

August 3, 2021

MEMORANDUM

RE: Infrastructure Investment and Jobs Act

Background

In March, President Biden introduced the American Jobs Plan, a \$2.3 trillion proposal geared to restore and upgrade the nation's infrastructure. The introduction of the American Jobs Plan kicked off months of negotiations between the White House and key Senators from both sides of the aisle to develop an infrastructure package that could pass the nearly evenly divided Senate. The result of those negotiations is a bipartisan infrastructure proposal that was developed by 22 Senators, nearly evenly split between the two parties, and would represent a significant achievement of the Biden Administration.

Last week, Senate negotiators announced that had agreed upon legislative text, the Infrastructure Investment and Jobs Act (IIJA), which allowed the Senate to vote on a motion to proceed and open debate on the package. The motion to proceed passed with 67 votes, with 17 Republicans joining Democrats to move the bill forward, a strong indicator of support as the bill is debated on the Senate floor.

The final bill text, totaling 2,702 pages, includes significant new funding for the nation's infrastructure, as well as priorities like the Senate's five-year surface transportation reauthorization, language to address climate change, the codification of parts of a Trump-era policy on environmental reviews, the creation of programs that address resilience, and appropriate \$445.9 billion in emergency funds. The bill is being considered as a substitute amendment to the House-passed surface transportation bill (H.R. 3684) and is open to further amendments from Senators. However, few amendments are expected to be added to the heavily negotiated package.

The bipartisan IIJA totals \$1.2 trillion and represents \$550 billion in new infrastructure spending over the next five years.

Meanwhile, earlier this summer, the House passed the INVEST in America Act, a five-year surface transportation reauthorization and water infrastructure bill. House Transportation and Infrastructure Committee Chair, Peter DeFazio (D-OR), continues to push for a conference between the Senate bill and the House passed bill. Therefore, it is unclear if the House will push for a conference, which would slow down the process, or simply take up the IIJA. Timing could be further complicated by the fact that the House is now on recess until mid-September, however House lawmakers have been told that they could be called back early if the Senate completes work on their infrastructure bill, as well as a separate budget reconciliation package that addresses other, non-infrastructure priorities of the Biden Administration.

Top line spending in the IIJA is broken out by infrastructure category as follows:

New Proposed Infrastructure Funding	ASCE Report Card Category
\$110 Billion for Roads, Bridges, Major Projects	Bridges, Roads
\$11 Billion for Pipeline Modernization, Trucking Safety, and Traffic Safety	Energy, Roads
\$39 Billion for Public Transit Repair	Transit
\$66 Billion for Passenger and Freight Rail Repair and Expansion	Rail, Transit
\$7.5 Billion for Electric Vehicle Charging Infrastructure	Roads, Energy
\$7.5 Billion for Low Carbon and Electric Buses and Ferries	Transit, Ports
\$17 Billion for Port Infrastructure	Ports, Inland Waterways
\$25 Billion for Airport Maintenance and Resilience	Aviation
\$50 Billion for Cyber Resiliency, Wildfire Management, Flood Mitigation, Coastal Resiliency, Weatherization, and Ecosystem Restoration	Broadband, Dams, Energy, Levees, Stormwater
\$55 Billion for Water Infrastructure	Drinking Water, Stormwater, Wastewater
\$65 Billion to Bridge the Digital Divide	Broadband
\$21 Billion in Environmental Remediation	Hazardous Waste
\$73 Billion for Nation's Power Infrastructure	Energy

ASCE expects the Senate to hold a cloture vote on the bill this Wednesday, teeing up a final vote as soon as this Thursday, or possibly over the weekend.

ASCE Position

ASCE strongly supports the bipartisan infrastructure proposal that has been negotiated over the past several months and we applaud the leadership shown by those Senators from both sides of the aisle that have ensured discussions resulted in legislative language.

The agreed-upon \$550 billion in new spending goes far beyond transportation - it will make a significant impact on improving almost all of the categories featured in ASCE's [2021 Report Card for America's Infrastructure](#), which assigned the nation's systems a disappointing grade of 'C-.' This proposal will remove dangerous lead service water lines in countless communities, safeguard critical assets against increasingly severe weather trends, modernize aging transit fleets, and fix structurally deficient bridges in need of repair.

