

117TH CONGRESS
1ST SESSION

H. R. 1512

To build a clean and prosperous future by addressing the climate crisis, protecting the health and welfare of all Americans, and putting the Nation on the path to a net-zero greenhouse gas economy by 2050, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Mr. PALLONE (for himself, Mr. TONKO, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Oversight and Reform, Education and Labor, Ways and Means, Natural Resources, Armed Services, Foreign Affairs, Science, Space, and Technology, Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To build a clean and prosperous future by addressing the climate crisis, protecting the health and welfare of all Americans, and putting the Nation on the path to a net-zero greenhouse gas economy by 2050, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Climate Leadership
3 and Environmental Action for our Nation’s Future Act”
4 or the “CLEAN Future Act”.

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1 **TITLE I—NATIONAL CLIMATE**
 2 **TARGET**
 3 **Subtitle A—National Target**

4 **SEC. 101. NATIONAL GOALS.**

5 It is hereby declared that it is—

6 (1) the national interim goal for the United
 7 States to achieve a minimum of a 50 percent reduc-
 8 tion in emissions of greenhouse gases from 2005 lev-
 9 els by not later than 2030; and

10 (2) the national goal for the United States to
 11 achieve a 100 percent clean economy by not later
 12 than 2050.

1 **SEC. 102. FEDERAL AGENCY PLANS.**

2 (a) **PLAN DEVELOPMENT.**—The head of each Federal
3 agency shall, in accordance with this section, develop a
4 plan for actions to be taken by the Federal agency, con-
5 sistent with the Federal agency’s mission and exclusively
6 through authorities vested in the Federal agency by provi-
7 sions of law other than this Act, to achieve, in combination
8 with the other Federal agencies, the national interim goal
9 and the national goal declared by section 101. Each Fed-
10 eral agency’s plan shall include actions that will—

11 (1) make significant and rapid progress toward
12 meeting such national interim goal and national
13 goal; and

14 (2) constitute a substantial change from busi-
15 ness-as-usual policies and practices of such Federal
16 agency.

17 (b) **ACTIONS TO MEET GOALS.**—

18 (1) **IN GENERAL.**—Actions selected by the head
19 of a Federal agency to include in a plan developed
20 under subsection (a) may include issuing regula-
21 tions, providing incentives, carrying out research and
22 development programs, reducing the greenhouse gas
23 emissions of such Federal agency itself, increasing
24 the resilience of such Federal agency’s facilities and
25 operations to climate change impacts and risks, and
26 any other action the head of the Federal agency de-

1 termines appropriate to achieve the national interim
2 goal and the national goal declared by section 101.

3 (2) SELECTION.—In selecting actions to include
4 in a plan developed under subsection (a), the head
5 of each Federal agency shall select actions designed
6 to—

7 (A) improve public health, resilience, and
8 environmental outcomes, especially for rural
9 and low-income households, communities of
10 color, Tribal and indigenous communities,
11 deindustrialized communities, and communities
12 that are disproportionately vulnerable to the im-
13 pacts of climate change and other pollution;

14 (B) provide benefits for consumers, small
15 businesses, farmers and ranchers, and rural
16 communities;

17 (C) prioritize infrastructure investment
18 that reduces emissions of greenhouse gases and
19 other pollutants, creates quality jobs, and
20 makes communities more resilient to the effects
21 of climate change;

22 (D) enhance quality job creation and raise
23 labor standards across the United States econ-
24 omy, including removing policy barriers to labor
25 union organizing, protecting labor agreements,

1 applying prevailing wage, safety and health pro-
2 tections, domestic content, and other provisions;

3 (E) lead in clean and emerging technology
4 production and manufacturing across the sup-
5 ply chain and align policies to ensure United
6 States companies retain their competitive edge
7 in a clean economy;

8 (F) ensure fairness and equity for workers
9 and communities affected by the transition to a
10 100 percent clean economy; and

11 (G) prepare communities for climate
12 change impacts and risks.

13 (c) PROPOSED PLAN.—

14 (1) PUBLIC COMMENT.—Not later than 6
15 months after the date of enactment of this Act, the
16 head of each Federal agency shall make the pro-
17 posed plan of the Federal agency developed under
18 subsection (a) available for public comment.

19 (2) INTERAGENCY REVIEW.—Not later than 9
20 months after the date of enactment of this Act, the
21 head of a Federal agency, after considering public
22 comments and revising a proposed plan developed
23 under subsection (a), as appropriate, shall submit
24 the proposed plan to the Administrator for review

1 and comment. The Administrator, in consultation
2 with the Secretary where appropriate, shall—

3 (A) evaluate the sufficiency of each such
4 proposed plan individually, and in combination
5 with the proposed plans of other Federal agen-
6 cies, to achieve the national interim goal and
7 the national goal declared by section 101; and

8 (B) provide, not later than 90 days after
9 receiving the proposed plan of a Federal agen-
10 cy, written recommendations to such Federal
11 agency to ensure that the plan is individually,
12 and in combination with the proposed plans of
13 other Federal agencies, sufficient to achieve the
14 national interim goal and the national goal de-
15 clared by section 101 and advance the objec-
16 tives listed in subsection (b)(2).

17 (d) SUBMISSION.—Not later than 15 months after
18 the date of enactment of this Act, the head of each Federal
19 agency shall make public and submit to Congress—

20 (1) a plan developed under subsection (a) that
21 incorporates revisions to the proposed plan, as ap-
22 propriate, to address the recommendations provided
23 by the Administrator under subsection (c);

24 (2) the recommendations provided by the Ad-
25 ministrator under subsection (c); and

1 (3) recommendations of the Federal agency on
2 additional authority for the Federal agency, if any,
3 that would be helpful for such Federal agency, in
4 combination with the other Federal agencies, to
5 achieve the national interim goal and the national
6 goal declared by section 101.

7 (e) TECHNICAL ASSISTANCE.—The Administrator, in
8 consultation with the Secretary as appropriate, shall pro-
9 vide technical assistance upon request by any Federal
10 agency in developing or revising a plan under this section.

11 (f) IMPLEMENTATION.—Beginning not later than 15
12 months after the date of enactment of this Act, the head
13 of each Federal agency shall implement the plan of the
14 Federal agency developed under subsection (a) and sub-
15 mitted to Congress under subsection (d).

16 (g) REVISIONS.—Not less frequently than every 24
17 months after the head of a Federal agency submits to
18 Congress the Federal agency's plan under subsection (d),
19 the head of such Federal agency, in consultation with the
20 Administrator, shall review and revise the plan to ensure
21 it is sufficient to achieve, in combination with the plans
22 of the other Federal agencies, the national interim goal
23 and the national goal declared by section 101. The head
24 of each Federal agency shall include the conclusion of each
25 such review and any revised plan resulting from such re-

1 view in the next annual report required under subsection
2 (h).

3 (h) ANNUAL REPORT.—Not later than March 31 of
4 the calendar year after the calendar year in which each
5 Federal agency is required to submit to Congress a plan
6 under subsection (d), and not later than March 31 of each
7 year thereafter, the head of each Federal agency shall
8 issue a public report on the plan of such Federal agency
9 (including any revisions to such plan), actions taken by
10 the Federal agency pursuant to such plan, and the effects
11 of such actions, during the preceding calendar year.

12 **SEC. 103. ACCOUNTABILITY.**

13 (a) EPA REVIEW AND REPORTS.—The Adminis-
14 trator shall—

15 (1) monitor the overall progress of the United
16 States in reducing greenhouse gas emissions and to-
17 ward achieving the national interim goal and the na-
18 tional goal declared by section 101; and

19 (2) not later than September 30 of the calendar
20 year after the calendar year in which each Federal
21 agency is required to submit to Congress a plan
22 under section 102(d), and not later than September
23 30 of each year thereafter, submit to Congress and
24 publish a report on such progress that includes—

1 (A) a review of how such greenhouse gas
2 emissions reductions relate to the international
3 commitments of the United States; and

4 (B) recommendations developed under sub-
5 section (b).

6 (b) RECOMMENDATIONS.—The Administrator shall
7 include—

8 (1) in each annual report submitted under sub-
9 section (a), as appropriate, after consulting with the
10 Secretary and considering any recommendations of
11 the Advisory Committee, recommendations regarding
12 the rate of progress of the United States toward
13 achieving the national interim goal and the national
14 goal declared by section 101; and

15 (2) in an appendix to each such annual report,
16 the recommendations of the Advisory Committee.

17 **SEC. 104. CLEAN ECONOMY FEDERAL ADVISORY COM-**
18 **MITTEE.**

19 (a) ESTABLISHMENT.—Not later than 3 months after
20 the date of enactment of this Act, the Administrator
21 shall—

22 (1) establish an advisory committee, to be
23 known as the Clean Economy Federal Advisory
24 Committee, to make recommendations described in
25 subsection (c); and

1 (2) appoint the following members to the Advi-
2 sory Committee that reflect diversity in gender, age,
3 race, and geography:

4 (A) 2 members who are State officials
5 from different States, including at least 1 offi-
6 cial from a State that has adopted greenhouse
7 gas reduction targets.

8 (B) 2 members who are local government
9 officials from different States than the States
10 represented by the members appointed pursuant
11 to subparagraph (A), including—

12 (i) 1 official from a city or county
13 that has adopted greenhouse gas reduction
14 targets; and

15 (ii) 1 official from a city or county
16 that is impacted by the transition away
17 from fossil energy.

18 (C) 1 member who represents an environ-
19 mental nonprofit organization with expertise in
20 mitigation of greenhouse gas emissions.

21 (D) 2 members who are members of envi-
22 ronmental justice organizations representing en-
23 vironmental justice communities.

1 (E) 2 members who are members of cli-
2 mate justice organizations representing commu-
3 nities on the front lines of climate change.

4 (F) 2 members who are representatives of
5 Tribal communities, including—

6 (i) 1 member from a community im-
7 pacted by pollution from the fossil fuel in-
8 dustry; and

9 (ii) 1 member from a community im-
10 pacted by the transition away from fossil
11 energy.

12 (G) 2 members who are members of the
13 National Academy of Sciences and have exper-
14 tise in climate science.

15 (H) 4 members who are employed by orga-
16 nized labor unions, including—

17 (i) 1 member from a utility sector
18 union;

19 (ii) 1 member from a transportation
20 sector union;

21 (iii) 1 member from a manufacturing
22 union; and

23 (iv) 1 member from a building trades
24 union.

1 (I) 2 members who are employed by the
2 power sector, including at least 1 member from
3 a business in the clean energy industry.

4 (J) 2 members of the agriculture industry,
5 including 1 member who is a farmer or rancher
6 and 1 member who represents an organization
7 that represents family farms.

8 (K) 2 members from the transportation
9 sector, including at least 1 member who is a
10 representative of a public transit industry.

11 (L) 2 members from the manufacturing
12 sector, including at least 1 member who is from
13 a business that has committed to net-zero
14 greenhouse gas emissions.

15 (M) 2 members from the commercial and
16 residential building sector, including at least 1
17 member who is from a business that has com-
18 mitted to improving energy efficiency in com-
19 mercial or residential buildings.

20 (N) 1 member with expertise in public
21 health.

22 (O) 1 member who is a young person who
23 is associated with a climate and environmental
24 organization.

25 (b) ORGANIZATION; TERMINATION.—

1 (1) SUBCOMMITTEES.—The Advisory Com-
2 mittee may, as the Advisory Committee determines
3 appropriate, establish subcommittees to provide ad-
4 vice to the full Advisory Committee on matters with-
5 in the respective subcommittee’s area of expertise.
6 At a minimum, the Advisory Committee shall con-
7 sider establishing subcommittees on—

8 (A) environmental justice;

9 (B) climate justice;

10 (C) fairness and equity for workers; and

11 (D) the transition of communities depend-
12 ent upon fossil fuels.

13 (2) MEETINGS.—The Advisory Committee shall
14 meet not less frequently than 3 times in the first
15 year after it is established, and at least annually
16 thereafter.

17 (3) TERMS.—A member of the Advisory Com-
18 mittee shall be appointed for a term of 2 years and
19 the Administrator may reappoint members for no
20 more than 3 consecutive terms.

21 (4) VACANCIES.—Any vacancy in the Advisory
22 Committee shall be filled by the Administrator in the
23 same manner as the original appointment and not
24 later than 180 days after the occurrence of the va-
25 cancy.

1 (5) CHAIR.—The Advisory Committee shall ap-
2 point a chair from among the members of the Advi-
3 sory Committee by a majority of those voting, if a
4 quorum is present.

5 (6) QUORUM.—A two-thirds majority of mem-
6 bers of the full Advisory Committee shall constitute
7 a quorum.

8 (7) APPLICABILITY OF FACa.—The Advisory
9 Committee shall be subject to the Federal Advisory
10 Committee Act (5 U.S.C. App.).

11 (8) TERMINATION.—The Advisory Committee
12 shall terminate on December 31, 2050.

13 (c) RECOMMENDATIONS.—

14 (1) INTERIM GOALS.—Not later than 15
15 months after the date of enactment of this Act, and
16 upon the request of the Administrator thereafter,
17 the Advisory Committee shall submit to the Admin-
18 istrator recommendations on one or more interim
19 greenhouse gas emissions reduction goals for the
20 United States to achieve before achieving the na-
21 tional goal declared by section 101(2).

22 (2) ANNUAL REVIEW.—Not later than June 30
23 of the calendar year after the calendar year in which
24 each Federal agency is required to submit to Con-
25 gress a plan under section 102(d), and not later

1 than June 30 of each year thereafter, and upon the
2 request of the Administrator, the Advisory Com-
3 mittee may provide recommendations for the Admin-
4 istrator to consider in developing recommendations
5 to include in the annual report required under sec-
6 tion 103.

7 (3) OTHER MATTERS.—Upon the request of the
8 Administrator, or upon the Advisory Committee’s
9 initiative, the Advisory Committee may provide rec-
10 ommendations for the Administrator to consider re-
11 garding any of the matters addressed by this Act.

