

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**H. R. 3684**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Infrastructure Investment and Jobs Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 1001. Definitions.

Sec. 1002. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

## 13

- Sec. 30534. State manufacturing leadership.
- Sec. 30535. Report.

## Subtitle D—Schools and Nonprofits

- Sec. 30541. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.
- Sec. 30542. Energy efficiency materials pilot program.

## Subtitle E—Miscellaneous

- Sec. 30551. Weatherization assistance program.
- Sec. 30552. Energy Efficiency and Conservation Block Grant Program.
- Sec. 30553. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States.
- Sec. 30554. Assisting Federal Facilities with Energy Conservation Technologies grant program.
- Sec. 30555. Rebates.
- Sec. 30556. Model guidance for combined heat and power systems and waste heat to power systems.

## TITLE VI—METHANE REDUCTION INFRASTRUCTURE

- Sec. 30601. Orphaned well site plugging, remediation, and restoration.

## TITLE VII—ABANDONED MINE LAND RECLAMATION

- Sec. 30701. Abandoned Mine Reclamation Fund authorization of appropriations.
- Sec. 30702. Abandoned mine reclamation fee.
- Sec. 30703. Amounts distributed from Abandoned Mine Reclamation Fund.
- Sec. 30704. Abandoned hardrock mine reclamation.

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

- Sec. 30801. Forest Service Legacy Road and Trail Remediation Program.
- Sec. 30802. Study and report on feasibility of revegetating reclaimed mine sites.
- Sec. 30803. Wildfire risk reduction.
- Sec. 30804. Ecosystem restoration.
- Sec. 30805. GAO study.
- Sec. 30806. Establishment of fuel breaks in forests and other wildland vegetation.
- Sec. 30807. Emergency actions.

## TITLE IX—WESTERN WATER INFRASTRUCTURE

- Sec. 30901. Authorizations of appropriations.
- Sec. 30902. Water storage, groundwater storage, and conveyance projects.
- Sec. 30903. Small water storage and groundwater storage projects.
- Sec. 30904. Critical maintenance and repair.
- Sec. 30905. Competitive grant program for large-scale water recycling and reuse program.
- Sec. 30906. Drought contingency plan funding requirements.
- Sec. 30907. Multi-benefit projects to improve watershed health.
- Sec. 30908. Eligible desalination projects.

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1 “(B) mitigating the environmental risks of  
2 undocumented orphaned wells; and

3 “(3) to the Interstate Oil and Gas Compact  
4 Commission, \$2,000,000 to carry out this section.”.

5 **TITLE VII—ABANDONED MINE**  
6 **LAND RECLAMATION**

7 **SEC. 30701. ABANDONED MINE RECLAMATION FUND AU-**  
8 **THORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-  
10 priated, for deposit into the Abandoned Mine Reclamation  
11 Fund established by section 401(a) of the Surface Mining  
12 Control and Reclamation Act of 1977 (30 U.S.C. 1231(a))  
13 \$11,293,000,000 for fiscal year 2022, to remain available  
14 until expended.

15 (b) USE OF FUNDS.—

16 (1) IN GENERAL.—Subject to subsection (g),  
17 amounts made available under subsection (a) shall  
18 be used to provide, as expeditiously as practicable, to  
19 States and Indian Tribes described in paragraph (2)  
20 annual grants for abandoned mine land and water  
21 reclamation projects under the Surface Mining Con-  
22 trol and Reclamation Act of 1977 (30 U.S.C. 1201  
23 et seq.).

24 (2) ELIGIBLE GRANT RECIPIENTS.—Grants  
25 may be made under paragraph (1) to—

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1 (A) States and Indian Tribes that have a  
2 State or Tribal program approved under section  
3 405 of the Surface Mining Control and Rec-  
4 lamation Act of 1977 (30 U.S.C. 1235);

5 (B) States and Indian Tribes that are cer-  
6 tified under section 411(a) of that Act (30  
7 U.S.C. 1240a(a)); and

8 (C) States and Indian Tribes that are re-  
9 ferred to in section 402(g)(8)(B) of that Act  
10 (30 U.S.C. 1232(g)(8)(B)).

11 (3) CONTRACT AGGREGATION.—In applying for  
12 grants under paragraph (1), States and Indian  
13 Tribes may aggregate bids into larger statewide or  
14 regional contracts.