For this reason, **ASCE urges Congress to pass the bipartisan infrastructure framework and no longer delay investing in our nation's most critical infrastructure.**

Bill Summary

The comprehensive, bipartisan infrastructure package is a \$1.2 trillion bill that includes \$550 billion, over five years, in new federal investment for the nation's infrastructure. Additionally, the bill includes the bipartisan Senate-passed, [Drinking Water and Wastewater Infrastructure Act](#) (S. 914) and the bipartisan, committee passed surface transportation reauthorization bills from the [Senate Commerce Committee](#) and the [Senate Environment and Public Works Committee](#).

The bill does include offsets to pay for the legislation. These offsets do not include any new taxes, but instead are made up of a series of one time pay-fors. The largest pay-for is \$205 billion from repurposing unused COVID relief dollars, while other pay-fors include sources like delaying the Medicare Part D rebate rule, repurposing enhanced unemployment insurance supplements to states, future spectrum auctions, cryptocurrency reporting, superfund fees, and

a list of similar sources and budget tricks. Finally, the legislation does include an \$118 billion transfer from the General Fund to the Highway Trust Fund, with \$90 billion being deposited into the Highway Account and \$28 billion deposited into the Mass Transit Account.

A full accounting of the legislation is as follows:

Roads and Bridges

The IJA contains the Senate's five-year **Surface Transportation Reauthorization Act** (STRA), or S. 1931. That bill was reported out of the Senate Environment and Public Works Committee in May 2021. STRA, and the corresponding title from the Commerce Committee, make up a five-year, \$383.4 billion reauthorization of core federal highway and bridge programs and represents a 22-percent increase from current FAST Act funding levels. \$273.2 billion, or 90-percent, of total highway funding from the HTF is distributed to states by formula and total funding for highway programs totals \$343 billion. The bill's authorization for the main federal-aid highway programs would be \$52.5 billion in FY 2022, increased 2% each year until it reaches \$56.8 billion in FY 2026. The IJA also includes an additional **\$110 billion** in appropriations for road and bridge programs on top of the surface transportation reauthorization funding, this includes \$40 billion for the bridge investment program. These funds go a long way to address the \$1.2 trillion, 10-year, funding gap that ASCE identified in the 2021 Report Card.

Topline funding in STRA includes:

- \$148 billion (\$116.3 billion under FAST Act) for the National Highway Performance Program (NHPP);
- \$64.8 billion (\$58.2 billion under FAST Act) for the Surface Transportation Block Grant Program (STBG);
- \$15.5 billion (\$11.5 billion under FAST Act) for the Highway Safety Improvement Program (HSIP);
- \$1.2 billion (\$1.1 billion under FAST Act) for Railway-Highway Grade Crossings;
- \$13.2 billion (\$12 billion under FAST Act) for the Congestion Mitigation and Air Quality Program (CMAQ);
- \$2.2 billion (\$1.7 billion under FAST Act) for the Metropolitan Planning Program;
- \$7.1 billion (\$6.2 billion under FAST Act) for the National Highway Freight Program (NHFP); and
- \$7.2 billion (\$4.2 billion under FAST Act) for Transportation Alternatives/STBGP Set-Aside.

ASCE's full analysis of STRA can be [found here](#). Additionally, the safety and freight title reported out of the Senate Commerce Committee is also contained in the broader bill. ASCE's analysis of the Commerce bill can be [found here](#). ASCE has publicly supported both the STRA and the title from the Commerce Committee.

Beyond funding included in the surface transportation reauthorization, the bill includes over \$100 billion in competitive grants, which will be given out under the discretion of the U.S. Department of Transportation (DOT). This funding does not include the regular cycle of INFRA

grants, TIFIA funding, and discretionary bus grants. Instead, these grants are one-time appropriations, over and above regular grants distributed by the DOT.

ASCE has historically supported the creation of new grant programs that ensure a state of good repair and operations improvements of the nation's roads and bridges; elevate the impacts of climate change, reduce greenhouse gas emissions, boost multimodal transportation options, encourage social equity, and reduce congestion; support enhanced resilience to address severe weather and mitigate potential damage; and increased funding for underserved communities including rural and economically disadvantaged communities. New grant programs included in the IIJA address many of these priorities.