12 **SEC. 105. RECOMMENDATIONS FOR INTERIM GOALS.**

13 (a) IN GENERAL.—Not later than 18 months after
14 the date of enactment of this Act, the Administrator shall,
15 after consulting with the Secretary and obtaining the rec-
16 ommendations of the Advisory Committee, recommend to
17 Congress one or more interim greenhouse gas emissions
18 reduction goals for the United States to achieve before
19 achieving the national goal declared by section 101(2). In
20 selecting one or more such interim goals to recommend
21 to Congress, the Administrator shall consider—

22 (1) the best available science on the needed
23 pace of reducing greenhouse gas emissions to limit
24 global warming to 1.5° Celsius;

1 (2) the international commitments by the
2 United States to address climate change, so as to
3 ensure that any interim goal is, at a minimum, con-
4 sistent with such commitments; and

5 (3) the degree of progress considered necessary
6 by a given date to maximize the likelihood that there
7 is an economically and technically feasible path for-
8 ward from such date to achieve the national goal de-
9 clared by section 101(2).

10 (b) UPDATES.—Upon request of Congress, or any
11 new international commitment by the United States to ad-
12 dress climate change, the Administrator may recommend
13 to Congress revised or additional interim goals.

14 **SEC. 106. DEFINITIONS.**

15 For purposes of this subtitle:

16 (1) ADVISORY COMMITTEE.—The term “Advi-
17 sory Committee” means the Clean Economy Federal
18 Advisory Committee established pursuant to section
19 104.

20 (2) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Environ-
22 mental Protection Agency.

23 (3) FEDERAL AGENCY.—The term “Federal
24 agency” has the meaning given the term “agency”
25 in section 551 of title 5, United States Code.

1 (4) GREENHOUSE GAS.—The term “greenhouse
2 gas” means the heat-trapping gases for which the
3 anthropogenic emissions are estimated and reported
4 in the most recently issued “Inventory of U.S.
5 Greenhouse Gas Emissions and Sinks” prepared an-
6 nually by the Environmental Protection Agency in
7 accordance with the commitments of the United
8 States under the United Nations Framework Con-
9 vention on Climate Change.

10 (5) 100 PERCENT CLEAN ECONOMY.—The term
11 “100 percent clean economy” means, with respect to
12 the United States, economywide, net-zero greenhouse
13 gas emissions, or negative greenhouse gas emissions,
14 after annual accounting for sources and sinks of an-
15 thropogenic greenhouse gas emissions consistent
16 with the coverage of emissions reported by the
17 United States under the United Nations Framework
18 Convention on Climate Change.

19 (6) SECRETARY.—The term “Secretary” means
20 the Secretary of Energy.

21 **Subtitle B—National Academy of** 22 **Sciences Review**

23 **SEC. 111. NATIONAL ACADEMY OF SCIENCES REVIEW.**

24 (a) IN GENERAL.—The Administrator of the Envi-
25 ronmental Protection Agency shall seek to enter into an

1 agreement with the National Academy of Sciences under
2 which the Academy agrees to—

3 (1) conduct a study on matters concerning the
4 national goal of achieving net-zero greenhouse gas
5 emissions by 2050;

6 (2) not later than 3 years after the date of
7 entry into such agreement, complete such study and
8 submit to the Congress and the Administrator a re-
9 port on the results of such study that includes—

10 (A) the metrics by which the achievement
11 of such goal should be determined; and

12 (B) a method to determine progress to-
13 ward and success in reaching such goal; and

14 (3) not later than 5 years after the submission
15 of such report, submit a followup report assessing—

16 (A) the effectiveness of the metrics and
17 method recommended in the report pursuant to
18 subparagraphs (A) and (B) of paragraph (2) in
19 evaluating progress toward reaching such goal;

20 (B) the implementation by the Environ-
21 mental Protection Agency of such metrics and
22 method, and of other recommendations in such
23 report; and

24 (C) the progress made towards the na-
25 tional goal declared by section 101(2) and all

1 interim goals recommended to Congress by the
2 Administrator pursuant to section 105.

3 (b) TIMING OF AGREEMENT.—The Administrator
4 shall seek to enter into the agreement described in sub-
5 section (a) not later than 180 days after the date of enact-
6 ment of this Act.

7 (c) REQUIREMENTS.—The study and report pursuant
8 to paragraphs (1) and (2) of subsection (a) shall—

9 (1) provide comprehensive metrics to measure
10 lifecycle greenhouse gas emissions by sector and,
11 where appropriate, major subsector, including—

12 (A) industry;

13 (B) electricity and heat production;

14 (C) transportation;

15 (D) buildings;

16 (E) agriculture, forestry, and other land
17 use; and

18 (F) other sectors or major subsectors se-
19 lected by the Academy;

20 (2) provide methodologies, inputs, measure-
21 ments, techniques, and equations to calculate
22 lifecycle greenhouse gas emissions for each sector for
23 which metrics are provided pursuant to paragraph
24 (1) and, as the Academy deems appropriate, each
25 major subsector for which such metrics are provided;

1 (3) identify limitations when evaluating and se-
2 lecting metrics to calculate lifecycle greenhouse gas
3 emissions, and any challenges relevant to calculating
4 lifecycle greenhouse gas emissions;

5 (4) review and synthesize relevant existing as-
6 sessments of lifecycle greenhouse gas emissions for
7 each sector for which metrics are provided pursuant
8 to paragraph (1) and, as the Academy deems appro-
9 priate, each major subsector for which such metrics
10 are provided, including assessments produced by—

11 (A) the Intergovernmental Panel on Cli-
12 mate Change;

13 (B) nongovernmental entities, nonprofit or-
14 ganizations, and academic institutions;

15 (C) private actors;

16 (D) domestic and international government
17 actors; and

18 (E) other international organizations;

19 (5) assess existing metrics and methodologies
20 for accounting for negative emissions and sinks; and

21 (6) provide a methodology to use lifecycle
22 greenhouse gas emissions metrics to determine
23 sector- and major subsector-specific progress toward
24 the national goal, including balancing emission
25 sources, negative emissions, and sinks.

1 (d) RECOMMENDATIONS.—The study and report pur-
2 suant to paragraphs (1) and (2) of subsection (a) shall
3 identify actions that could be taken to—

4 (1) improve scientific understanding key to as-
5 sessing progress toward and success in achieving the
6 national goal of net-zero greenhouse gas emissions
7 by 2050;

8 (2) improve the measurement of lifecycle green-
9 house gas emissions; and

10 (3) improve the accounting of negative emis-
11 sions and sinks.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “Academy” means the National
14 Academy of Sciences.

15 (2) The term “Administrator” means the Ad-
16 ministrator of the Environmental Protection Agency.

17 (3) The term “lifecycle greenhouse gas emis-
18 sions” means the aggregate quantity of greenhouse
19 gas emissions (including direct emissions and signifi-
20 cant indirect emissions such as significant emissions
21 from land-use changes), as determined by the Acad-
22 emy over the full lifecycle of the respective green-
23 house gases, across all stages of a given sector or
24 major subsector’s supply chain, where the mass val-
25 ues for all greenhouse gases are adjusted to account

1 for their relative global warming potential and resi-
2 dence time.

3 (4) The term “negative emissions” means
4 greenhouse gases permanently removed from the at-
5 mosphere, other than biogenic removals through
6 land-use and forestry practices.

7 (5) The term “sinks” means a reservoir of
8 greenhouse gases removed from the atmosphere
9 through land-use and forestry practices, consistent
10 with the United Nations Framework Convention on
11 Climate Change (UNFCCC) national inventory ac-
12 counting guidelines.

13 **TITLE II—POWER**
14 **Subtitle A—Clean Electricity**
15 **Standard**

16 **SEC. 201. DEFINITIONS.**

17 In this subtitle:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (2) AFFILIATE.—The term “affiliate” has the
22 meaning given such term in section 1262 of the En-
23 ergy Policy Act of 2005 (42 U.S.C. 16451).

24 (3) ASSOCIATE COMPANY.—The term “associate
25 company” has the meaning given such term in sec-

1 tion 1262 of the Energy Policy Act of 2005 (42
2 U.S.C. 16451).

3 (4) BEHIND-THE-METER GENERATION SYS-
4 TEM.—The term “behind-the-meter generation sys-
5 tem” means a system of generation of electric en-
6 ergy that operates on the electric consumer side of
7 the applicable utility meter.

8 (5) BENEFICIAL ELECTRIFICATION-RELATED
9 REDUCTION.—The term “beneficial electrification-re-
10 lated reduction” means the net reduction of the ag-
11 gregate greenhouse gas emissions of a retail elec-
12 tricity supplier and an electric consumer as the re-
13 sult of the replacement of a power source of the elec-
14 tric consumer that is not electric energy with electric
15 energy provided by the retail electricity supplier, in-
16 cluding for the purpose of transportation, space
17 heating, water heating, or industrial processes.

18 (6) CARBON DIOXIDE EQUIVALENT.—The term
19 “carbon dioxide equivalent” means the number of
20 metric tons of carbon dioxide emissions with the
21 same global warming potential over a 20-year period
22 as 1 metric ton of another greenhouse gas, including
23 the effects of climate-carbon feedbacks for both car-
24 bon dioxide and the other greenhouse gas, as deter-
25 mined in accordance with the Fifth Assessment Re-

1 port of the Intergovernmental Panel on Climate
2 Change. For methane, the global warming potential
3 shall include the effect of carbon dioxide from meth-
4 ane oxidation in the atmosphere.

5 (7) CARBON INTENSITY.—The term “carbon in-
6 tensity” means the carbon dioxide equivalent emis-
7 sions associated with the generation of 1 megawatt-
8 hour of electric energy, as determined by the Sec-
9 retary under section 204.

10 (8) CARBON INTENSITY FACTOR.—The term
11 “carbon intensity factor” means—

12 (A) for each calendar year through 2030,
13 0.82;

14 (B) for calendar year 2031, 0.736;

15 (C) for calendar year 2032, 0.652;

16 (D) for calendar year 2033, 0.568;

17 (E) for calendar year 2034, 0.484; or

18 (F) for calendar year 2035 and each cal-
19 endar year thereafter, 0.4.

20 (9) ELECTRIC CONSUMER.—The term “electric
21 consumer” has the meaning given such term in sec-
22 tion 3 of the Public Utility Regulatory Policies Act
23 of 1978 (16 U.S.C. 2602).

24 (10) FEDERAL POWER MARKETING ADMINIS-
25 TRATION.—The term “Federal Power Marketing Ad-

1 ministration” means the Bonneville Power Adminis-
2 tration, the Southeastern Power Administration, the
3 Southwestern Power Administration, or the Western
4 Area Power Administration.

5 (11) GENERATING UNIT.—The term “gener-
6 ating unit” means a unit or system of units that—

7 (A) generates electric energy that is con-
8 sumed in the United States;

9 (B) generates not fewer than 20 megawatt-
10 hours of electric energy per calendar year; and

11 (C)(i) delivers electric energy to the elec-
12 tric grid; or

13 (ii) in the case of a behind-the-meter gen-
14 eration system—

15 (I) delivers electric energy to the elec-
16 tric grid; or

17 (II) generates electric energy that is
18 consumed onsite for a useful purpose other
19 than for generating electric energy.

20 (12) GENERATOR.—The term “generator”
21 means the owner or operator of a generating unit.

22 (13) GREENHOUSE GAS.—The term “green-
23 house gas” includes each of the following:

24 (A) Carbon dioxide.

25 (B) Methane.

- 1 (C) Nitrous oxide.
- 2 (D) Sulfur hexafluoride.
- 3 (E) Any hydrofluorocarbon.
- 4 (F) Any perfluorocarbon.
- 5 (G) Nitrogen trifluoride.
- 6 (H) Any fully fluorinated linear, branched,
7 or cyclic—
- 8 (i) alkane;
- 9 (ii) ether;
- 10 (iii) tertiary amine; or
- 11 (iv) aminoether.
- 12 (I) Any perfluoropolyether.
- 13 (J) Any hydrofluoropolyether.
- 14 (K) Any other fluorocarbon, except for a
15 fluorocarbon with a vapor pressure of less than
16 1 mm of Hg absolute at 25 degrees Celsius.
- 17 (14) QUALIFIED COMBINED HEAT AND POWER
18 SYSTEM.—The term “qualified combined heat and
19 power system” means a system that—
- 20 (A) uses the same energy source for the si-
21 multaneous or sequential generation of electric
22 energy and thermal energy;
- 23 (B) produces at least—

1 (i) 20 percent of the useful energy of
2 the system in the form of electric energy;
3 and

4 (ii) 20 percent of the useful energy of
5 the system in the form of useful thermal
6 energy;

7 (C) to the extent that the system uses bio-
8 mass, uses only qualified renewable biomass;
9 and

10 (D) operates with an energy efficiency per-
11 centage, as determined in accordance with sec-
12 tion 48(c)(3)(C)(i) of the Internal Revenue
13 Code of 1986, of greater than 60 percent on a
14 year-round basis.

15 (15) QUALIFIED ELECTRICITY GENERATION.—

16 (A) IN GENERAL.—The term “qualified
17 electricity generation” means the number of
18 megawatt-hours of electric energy that a gener-
19 ator generates using a generating unit and—

20 (i) sells directly or indirectly for use
21 by electric consumers for purposes other
22 than resale; or

23 (ii) that is consumed onsite for a use-
24 ful purpose other than for generating elec-
25 tric energy.

1 (B) AFFILIATE SALES.—For purposes of
2 calculating the quantity of electric energy sold
3 by a retail electricity supplier under this para-
4 graph, the quantity of electric energy sold—

5 (i) by an affiliate of the retail elec-
6 tricity supplier, or an associate company of
7 the retail electricity supplier, to an electric
8 consumer (other than to a lessee or tenant
9 of the affiliate or associate company) shall
10 be treated as sold by the retail electricity
11 supplier; and

12 (ii) by such retail electricity supplier
13 to an affiliate, lessee, or tenant of the re-
14 tail electricity supplier shall not be consid-
15 ered to be a sale to an electric consumer.