15 (c) COVERED ACTIVITIES.—Grants under subsection  
16 (b)(1) shall only be used for activities described in sub-  
17 sections (a) and (b) of section 403 and section 410 of the  
18 Surface Mining Control and Reclamation Act of 1977 (30  
19 U.S.C. 1233, 1240).

20 (d) ALLOCATION.—

21 (1) IN GENERAL.—Subject to subsection (e),  
22 the Secretary of the Interior shall allocate and dis-  
23 tribute amounts made available for grants under  
24 subsection (b)(1) to States and Indian Tribes on an  
25 equal annual basis over a 15-year period beginning

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1 on the date of enactment of this Act, based on the  
2 number of tons of coal historically produced in the  
3 States or from the applicable Indian land before Au-  
4 gust 3, 1977, regardless of whether the State or In-  
5 dian Tribe is certified under section 411(a) of the  
6 Surface Mining Control and Reclamation Act of  
7 1977 (30 U.S.C. 1240a(a)).

8 (2) SURFACE MINING CONTROL AND RECLAMA-  
9 TION ACT EXCEPTION.—Section 401(f)(3)(B) of the  
10 Surface Mining Control and Reclamation Act of  
11 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to  
12 grant funds distributed under subsection (b)(1).

13 (3) REPORT TO CONGRESS ON ALLOCATIONS.—

14 (A) IN GENERAL.—Not later than 6 years  
15 after the date on which the first allocation to  
16 States and Indian Tribes is made under para-  
17 graph (1), the Secretary of the Interior shall  
18 submit to Congress a report that describes any  
19 progress made under this section in addressing  
20 outstanding reclamation needs under subsection  
21 (a) or (b) of section 403 or section 410 of the  
22 Surface Mining Control and Reclamation and  
23 Act of 1977 (30 U.S.C. 1233, 1240).

24 (B) INPUT.—The Secretary of the Interior  
25 shall—

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1 (i) prior to submitting the report  
2 under subparagraph (A), solicit the input  
3 of the States and Indian Tribes regarding  
4 the progress referred to in that subpara-  
5 graph; and

6 (ii) include in the report submitted to  
7 Congress under that subparagraph a de-  
8 scription of any input received under  
9 clause (i).

10 (4) REDISTRIBUTION OF FUNDS.—

11 (A) EVALUATION.—Not later than 20  
12 years after the date of enactment of this Act,  
13 the Secretary of the Interior shall evaluate  
14 grant payments to States and Indian Tribes  
15 made under this section.

16 (B) UNUSED FUNDS.—On completion of  
17 the evaluation under subparagraph (A), States  
18 and Indian Tribes shall return any unused  
19 funds under this section to the Abandoned Mine  
20 Reclamation Fund.

21 (e) TOTAL AMOUNT OF GRANT.—The total amount  
22 of grant funding provided under subsection (b)(1) to an  
23 eligible State or Indian Tribe shall be not less than  
24 \$20,000,000, to the extent that the amount needed for  
25 reclamation projects described in that subsection on the

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1 land of the State or Indian Tribe is not less than  
2 \$20,000,000.

3 (f) PRIORITY.—In addition to the priorities described  
4 in section 403(a) of the Surface Mining Control and Rec-  
5 lamation Act of 1977 (30 U.S.C. 1233(a)), in providing  
6 grants under this section, priority may also be given to  
7 reclamation projects described in subsection (b)(1) that  
8 provide employment for current and former employees of  
9 the coal industry.

10 (g) RESERVATION.—Of the funds made available  
11 under subsection (a), \$25,000,000 shall be made available  
12 to the Secretary of the Interior to provide States and In-  
13 dian Tribes with the financial and technical assistance  
14 necessary for the purpose of making amendments to the  
15 inventory maintained under section 403(c) of the Surface  
16 Mining Control and Reclamation Act of 1977 (30 U.S.C.  
17 1233(c)).

18 **SEC. 30702. ABANDONED MINE RECLAMATION FEE.**

19 (a) AMOUNT.—Section 402(a) of the Surface Mining  
20 Control and Reclamation Act of 1977 (30 U.S.C. 1232(a))  
21 is amended—

22 (1) by striking “28 cents” and inserting “22.4  
23 cents”;

24 (2) by striking “12 cents” and inserting “9.6  
25 cents”; and

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1 (3) by striking “8 cents” and inserting “6.4  
2 cents”.

