. Sets a goal of permitting covered projects within two years. Amends the permitting process improvement section of the FAST Act by adding a confidentiality clause relative to Native American natural, cultural and historical resources. Amends the coordination of required reviews section of the FAST Act by requiring a single joint interagency impact statement for a project where an environmental impact statement is required. Amends the reports section of the FAST Act to include an executive director annual report, opportunity to include comments, quarterly agency performance report and an agency best practices report. Funding for governance, oversight and processing of environmental reviews and the permits section of the FAST Act is amended by adding opportunity for issuing regulations to establish a fee structure for sponsors of covered projects to reimburse the United States for costs incurred while conducting environmental reviews and authorizations for these projects. Allows funds to be transferred between federal agencies to facilitate timely environmental reviews and authorizations.

Miscellaneous

40434. Study and report by the secretary of energy on job loss and impacts on consumer energy costs due to the revocation of the permit for the Keystone XL pipeline: Requires the secretary of energy to carry out within 90 days of enactment a study that estimates the total number of jobs lost and the impact on consumer energy costs as a result of the cancellation of the Keystone XL pipeline.

41004. Carbon capture demonstration and pilot programs.
Provides $387 million for large-scale carbon capture pilot projects for fiscal year 2022;

- Future funding includes:

- $200 million for fiscal year 2023;
- $200 million for fiscal year 2024; and
- $150 million for fiscal year 2025.

For carbon capture demonstration projects, provides $937,000,000 for fiscal year 2022;

- Future funding includes:
  - $500 million for each of fiscal years 2023 and 2024; and
  - $600 million for fiscal year 2025.

Pipeline and Hazardous Materials Safety Administration
Natural gas distribution safety and modernization grant program: Provides $1 billion for grants for the modernization of natural gas distribution pipelines, with $200 million available for each of fiscal years 2022 through 2026. Grants shall be provided to municipalities or community-owned utilities (not including for-profit entities) to repair, rehabilitate or replace their natural gas distribution pipeline systems, with no more than 12.5% of program funds going to a single entity.

Water-Related Provisions:

20101. Technical assistance and grants for emergencies affecting public water systems: Directs the administrator of the Environmental Protection Agency (EPA) to evaluate the compliance of community water systems and wastewater systems with environmental, health and safety requirements, including water quality sampling, testing and reporting requirements. Requires the administrator to submit a report to Congress with the findings of this evaluation and to determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans. Authorizes the EPA to provide technical assistance and grants to states and publicly owned water systems to assist in responding to emergency situations resulting from cybersecurity events and from contaminants in drinking water such as lead. Appropriates $35 million for each of fiscal years 2022 through 2026 for technical assistance and grants for emergencies affecting public water systems. Authorizes $15 million for technical assistance for small public water systems for each of fiscal years 2022 through 2026, and allows the EPA to provide this technical assistance to state-based nonprofits governed by community water systems.

20102. Drinking water state revolving loan funds: Authorizes $2.4 billion for the Drinking Water State Revolving Loan Fund program in fiscal year 2022;

- Future funding includes:
  - $2.75 billion for fiscal year 2023;
  - $3 billion for fiscal year 2024; and
  - $3.25 billion for each of fiscal years 2025 and 2026.

Allows states to provide grants, negative interest loans, other loan forgiveness or restructuring or refinancing of debt for disadvantaged communities using program funds.

20103. Source water petition program: Authorizes counties designated by a state to act on behalf of an unincorporated area to submit source water quality protection petitions to request that a state assist with the development of a local partnership to reduce drinking water contaminants and protect the source water of community water systems. Extends the authorization of the program through 2026.

20104. Assistance for small and disadvantaged communities: Expands the lists of eligible projects and activities that may receive funds under the Safe Drinking Water Act for assistance for small and disadvantaged communities to include:

- The purchase of independently certified point-of-entry or point-of-use filters for the removal of contaminants;
- Investments needed to provide accurate information on (i) the need for filtration and filter safety and (ii) options for replacing lead service lines; and
- Contracts with nonprofit organizations with water system expertise to assist underserved communities.

The non-federal cost share for eligible entities receiving assistance under this program is reduced from 45% to 10%, though the EPA administrator may waive the cost share requirement if an entity is unable to pay or would experience significant hardship if required to pay. To carry out this program, the bill authorizes $70 million for fiscal year 2022;

- Future funding includes:
    - $80 million for fiscal year 2023;
    - $100 million for fiscal year 2024;
    - $120 million for fiscal year 2025; and
    - $140 million for fiscal year 2026.