16 (16) QUALIFIED LOW-CARBON FUEL.—

17 (A) IN GENERAL.—The term “qualified
18 low-carbon fuel” means a fuel that—

19 (i) is produced through any process
20 that significantly limits or avoids green-
21 house gas emissions; and

22 (ii) does not release greenhouse gas
23 emissions during combustion.

1 (B) INCLUSION.—The term “qualified low-
2 carbon fuel” includes, subject to subparagraph

3 (A)—

4 (i) ammonia; and

5 (ii) hydrogen.

6 (17) QUALIFIED RENEWABLE BIOMASS.—

7 (A) IN GENERAL.—The term “qualified re-
8 newable biomass” means—

9 (i) any crop byproduct, or crop res-
10 idue, harvested from actively managed, or
11 fallow, agricultural, nonforested land that
12 was cleared before January 1, 2020, if the
13 harvesting of the byproduct or residue does
14 not lead to a net decline in soil organic
15 matter for the applicable land;

16 (ii) any cellulose, hemicellulose, or
17 lignin that is derived from a woody or
18 nonwoody plant that is planted for closed-
19 loop biomass (as defined in section
20 45(c)(2) of the Internal Revenue Code of
21 1986) on land that was, as of January 1,
22 2021—

23 (I) actively managed cropland or
24 fallow and nonforested cropland, as

1 defined by the Department of Agri-
2 culture;

3 (II) a brownfield site (as defined
4 in section 101(39) of the Comprehen-
5 sive Environmental Response, Com-
6 pensation, and Liability Act of 1980
7 (42 U.S.C. 9601(39))); or

8 (III) an abandoned mine site;

9 (iii) nonhazardous algal or other
10 micro-crop matter; and

11 (iv) waste—

12 (I) that is burned in a qualified
13 combined heat and power system; and

14 (II) that is—

15 (aa) methane captured from
16 a landfill, an animal production
17 facility, or a sewage treatment
18 operation;

19 (bb) nonhazardous land-
20 scape or right-of-way trimmings;

21 (cc) vegetative matter re-
22 moved from an area located not
23 more than 200 yards from a
24 building, residence, or camp-

1 ground for the purpose of pro-
2 tecting structures from wildfire;

3 (dd) any byproduct of a
4 wood mill or paper mill oper-
5 ation, including lignin in spent
6 pulping liquors, that is dem-
7 onstrated to otherwise be burned
8 for energy onsite;

9 (ee) plant material removed
10 for the purposes of invasive or
11 noxious plant species control; or

12 (ff) downed wood from ex-
13 treme weather events.

14 (B) LIMIT OF INCLUSION OF INVASIVE
15 SPECIES.—Except as provided in subparagraph
16 (A)(iv)(II)(ee), the term “qualified renewable
17 biomass” does not include any matter that the
18 Secretary of Agriculture, in consultation with
19 other Federal or State departments and agen-
20 cies the Secretary determines appropriate, de-
21 termines is derived from—

22 (i) a plant that is invasive or noxious;

23 or

24 (ii) a species or varieties of plants
25 that are potentially invasive.

1 (C) OVERSIGHT.—The Administrator shall
2 oversee that the aforementioned standards for
3 qualified renewable biomass in subparagraphs
4 (A) and (B) are adhered to, in consultation
5 with the Secretary of Agriculture and the Sec-
6 retary of the Interior, as appropriate.

7 (D) EMISSIONS.—Processing or combus-
8 tion of qualified renewable biomass should not
9 result in emissions of—

10 (i) an air pollutant for which air qual-
11 ity criteria has been issued under section
12 108 of the Clean Air Act (42 U.S.C.
13 7408); or

14 (ii) a hazardous air pollutant listed
15 pursuant to section 112(b) of the Clean
16 Air Act (42 U.S.C. 7412).

17 (18) QUALIFIED WASTE-TO-ENERGY.—The
18 term “qualified waste-to-energy” means electric en-
19 ergy generated—

20 (A) from the combustion of—

21 (i) post-recycled municipal solid waste;

22 (ii) gas produced from the gasification
23 or pyrolyzation of post-recycled municipal
24 solid waste;

25 (iii) biogas;

1 (iv) landfill methane;

2 (v) animal waste or animal byprod-
3 ucts;

4 (vi) food waste;

5 (vii) if diverted from or separated
6 from other waste out of a municipal waste
7 stream—

8 (I) paper products that are not
9 commonly recyclable;

10 (II) vegetation;

11 (III) tree trimmings;

12 (IV) solid-wood yard waste, pal-
13 lets, or crates; or

14 (V) manufacturing and construc-
15 tion debris; or

16 (viii) any byproduct of a wood or
17 paper mill operation, including lignin in
18 spent pulping liquors; and

19 (B) at a facility that the Administrator has
20 certified, within the past 18 months, is—

21 (i) in compliance with all applicable
22 Federal and State environmental permits;
23 and

24 (ii) in the case of a facility that com-
25 mences operation before the date of enact-

1 ment of this subtitle, in compliance with
2 emission standards under sections 112
3 and, as applicable, 129 of the Clean Air
4 Act (42 U.S.C. 7412, 7429) that apply as
5 of the date of enactment of this subtitle to
6 new facilities within the applicable source
7 category.

8 (19) RETAIL ELECTRICITY SUPPLIER.—The
9 term “retail electricity supplier”, as determined for
10 each calendar year, means an entity in the United
11 States that sold not fewer than 20 megawatt-hours
12 of electric energy to electric consumers for purposes
13 other than resale during the preceding calendar
14 year.

15 (20) SALE.—The term “sale”, when used with
16 respect to electric energy, has the meaning given
17 such term in section 3(13) of the Public Utility Reg-
18 ulatory Policies Act of 1978 (16 U.S.C. 2602(13)).

19 (21) STATE.—Except as otherwise provided in
20 this title, the term “State” means a State of the
21 United States and any district, commonwealth, terri-
22 tory, or possession of the United States.

23 (22) ZERO-EMISSION ELECTRICITY.—The term
24 “zero-emission electricity” means the fraction of the
25 electric energy generated by a given generating unit

1 whose generation is not associated with the release
2 of greenhouse gases to the atmosphere. The number
3 of megawatt-hours of zero-emission electricity of a
4 given generating unit is equal to the product ob-
5 tained by multiplying—

6 (A) the qualified electricity generation of
7 the generating unit; by

8 (B) the extent to which the operation of
9 the generating unit results in fewer greenhouse
10 gas emissions than an efficient coal-burning
11 power plant, which is the number that equals—

12 (i) 1.0; less

13 (ii) the quotient obtained by divid-
14 ing—

15 (I) the carbon intensity of the
16 generating unit; by

17 (II) the carbon intensity factor.

18 (23) ZERO-EMISSION ELECTRICITY CREDIT.—

19 The term “zero-emission electricity credit” means a
20 credit issued pursuant to section 204.

21 **SEC. 202. ZERO-EMISSION ELECTRICITY REQUIREMENT.**

22 (a) ZERO-EMISSION ELECTRICITY REQUIREMENT.—

23 (1) CREDIT SUBMISSION REQUIREMENT.—Ex-
24 cept as otherwise provided in this section, effective
25 beginning with calendar year 2023, for each cal-

1 endar year, not later than June 1 of the following
2 calendar year, each retail electricity supplier shall
3 submit to the Administrator a quantity of zero-emis-
4 sion electricity credits that is equal to—

5 (A) for each of calendar years 2023 and
6 2024, the quantity of zero-emission electricity
7 credits determined under paragraph (3) for the
8 retail electricity supplier for such calendar year;
9 and

10 (B) for calendar year 2025 and each cal-
11 endar year thereafter, the average of the quan-
12 tity of zero-emission electricity credits deter-
13 mined under paragraph (3) for the retail elec-
14 tricity supplier for such calendar year and the
15 two prior calendar years.

16 (2) VOLUNTARY ASSIGNMENT OF COMPLIANCE
17 OBLIGATION BY PUBLIC POWER UTILITIES AND
18 ELECTRIC COOPERATIVES.—Any retail electricity
19 supplier that is an electric cooperative, a State, or
20 any political subdivision of a State, may elect to
21 enter into an agreement with another political sub-
22 division of a State, an electric cooperative that has
23 an obligation to serve such retail electricity supplier,
24 or a generator to assign any reporting or compliance
25 obligation under this title to such other political sub-

1 division of a State, electric cooperative, or generator.
2 An assignment made under this paragraph shall be
3 established through a binding agreement executed
4 among the relevant parties.

5 (3) QUANTITY OF ZERO-EMISSION ELECTRICITY
6 CREDITS.—

7 (A) IN GENERAL.—For each calendar year,
8 the Administrator shall determine a quantity of
9 zero-emission electricity credits for a retail elec-
10 tricity supplier that is equal to the product ob-
11 tained by multiplying—

12 (i) the total quantity of electric en-
13 ergy, in megawatt-hours, consumed by
14 electric consumers of the retail electricity
15 supplier during the calendar year, that is
16 provided by the retail electricity supplier or
17 by a behind-the-meter generation system,
18 as reported under subsection (b); by

19 (ii) the minimum percentage of zero-
20 emission electricity for the calendar year.

21 (B) SYSTEM SUPPORT RESOURCE.—For
22 any calendar year in which a generating unit
23 that is owned by a retail electricity supplier has
24 been designated a System Support Resource by
25 the Federal Energy Regulatory Commission

1 and is thereby required, by an Independent Sys-
2 tem Operator or Regional Transmission Organi-
3 zation, or under a State-regulated resource
4 planning process, to remain in operation be-
5 cause retirement of the generating unit would
6 harm the reliability of the electric energy trans-
7 mission system, in calculating the total quantity
8 of electric energy consumed by electric con-
9 sumers of the retail electricity supplier under
10 subparagraph (A)(i), the Administrator shall
11 deduct the quantity of megawatt-hours of elec-
12 tricity generated by such generating unit during
13 such calendar year.

14 (C) EXCEPTION.—

15 (i) IN GENERAL.—Notwithstanding
16 anything to the contrary in this section,
17 beginning with calendar year 2031, the
18 Administrator shall defer for one calendar
19 year increasing the required minimum per-
20 centage of zero-emission electricity as set
21 forth in clauses (iii) through (vii) of para-
22 graph (5)(C) for a retail electricity supplier
23 if the retail electricity supplier submits an
24 alternative compliance payment in lieu of
25 more than 10 percent of the quantity of

1 zero-emission electricity credits due pursu-
2 ant to this section in both calendar year
3 2029 and calendar year 2030, or any two
4 consecutive calendar years thereafter.

5 (ii) EXTENDED SCHEDULE.—If a re-
6 tail electricity supplier receives a deferral
7 pursuant to clause (i), the minimum per-
8 centage of zero-emission electricity as set
9 forth in clauses (iii) through (vii) of para-
10 graph (5)(C) shall be each be extended by
11 one calendar year.

12 (iii) SAVINGS CLAUSE.—Notwith-
13 standing clauses (i) and (ii), the required
14 minimum percentage of zero-emission elec-
15 tricity set forth in paragraph (5)(C)(vii)
16 shall not be deferred beyond calendar year
17 2040.

18 (iv) ELECTRIC UTILITY BILL PAY-
19 MENT ASSISTANCE.—If the Administrator
20 issues a deferral pursuant to clause (i), the
21 Administrator shall, notwithstanding any-
22 thing to the contrary in section 205, award
23 under section 205(b) an amount of money
24 equal to 25 percent of the total amount
25 paid by a retail electricity supplier as alter-

1 native compliance payments in the two
2 years that triggered the deferral. Such
3 sums shall be paid awarded for the sole
4 purpose of assisting consumers of the re-
5 tail electricity supplier with their electric
6 utility bill pursuant to terms established by
7 the Administrator.

8 (4) DEFINITIONS.—In this subsection:

9 (A) 2020S ANNUAL PERCENTAGE IN-
10 CREASE.—The term “2020s annual percentage
11 increase” means, with respect to a retail elec-
12 tricity supplier, the product obtained by multi-
13 plying—

14 (i) the difference between 80 percent
15 and the baseline zero-emission electricity
16 percentage; by—

17 (ii) $\frac{1}{7}$.

18 (B) BASELINE ZERO-EMISSION ELEC-
19 TRICITY PERCENTAGE.—

20 (i) IN GENERAL.—The term “baseline
21 zero-emission electricity percentage”
22 means, with respect to a retail electricity
23 supplier, the average percentage of the
24 electric energy consumed by all electric
25 consumers of the retail electricity supplier

1 that is zero-emission electricity during cal-
2 endar years 2017, 2018, and 2019.

3 (ii) ELECTION.—For any retail elec-
4 tricity supplier served by an Independent
5 System Operator or a Regional Trans-
6 mission Organization, or participating in a
7 joint unit commitment and centralized eco-
8 nomic dispatch system regulated by the
9 Federal Energy Regulatory Commission,
10 the retail electricity supplier may elect to
11 set its baseline zero-emission electricity
12 percentage under clause (i) on the basis of
13 the zero-emission electricity and electric
14 energy consumed by either—

15 (I) all electric consumers of the
16 retail electricity supplier; or

17 (II) all electric consumers served
18 by the Independent System Operator,
19 Regional Transmission Organization,
20 or the applicable joint unit commit-
21 ment and centralized economic dis-
22 patch system that serves the retail
23 electricity supplier.

24 (iii) NOTIFICATION OF ELECTION.—A
25 retail electricity supplier shall inform the

1 Administrator of its election under clause
2 (ii) not later than 180 days after the date
3 of enactment of this Act.

4 (C) MINIMUM PERCENTAGE OF ZERO-EMIS-
5 SION ELECTRICITY.—The term “minimum per-
6 centage of zero-emission electricity” means,
7 with respect to a retail electricity supplier—

8 (i) for calendar year 2023, the base-
9 line zero-emission electricity percentage;

10 (ii) for each of calendar years 2024
11 through 2030, the amount, not to exceed
12 100 percent, obtained by adding—

13 (I) the minimum percentage of
14 zero-emission electricity for the pre-
15 vious calendar year; and

16 (II) the 2020s annual percentage
17 increase;

18 (iii) for calendar year 2031, 84 per-
19 cent;

20 (iv) for calendar year 2032, 88 per-
21 cent;

22 (v) for calendar year 2033, 92 per-
23 cent;

24 (vi) for calendar year 2034, 96 per-
25 cent; and

1 (vii) for calendar year 2035 and each
2 calendar year thereafter, 100 percent.