A full list of additional appropriations for DOT grants to state and local governments for roads and bridges include:

- \$5 billion for National Infrastructure Project Assistance, or megaprojects
- \$7.5 billion for RAISE grants for local and regional project assistance
- \$5 billion for Safe Streets and Roads for All
- \$1 billion for National Culvert Removal, Replacement, and Restoration
- \$500 million for SMART grants
- \$27.5 billion in formula funding for the bridge program at the Federal Highway Administration, plus another \$9.2 billion in competitive grants
- \$5 billion in formula funding for EV Charging Infrastructure
- \$3.2 billion for INFRA grants
- \$150 million for the reduction of truck emissions in ports
- \$500 million for Reconnecting Communities
- \$1.2 billion for Appalachian Highways

Transit

The infrastructure package contains **\$39 billion in new investments** for the nation's transit systems, increasing funding by \$19 billion or 43 percent, from levels authorized under the FAST Act. While it is a drop from the \$49 billion that was proposed in the earlier bipartisan framework, these funds are still on top of authorized funds over 5 years.

The bill now includes a total of \$69.9 billion over five years in authorized spending for transit starting with \$13.36 billion in 2022 and increasing to \$14.64 billion in 2026; this amount includes:

- Transit-oriented development planning funding starting with \$13.16 million in 2022 and increasing to \$14.43 million in 2026;
- Enhanced mobility of seniors and individuals with disabilities funding starting with \$371.25 million in 2022 and increasing to \$407 million in 2026;
- Pilot program for innovative coordinated access and mobility starting with \$4.61 million in funding in 2022 and increasing to \$5.05 million in 2026;
- Rural Area Formula funding of \$875.29 million in 2022 and increasing to \$959.6 million in 2026;

- State of Good Repair formula funding starting with \$3.52 billion in funding in 2022 and increasing to \$3.85 billion in 2026;
- Low or No Emission Program competitive grants of \$71.6 million in 2022 and increasing to \$78.5 million in 2026;
- Growing states and high-density states formula funding starting with \$741 million in 2022 and increasing to \$812.5 million in 2026;
- Capital Investment Grants (CIG) program is authorized at \$3 billion each year; and
- Washington Metropolitan Area Transit Authority grants of \$150 million annually.

The new funding appropriated for the Federal Transit Administration, on top of funding provided in the reauthorization, is broken out as follows over five years:

- \$8 billion for Capital Investment Grants – This includes \$4.4 billion for New Starts, \$1.6 billion for core capacity, \$1.2 billion for Small Starts, and \$800 million for a project delivery pilot.
- \$4.75 billion in formula funding for the State of Good Repair program
- \$5.25 billion for grants for low or no emission vehicles
- \$1.75 billion for ADA upgrades to rail transit
- \$1 billion for ferry service for rural communities
- \$250 million for electric and low-emission ferries

ASCE's 2021 Infrastructure Report Card recommended that federal transit investments had to be increased to reduce the backlog of rehabilitation and the IIJA goes a long way to address the continued investment gap.

Rail

The bill is very similar to the surface transportation reauthorization bill report by the Senate Commerce Committee earlier this summer, however it increases funding in what amounts to the largest investment in passenger rail in the past 50 years. Over the next five-years, Amtrak's Northeast Corridor would receive \$6.5 billion, while the National Network would receive \$12.6 billion. Additionally, Consolidated Rail Infrastructure and Safety Improvement (CRISI) grants would receive \$5 billion; the railroad crossing elimination program would receive \$2.5 billion, with 20% set aside for rural projects; and the federal-state partnership for intercity passenger rail grants would receive \$7.5 billion, of which 45% would be eligible for use on the Northeast Corridor.

The bill would also codify the Railroad Rehabilitation and Improvement Financing program, which offers loans to finance the development of railroad infrastructure. The program would be authorized at \$250 million over five years to provide credit assistance, as well as \$70 million to refund credit risk premiums paid by borrowers.

In addition to appropriations included in the reauthorization the bill also includes supplemental appropriations for FY 22 – FY26. These appropriations include:

- \$36 billion for the Federal-State Partnership for Intercity Passenger Rail Grants, with as much as \$24 billion set aside for the Northeast Corridor;
- \$16 billion for the Amtrak National Network and \$6 billion for the Northeast Corridor; and

- \$5 billion for the CRISI.

The IJA amounts to an additional **\$66 billion in rail investments** over the next five-years and addresses several recommendations in the 2021 Infrastructure Report Card, such as sustained investments in the Northeast Corridor, providing funding for regional freight rail investments, and funding to reduce hazards at railway crossings.