For the Drinking Water System Infrastructure Resilience and Sustainability grant program established by the Safe Drinking Water Act, this section authorizes $25 million annually between fiscal years 2022 and 2026. This program provides grants to small and disadvantaged communities to increase the resilience of drinking water infrastructure to natural hazards. The federal cost share for projects funded through this program shall be 90%, though the cost share may be increased to 100% if an entity is unable to pay or would experience significant hardship if required to pay.

Establishes a competitive grant program for public water systems and nonprofit entities to connect households with a combined income of 50% or less of the median nonmetropolitan household income in the state to public water systems. Authorizes $20 million for this program for each of fiscal years 2022 through 2026.

A pilot competitive grant program is established for states to provide funding to underserved communities for drinking water infrastructure. The EPA administrator is directed to give priority to states with a high proportion of communities that lack household drinking water or wastewater services or are served by a public water system that violates federal drinking water standards. Provides $50 million for this program for each of fiscal years 2022 through 2026.

20105. Reducing lead in drinking water: Modifies eligibility for the Safe Drinking Water Act lead reduction grant program to limit the eligibility of nonprofit organizations to those with experience in lead reduction. Expands project eligibility for grant funds to non-publicly-owned lead service lines. Prioritizes lead service line replacement projects that serve disadvantaged communities and low-income homeowners and renters. Grant recipients shall offer to replace the privately owned portion of the lead service line for low-income homeowners at no cost to the homeowner, and may offer to do the same for other homeowners. Entities receiving grant funds must demonstrate that they have considered feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control, and notify the state of any planned replacement of lead service lines. Authorizes $100 million for this program in each of fiscal years 2022 through 2026.

Establishes a lead inventorying utilization grant pilot program for lead reduction projects in municipalities in which at least 30% of service lines are known or suspected to contain lead. Provides $10 million for the program.

20106. Operational sustainability of small public water systems: Creates a grant program to improve the operational sustainability of small public water systems that serve fewer than 10,000 people, including those owned or operated by tribes. Grant funds may be used for projects that improve the operational sustainability of small systems through:

- Development of a detailed asset inventory, which can include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls and other essential infrastructure;
- Development of an infrastructure asset map;
- Deployment of leak detection technology;
- Deployment of metering technology;
- Training in asset management strategies, techniques and technologies for staff;
- Deployment of strategies, techniques and technologies to enhance the operational sustainability and effective use of water resources through water reuse; and
- Development or deployment of other strategies, techniques or technologies that the EPA administrator determines to be appropriate.

The federal cost share of projects carried out using grant funds is 90%, though the EPA administrator has the discretion to increase the federal cost share of a project to 100%. Authorizes $50 million for the program for each of fiscal years 2022 through 2026.

20107. Midsize and large drinking water system infrastructure resilience and sustainability program: Establishes a grant program for public water systems serving communities with a population of 10,000 or more for the purposes of (i) increasing resilience to natural hazards and extreme weather events; and (ii) reducing cybersecurity vulnerabilities. Funds may be used for:

- Conservation of water or the enhancement of water-use efficiency;
- Modification or relocation of existing drinking water infrastructure made, or that is at risk of being, significantly impaired by natural hazards or extreme weather events, including risks to drinking water from flooding;
- Design or construction of new or modified desalination facilities to serve existing communities;
- Enhancement of water supply through the use of watershed management and source water protection;
- Enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water;
- Development and implementation of measures to (A) increase the resilience of the entity to natural hazards and extreme weather events; or (B) to reduce cybersecurity vulnerabilities;
- Conservation of water or the enhancement of a water supply through the implementation of water reuse measures; or
- Formation of regional water partnerships to collaboratively address documented water shortages.

Authorizes $50 million for each of fiscal years 2022 through 2026. Sets aside 50% of funds for entities serving communities of between 10,000 and 100,000 people.

20108. Needs assessment for nationwide rural and urban low-income community water assistance: Directs the EPA administrator to conduct a nationwide assessment of municipalities, public entities and tribal governments serviced by water service providers that serve a disproportionate percentage of households in need or have taken on unsustainable debt due to customer nonpayment for services.