3 (b) REPORTING ON BEHIND-THE-METER GENERA-
4 TION SYSTEMS.—Effective beginning in calendar year
5 2023, each retail electricity supplier serving one or more
6 behind-the-meter generation systems may, not later than
7 January 1 of each calendar year, submit to the Adminis-
8 trator—

9 (1) verification of the carbon intensity of be-
10 hind-the-meter generation systems connected to the
11 retail electricity supplier; and

12 (2) the quantity of electric energy generated by
13 each such behind-the-meter generation system that
14 is consumed for a useful purpose by electric con-
15 sumers served by the retail electricity supplier.

16 (c) ALTERNATIVE COMPLIANCE PAYMENTS.—

17 (1) IN GENERAL.—A retail electricity supplier
18 may satisfy the requirements of subsection (a) with
19 respect to a calendar year, in whole or in part, by
20 submitting to the Administrator, in lieu of each
21 zero-emission electricity credit that would otherwise
22 be due, an alternative compliance payment equal to
23 the amount determined for such calendar year pur-
24 suant to subparagraph (2).

1 (2) CALCULATION.—The Administrator shall
2 calculate the alternative compliance payment under
3 subparagraph (1) for each calendar year as follows:

4 (A) For calendar year 2023, the alter-
5 native compliance payment shall be \$40.

6 (B) For calendar year 2024 and each cal-
7 endar year thereafter, the Administrator shall—

8 (i) increase the prior calendar year
9 amount by 3 percent; and

10 (ii) adjust for inflation.

11 **SEC. 203. ZERO-EMISSION ELECTRICITY CREDIT TRADING**
12 **PROGRAM.**

13 (a) ESTABLISHMENT.—Not later than 1 year after
14 the date of enactment of this Act, the Administrator shall
15 establish a zero-emission electricity credit trading program
16 under which—

17 (1) the Administrator shall record, track, auc-
18 tion, and transfer zero-emission electricity credits;
19 and

20 (2) a generator to whom such zero-emission
21 electricity credits are issued may sell or otherwise
22 transfer those credits, as provided or allowed by ap-
23 plicable contracts, through—

24 (A) any auction established under the zero-
25 emission electricity credit trading program;

1 (B) direct sales; or

2 (C) other transactional arrangements that
3 sell electric energy or generating capacity either
4 separately or combined with the transfer of
5 zero-emission electricity credits, including trans-
6 actions that pair zero-emission electricity cred-
7 its with the demand of the retail electricity sup-
8 plier.

9 (b) ADMINISTRATION.—In carrying out the program
10 under this section, the Administrator shall ensure that a
11 zero-emission electricity credit may be—

12 (1) submitted only once under section 202(a);

13 and

14 (2) only purchased by, transferred to, or other-
15 wise secured by a retail electricity supplier.

16 (c) DELEGATION OF MARKET FUNCTION.—

17 (1) IN GENERAL.—In carrying out the program
18 under this section, the Administrator may delegate,
19 to one or more appropriate entities—

20 (A) the administration of a transparent
21 national market for the sale or trade of zero-
22 emission electricity credits; and

23 (B) the tracking of dispatch of zero-emis-
24 sion electricity generation.

1 (2) ADMINISTRATION.—In making a delegation
2 under paragraph (1), the Administrator shall ensure
3 that the tracking and reporting of information con-
4 cerning the dispatch of zero-emission electricity gen-
5 eration is transparent, verifiable, and independent of
6 any interests subject to an obligation under this
7 title.

8 (d) BANKING OF ZERO-EMISSION ELECTRICITY
9 CREDITS.—A zero-emission electricity credit may be used
10 for compliance with the requirements of section 202 for
11 the calendar year for which the zero-emission electricity
12 credit is issued and the subsequent 3 calendar years.

13 **SEC. 204. DETERMINATION AND ISSUANCE OF QUANTITY**
14 **OF ZERO-EMISSION ELECTRICITY CREDITS.**

15 (a) ISSUANCE OF ZERO-EMISSION ELECTRICITY
16 CREDITS.—The Administrator shall issue to each gener-
17 ator a quantity of zero-emission electricity credits deter-
18 mined in accordance with this section, not later than
19 March 1 of the calendar year after the calendar year for
20 which the zero-emission electricity credits are issued.

21 (b) GENERAL RULES ON CREDIT ISSUANCE.—Except
22 as otherwise provided in this section, the Administrator
23 shall issue to a generator generating zero-emission elec-
24 tricity during a calendar year a quantity of zero-emission

1 electricity credits for such generation that is equal to the
2 product obtained by multiplying—

3 (1) the qualified electricity generation of the
4 generator during such calendar year; by

5 (2) the number that equals—

6 (A) 1.0; less

7 (B) the quotient obtained by dividing—

8 (i) the average carbon intensity of the
9 generating units of such generator for such
10 calendar year, as determined in accordance
11 with subsection (c); by

12 (ii) the carbon intensity factor.

13 (c) GENERAL RULES ON DETERMINING CARBON IN-
14 TENSITY.—Notwithstanding any other provision of this
15 section, the Administrator shall determine the carbon in-
16 tensity of each generating unit of a generator. Such deter-
17 mination shall be made—

18 (1) using data and methods from the Air Emis-
19 sion Measurement Center of the Environmental Pro-
20 tection Agency for emission testing and monitoring,
21 including—

22 (A) continuous emission monitoring sys-
23 tems; and

24 (B) predictive emission monitoring sys-
25 tems; and

1 (2) with respect to a determination of the car-
2 bon intensity of any generating unit using qualified
3 renewable biomass or qualified low-carbon fuel, or
4 generating qualified waste-to-energy, in consultation
5 with—

6 (A) the Secretary of Agriculture; and

7 (B) the Secretary of the Interior.

8 (d) CARBON INTENSITY FOR CERTAIN CATEGORIES
9 OF GENERATING UNITS.—

10 (1) GENERATING UNITS UTILIZING TECH-
11 NOLOGIES WITHOUT DIRECT EMISSIONS.—The Ad-
12 ministrators shall assign a carbon intensity of zero
13 for any generating unit of a generator that does not
14 produce direct emissions of any greenhouse gas in
15 generating electric energy, including any generating
16 unit that generates electric energy only through the
17 use of solar, wind, ocean, current, wave, tidal, geo-
18 thermal, nuclear energy, or hydropower technology
19 (except as described under paragraph (3)).

20 (2) GENERATING UNITS UTILIZING TECH-
21 NOLOGIES UTILIZING FOSSIL FUELS.—

22 (A) ACCOUNTING FOR UPSTREAM GREEN-
23 HOUSE GAS EMISSIONS.—In determining the
24 carbon intensity of each generating unit using
25 fossil fuel, the Administrator shall account for

1 the following emissions as if emitted directly by
2 the generating unit:

3 (i) The carbon dioxide emissions of
4 the generating unit.

5 (ii) With respect to the amount of
6 carbon dioxide and methane emissions that
7 occur during extraction, flaring, proc-
8 essing, transmission, and transportation of
9 the fossil fuel—

10 (I) the average amounts of car-
11 bon dioxide and methane emissions, in
12 terms of carbon dioxide equivalent, as-
13 sociated with such fossil fuel in the
14 United States; or

15 (II) with respect to a generator
16 that the Administrator determines
17 under subparagraph (B) has dem-
18 onstrated that the fossil fuel con-
19 sumed by such generator is associated
20 with the release of smaller amounts of
21 carbon dioxide and methane emissions
22 than the amounts described in sub-
23 clause (I), such smaller amounts.

24 (B) DETERMINATION.—

1 (i) IN GENERAL.—In determining
2 both the average amount of emissions asso-
3 ciated with a fossil fuel in the United
4 States and the emissions of each gener-
5 ating unit using fossil fuel under subpara-
6 graph (A), the Administrator shall utilize
7 the best available science, including with
8 respect to the measurement of low-fre-
9 quency high-emission events, including
10 data from the detection of natural gas flar-
11 ing from the satellite observations of the
12 National Oceanic and Atmospheric Admin-
13 istration.

14 (ii) DETERMINATION FACTORS.—The
15 Administrator may determine that a gener-
16 ator has demonstrated that the fossil fuel
17 consumed by such generator is associated
18 with the release of smaller amounts of car-
19 bon dioxide and methane emissions than
20 the amounts described in subparagraph
21 (A)(ii)(I) if the demonstration—

22 (I) relies on the detection of fugi-
23 tive and routine emissions from the
24 applicable facilities through the use of
25 continuous monitoring devices oper-

1 ated by one or more independent par-
2 ties;

3 (II) relies on measurements that
4 occur on a continuing basis and no
5 less frequently than once per day;

6 (III) relies on measurements that
7 are capable of detecting methane
8 emissions at least as small as one
9 gram of methane per second; and

10 (IV) accounts for low-frequency,
11 high-emission events.

12 (iii) PUBLIC AVAILABILITY.—The in-
13 formation provided to the Administrator by
14 a generator to make a determination under
15 this subparagraph shall be available to the
16 public upon such determination.

17 (C) STANDARDS.—The Administrator shall
18 promulgate the standards for measurement nec-
19 essary to implement subparagraphs (A) and (B)
20 not less than 2 years after the date of enact-
21 ment of this subtitle and shall update such
22 standards every 5 years thereafter, based on the
23 best available science and technology, including
24 by increasing the level of frequency required
25 under subparagraph (B)(i)(II) and decreasing

1 the lower detection limit required under sub-
2 paragraph (B)(i)(III).

3 (3) HYDROPOWER UTILIZING A NEW RES-
4 ERVOIR.—In determining the carbon intensity of
5 each generating unit using hydropower associated
6 with a reservoir constructed after the date of enact-
7 ment of this Act, the Administrator shall account for
8 the greenhouse gas emissions that can be attributed
9 to the hydropower facility, including the applicable
10 new reservoir.

11 (e) QUANTITY OF CREDITS ISSUED FOR CERTAIN
12 CATEGORIES OF GENERATING UNITS.—

13 (1) QUALIFIED COMBINED HEAT AND POWER
14 SYSTEMS.—

15 (A) IN GENERAL.—The Administrator
16 shall issue to a generator generating zero-emis-
17 sion electricity during a calendar year using a
18 generating unit that is a qualified combined
19 heat and power system a quantity of zero-emis-
20 sion electricity credits for such generation that
21 is equal to—

22 (i) the product obtained by multi-
23 plying—

24 (I) the number of megawatt-
25 hours of electric energy generated by

1 the qualified combined heat and power
2 system during such calendar year; by
3 (II) the number that equals—
4 (aa) 1.0; less
5 (bb) the quotient obtained
6 by dividing—
7 (AA) the carbon inten-
8 sity of the qualified com-
9 bined heat and power sys-
10 tem; by
11 (BB) the carbon inten-
12 sity factor; less
13 (ii) the product obtained by multi-
14 plying—
15 (I) the number of megawatt-
16 hours of electric energy generated by
17 the qualified combined heat and power
18 system that are consumed onsite dur-
19 ing such calendar year; by
20 (II) the average of the minimum
21 percentage of zero-emission electricity
22 (as defined in section 202(a)(5)) for
23 the calendar year for retail electricity
24 suppliers in the region of the gener-

1 ator, as determined by the Adminis-
2 trator.

3 (B) ADDITIONAL CREDITS.—In addition to
4 zero-emission electricity credits issued under
5 subparagraph (A), the Administrator shall issue
6 to a generator described in subparagraph (A)
7 zero-emission electricity credits for greenhouse
8 gas emissions avoided as a result of the use of
9 the applicable qualified combined heat and
10 power system, rather than a separate thermal
11 source, to meet the thermal needs of the gener-
12 ator or one or more additional entities.

13 (C) APPLICABILITY.—This paragraph shall
14 not apply with respect to a qualified combined
15 heat and power system using qualified renew-
16 able biomass.

17 (2) QUALIFIED RENEWABLE BIOMASS.—The
18 Administrator shall issue to a generator generating
19 zero-emission electricity during a calendar year
20 using qualified renewable biomass a quantity of
21 zero-emission electricity credits for such generation
22 that is equal to the product obtained by multi-
23 plying—

1 (A) the qualified electricity generation of
2 the generator using qualified renewable biomass
3 during such calendar year; by

4 (B) the average carbon intensity of the
5 generating units of the generator that use
6 qualified renewable biomass.

7 (3) QUALIFIED WASTE-TO-ENERGY.—The Ad-
8 ministrator shall issue to a generator generating
9 zero-emission electricity during a calendar year that
10 is qualified waste-to-energy a quantity of zero-emis-
11 sion electricity credits for such generation that is
12 equal to the product obtained by multiplying—

13 (A) the qualified waste-to-energy of the
14 generator that is qualified electricity generation
15 during such calendar year; by

16 (B) the average carbon intensity of the
17 generating units of the generator used to gen-
18 erate qualified waste-to-energy.

19 (4) QUALIFIED LOW-CARBON FUELS.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (C), the Administrator shall issue
22 to a generator generating zero-emission elec-
23 tricity during a calendar year using qualified
24 low-carbon fuels a quantity of zero-emission

1 electricity credits for such generation that is
2 equal to the product obtained by multiplying—

3 (i) the qualified electricity generation
4 of the generator using qualified low-car-
5 bon-fuels during such calendar year; by

6 (ii) the average carbon intensity of the
7 generating units of the generator that use
8 qualified low-carbon fuels.

9 (B) ADJUSTMENT FOR PRODUCTION.—In
10 determining the carbon intensity of each gener-
11 ating unit using a qualified low-carbon fuel, the
12 Administrator shall account for the greenhouse
13 gas emissions associated with the production of
14 such qualified low-carbon fuel.

15 (C) NO DOUBLE-COUNTING.—The Admin-
16 istrator shall not issue zero-emission electricity
17 credits for electric energy generated using a
18 qualified low-carbon fuel that is generated from
19 electric energy for which a generator is issued
20 a zero-emission electricity credit under this
21 title.