Drinking Water and Wastewater

The bill provides **\$55 billion to upgrade water infrastructure** and replace lead service lines throughout the country. The bill also includes [S. 914](#), the bipartisan, Senate passed, Drinking Water and Wastewater Act of 2021, which ASCE endorsed earlier this year. The Drinking Water and Wastewater Act **reauthorizes both the Clean Water State Revolving Fund (SRF) and the Drinking Water State Revolving Fund at \$43.4 billion and appropriates \$15 billion through the Drinking Water State Revolving Fund to replace lead service lines**. Both the Drinking Water and Clean Water State Revolving Funds would each receive \$14.7 billion over 5 years. At least 12% of funds from the Drinking Water SRF would be set aside for disadvantaged communities, an increase from 6% currently.

Additionally, the bill provides **\$10 billion to address emerging contaminants**, including per- and polyfluoroalkyl substances (PFAS). Funds to address PFAS would be distributed through the Drinking Water State Revolving Fund, the Clean Water State Revolving Fund, and the Safe Drinking Water Act's Small and Disadvantaged Community Program.

Other measures include:

- Establishes a Clean Water Resiliency and Sustainability Program to award grants for the purpose of increasing resilience of publicly owned treatment works to a natural hazard or cybersecurity attack and authorizes \$25 million annually for five years;
- Authorizes \$50 million annually for the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability grant program and creates a corresponding Clean Water Infrastructure Resiliency and Sustainability Program at \$25 million annually;
- Authorizes the Assistance for Small and Disadvantaged Communities Drinking Water Grant program, which helps public water systems in underserved communities, at \$510 million over five years and allows the Administration to increase the federal share to 100% if an eligible entity is unable to pay or would experience significant financial hardship;
- Authorizes \$10 million for a new Lead Inventorying Utilization Grant Pilot Program and \$200 million over five years to address lead in school drinking water systems. The bill also extends the EPA grant program to support replacement of lead water lines by five years and increases the annual appropriation to \$100 million from \$60 million;
- Creates a Rural and Low-Income Water Assistance Pilot Program to award grants to eligible entities to develop and implement programs to assist qualifying households with need in maintaining access to drinking water and wastewater;

- Authorizes \$280 million annually for sanitary sewer overflows and stormwater reuse municipal grants, with requirements to allocate at least 25% of such funds towards systems serving rural or disadvantaged communities;
- Reauthorizes the Water Infrastructure Finance & Innovation Act (WIFIA) loan program at \$50 million annually; and
- Authorizes \$50 million annually for grants for leak detection, repair, and monitoring in small public and non-profit water systems.
- Authorizes \$75 million annually for research grants to address water pollution and training at water treatment centers. The program is currently authorized at \$25 million annually.
- Requires that the U.S. Environmental Protection Agency (EPA) carries out studies examining topics including safe drinking water technologies and community needs.

Airports

The IIJA provides a **\$25 billion investment in airports** through three programs. First, \$5 billion would be provided to FAA for air traffic control facility improvements. Additionally, \$15 billion would be provided in formula grants for “airside” developments such as runways, etc.

Finally, **\$5 billion** would be provided in a **new discretionary grant program for terminal development and connections**. Of this funding, 55% is reserved for large hub airports, 15% for medium hub airports, 20% for small hub airports, and 10% for non-hub and nonprimary airports. This funding is for terminal development projects, with a special focus on replacing aging infrastructure, increasing capacity and passenger access, achieving ADA compliance, improving airport access for historically disadvantaged populations, achieving LEED accreditation, improving airfield safety through terminal relocation, and more. Federal cost share is 80% for large and medium hub airports and 95% for small hub, non-hub, and non-primary airports.

From 2017 to 2020, Congress provided approximately \$15 billion for airports through the Federal Aviation Administration reauthorization and supplemental appropriations; this additional \$25 billion provided by IIJA would equate to about \$5 billion over existing spending per year for the next five years. The 2021 *Report Card for America’s Infrastructure* reported a \$111 billion, 10-year investment gap for airports.

IIJA directly answers a number of 2021 *Report Card for America’s Infrastructure* recommendations. There is a heavy focus on expanding terminal capacity and increasing federal funding for the Airport Improvement Program. There’s also an emphasis on resilient and technological advancements, both of which are called for in the Report Card.