20109. Rural and low-income water assistance pilot program: Establishes a pilot program to award grants to entities to assist households with needs in maintaining access to drinking water and wastewater treatment. Eligible recipients include municipalities, tribal governments or other entities that (A) own or operate community water systems, treatment works or municipal separate storm sewer systems; or (B) have taken on an unsustainable level of debt due to customer nonpayment for services. Requires the EPA administrator to utilize data from the needs assessment in Section 20108 to inform the program. Assistance provided through the program may include direct financial assistance; a lifeline rate; bill discounting; special hardship provisions; a percentage-of-income payment plan; or debt relief for the eligible entity or water system owned by the entity. Forty grants shall be awarded through the program with not more than eight awarded for rural water service providers; eight for large water service providers serving less than or equal to 500,000 people; eight for large water service providers serving greater than 500,000 people; and eight for community water systems, treatment works or municipal separate storm sewer systems that serve disadvantaged communities.

20110. Lead contamination in school drinking water: Changes the Voluntary School and Child Care Program Lead Testing Grant Program to the Voluntary School and Child Care Program Lead Testing and Reduction Grant Program. Expands eligibility for the program to include tribal consortia, public water systems and qualified nonprofits that will assist tribal education agencies in voluntary lead testing and remediation at schools and child care programs under their jurisdiction; and public water systems located in a state that does not participate in the voluntary grant program that also assists schools or child care programs with lead testing and remediation. The program is provided $30 million for fiscal year 2022;

- Future funding includes:
    - $35 million for fiscal year 2023;
    - $40 million for fiscal year 2024;
    - $45 million for fiscal year 2025; and
    - $50 million for fiscal year 2026.

20111. Indian reservation drinking water program: Amends the Indian Reservation Drinking Water Program established by the America's Water Infrastructure Act of 2018 to require the EPA administrator to use 50% of program funds to carry out 10 eligible projects within the Upper Missouri River Basin; 10 eligible projects within the Upper Rio Grande Basin; 10 eligible projects within the Columbia River Basin; and 10 eligible projects within the Lower Colorado River Basin; and also requiring the selection of at least two projects for reservations that serve more than one federally recognized tribe. The federal cost share for eligible projects is increased to 100%. Provides $50 million for the program annually between fiscal years 2022 and 2026.

20112. Advanced Drinking Water Technologies: Directs the EPA administrator to carry out a study to examine the state of existing and potential future technology, including technology that: addresses cybersecurity vulnerabilities; enhances treatment monitoring; or enhances the treatment, monitoring, affordability, efficiency and safety of drinking water provided by a public water system.

Establishes a competitive grant program to identify and deploy advanced drinking water technologies that address cybersecurity threats or enhances the treatment, monitoring, affordability, efficiency and safety of drinking water provided by public water systems. Eligible entities include public water systems that serve populations of less than or equal to 100,000 people or communities with inadequate drinking water systems. The federal cost share for projects funded by the program is 90%, though the EPA administrator may waive the non-federal cost share if an entity is unable to pay or would experience significant hardship if required to pay. Provides $10 million for the program for each of fiscal years 2022 through 2026.

20113. Cybersecurity support for public water systems: Directs the EPA administrator to develop a prioritization framework to identify public water systems that, if degraded or rendered inoperable, result in significant health and safety impacts. Requires the creation of a Technical Cybersecurity Support Plan for public water systems to identify which water systems should be prioritized and establish timelines for voluntary technical support.

20115. Annual study on boil water advisories: Directs the EPA administrator to submit an annual report on the prevalence of boil water advisories issued in the United States.

20201. Research, investigations, training and information: Authorizes $75 million for each of fiscal years 2022 through 2026 for: (i) providing grants to state water pollution control agencies to conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys and studies relating to the causes, effects, extent, prevention, reduction and elimination of pollution; (ii) providing grants to nonprofits to provide technical assistance for rural, small and tribal municipalities and treatment works; and (iii) treatment works pilot training programs, employment needs forecasting training projects and grants, research fellowships; and technical training. Of this amount, $50 million per fiscal year is set aside for item (ii).

20202. Wastewater efficiency grant pilot program: Establishes a wastewater efficiency grant pilot program for publicly owned treatment works for projects that create or improve waste-to-energy systems. Grant amounts shall be no more than $4 million per recipient. Provides $20 million for each of fiscal years 2022 through 2026 for the program.