22 (5) CARBON CAPTURE, STORAGE, AND UTILIZA-
23 TION.—

24 (A) DEFINITIONS.—In this paragraph, the
25 term “qualified carbon oxide” has the meaning

1 given the term in section 45Q of the Internal
2 Revenue Code of 1986.

3 (B) QUANTITY OF CREDITS.—Except as
4 otherwise provided in this section, the Adminis-
5 trator shall, with respect to a given calendar
6 year, issue to a generator a quantity of zero-
7 emission electricity credits for the capture and
8 storage or utilization of qualified carbon oxide
9 from a waste stream of the generator that is
10 equal to the product obtained by multiplying—

11 (i) the qualified electricity generation
12 of the generator during such calendar year;

13 by

14 (ii) the difference between—

15 (I) 1.0; and

16 (II) the quotient obtained by di-
17 viding—

18 (aa) the carbon intensity of
19 the generator; by

20 (bb) the carbon intensity
21 factor.

22 (6) DIRECT AIR CAPTURE OF CARBON DIOX-
23 IDE.—

24 (A) QUANTITY OF CREDITS.—The Admin-
25 istrator shall issue to an entity that captures

1 carbon dioxide from the atmosphere and stores
2 or utilizes such carbon dioxide 1 zero-emission
3 electricity credit for every 0.82 metric tons of
4 carbon dioxide equivalent that is captured and
5 stored or utilized.

6 (B) SPECIAL RULES.—

7 (i) REGULATIONS.—Subject to clause
8 (ii), not later than 1 year after the date of
9 enactment of this Act, the Administrator
10 shall promulgate regulations establishing—

11 (I) the conditions under which
12 carbon dioxide may be safely and per-
13 manently stored for purposes of
14 issuing zero-emission electricity cred-
15 its under this paragraph;

16 (II) the methods and processes
17 by which carbon dioxide may be uti-
18 lized in a manner that ensures the re-
19 moval of the carbon dioxide safely and
20 permanently from the atmosphere, in-
21 cluding utilization in the production of
22 substances, such as plastics and
23 chemicals; and

24 (III) requirements to account, in
25 issuing zero-emission electricity cred-

1 its under this section, for the risk that
2 some fraction of the carbon dioxide in-
3 tended for permanent storage or utili-
4 zation may nevertheless be emitted
5 into the atmosphere.

6 (ii) EXISTING REQUIREMENTS.—In
7 promulgating regulations pursuant to this
8 subparagraph, the Administrator shall in-
9 corporate any existing requirements for the
10 permanent geologic storage of carbon diox-
11 ide, including any requirements promul-
12 gated under section 45Q of the Internal
13 Revenue Code of 1986.

14 (C) AVOIDING DOUBLE COUNTING.—The
15 Administrator shall seek to ensure that direct
16 air capture activities receiving a credit under
17 this paragraph are not used for compliance with
18 an obligation to reduce or avoid greenhouse gas
19 emissions, or increase greenhouse gas seques-
20 tration, under another Federal, State, foreign,
21 or international regulatory system.

22 (f) MAXIMUM QUANTITY OF CREDITS.—Except as
23 provided under subsection (e)(1), the total quantity of
24 zero-emission electricity credits issued under this section
25 to a generator for a calendar year shall not exceed the

1 number of megawatt-hours of the qualified electricity gen-
2 eration of the generator for the calendar year.

3 (g) NO NEGATIVE CREDITS.—Notwithstanding any
4 other provision of this title, the Administrator shall not
5 issue a negative quantity of zero-emission electricity cred-
6 its to any generator.

7 (h) FACILITIES OUTSIDE THE UNITED STATES.—
8 With respect to electricity generated by a facility or gener-
9 ating unit that is located outside of the United States,
10 a zero-emission electricity credit may be issued only with
11 respect to electricity that is sold for resale in the United
12 States.

13 (i) CONTRACTS.—A zero-emission electricity credit
14 issued for electricity that is—

15 (1) sold for resale under a contract in effect on
16 the date of enactment of this title shall be issued to
17 the purchasing retail electricity supplier in propor-
18 tion to the zero-emission electricity purchased by
19 such retail electricity supplier under the contract,
20 unless otherwise provided by the contract; and

21 (2) sold for resale under a contract in which a
22 generating unit is not specified, shall be issued to
23 the purchasing retail electricity supplier in propor-
24 tion to the ratio of zero-emission electricity genera-
25 tion from the generator making such sale for resale.

1 (j) FEDERAL POWER MARKETING ADMINISTRA-
2 TION.—A zero-emission electricity credit issued for elec-
3 tricity that is generated by a Federal Power Marketing
4 Administration shall be conveyed to the retail electricity
5 supplier that is purchasing the electricity.

6 (k) LABOR STANDARDS REQUIREMENTS.—

7 (1) CONSTRUCTION OF NEW GENERATING
8 UNITS.—

9 (A) IN GENERAL.—The Administrator
10 shall take such action as may be necessary to
11 insure that all laborers and mechanics employed
12 by contractors or subcontractors for the con-
13 struction of a generating unit shall be paid
14 wages at rates not less than those prevailing for
15 the same type of work on similar construction
16 in the locality as determined by the Secretary
17 of Labor in accordance with subchapter IV of
18 chapter 31 of title 40, United States Code.
19 With respect to the labor standards specified in
20 this section, the Secretary of Labor shall have
21 the authority and functions set forth in Reorga-
22 nization Plan Numbered 14 of 1950 (64 Stat.
23 1267; 5 U.S.C. App.) and section 3145 of title
24 40, United States Code.

1 (B) PROHIBITION.—Notwithstanding any-
2 thing to the contrary in this subtitle, the Ad-
3 ministrator shall not issue a zero-emission elec-
4 tricity credit for generation from a generating
5 unit unless prevailing wages were paid for the
6 construction of such generating unit as set
7 forth in subparagraph (A).

8 (C) APPLICABILITY.—This subsection ap-
9 plies to any generating unit the construction of
10 which commences on or after six months after
11 the date of enactment of this subtitle.

12 (2) OPERATION AND MAINTENANCE OF GENER-
13 ATING UNITS.—

14 (A) IN GENERAL.—Notwithstanding any-
15 thing to the contrary in this subtitle, the Ad-
16 ministrator shall not issue zero-emission elec-
17 tricity credits for generation from a generating
18 unit unless the owner and operator of such gen-
19 erating unit, including all contractors and sub-
20 contractors, remains neutral with respect to the
21 exercise of employees and labor organizations of
22 the right to organize and bargain under the Na-
23 tional Labor Relations Act (29 U.S.C. 151 et
24 seq.).

1 (B) PROHIBITION.—Notwithstanding any-
2 thing to the contrary in this subtitle, the Ad-
3 ministrators shall not issue a zero-emission elec-
4 tricity credit to a generator not in compliance
5 with the requirements of this subsection.

6 (3) RULEMAKING.—Not later than 18 months
7 after the date of enactment of this subtitle, the Ad-
8 ministrators, after consultation with the Secretary of
9 Labor, shall promulgate regulations implementing
10 the requirements of this subsection, including provi-
11 sions for verification of ongoing compliance with
12 such requirements. requiring adoption and compli-
13 ance with such labor standards as the Administrator
14 determines appropriate in order for generators to re-
15 ceive the full amount of the zero-emission electricity
16 credits for which they are otherwise eligible.

17 (1) STUDY ON LINE LOSS.—

18 (1) IN GENERAL.—The Administrator shall con-
19 duct a study to evaluate any potential need to ac-
20 count for the losses in electricity from transmission
21 and storage between generating units and retail elec-
22 tricity suppliers.

23 (2) REPORT TO CONGRESS.—The Administrator
24 shall submit a report to the Committee on Energy
25 and Commerce on the results of the study required

1 by this subsection by not later than September 30,
2 2028. The report shall include an evaluation of the
3 potential effect, if any, of any such losses on the re-
4 quirements of this subtitle to reach 100 percent
5 zero-emission electricity by 2035.

6 **SEC. 205. CARBON MITIGATION FUND.**

7 (a) CARBON MITIGATION FUND.—

8 (1) CREATION OF FUND.—There is hereby es-
9 tablished a trust fund, to be known as the “Carbon
10 Mitigation Fund”, consisting of such amounts as
11 may be appropriated to such fund as provided in
12 this section.

13 (2) ADMINISTRATION.—The Carbon Mitigation
14 Fund shall be administered by the Administrator.

15 (3) TRANSFERS TO TRUST FUND.—There are
16 hereby appropriated to the Carbon Mitigation Fund
17 each year amounts equal to the sum of the amounts
18 that are—

19 (A) attributable to alternative compliance
20 payments made pursuant to section 202(c); and

21 (B) collected as a civil penalty under sec-
22 tion 209.

23 (4) EXPENDITURES.—Amounts in the Carbon
24 Mitigation Fund shall be available without further

1 appropriation or fiscal year limitation to carry out
2 the program under subsection (b).

3 (b) PROGRAM.—

4 (1) IN GENERAL.—The Administrator shall
5 carry out a program to award funds to entities to
6 carry out activities in States that avoid emissions of
7 greenhouse gases or remove carbon dioxide from the
8 atmosphere.

9 (2) ACTIVITIES.—Activities for which the Ad-
10 ministrator may award funds under the program
11 carried out pursuant to this subsection include—

12 (A) improvement to the energy efficiency
13 of existing facilities and devices;

14 (B) the replacement of natural gas space
15 heaters, natural gas water heaters, and natural
16 gas stoves, with electric appliances;

17 (C) the replacement of fossil fuel-powered
18 vehicles owned by State and local agencies with
19 electric vehicles or other low-carbon fuel vehi-
20 cles;

21 (D) the replacement of fossil fuel-powered
22 ground airport and seaport vehicles with electric
23 vehicles or other low-carbon fuel vehicles;

1 (E) installation of fast charging stations
2 for electric vehicles along highways and other
3 public roads in urban areas and rural areas;

4 (F) beneficial electrification-related reduc-
5 tions not otherwise identified in this paragraph;

6 (G) direct air capture and permanent se-
7 questration or utilization of carbon dioxide;

8 (H) any activity that is endorsed by a gen-
9 erator or a retail electricity supplier that avoids
10 emissions of greenhouse gases or removes car-
11 bon dioxide from the atmosphere; and

12 (I) improvement to the electrical grid that
13 facilitates increased zero-emission electricity
14 generation or improves energy efficiency.

15 (3) EXCLUSIONS.—The Administrator may not
16 award funds to an entity under the program carried
17 out pursuant to this subsection for any activity for
18 which the entity has been issued a zero-emission
19 electricity credit.

20 (4) CRITERIA.—The Administrator may only
21 award funds under the program carried out pursu-
22 ant to this subsection for an activity for which the
23 Administrator determines that—

24 (A) the amount of carbon dioxide emis-
25 sions avoided or removed from the atmosphere

1 by the activity will be adequately confirmed
2 through monitoring, reporting and verification;

3 (B) the risk that some amount of the car-
4 bon dioxide that is removed from the atmos-
5 phere by the activity may reenter the atmos-
6 phere at a later date is adequately reflected
7 through a discounting of the amount described
8 in paragraph (5)(C)(ii);

9 (C) the risk that some amount of the
10 greenhouse gases, the emission of which is
11 avoided by the activity, may enter the atmos-
12 phere at a later date is adequately reflected
13 through a discounting of the amount described
14 in paragraph (5)(C)(i);

15 (D) the risk that the activity may directly
16 or indirectly increase the release of greenhouse
17 gases from another location has been ade-
18 quately addressed;

19 (E) the activity is not required, or being
20 fully supported financially by, a Federal, State,
21 or local law, program, or activity; and

22 (F) if the activity involves land use, the ac-
23 tivity aligns with the Sustainable Development
24 Goals of the United Nations, including being
25 consistent with the conservation of biological di-

1 iversity and natural ecosystems (including for-
2 ests and grasslands), and shall maintain eco-
3 system services and enhance other social and
4 environmental benefits.

5 (5) PROPOSALS.—In order to qualify for an
6 award of funds under this subsection, an entity shall
7 submit to the Administrator a proposal that—

8 (A) describes the activity to be carried out
9 with the award of funds in a manner specified
10 by the Administrator;

11 (B) identifies the amount of money for
12 which the entity is applying;

13 (C) identifies the amount, to be measured
14 in one-year increments, of—

15 (i) greenhouse gas emissions to be
16 avoided by the activity, measured in terms
17 of carbon dioxide equivalent; or

18 (ii) carbon dioxide to be removed from
19 the atmosphere by the activity, measured
20 in metric tons;

21 (D) identifies the bid amount, expressed as
22 dollars per metric ton, which shall be the
23 quotient obtained by dividing the amount iden-
24 tified under subparagraph (B) by the amount
25 identified under subparagraph (C);

1 (E) provides any information required by
2 the Administrator in order to make a deter-
3 mination described in paragraph (4); and

4 (F) provides any other certifications the
5 Administrator determines appropriate.

6 (6) DEADLINES.—

7 (A) SOLICITATION.—Not later than Feb-
8 ruary 1, 2024, and each February 1 thereafter,
9 the Administrator shall solicit proposals for ac-
10 tivities described in paragraph (1) for which the
11 Administrator may award funds under the pro-
12 gram carried out pursuant to this subsection.

13 (B) IDENTIFICATION.—Not later than
14 June 1, 2024, and each June 1 thereafter, the
15 Administrator shall identify proposals that have
16 been submitted by March 1 of such calendar
17 year for activities described in paragraph (1)
18 that qualify for an award of funds under the
19 program carried out pursuant to this sub-
20 section.

21 (C) AWARD OF FUNDS.—Not later than
22 August 1, 2024, and each August 1 thereafter,
23 the Administrator shall award to entities funds
24 available in the Carbon Mitigation Fund estab-
25 lished under section 9512 of the Internal Rev-

1 enue Code of 1986 for activities described in
2 proposals identified under subparagraph (B).