Ports and Inland Waterways

The IIJA proposes **\$17 billion of investment in inland waterways and ports** through various grant and formula programs. Specifically, the legislation provides \$10 billion from the Highway Trust Fund to the INFRA program over five years and increases the share that can go toward intermodal projects from \$600 million total to approximately \$3 billion. Additionally, the

appropriations title of **IIJA provides \$3.2 billion to INFRA**, bringing the total program funding to \$13.2 billion.

The share of freight formula dollars toward multimodal projects has also been increased to 30 percent. In total the formula program includes **\$7.15 billion over five years, meaning about \$2.145 billion is available for multimodal freight projects**, including those inside a port gate. This is a significant increase from \$630 million provided to multimodal projects from the freight formula program in the FAST Act.

The IIJA also creates a new program through which ports are eligible for funding, the “Local and Regional Project Assistance Program.” This smaller-dollar competitive grant program can provide funding to port projects, with grants ranging from \$1 million to \$25 million, depending on the project location.

Further, MARAD provides **\$2.25 billion to the Port Infrastructure Development Program** through the appropriations title, or about \$450 million a year. In FY20, the program was funded at just \$220 million a year. Funding is reserved for multimodal connections to ports and resiliency considerations are now added to grant eligibility.

Additionally, the bill improves multimodal coordination among states. It re-codifies state freight advisory committees and invites representatives from multimodal modes, including ports, to participate. The legislation also creates an Office of Multimodal Freight Infrastructure and Policy at USDOT to help implement the national multimodal freight network and distribute grants.

If passed, the IIJA answers a number of 2021 *Report Card for America’s Infrastructure* ports and inland waterways recommendations. While the bill does not completely remove the multimodal cap associated with INFRA and the freight formula program, it does increase the share that can go toward port and rail projects. Additionally, as called for in the 2021 ports chapter, the bill improves coordination among ports as part of state freight plans. The legislation attempts to better integrate intelligent transportation systems into the freight transportation network by conducting a study on these issues and rewards grant applicants for incorporating new technologies into their proposals.

Importantly, the National Highway Freight program – the formula funding program for freight projects – now includes among eligible uses the modernization or rehabilitation of a lock or dam if that project is part of the National Highway Freight Network and is likely to reduce on-road emissions. This change answers the ASCE Report Card recommendation to strategically direct resources to deserving inland waterway projects.

For reference, the 2021 *Report Card for America’s Infrastructure* found a \$25 billion gap over 10 years in the inland waterways and ports categories. The \$17 billion in additional funding for landside infrastructure investments at ports and inland waterways would significantly contribute to decreasing the investment gap.

Dams

When the American Jobs Plan was first released, the plan did not include funding to the nation’s dams. Over the past several months, ASCE has advocated for dam safety to be included in a final infrastructure package. This advocacy work was successful, with the inclusion of \$733 million for FEMA assistance grants, as well as **\$67 million** for FEMA operations and support for dam safety activities and assistance to states under the **National Dam Safety Program**. The

\$733 million for FEMA assistance is broken out to \$148 million for grants to states for dam safety programs and \$585 million for high hazard dam rehabilitation grants to states, with \$75 million set aside for dam removal.

Furthermore, the bill includes **\$64 million** for the **U.S. Army Corps of Engineers WIFIA program** for safety projects to maintain, upgrade, and repair dams identified in the National Inventory of Dams and owned by either a state or local government, public utility, or private dam owner. The Corps WIFIA program received its first appropriation in fiscal year 2021, with a total appropriation of \$12 million. ASCE has been a strong advocate of the Corps WIFIA program.

The bill also includes:

- **\$115 million** for the U.S. Army Corps of Engineers to restore fish and wildlife passage by removing in-stream barriers and provide technical assistance to non-Federal partners. Additionally, the bill includes another **\$200 million** for dam removal programs at the U.S. Fish and Wildlife Service and **\$400 million** for dams under NOAA.
- **\$100 million** for the rehabilitation, reconstruction, or replacement of dams under the Bureau of Reclamation.
- **\$200 million** for dam safety and water sanitation at the Bureau of Indian Affairs.

ASCE's 2021 Infrastructure Report Card recommended fully funding the national dam rehabilitation and repair program at \$40 million annually, which the infrastructure bill would address. Additionally, the bill would go a long way to ensure that funds are available for states to develop emergency action plans for high hazard dams.

Energy

The bill would invest \$73 billion to rebuild the electric grid, calls for building thousands of miles of new power lines, and expanding renewable energy.