20203. Pilot program for alternative water source projects: Expands the definition of “alternative water source projects” to include projects that treat stormwater and that treat wastewater or stormwater for groundwater recharge, potable reuse or other purposes. Provides $25 million for each of fiscal years 2022 through 2026 for the program.

20204. Sewer overflow and stormwater reuse municipal grants: Expands the types of projects eligible for sewer overflow and stormwater reuse municipal grants to include notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters. Directs the EPA administrator to work with states to ensure the non-federal share requirements are not passed on to rural and financially distressed communities, and requires that 25% of grant funds be used for projects in these communities. Authorizes $280 million for the program for each of fiscal years 2022 through 2026.

20205. Clean water infrastructure resiliency and sustainability program: Establishes a grant program for municipalities and intermunicipal, interstate and state agencies for the purposes of increasing the resiliency of publicly owned treatment works to natural hazards or cybersecurity vulnerabilities. Funds may be used for projects that increase resilience through:

- Water conservation;
- Enhancement of water use efficiency;
- Enhancement of wastewater or stormwater management by increasing watershed preservation and protection;
- Modification or relocation of existing publicly owned treatment works, conveyance or discharge system components at risk of being significantly impaired or damaged by a natural hazard;
- Development and implementation of projects to increase the resilience of publicly owned treatment works to natural hazards or cybersecurity vulnerabilities; and

- Enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment or conveyance of wastewater or stormwater.

The federal cost share for projects shall not exceed 75%, though the cost share may be increased to 90% for projects that serve communities of fewer than 10,000 people or meet state affordability criteria under the Federal Water Pollution Control Act. The EPA has the discretion to cover 100% of costs for these projects. Authorizes $25 million for each of fiscal years 2022 through 2026 for the program.

20206. Small and medium publicly owned treatment works circuit rider program: Establishes a circuit rider grant program for qualified nonprofits to provide assistance to small and medium publicly owned treatment works. Priority is given to recipients that would serve a community that has a history of unresolved wastewater or stormwater issues, is financially distressed, faces stormwater and wastewater overflow issues, or has previously failed to access federal technical assistance due to cost-sharing requirements. Authorizes $10 million for each of fiscal years 2022 through 2026 for the program.

20207. Small publicly owned treatment works efficiency grant program: Creates a grant program to improve energy or water efficiency of small publicly owned treatment works. Sets aside 15% of program funds for treatment works that serve fewer than 3,300 people.

20209. Connection to publicly owned treatment works: Establishes a grant program to assist low-income households to connect to publicly owned treatment works. Authorizes $40 million for each of fiscal years 2022 through 2026 for the program. Sets aside 15% of program funds for treatment works that serve fewer than 3,300 people.

20210. Clean water state revolving funds: Authorizes states to provide grants and other loan forgiveness or debt restructuring to municipalities or intermunicipal, interstate or state agencies using water pollution control revolving loan funds. Additional subsidization provided by states may not exceed 30% of the revolving loan capitalization grant and may not be less than 10% of the total received, to the extent there are sufficient applications for assistance. States may use an additional 2% of funds annually allotted to provide technical assistance to rural, small and tribal publicly owned treatment works. To carry out this section, $2.4 billion would be provided for fiscal year 2022;

- Future funding includes:
    - $2.75 billion for fiscal year 2023;
    - $3 billion for fiscal year 2024; and
    - $3.25 billion for each of fiscal years 2025 and 2026.

20211. Water infrastructure and workforce investment: Expands the scope of the Innovative Water Infrastructure Workforce Development Program to include:

- Expanding the use and availability of activities and resources that relate to the recruitment, including through the promotion of diversity within that recruitment, of individuals to careers in the water and wastewater utility sector;
- Expanding the availability of training opportunities for individuals entering into and seeking career advancement within the water and wastewater utility sector; and
- Expanding the use and availability of activities and strategies, including the development of innovative activities and strategies that relate to the maintenance and retention of a sustainable workforce.

Eligibility for these grants is also expanded to include public works departments and agencies. The EPA administrator is directed to establish a federal interagency work group to address recruitment, training and retention challenges in the water and wastewater utility workforce, which shall submit a report to Congress outlining potential solutions within one year. Provides $5 million annually between fiscal years 2022 and 2026 to carry out this section.

20213. Water data-sharing pilot program: Creates a pilot grant program for the establishment of information-sharing systems for water quality, water infrastructure needs and water technology (including cybersecurity technology) between states and local governments. Eligible entities include states, counties, other units of local government or regional consortia with coastal watersheds or water systems with significant pollution levels or significant individual water infrastructure deficits. Provides $15 million annually between fiscal years 2022 and 2026 to carry out this section.