3 (7) AWARDS TO MOST COST-EFFECTIVE ACTIVI-
4 TIES.—The Administrator shall award funds to enti-
5 ties for activities described in proposals identified
6 under paragraph (6)(B)—

7 (A) beginning by awarding funds to the
8 entity submitting such a proposal with the low-
9 est bid amount identified pursuant to para-
10 graph (5)(D); and

11 (B) then awarding funds to entities se-
12 quentially by entity submitting such a proposal
13 with the next lowest bid amount so identified
14 until all funds are awarded.

15 (c) CONSULTATION.—The Administrator shall con-
16 sult with the Secretary of the Interior and the Secretary
17 of Agriculture in promulgating regulations to measure,
18 monitor, and verify any natural sequestration activities
19 awarded under this section.

20 **SEC. 206. STATE PROGRAMS.**

21 (a) SAVINGS PROVISION.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), nothing in this subtitle affects the author-
24 ity of a State or a political subdivision of a State to
25 adopt or enforce any law or regulation relating to—

1 (A) clean energy or renewable energy;

2 (B) the regulation of a retail electricity
3 supplier; or

4 (C) greenhouse gas emissions

5 (2) FEDERAL LAW.—No law or regulation of a
6 State or a political subdivision of a State may relieve
7 a retail electricity supplier from compliance with an
8 applicable requirement of this title.

9 (b) COORDINATION.—The Administrator, in con-
10 sultation with States that have clean energy programs or
11 renewable energy programs in effect, shall facilitate, to the
12 maximum extent practicable, coordination between the im-
13 plementation of this subtitle and the relevant State clean
14 energy program or renewable energy program.

15 (c) MORE STRINGENT STATE CLEAN ENERGY PRO-
16 GRAMS.—

17 (1) DETERMINATION.—

18 (A) IN GENERAL.—The Administrator, in
19 consultation with States that have State clean
20 energy programs or renewable energy programs
21 in effect, shall determine whether each such
22 State is implementing a more stringent State
23 clean energy program.

1 (B) DEADLINES.—The Administrator shall
2 make a determination under subparagraph
3 (A)—

4 (i) not later than January 1, 2022,
5 with respect to a State clean energy or re-
6 newable energy program in effect on the
7 date of enactment of this Act, and every 5
8 years thereafter; and

9 (ii) not later than 6 months after the
10 date of the enactment by a State, after the
11 date of enactment of this Act, of a new or
12 modified existing clean energy or renewable
13 energy program, and every 5 years there-
14 after.

15 (C) PERIOD.—A determination under this
16 paragraph shall be effective until the earlier
17 of—

18 (i) the date that is 5 years after the
19 date of the determination; or

20 (ii) the date on which the Adminis-
21 trator makes a subsequent determination
22 under this paragraph with respect to the
23 applicable State program.

24 (2) DEEMED COMPLIANCE.—If the Adminis-
25 trator determines, under paragraph (1), that a State

1 has a more stringent State clean energy program, a
2 retail electricity supplier that is subject to and in
3 compliance with such more stringent State clean en-
4 ergy program shall be deemed to be in compliance
5 with the requirements of this title for the period
6 during which the determination is effective.

7 (3) PROHIBITION AGAINST DOUBLE-COUNT-
8 ING.—The Administrator, in consultation with
9 States implementing a more stringent State clean
10 energy program, shall promulgate regulations pro-
11 hibiting the issuance of a zero-emission electricity
12 credit under this subtitle for an amount of electric
13 energy for which one or more State clean energy
14 credits are issued under, and used for compliance
15 with, a more stringent State clean energy program.

16 (d) QUALIFIED ELECTRICITY GENERATION ELIGI-
17 BLE IN BOTH STATE AND FEDERAL PROGRAMS.—The
18 Administrator shall not refuse to issue or accept submis-
19 sion of a zero-emission electricity credit because the same
20 megawatt-hour of zero-emission electricity associated with
21 such credit is also used for compliance with a State law
22 in a State that does not have a more stringent State clean
23 energy program.

24 (e) DEFINITIONS.—In this section:

1 (1) STATE CLEAN ENERGY CREDIT.—The term
2 “State clean energy credit” means a certificate cor-
3 responding to the electricity generated from renew-
4 able or other zero-emission electricity sources that is
5 issued under a law enacted by a State.

6 (2) MORE STRINGENT STATE CLEAN ENERGY
7 PROGRAM.—The term “more stringent State clean
8 energy program” means a law of a State that—

9 (A) is demonstrated to the satisfaction of
10 the Administrator to result in a greater per-
11 centage of qualified energy deployment than
12 would be achieved in the State under this sub-
13 title over a 5-year period; and

14 (B) includes compliance mechanisms, in-
15 cluding the imposition of penalties, that are at
16 least as effective in enforcing compliance as the
17 system of enforcement under this title.

18 **SEC. 207. REPORT TO CONGRESS.**

19 Not later than January 1, 2034, the Administrator
20 shall submit a report to Congress with an evaluation and
21 a forecast of the remaining barriers to achieving 100 per-
22 cent generation of electric energy with no emissions of car-
23 bon dioxide by calendar year 2035.

1 **SEC. 208. INFORMATION COLLECTION.**

2 The Administrator may require any retail electricity
3 supplier, generator, or other entity that the Administrator
4 determines appropriate, to submit to the Administrator
5 any information the Administrator determines to be ap-
6 propriate to carry out this subtitle.

7 **SEC. 209. CIVIL PENALTIES.**

8 (a) IN GENERAL.—Subject to subsection (b)—

9 (1) a retail electricity supplier that fails to meet
10 the requirements of section 202 shall be subject to
11 a civil penalty in an amount equal to the product ob-
12 tained by multiplying—

13 (A) the aggregate quantity of zero-emis-
14 sion electricity credits that the retail electricity
15 supplier failed to submit for the calendar year
16 to comply with section 202; by

17 (B) 300 percent of the amount of alter-
18 native compliance payment for the calendar
19 year, as determined under section 202(c); and

20 (2) an entity required to submit information
21 pursuant to section 208 that violates such section by
22 failing to submit the information, or submitting false
23 or misleading information, shall be subject to a civil
24 penalty of \$25,000 for each day during which such
25 violation continues.

26 (b) WAIVERS AND MITIGATION.—

1 (1) FORCE MAJEURE.—The Administrator may
2 mitigate or waive a civil penalty under subsection (a)
3 if the applicable retail electricity supplier or other
4 entity was unable to comply with an applicable re-
5 quirement for reasons outside of the reasonable con-
6 trol of the retail electricity supplier or other entity.

7 (2) REDUCTION FOR STATE PENALTIES.—The
8 Administrator shall reduce the amount of a penalty
9 determined under subsection (a) by the amount paid
10 by the applicable retail electricity supplier to a State
11 for failure to comply with the requirement of a State
12 clean energy program, if the State requirement is
13 more stringent than the applicable requirement of
14 this title.

15 (c) PROCEDURE FOR ASSESSING PENALTY.—The
16 Administrator shall assess a civil penalty under this sec-
17 tion in accordance with section 113(d) of the Clean Air
18 Act (42 U.S.C. 7413(d)).

19 **SEC. 210. REGULATIONS.**

20 Except as otherwise provided in this subtitle, not
21 later than 2 years after the date of enactment of this sub-
22 title, the Administrator shall promulgate regulations to
23 implement this subtitle.

1 **Subtitle B—Federal Energy**
2 **Regulatory Reform**

3 **PART 1—ELECTRICITY TRANSMISSION**

4 **SEC. 211. NATIONAL POLICY ON TRANSMISSION.**

5 It is the policy of the United States that—

6 (1) the planning, siting, permitting, and oper-
7 ation of a modernized and integrated bulk electricity
8 transmission system should facilitate a reliable, resil-
9 ient, and decarbonized electricity supply and enable
10 national greenhouse gas emissions reductions;

11 (2) electric grid system planning should take
12 into account all significant demand-side and supply-
13 side options, including energy efficiency, distributed
14 and localized electricity generation, smart grid tech-
15 nologies and practices, demand response, energy
16 storage, advanced transmission technologies that in-
17 crease capacity or efficiency of existing transmission
18 facilities, voltage regulation technologies, high capac-
19 ity conductor and superconductor technologies, un-
20 derground transmission technologies, and new con-
21 ventional electric transmission capacity and cor-
22 ridors;

23 (3) the public interest is served by overcoming
24 regulatory and jurisdictional barriers to coordinated
25 and cost-effective investments in the Nation’s elec-

1 tric grid system that enable deployment of cost-effective
2 clean energy resources; and

3 (4) the Federal Government, through the De-
4 partment of Energy, the Federal Energy Regulatory
5 Commission, and other relevant agencies, and the
6 national laboratories, should facilitate and advance
7 cost-effective investments in the Nation’s electric
8 grid system, including the bulk electricity trans-
9 mission system, to enhance reliability, resiliency, and
10 access to clean energy resources by—

11 (A) accounting for a broad range of quan-
12 tifiable benefits, including reduction in delivered
13 cost of energy, improved reliability and resil-
14 ience, reduced emissions of criteria air pollut-
15 ants, and contribution to decarbonizing the
16 electric sector;

17 (B) promoting cost allocation methodolo-
18 gies that transparently allocate costs based on
19 accrued benefits and that account for broad and
20 varied benefits offered by interregional and re-
21 gional transmission solutions; and

22 (C) prioritizing regional and interregional
23 projects that provide access to demand for clean
24 energy resources.

1 **SEC. 212. REVIEW OF THE EFFECTIVENESS OF POLICIES**
2 **AND INCENTIVES TO ENCOURAGE DEPLOY-**
3 **MENT OF ADVANCED TRANSMISSION TECH-**
4 **NOLOGIES.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Federal Energy Regulatory Commission
7 shall carry out a review of, and submit to Congress a re-
8 port—

9 (1) describing its progress, pursuant to the rule
10 issued under section 219 of the Federal Power Act
11 (16 U.S.C. 824s), in encouraging deployment of
12 transmission technologies and other measures, in-
13 cluding dynamic line ratings, flow control devices,
14 and network topology optimization, to increase the
15 capacity and efficiency of existing transmission fa-
16 cilities and improve the operation of the facilities;
17 and

18 (2) that includes an evaluation of how such
19 rule, and any other applicable rule or policy of the
20 Commission, could be modified to encourage greater
21 deployment of such transmission technologies and
22 other measures.

1 **SEC. 213. SITING OF INTERSTATE ELECTRIC TRANSMISSION**
2 **FACILITIES.**

3 (a) DESIGNATION OF NATIONAL INTEREST ELEC-
4 TRIC TRANSMISSION CORRIDORS.—Section 216(a) of the
5 Federal Power Act (16 U.S.C. 824p(a)) is amended—

6 (1) in the heading, by striking “DESIGNATION
7 OF NATIONAL INTEREST ELECTRIC TRANSMISSION
8 CORRIDORS” and inserting “DESIGNATION OF HIGH
9 PRIORITY INTERSTATE TRANSMISSION CORRIDORS”;

10 (2) in paragraph (1)—

11 (A) by striking “the date of enactment of
12 this section” and inserting “the date of enact-
13 ment of the CLEAN Future Act,”; and

14 (B) by striking “congestion” and inserting
15 “congestion, with a particular focus on the inte-
16 gration of renewable energy resources”;

17 (3) in paragraph (2)—

18 (A) by striking “issue a report” and insert-
19 ing “, at least once every 3 years, issue a re-
20 port”;

21 (B) by striking “designate” and inserting
22 “designate as a high priority interstate trans-
23 mission corridor”; and

24 (C) by striking “experiencing electric en-
25 ergy transmission capacity constraints or con-
26 gestion that adversely affects consumers as a

1 national interest electric transmission corridor.”

2 and inserting the following: “that—

3 “(A) is experiencing electric energy trans-
4 mission capacity constraints or congestion that ad-
5 versely affects consumers; or

6 “(B) could be used to improve the integration
7 of renewable energy resources.”;

8 (4) in paragraph (4)—

9 (A) by striking “national interest electric
10 transmission corridor” and inserting “high pri-
11 ority interstate transmission corridor”;

12 (B) in subparagraph (D), by striking the
13 “and” at the end;

14 (C) in subparagraph (E), by striking “se-
15 curity.” and inserting “security;”; and

16 (D) by adding at the end the following:

17 “(F) the designation would improve the integra-
18 tion of renewable energy resources; and

19 “(G) the designation would result in a reduction
20 in the cost to purchase electric energy for con-
21 sumers.”; and

22 (5) by adding at the end the following:

23 “(5) In determining the boundary of a geographic
24 area to be designated as a high priority interstate trans-
25 mission corridor under paragraph (2), the Commission

1 shall only designate the smallest geographic area pos-
2 sible.”.

3 (b) CONSTRUCTION PERMIT.—Section 216(b) of the
4 Federal Power Act (16 U.S.C. 824p(b)) is amended to
5 read as follows:

6 “(b) CONSTRUCTION PERMIT.—The Commission
7 may, after notice and an opportunity for hearing, issue
8 one or more permits for the construction or modification
9 of electric transmission facilities in a high priority inter-
10 state transmission corridor designated by the Secretary
11 under subsection (a) if the Commission finds that—

12 “(1)(A) a State in which the transmission fa-
13 cilities are to be constructed or modified does not
14 have authority to—

15 “(i) approve the siting of the facilities; or

16 “(ii) consider the interstate benefits ex-
17 pected to be achieved by the proposed construc-
18 tion or modification of transmission facilities in
19 the State;

20 “(B) the applicant for a permit is a transmit-
21 ting utility under this Act but does not qualify to
22 apply for a permit or siting approval for the pro-
23 posed project in a State because the applicant does
24 not serve end-use customers in the State; or

1 “(C) a State commission or other entity that
2 has authority to approve the siting of the facilities
3 has—

4 “(i) not approved or denied an application
5 seeking approval pursuant to applicable law by
6 the date that is 1 year after the filing of the
7 application or 1 year after the designation of
8 the relevant high priority interstate trans-
9 mission corridor, whichever is later;

10 “(ii) conditioned its approval in such a
11 manner that the proposed construction or modi-
12 fication will not significantly reduce trans-
13 mission congestion in interstate commerce or is
14 not economically feasible; or

15 “(iii) denied an application seeking ap-
16 proval pursuant to applicable law; and

17 “(2) the applicant for a permit sufficiently con-
18 sidered using a non-transmission alternative (as de-
19 fined in section 224) for purposes of addressing the
20 needs of the proposed electric transmission facility.”.