3 (b) DURATION.—Section 402(b) of the Surface Min-  
4 ing Control and Reclamation Act of 1977 (30 U.S.C.  
5 1232(b)) is amended by striking “September 30, 2021”  
6 and inserting “September 30, 2034”.

7 **SEC. 30703. AMOUNTS DISTRIBUTED FROM ABANDONED**  
8 **MINE RECLAMATION FUND.**

9 Section 401(f)(2) of the Surface Mining Control and  
10 Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is  
11 amended—

12 (1) in subparagraph (A)—

13 (A) in the subparagraph heading, by strik-  
14 ing “2022” and inserting “2035”; and

15 (B) in the matter preceding clause (i), by  
16 striking “2022” and inserting “2035”; and

17 (2) in subparagraph (B)—

18 (A) in the subparagraph heading, by strik-  
19 ing “2023” and inserting “2036”;

20 (B) by striking “2023” and inserting  
21 “2036”; and

22 (C) by striking “2022” and inserting  
23 “2035”.



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1 **SEC. 30704. ABANDONED HARDROCK MINE RECLAMATION.**

2 (a) ESTABLISHMENT.—Not later than 90 days after  
3 the date of enactment of this Act, the Secretary of the  
4 Interior (referred to in this section as the “Secretary”)  
5 shall establish a program to inventory, assess, decommis-  
6 sion, reclaim, respond to hazardous substance releases on,  
7 and remediate abandoned hardrock mine land based on  
8 conditions including need, public health and safety, poten-  
9 tial environmental harm, and other land use priorities.

10 (b) AWARD OF GRANTS.—Subject to the availability  
11 of funds, the Secretary shall provide grants on a competi-  
12 tive or formula basis to States and Indian Tribes that have  
13 jurisdiction over abandoned hardrock mine land to reclaim  
14 that land.

15 (c) ELIGIBILITY.—Amounts made available under  
16 this section may only be used for Federal, State, Tribal,  
17 local, and private land that has been affected by past  
18 hardrock mining activities, and water resources that tra-  
19 verse or are contiguous to such land, including any of the  
20 following:

- 21 (1) Land and water resources that were—
- 22 (A) used for, or affected by, hardrock min-  
23 ing activities; and
- 24 (B) abandoned or left in an inadequate  
25 reclamation status before the date of enactment  
26 of this Act.

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1           (2) Land for which the Secretary makes a de-  
2           termination that there is no continuing reclamation  
3           responsibility of a claim holder, liable party, oper-  
4           ator, or other person that abandoned the site prior  
5           to completion of required reclamation under Federal  
6           or State law.

7           (d) ELIGIBLE ACTIVITIES.—

8           (1) IN GENERAL.—Amounts made available to  
9           carry out this section shall be used for the purposes  
10          described in subsection (a).

11          (2) EXCLUSION.—Amounts made available to  
12          carry out this section may not be used to fulfill obli-  
13          gations under the Comprehensive Environmental Re-  
14          sponse, Compensation, and Liability Act of 1980 (42  
15          U.S.C. 9601 et seq.) agreed to in a legal settlement  
16          or imposed by a court, whether for payment of funds  
17          or for work to be performed.

18          (e) AUTHORIZATION OF APPROPRIATIONS.—

19          (1) IN GENERAL.—There is authorized to be  
20          appropriated to carry out this section  
21          \$3,000,000,000, to remain available until expended,  
22          of which—

23                  (A) 50 percent shall be for grants to  
24                  States and Indian Tribes under subsection (b)

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1 for eligible activities described in subsection  
2 (d)(1); and

3 (B) 50 percent shall be for available to the  
4 Secretary for eligible activities described in sub-  
5 section (d)(1) on Federal land.

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

11 **TITLE VIII—NATURAL RE-**  
12 **SOURCES-RELATED INFRA-**  
13 **STRUCTURE, WILDFIRE MAN-**  
14 **AGEMENT, AND ECOSYSTEM**  
15 **RESTORATION**

16 **SEC. 30801. FOREST SERVICE LEGACY ROAD AND TRAIL RE-**  
17 **MEDIATION PROGRAM.**

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

22 **“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REME-**  
23 **DIATION PROGRAM.**

24 “(a) ESTABLISHMENT.—The Secretary shall estab-  
25 lish the Forest Service Legacy Road and Trail Remedi-