20214. Final rating opinion letters: Amends the Water Infrastructure Financing and Innovation Act (WIFIA) of 2014 to require project applicants to provide a final rating opinion letter from only one rating agency instead of from two rating agencies.

20215. Water infrastructure financing reauthorization: Reauthorizes the WIFIA program through fiscal year 2026 at $50 million per year. Requires the EPA administrator to develop and implement an outreach plan to promote financial assistance under the program to small and rural communities.

20216. Small and disadvantaged community analysis: Directs the EPA administrator to submit a report to Congress that analyzes the State Water Pollution Control Revolving Fund and the Drinking Water State Revolving Fund programs to identify historical distributions of funds to small and disadvantaged communities and new opportunities to improve distribution to low-income, rural and minority and Indigenous communities.

20217. Stormwater infrastructure technology: Establishes a grant program for the creation of between three and five stormwater control infrastructure technologies centers of excellence. These centers will conduct research on new and emerging technologies relevant to the geographical location in which the center is located and provide technical assistance to federal, state and tribal governments for projects utilizing these technologies. One of these centers will be designated as a national clearinghouse that maintains a public database of information on these technologies. Provides $5 million for this program in each of fiscal years 2022 through 2026.

Creates a competitive grant program for eligible entities to carry out stormwater control infrastructure projects that utilize new and emerging, but proven, stormwater control technologies. There are two kinds of grants established by the program: planning and development grants and implementation grants. Priority is given to applications submitted on behalf of communities with combined storm and sanitary sewers in their collection systems; small, rural or disadvantaged communities; or eligible entities that will use at least 15% of grant funds to provide service to a small, rural or disadvantaged community. The maximum amount of a single grant is $200,000 for planning and development grants and $2 million for implementation grants. The federal cost share for each project shall not exceed 80% of the total cost, though this may be waived for entities that demonstrate financial need. Authorizes $10 million annually for the grant program between fiscal years 2022 and 2026.

20218. Water reuse interagency working group: Establishes an interagency working group to advance water reuse, with the EPA administrator serving as chair. The group must submit a report to Congress on its activities at least once every two years. The working group will be terminated six years after enactment unless the EPA provides an extension.

20219. Advanced clean water technologies study: Directs the EPA administrator to conduct a study on the state of existing and potential future clean water technologies. The results of this study must be submitted to the Senate Environment and Public Works Committee and the House Energy and Commerce Committee.

20220. Clean watershed needs survey: Requires the EPA to conduct an assessment of capital improvement needs for projects eligible for state water pollution control revolving funds assistance within two years of enactment and once every four years thereafter. Provides $5 million for this assessment.

20221. Water resources research act amendments: Modifies the Water Resources Research Act grant program to require one non-federal dollar for every one federal dollar awarded, instead of two non-federal dollars for every federal dollar awarded. Requires the Department of the Interior to submit a report to Congress annually regarding compliance with this provision. Directs the department to evaluate grant recipients once every five years to determine the effectiveness of the institute's research and whether further support should be provided. Reauthorizes the program through fiscal year 2025 and reduces the annual appropriation for research focused on interstate water problems to $3 million per year.

20222. Enhanced aquifer use and recharge: Establishes an enhanced aquifer use and recharge research grant program. Authorizes 50% of program funds to be used to provide one grant to a state, local or tribal government to carry out activities supporting this research, and the remaining program funds shall be provided to one research center. Authorizes $5 million annually for the grant program between fiscal years 2022 and 2026.

Western Water

40901. Authorization of appropriations: Provides $1 billion for rural water projects that have been authorized by an act of Congress before July 1, 2021; $400 million for WaterSMART grants, with $100 million reserved for projects that improve natural features or nature-based features; $100 million for the water storage grant program in Sec. 40902; $450 million for the large-scale water recycling project grant program in Sec. 40905; and $100 million for the watershed health grant program in Sec. 40907.

40902. Water storage, groundwater storage, and conveyance projects: Feasibility studies are only eligible for funding under this section if authorized by Congress before enactment of this act for the Verde Reservoirs Sediment Mitigation Project in Arizona and for the Tualatin River Basin Project in Oregon. Funding for project construction is only available under this section if authorized by Congress before passage. Before being funded, a project should be determined to have a proportionate share of the benefits be federal benefits. All relevant environmental laws including NEPA must be complied with to receive funding for a project under this section.