21 (c) COORDINATION OF FEDERAL AUTHORIZATIONS
22 FOR TRANSMISSION FACILITIES.—Section 216(h) of the
23 Federal Power Act (16 U.S.C. 824p(h)) is amended—

1 (1) in paragraph (7)(B)(i), by striking “date of
2 enactment of this section” and inserting “date of en-
3 actment of the CLEAN Future Act”; and

4 (2) in paragraph (7)(A), by striking “this sec-
5 tion” and inserting “the CLEAN Future Act”.

6 (d) INTERSTATE COMPACTS.—Subsection (i)(4) of
7 section 216 of the Federal Power Act (16 U.S.C. 824p)
8 is amended by striking “the members of the compact are
9 in disagreement and the Secretary makes, after notice and
10 an opportunity for a hearing, the finding described in sub-
11 section (b)(1)(C)” and inserting “the Secretary finds that
12 the members of the compact are in disagreement after the
13 date that is 1 year after the filing of an application for
14 the facility or 1 year after the designation of the relevant
15 high priority interstate transmission corridor, whichever is
16 later”.

17 **SEC. 214. NON-TRANSMISSION ALTERNATIVES.**

18 Part II of the Federal Power Act (16 U.S.C. 824 et
19 seq.) is amended by adding at the end the following:

20 **“SEC. 224. NON-TRANSMISSION ALTERNATIVES.**

21 “(a) IN GENERAL.—In carrying out sections 205 and
22 206, the Commission—

23 “(1) may consider the allocation of costs associ-
24 ated with non-transmission alternatives for the pur-

1 poses of permitting cost recovery through trans-
2 mission rates; and

3 “(2) shall allow costs associated with non-trans-
4 mission alternatives to be included in transmission
5 rates and subject to regional cost allocation.

6 “(b) IMPLEMENTATION.—In implementing this sec-
7 tion, the Commission shall ensure that any cost allocation
8 provisions for non-transmission alternatives are just and
9 reasonable, including by prohibiting any double-recovery
10 of costs.

11 “(c) NON-TRANSMISSION ALTERNATIVE DEFINED.—
12 In this section, the term ‘non-transmission alternative’—

13 “(1) means a resource that—

14 “(A) defers or eliminates the need for new
15 transmission facilities; and

16 “(B) does not provide transmission service;

17 “(2) includes—

18 “(A) an electric storage device, if used as
19 a replacement for transmission service;

20 “(B) energy efficiency; and

21 “(C) demand response; and

22 “(3) does not include traditional generation re-
23 sources.”.

1 **SEC. 215. OFFICE OF TRANSMISSION.**

2 Part III of the Federal Power Act (16 U.S.C. 825
3 et seq.) is amended by inserting after section 317 the fol-
4 lowing:

5 **“SEC. 318. OFFICE OF TRANSMISSION.**

6 “(a) ESTABLISHMENT.—There shall be established in
7 the Commission an office to be known as the Office of
8 Transmission.

9 “(b) DIRECTOR.—The Office of Transmission shall
10 be administered by a Director who shall be appointed by
11 the Chairman of the Commission with approval by the
12 Commission.

13 “(c) DUTIES.—The Director shall—

14 “(1) review transmission plans submitted by
15 public utilities in accordance with the regional and
16 interregional transmission planning processes estab-
17 lished pursuant to section 206;

18 “(2) coordinate all transmission-related matters
19 of the Commission, as the Commission determines
20 appropriate; and

21 “(3) carry out the responsibilities of the Com-
22 mission under section 216, in coordination with the
23 Office of Energy Projects of the Commission.”.

24 **SEC. 216. IDENTIFYING REGIONAL TRANSMISSION NEEDS.**

25 (a) TECHNICAL CONFERENCE.—

1 (1) IN GENERAL.—Not later than 9 months
2 after the date of enactment of this section, the Com-
3 mission shall convene a technical conference to
4 evaluate how regional transmission planning needs
5 are identified in regional transmission planning
6 processes.

7 (2) PARTICIPATION.—The technical conference
8 shall be led by the members of the Commission, and
9 the Commission shall invite participation from rep-
10 resentatives of ratepayers and such other entities as
11 the Commission determines appropriate.

12 (3) TOPICS.—The following topics shall be con-
13 sidered during the technical conference:

14 (A) How to improve the transparency of
15 the identification of transmission planning
16 needs.

17 (B) How to increase stakeholder input in
18 the identification of transmission planning
19 needs.

20 (C) How to update methodologies that are
21 used to identify transmission planning needs for
22 purposes of—

23 (i) ensuring that such needs may lead
24 to solutions that recognize the multiple
25 benefits of a proposed solution, such as

1 economic, reliability, and public policy-
2 based benefits; and

3 (ii) using scenario-based forecasting
4 to accurately predict future transmission
5 planning needs.

6 (D) How to ensure that—

7 (i) unnecessary transmission facilities
8 are not selected in regional transmission
9 planning processes; and

10 (ii) more efficient or cost-effective
11 transmission solutions are selected in re-
12 gional transmission planning processes.

13 (4) PUBLIC COMMENT.—The Commission shall
14 provide an opportunity for public comment on the
15 technical conference.

16 (b) RULEMAKING.—Not later than 1 year after the
17 conclusion of the technical conference, the Commission
18 shall publish in the Federal Register a rule, in accordance
19 with section 206 of the Federal Power Act (16 U.S.C.
20 824e), that requires transmission providers to—

21 (1) increase transparency in the identification
22 of transmission planning needs;

23 (2) update methodologies that are used to iden-
24 tify transmission planning needs for purposes of pro-

1 viding more accurate forecasting of expected trans-
2 mission planning needs; and

3 (3) update their methodologies to ensure that
4 the identification of transmission planning needs in
5 regional planning processes may lead to solutions
6 that recognize the multiple benefits of a proposed so-
7 lution, such as economic, reliability, and public pol-
8 icy-based benefits.

9 (c) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Energy Regulatory Commission.

12 (2) TRANSMISSION PROVIDER.—The term
13 “transmission provider” means a public utility (as
14 defined in section 201 of the Federal Power Act (16
15 U.S.C. 824)) that owns, operates, or controls facili-
16 ties used for the transmission of electric energy in
17 interstate commerce.

18 **SEC. 217. INTERREGIONAL TRANSMISSION PLANNING.**

19 (a) TECHNICAL CONFERENCE.—

20 (1) IN GENERAL.—Not later than 6 months
21 after the date of enactment of this section, the Fed-
22 eral Energy Regulatory Commission shall convene a
23 technical conference to consider how to develop an
24 interregional transmission planning process.

1 (2) PARTICIPATION.—The technical conference
2 shall be led by the members of the Commission, and
3 the Commission shall invite participation from rep-
4 resentatives of ratepayers and such other entities as
5 the Commission determines appropriate.

6 (3) TOPICS.—The following topics shall be con-
7 sidered during the technical conference:

8 (A) How transmission providers in adja-
9 cent transmission planning regions can plan for
10 interregional transmission projects.

11 (B) How an interregional planning process
12 will provide for the evaluation and facilitation
13 of the integration of renewable energy re-
14 sources, particularly those located far away
15 from load centers.

16 (C) Cost allocation for interregional trans-
17 mission projects, including whether public fund-
18 ing should affect the cost allocation of an inter-
19 regional transmission project receiving such
20 funding, and if so, what the effect should be.

21 (D) How interregional transmission
22 projects that address public policy needs in the
23 applicable regions could be facilitated by an
24 interregional transmission planning process.

1 (E) Whether transmission providers in
2 transmission planning regions should be re-
3 quired to develop similar or identical processes
4 for evaluating the benefits of proposed inter-
5 regional transmission projects.

6 (F) Any effects an interregional trans-
7 mission planning process would have on existing
8 local and regional transmission planning proc-
9 esses.

10 (4) PUBLIC COMMENT.—The Commission shall
11 provide an opportunity for public comment on the
12 technical conference.

13 (b) RULEMAKING.—Not later than 18 months after
14 the conclusion of the technical conference, the Commission
15 shall publish in the Federal Register a rule, in accordance
16 with section 206 of the Federal Power Act (16 U.S.C.
17 824e), that requires transmission providers to—

18 (1) engage in formalized interregional trans-
19 mission planning processes, which shall include the
20 development of cost allocation methodologies in ac-
21 cordance with guidelines developed by the Commis-
22 sion; and

23 (2) consider reduced costs of electric energy to
24 customers and the integration of renewable energy

1 resources as benefits for interregional transmission
2 planning purposes.

3 (c) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Federal Energy Regulatory Commission.

6 (2) INTERREGIONAL TRANSMISSION PLANNING
7 PROCESS.—The term “interregional transmission
8 planning process” means a process to evaluate elec-
9 tric energy transmission needs jointly by trans-
10 mission providers in two or more adjacent trans-
11 mission planning regions.

12 (3) INTERREGIONAL TRANSMISSION PROJECT.—
13 The term “interregional transmission project”
14 means an interregional project for facilities used for
15 the transmission of electric energy in interstate com-
16 merce.

17 (4) TRANSMISSION PLANNING REGION.—The
18 term “transmission planning region” means a region
19 for which electric energy transmission planning is
20 appropriate, as determined by the Commission.

21 (5) TRANSMISSION PROVIDER.—The term
22 “transmission provider” means a public utility (as
23 defined in section 201 of the Federal Power Act (16
24 U.S.C. 824)) that owns, operates, or controls facili-

1 ties used for the transmission of electric energy in
2 interstate commerce.

3 **SEC. 218. TRANSMISSION SITING ASSISTANCE PROGRAM.**

4 (a) DEFINITIONS.—In this section:

5 (1) COVERED TRANSMISSION PROJECT.—The
6 term “covered transmission project” means a high-
7 voltage interstate electricity transmission line, pro-
8 posed to be constructed and to operate at a min-
9 imum of 300 kilovolts of either alternating-current
10 or direct-current electric energy, with respect to
11 which a notice of intent to apply for authorization
12 under State, local, or Tribal law has been filed with
13 the applicable siting authority.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of Energy.

16 (3) SITING AUTHORITY.—The term “siting au-
17 thority” means a State, local, or Tribal govern-
18 mental entity with authority to make a final deter-
19 mination regarding the siting, permitting, or regu-
20 latory status of a covered transmission project pro-
21 posed to be located in an area under the jurisdiction
22 of the entity.

23 (b) ESTABLISHMENT.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary shall es-
25 tablish a program to provide assistance to siting authori-

1 ties for the evaluation of, and decisionmaking process for,
2 applications relating to the siting or permitting of covered
3 transmission projects.

4 (c) TYPES OF ASSISTANCE.—

5 (1) GRANTS.—

6 (A) IN GENERAL.—The Secretary may,
7 upon request, provide a grant to a siting au-
8 thority for any of the following:

9 (i) Studies and analyses of the envi-
10 ronmental, reliability, wildlife, cultural, his-
11 torical, water, land-use, and employment,
12 tax-revenue, market, cost, rate regulation,
13 and other economic impacts of the covered
14 transmission project, including—

15 (I) assessing the economic bene-
16 fits and development effects of the
17 transmission capacity of the covered
18 transmission project; and

19 (II) identifying the public health
20 benefits of substituting clean elec-
21 tricity for fossil-fired generation that
22 creates ozone, particulates, nitrous ox-
23 ides, and greenhouse gases, often in
24 low-income areas.

1 (ii) Participation by the siting author-
2 ity in regulatory proceedings or negotia-
3 tions in another jurisdiction or under the
4 auspices of a transmission organization (as
5 defined in section 215 of the Federal
6 Power Act (16 U.S.C. 824o)) that is also
7 considering the siting or permitting of the
8 same covered transmission project.

9 (iii) Participation by the siting au-
10 thority in regulatory proceedings at the
11 Federal Energy Regulatory Commission or
12 a State regulatory commission determining
13 applicable rates and cost allocation for the
14 covered transmission project.

15 (iv) The costs of the siting authority
16 of scheduling and conducting public hear-
17 ings and meetings to present plans and re-
18 lated analysis, take comments, and foster
19 greater public awareness of the benefits
20 and costs of the covered transmission
21 project (including with respect to any pro-
22 posed siting alternatives).

23 (B) AMOUNTS.—In providing a grant to a
24 siting authority under subparagraph (A), the

1 Secretary may provide amounts of not more
2 than—

3 (i) 80 percent of the costs of studies
4 and analyses under subparagraph (A)(i)
5 that are commissioned by the siting au-
6 thority to be carried out by another entity;

7 (ii) 50 percent of the costs of studies
8 and analyses under subparagraph (A)(i)
9 that are carried out by the siting author-
10 ity;

11 (iii) 50 percent of the costs to the
12 siting authority of participation described
13 in subparagraph (A)(ii);

14 (iv) 80 percent of the costs to the
15 siting authority of participation described
16 in subparagraph (A)(iii); and

17 (v) 50 percent of the costs described
18 in subparagraph (A)(iv).

19 (C) DEADLINE FOR CERTAIN STUDIES.—

20 The Secretary shall provide a grant under sub-
21 paragraph (A)(i) on the condition that any
22 study carried out pursuant to such subpara-
23 graph is completed within one year of being
24 commissioned, or commenced by, the siting au-
25 thority.

1 (2) OTHER ASSISTANCE.—The Secretary may,
2 upon request, provide direct assistance to a siting
3 authority in the form of:

4 (A) Examination of up to three alternate
5 siting corridors within which the covered trans-
6 mission project feasibly could be sited.

7 (B) Related scientific, technical, and eco-
8 nomic analyses, to be performed at the national
9 laboratories of the Department of Energy.