The bill also includes several provisions aimed at reinforcing **the resilience of the electric grid**, such as a nationwide grid reliability program that would have to be established within 180 days of the bill being enacted. That new program would be authorized at **\$5 billion** over five years for projects, activities, technologies, equipment and hardening measures that reduce the likelihood and consequences of disruptive events. Some eligible projects include weatherization technologies, fire-resistant technology, utility pole management, undergrounding of electrical equipment, the relocation of power lines, and microgrids. State and tribal governments that receive funding will be required to match 15 percent of the amount provided by the grant, with exceptions for small utilities.

The bill would also establish a new program called, Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency, in order to provide **competitive grants for projects that demonstrate innovative approaches** to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability. This newly created program is also authorized at **\$5 billion** over five years.

Next, the IJA would allocate **\$1 billion over five years to modernize and improve rural grid resilience**. Those funds would be authorized to upgrade transmission lines, improve energy efficiency, develop microgrids, and reduce emissions. Furthermore, the bill directs the Department of Energy to work in collaboration with the Department of Homeland Security, the

Federal Energy Regulatory Commission and other interested energy stakeholders to develop a common framework, tools and metrics to assess the reliability and resilience of the nation's energy infrastructure. The bill would also establish a Transmission Facilitation Program to facilitate the construction of electric power transmission lines and \$10 billion over five years.

Beyond grid resilience, the IIJA also aims to increase energy efficiency and smart grid functions in the building industry, through a number of new programs and grants for states to create loan funds for building energy upgrades, as well as grants to incentivize states to develop updated building codes. The bill would also authorize \$250 million in FY22 to create an Energy Efficiency Revolving Loan Fund Capitalization Grant program for states to conduct energy audits and upgrades. The **Smart Grid Investment Matching Grant Program** would be funded at \$3 billion over five years and the state energy program would receive \$500 million over five years.

Overall, the IIJA meets several solutions that are outlined for the nation's energy sector in the 2021 Report Card for America's Infrastructure. Solutions that were identified include improving grid resilience, developing a national hardening plan, and the construction of additional transmission grid infrastructure, all which are included in the bill.

Resilience

The bill seeks to make communities safer and more resilient to the impacts of climate change and cyber-attacks, with an investment of over \$50 billion. This includes funds to protect against droughts and floods, in addition to a major investment in weatherization. Among ASCE's top line recommendations in the 2021 Report Card for America's Infrastructure is the importance of utilizing new approaches, materials, and technologies to ensure our infrastructure is resilient.

The Infrastructure Investment and Jobs Act is the largest investment in the resilience of physical and natural systems in American history.

The bill contains several measures to deal with infrastructure resiliency, highlights include:

- Provides **\$100 million annually**, over five years for the **STORM Act**. ASCE strongly advocated for increased appropriations for the STORM Act, which was enacted earlier this year and created a Resilience Revolving Loan Fund.
- Creates a new **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)** program. The new program would fund improvements to make infrastructure more resilient to storms and natural disasters and would receive \$1.4 billion annually, over five years. The bill would also authorize \$500 million over five years to establish Transportation Resilience and Adaptation Centers of Excellence to study how to make transportation more resilient to extreme weather and climate change.
- For **flood resilience** the measure includes \$7 billion for **Corps of Engineers infrastructure** priorities; \$3.5 billion for **Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance Program**; \$492 million for **National Oceanic and Atmospheric Administration (NOAA) National Coastal Resiliency Fund**; and \$491 million for **NOAA Community-Based Restoration Project**.

- The bill would make an additional \$1 billion available in grants for the **FEMA Building Resilient Infrastructure and Communities (BRIC) Program**. BRIC is FEMA's pre-disaster hazard mitigation program that replaces the existing Pre-Disaster Mitigation (PDM) program and a program that ASCE continues to strongly advocate for.
- The measure addresses **waste management** issues by providing additional funding for Environmental Protection Agency (EPA) programs, including \$75 million for the **RECYCLES Act** – which promotes community recycling programs; \$150 million for Critical Mineral and Battery Recycling; \$275 million for the Save our Seas – Post-Consumer Materials Management Grants; and \$100 million for the Pollution Prevention Program.
- The measure seeks to address **droughts with** \$2.5 billion over 5-years for the Aging Infrastructure Account for Bureau of Reclamation water resources projects; \$500 million over 5-years for the Western Area Power Administration; and \$100 million for Drought Contingency Planning.
- The measure addresses environment restoration by investing in a number of existing programs, with a total of \$2.6 billion to provide for ecosystem restoration. This includes \$500 million for the **U.S. Army Corps of Engineers (USACE)** aquatic ecosystem restoration program, which works to restore degraded ecosystem structures, and natural processes to a more natural condition. Also included is \$1.8 billion for **EPA ecosystems restoration projects** (such as the Great Lake Restoration Initiative, Chesapeake Bay Program, and others). Plus \$207 million for NOAA's Coastal Zone Management Program.
- The bill would make a substantial investment of \$1.3 billion in cyber security. The measure would fund or increase funding to agencies and programs such as the **Cyber Response and Recover Fund, the Department of Homeland Security (DHS) Science and Technology Directorate for Research and Development, DHS's Cybersecurity and Infrastructure Security Agency, and Office of the National Cyber Director**.