40903. Small water storage and groundwater storage projects: Creates a competitive grant program for small water storage and groundwater storage projects in Bureau of Reclamation states, Alaska or Hawaii. Eligible projects must have a storage capacity of between 2,000 acre-feet and 30,000 acre-feet of water. Grant funds would cover the federal share of planning, design and construction costs. Priority will be given to projects that will likely provide a more reliable water supply to states, tribes and local governments; increase water management flexibility and reduce impacts on environmental resources from projects operated by federal and state agencies; are regional in nature; have support from multiple stakeholders; and provide multiple benefits, including water supply reliability, ecosystem benefits, groundwater management and water quality improvements. The federal cost share for projects shall not exceed the lesser of 25% of project costs or $30 million.

40905. Competitive grant program for large-scale water recycling and reuse program: Establishes a competitive grant program for large-scale water recycling and reuse projects in Bureau of Reclamation states, for which tribes are eligible. Projects funded through the program must have a total estimated cost of at least $500 million, be technically and financially feasible and provide a federal benefit under the reclamation laws. Project sponsors must have sufficient non-federal funding to complete the project. Priority will be given to projects that provide multiple benefits, including water supply reliability, ecosystem benefits and water quality improvements; reduce impacts on environmental resources from projects operated by federal and state agencies; are regional in nature; and have support from multiple stakeholders. The federal cost share shall not exceed 25% of project costs.

40906. Drought contingency plan funding requirements: Funds under this section to be used in the Lower Colorado River Basin should be used on projects that establish or conserve recurring Colorado River water that contributes to Lake Mead and other Colorado River water revisors. None of the funds may be used for the operation of the Yuma Desalting Plant.

40907. Multi-benefit projects to improve watershed health: Creates a competitive grant program for habitat restoration projects that improve watershed health in river basins adversely impacted by a Bureau of Reclamation water project. Tribes are included in the list of eligible entities. Eligible projects must provide at least one of the following: ecosystem benefits; restoration of native species; mitigation of climate change impacts for fish and wildlife habitats; protection against invasive species; enhancement of commercial, recreational, subsistence or tribal ceremonial fishing; or enhancement of river-based recreation. The federal cost share shall not exceed 50% of project costs, or 75% for projects in which the non-consumptive water conservation benefit or habitat restoration benefit accounts for at least 75% of costs.

40909. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-federal matching requirement for authorized Bureau of Reclamation water projects: Provides that state and local fiscal recovery funds from the American Rescue Plan Act may be used to pay the non-federal cost share of authorized Bureau of Reclamation projects.

Tribal-Related Previsions:

11101. Authorizes $578.5 million for the Tribal Transportation Program (TTP).

- Future funding includes:
  - $589.9 million for FY2023
  - $602.5 million for FY2024
  - $612.9 million for FY2025
  - $627.9 million for FY2026.

Provides $355 million for each of fiscal years 2022 through 2026 for nationally significant federal lands and tribal projects under the Fixing America's Surface Transportation (FAST) Act.
Provides $16 million for the Tribal Transportation Facility Bridge Program in FY2022;

- Future funding includes:
  - $18 million for FY2023
  - $20 million for FY2024
  - $22 million for FY2025
  - $22 million for FY2026.

11127. Reduces the eligibility threshold for the Nationally Significant Federal Lands and Tribal Projects program within the Department of Transportation so projects with an estimated cost of $12.5 million may qualify. The federal cost share for tribal projects under the program shall be 100%. Provides that 50% of amounts for the program shall be used for eligible projects on tribal transportation facilities.

11128. Sets aside $9 million from TTP program funds for each of fiscal years 2022 through 2026 for the Tribal High Priority Projects program. Provides an additional $30 million for the program in each of fiscal years 2022 through 2026.

14002. Provides for expedited NEPA reviews for tribal transportation safety projects that correct or improve hazardous road locations or address highway safety problems.

14003. Directs the secretaries of the departments of Interior and Transportation to enter into programmatic agreements with tribes that establish efficient procedures for carrying out environmental reviews for projects eligible for assistance under the TTP. These agreements may include allowing tribes to determine whether projects are categorically excluded under NEPA and shall require tribes to maintain adequate capability to carry out applicable agency responsibilities and set forth the responsibilities of the tribe for making categorical exclusion determinations.

14004. Removes the 3% cap on TTP funding that may be set aside for the improvement of deficient bridges.

14005. Provides $50 million for the Bureau of Indian Affairs Road Maintenance Program in FY2022;

- Future funding includes:
  - $52 million in FY2023;
  - $54 million in FY2024;
  - $56 million in FY2025; and
  - $58 million in FY2026.

14009. Creates a new assistant secretary for tribal government affairs within the Department of Transportation and a new Office of Tribal Government Affairs.

15006. Provides that 5% of funds appropriated for rural public transportation formula grants shall be set aside for public transportation on Indian reservations. Provides that 20% of funds shall be awarded competitively and 80% shall be distributed according to a formula.

50111. Expands eligibility for funding under the Indian Reservation Drinking Water Program to include projects that improve water quality or sanitation or wastewater services at a treatment works. Requires 50% of program funds be used to carry out:

- 10 eligible projects in the Upper Missouri River Basin;
- 10 projects in the Upper Rio Grande Basin;

- 10 projects within the Columbia River Basin; and
- 10 projects within the Arkansas-White-Red River Basin.
    - At least two of these projects must be in a reservation that serves more than one federally recognized tribe.
- The federal share of project costs shall be 100%. Provides $50 million for the program in each of fiscal years 2022 through 2026.

40601. Establishes a tribal orphaned well site plugging, remediation and restoration grant program. Funds provided through the program must be spent within five years, except if the secretary of the interior has granted an extended deadline. Tribes may request that the Department of the Interior carry out plugging, remediation and reclamation activities on behalf of the tribe in lieu of a grant. Provides $150 million for the program.

60201. Allows Tribal Broadband Connectivity Program grants to be used for remote learning, telework or telehealth resources beyond the COVID-19 pandemic. Extends the deadline for committing grant funds from 180 days to 18 months and the deadline to spend these funds from one year to four years after receiving the funds.

60304. Sets aside 5% of the amounts provided for the newly created State Digital Equity Capacity Grant Program for grants or cooperative agreements for tribes. The aim of the program is to achieve digital equity (including the availability and affordability of broadband and digital literacy), support digital inclusion activities, and build capacity for efforts relating to the adoption of broadband. Provides $240 million for fiscal year 2022 and $300 million is provided for each of fiscal years 2023 through 2026.

60305. Sets aside 5% of the amount provided for the newly created Digital Equity Competitive Grant Program for grants or cooperative agreements for tribes. The aim of the program is to support digital inclusion activities, facilitate access to and adoption of broadband, provide training programs that cover computer skills or other workforce development programs, and construct or expand public access computing centers. Provides $250 million for the first five fiscal years of the program, and provides such sums as may be necessary for each year thereafter.

70101. Appropriates $2.5 billion for the Indian Water Rights Settlement Completion Fund.

70801. Extends the federal permitting improvements established by the FAST Act to projects sponsored by tribes or located on Indian land.

Appropriations

Appropriates $60 million for tribes from the amount appropriated to NOAA for restoring fish passage and providing technical assistance under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act.

Appropriates $216 million to the BIA for tribal climate resilience, adaptation and community relocation. Of this amount, $130 million is reserved for community relocation and $86 million is reserved for tribal climate resilience and adaptation projects.

Appropriates $250 million to the BIA for the construction, repair, improvement and maintenance of irrigation and power systems, dam safety, water sanitation and other facilities. Of this amount, $50 million shall be for addressing irrigation and power systems and $200 million shall be for dam safety water sanitation and other facilities.

Appropriates $3.5 billion to the Indian Health Service for sanitation facilities. Up to $2.2 billion shall be for projects that exceed the economical unit cost.

Appropriates $2 million for implementation of the Tribal Forestry Protection Act for each of fiscal years 2022 through 2026.

Recycling Provisions

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70402. Consumer recycling education and outreach grant program; federal procurement: Establishes a grant program within the EPA for improving the effectiveness of residential and community recycling programs through public education and outreach. Eligible recipients include state, local and tribal governments; nonprofit organizations; and public-private partnerships. As part of the program, the EPA is required to develop a model toolkit for outreach and education for use by grant recipients. Requires the revision of federal procurement policies related to products made with post-consumer recycled material once every five years. Authorizes $75 million through fiscal year 2026 for the program.

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