Hazardous Waste

The bill contains **\$3.5 billion** over five-years for the remedial account of the **Superfund** program. The measure would also waive the state-cost share requirements. One of the few tax increases in the bill is the re-reinstatement of the Superfund polluters levy, a tax on chemical companies to clean up hazardous waste sites. It is estimated to raise \$14.5 billion over a decade. The tax was created in 1980 and expired in 1995. This plan would impose the tax through 2031. ASCE has long championed the need to increase federal funding for Superfund and reinstatement of the expired Superfund taxes.

Schools

The bill includes a \$500 million grant program over five-years to provide **energy efficiency and renewable energy improvements in public schools**. Eligible improvements include any repair or renovation that would result in a direct reduction in school energy costs, including

improvements to the envelope, heating and air conditioning system, or ventilation system, as well as improvements that lead to improved air quality or the use of renewable energy technologies. This would be the first time that the federal government has provided infrastructure related grants directly to public schools.

ASCE's Report Card for America's Infrastructure gave the nation's schools a D+ and noted that that 53% of public-school districts report the need to update or replace multiple building systems including HVAC systems.

Broadband

The measure's \$65 billion investment ensures every American has access to reliable high-speed internet with an historic investment in broadband infrastructure deployment, just as the federal government made a historic effort to provide electricity to every American nearly one hundred years ago. Among the specific allocations, the bill provides \$40 billion in **grants to states**, \$600 million in **Private Activities Bonds**, \$2 billion to the U.S. Department of Agriculture in support for rural areas, \$2 billion for the **Tribal Broadband Connectivity Program**, \$1 billion to support construction of middle-mile projects, and \$2.75 billion to fund the **Digital Equity Act**.

ASCE recognizes the critical role that broadband communication plays in the Nation's economy and believes that the private sector and governments at all levels have important roles toward closing the gap in digital access for all.

Electric Vehicle Charging Network

The bill invests **\$7.5 billion** to build out a national network of EV chargers. This is the first-ever national investment in EV charging infrastructure in the United States. The bill will provide funding for deployment of EV chargers along highway corridors to facilitate long-distance travel and within communities to provide convenient charging where people live, work, and shop. Federal funding will have a particular focus on rural, disadvantaged, and hard-to-reach communities. In total, \$2.5 billion is provided in highway program contract authority for both a highway corridor and a community charging grant program, while the other \$5 billion is provided for an appropriated formula program.

Environmental Reviews

The bill would codify elements of the Trump Administration's "one federal decision" policy, which requires agencies to coordinate reviews and authorization decisions for major infrastructure projects. The policy also sets a goal of completing environmental reviews within two years.

Under the bill, the lead agency would develop and environmental review schedule with the project sponsor that would be consistent with an agency average of not more than two years for major projects. Additionally, authorization decisions for construction for a major project would have to be completed within 90 days of the issuance of the record of decision.

Finally, the DOT would have to establish a performance accountability system to track each major project and provide other relevant agencies with a list of categorical exclusions under the NEPA process.

Next Steps

House consideration is still unclear and technically, the Chamber is adjourned until September 20th. However, many expect that House lawmakers will return in mid-August to vote on a budget resolution, if the Senate passes one.

If the House simply takes up the Senate passed bill, or tries to conference the Senate bill with their own surface transportation and water bill, the [INVEST in America Act](#), also still remains to be seen.

Throughout the upcoming weeks, ASCE will urge House policymakers to pass the Infrastructure Investment and Jobs Act, in order to get legislation to President Biden before the current surface transportation reauthorization bill expires on September 30th.

For questions, please contact the ASCE Government Relations team.

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