10 (C) Hosting and facilitation (including by
11 providing services of expert Department of En-
12 ergy personnel or neutral arbitrators) of nego-
13 tiations in settlement meetings involving the
14 siting authority, the covered transmission
15 project applicant and other proponents of the
16 project, siting authorities from other jurisdic-
17 tions considering the same covered transmission
18 project, and opponents of the covered trans-
19 mission project, for the purpose of identifying
20 and addressing issues that are preventing ap-
21 proval of the application relating to the siting
22 or permitting of the covered transmission
23 project.

24 (D) Other measures and actions that may
25 improve the chances of, and shorten the time

1 required for, approval by the siting authority of
2 the application relating to the siting or permit-
3 ting of the covered transmission project, as the
4 Secretary determines appropriate.

5 (d) CONDITIONS.—As a condition of receiving assist-
6 ance under this section, the Secretary shall require a siting
7 authority to agree, in writing—

8 (1) to reach a final decision on the application
9 relating to the siting or permitting of the covered
10 transmission project not later than two years after
11 the date on which such assistance is first provided,
12 unless the Secretary grants an extension for good
13 cause;

14 (2) to review, consider, and conduct any nego-
15 tiations regarding the application relating to the
16 siting or permitting of the covered transmission
17 project (including with respect to any proposed
18 siting alternatives) in good faith and in accordance
19 with a published decision process and schedule;

20 (3) to objectively and rationally weigh the re-
21 sults of all analyses, evidence, and inputs, and not
22 deny the application relating to the siting or permit-
23 ting of the covered transmission project without
24 finding compelling evidence that the negative im-
25 pacts of the covered transmission project (including

1 with respect to any proposed siting alternatives) are
2 greater than its benefits;

3 (4) in evaluating the impacts, costs, and bene-
4 fits of the covered transmission project, to not ex-
5 clude demonstrable regional and national impacts,
6 costs, and benefits that will be experienced within
7 and beyond the area over which the siting authority
8 has jurisdiction;

9 (5) in evaluating the costs of the covered trans-
10 mission project, to not deny the application relating
11 to the siting or permitting of the covered trans-
12 mission project based on an unfair allocation of
13 costs to those within the area over which the siting
14 authority has jurisdiction, except that the siting au-
15 thority may condition its approval on a fair and fea-
16 sible allocation of those costs within and beyond the
17 area over which the siting authority has jurisdiction,
18 as determined by the siting authority;

19 (6) to transparently share, upon request, all in-
20 formation, analyses, and other inputs obtained pur-
21 suant to this section, except for any business-con-
22 fidential information, with all parties, other siting
23 authorities considering the same covered trans-
24 mission project, and the public;

1 (7) to not demand funds from the applicant to
2 cover the costs of any analysis, information, or sup-
3 port that it has received from the Secretary;

4 (8) to provide to the Secretary a full written ex-
5 planation of any preliminary decision regarding the
6 application relating to the siting or permitting of the
7 covered transmission project, including the informa-
8 tion the siting authority found to be dispositive, and
9 to entertain petitions for review, rehearing, or cor-
10 rection of the preliminary decision before making a
11 final decision; and

12 (9) if a covered transmission project is finally
13 approved by two or more siting authorities for other
14 areas, each of which agrees to accept a greater allo-
15 cation of the project costs on a per-mile and per-
16 resident basis than is proposed for area under the
17 jurisdiction of the siting authority receiving assist-
18 ance under this section, to engage in binding arbi-
19 tration to determine a final decision on siting and
20 permitting the covered transmission project within
21 the area under its own jurisdiction.

22 (e) ARBITRATION.—If a siting authority receiving as-
23 sistance under this section enters into binding arbitration
24 under subsection (d)(9), the siting authority shall select
25 an expert arbitrator who will meet with a second expert

1 arbitrator selected by the siting authorities from other ju-
2 risdictions, the two arbitrators then agreeing on the selec-
3 tion of a third expert arbitrator, with all three considering
4 the options and reaching by majority a conclusion on the
5 best option to allow the project to proceed in the least-
6 impact but still feasible manner.

7 (f) INCENTIVES.—The Secretary may provide eco-
8 nomic incentives for climate solutions to a siting authority
9 receiving assistance under this section that makes a final
10 decision approving the relevant application by the deadline
11 required under subsection (d)(1).

12 (g) OUTREACH.—The Secretary shall notify siting
13 authorities of the availability of assistance under this sec-
14 tion.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary to carry
17 out this section \$75,000,000 for each of fiscal years 2022
18 through 2031, to remain available until expended.

19 **PART 2—PUBLIC INTEREST AND ENERGY**

20 **MARKET REFORMS**

21 **SEC. 220. MARKET BARRIERS TO CLEAN ENERGY DEVELOP-** 22 **MENT.**

23 (a) CARBON PRICING.—The Federal Energy Regu-
24 latory Commission may approve a carbon pricing regime
25 that reflects the externalities associated with greenhouse

1 gas emissions, to be used in setting rates and charges
2 under sections 205 and 206 of the Federal Power Act.

3 (b) **RIGHT TO CLEAN ENERGY.**—Notwithstanding
4 section 212(h) of the Federal Power Act, no State may
5 establish or enforce any law or regulation that prohibits
6 or unreasonably burdens the purchase of clean electricity
7 in interstate commerce by an ultimate consumer. Nothing
8 in this subsection may be construed to affect any contract
9 in effect on the date of enactment of this section.

10 (c) **MANDATORY INTERCONNECTION AND COORDINA-**
11 **TION OF FACILITIES.**—Section 202(a) of the Federal
12 Power Act (16 U.S.C. 824a(a)) is amended—

13 (1) by striking “voluntary”; and

14 (2) by adding at the end the following: “The
15 Commission shall require each public utility to place
16 its transmission facilities under the control of an
17 ISO or an RTO not later than two years after the
18 date of enactment of the CLEAN Future Act.”.

19 **SEC. 220A. OFFICE OF PUBLIC PARTICIPATION.**

20 Section 319 of the Federal Power Act (16 U.S.C.
21 825q-1) is amended—

22 (1) in subsection (a)(1), by inserting “, to fa-
23 cilitate communication with the public relating to,
24 and participation by the public in, matters under the
25 jurisdiction of the Commission, including under this

1 Act and the Natural Gas Act” before the period at
2 the end;

3 (2) in subsection (b), by striking paragraph (4)
4 and inserting the following:

5 “(4) The Office shall promote, through outreach,
6 publications, and, as appropriate, direct communication
7 with entities regulated by the Commission—

8 (A) improved compliance with rules and orders
9 of the Commission; and

10 (B) public participation in matters before the
11 Commission.

12 “(5) The Director may assign staff to intervene, ap-
13 pear, and participate in administrative, regulatory, or ju-
14 dicial proceedings on behalf of individuals or entities inter-
15 vening or participating, or proposing to intervene or par-
16 ticipate, in proceedings before the Commission by rep-
17 resenting the interests of such individuals or entities on
18 any matter before the Commission.

19 “(6) The Office shall advocate for, and act as a liai-
20 son with, environmental justice communities (as defined
21 in section 601 of the CLEAN Future Act) on matters
22 under the jurisdiction of the Commission.”; and

23 (3) by adding at the end the following:

1 “(c) FUNDING.—Funding for the Office shall be de-
2 rived from fees and charges collected under section 3401
3 of the Omnibus Budget Reconciliation Act of 1986.”.

4 **SEC. 220B. PUBLIC INTEREST UNDER THE NATURAL GAS**
5 **ACT.**

6 (a) EXPORTATION OR IMPORTATION OF NATURAL
7 GAS; LNG TERMINALS.—Section 3 of the Natural Gas
8 Act (15 U.S.C. 717b) is amended—

9 (1) in subsection (a), by striking “, unless, after
10 opportunity for hearing, it finds that the proposed
11 exportation or importation will not be consistent
12 with the public interest” and inserting “if, after op-
13 portunity for hearing, it finds that the proposed ex-
14 portation or importation is in the public interest”;
15 and

16 (2) by amending subsection (c) to read as fol-
17 lows:

18 “(c) PUBLIC INTEREST.—In making a finding under
19 this section regarding whether a proposed exportation or
20 importation is in the public interest, the Commission
21 shall—

22 “(1) ensure that the potential benefits outweigh
23 any adverse effects; and

24 “(2) consider—

25 “(A) the climate policies of affected States;

1 “(B) regional infrastructure need deter-
2 minations;

3 “(C) all environmental impacts and con-
4 cerns identified pursuant to the National Envi-
5 ronmental Policy Act, including any direct, indi-
6 rect, and cumulative effects on climate change;
7 and

8 “(D) community and landowner impacts.”.

9 (b) EXTENSION OF FACILITIES; ABANDONMENT OF
10 SERVICE.—Section 7 of the Natural Gas Act (15 U.S.C.
11 717f) is amended by adding at the end the following:

12 “(i) PUBLIC INTEREST.—In making a finding under
13 this section regarding whether an action is in the public
14 interest, the Commission shall—

15 “(1) ensure that the potential benefits outweigh
16 any adverse effects; and

17 “(2) consider—

18 “(A) the climate policies of affected States;

19 “(B) regional infrastructure need deter-
20 minations;

21 “(C) all environmental impacts and con-
22 cerns identified pursuant to the National Envi-
23 ronmental Policy Act, including any direct, indi-
24 rect, and cumulative effects on climate change;
25 and

1 “(D) community and landowner impacts.”.

2 **SEC. 220C. MODIFICATIONS TO EXERCISE OF THE RIGHT OF**
3 **EMINENT DOMAIN BY HOLDER OF A CERTIFI-**
4 **CATE OF PUBLIC CONVENIENCE AND NECES-**
5 **SITY.**

6 (a) REQUIREMENT.—Section 7(h) of the Natural Gas
7 Act (15 U.S.C. 717f(h)) is amended—

8 (1) by striking “When any holder” and insert-
9 ing the following: “(1) Subject to paragraph (2),
10 when any holder”; and

11 (2) by adding at the end the following new
12 paragraphs:

13 “(2) A holder of a certificate of public convenience
14 and necessity may not exercise the right of eminent do-
15 main under paragraph (1) unless the holder—

16 “(A) obtains all Federal and State permits re-
17 quired by law for the construction and operation of
18 pipeline facilities; and

19 “(B) complies with all environmental conditions
20 appended to the certificate order.

21 “(3) A holder of a certificate of public convenience
22 and necessity shall be suspended from the exercise of the
23 right of eminent domain under paragraph (1)—

1 “(A) if the holder requests a material amend-
2 ment to the certificate, until such time as the condi-
3 tions in paragraph (4) are satisfied; or

4 “(B) if a Federal or State permit held by the
5 holder is vacated or remanded, until such time as—

6 “(i) all vacated or remanded permits are
7 reinstated or reissued to the holder; and

8 “(ii) the holder complies with all environ-
9 mental conditions appended to the certificate
10 order.

11 “(4) A holder of a certificate of public convenience
12 and necessity who requests a material amendment to the
13 certificate and has the exercise of the right of eminent do-
14 main suspended under paragraph (3)(A) may not com-
15 mence a new action or proceeding to exercise the right
16 of eminent domain under paragraph (1) until such time
17 as—

18 “(A) the Commission issues an amended certifi-
19 cate of public convenience and necessity; and

20 “(B) the holder—

21 “(i) obtains all additional Federal and
22 State permits required by law pursuant to the
23 amended certificate; and

1 “(ii) complies with all environmental condi-
2 tions appended to the amended certificate
3 order.

4 “(5) A holder of a certificate of public convenience
5 and necessity may not exercise the right of eminent do-
6 main under paragraph (1) if the applicable pipe line or
7 pipe lines, necessary land or other property, or equipment
8 necessary to the proper operation of such pipe line or pipe
9 lines to be constructed, operated, and maintained is at-
10 tached to any facility with respect to which an order is
11 required under section 3.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall apply—

14 (1) to any action or proceeding for eminent do-
15 main under section 7(h)(1) of the Natural Gas Act,
16 as amended by this section, commencing on or after
17 the date of enactment of this Act; and

18 (2) to any request for a material amendment to
19 a certificate of public convenience and necessity oc-
20 ccurring on or after the date of enactment of this
21 Act.

1 **Subtitle C—Public Utility**
2 **Regulatory Policies Act Reform**

3 **SEC. 221. CONSIDERATION OF ENERGY STORAGE SYSTEMS.**

4 (a) **IN GENERAL.**—Section 111(d) of the Public Util-
5 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
6 is amended by adding at the end the following:

7 “(20) **CONSIDERATION OF ENERGY STORAGE**
8 **SYSTEMS.**—Each State shall consider requiring that,
9 as part of a supply side resource planning process,
10 an electric utility of the State demonstrate to the
11 State that the electric utility considered an invest-
12 ment in energy storage systems based on appro-
13 priate factors, including—

14 “(A) total costs and normalized life cycle
15 costs;

16 “(B) cost effectiveness;

17 “(C) improved reliability;

18 “(D) security; and

19 “(E) system performance and efficiency.”.

20 (b) **TIME LIMITATIONS.**—Section 112(b) of the Pub-
21 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.
22 2622(b)) is amended by adding at the end the following:

23 “(7)(A) Not later than 1 year after the date of
24 enactment of this paragraph, each State regulatory
25 authority (with respect to each electric utility for

1 which the State regulatory authority has ratemaking
2 authority) and each nonregulated electric utility
3 shall commence the consideration referred to in sec-
4 tion 111, or set a hearing date for consideration,
5 with respect to the standard established by para-
6 graph (20) of section 111(d).

7 “(B) Not later than 2 years after the date of
8 enactment of this paragraph, each State regulatory
9 authority (with respect to each electric utility for
10 which the State regulatory authority has ratemaking
11 authority), and each nonregulated electric utility,
12 shall complete the consideration, and shall make the
13 determination, referred to in section 111 with re-
14 spect to the standard established by paragraph (20)
15 of section 111(d).”.

16 (c) FAILURE TO COMPLY.—Section 112(c) of the
17 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
18 2622(c)) is amended by adding at the end the following:
19 “‘In the case of the standard established by paragraph (20)
20 of section 111(d), the reference contained in this sub-
21 section to the date of enactment of this Act shall be
22 deemed to be a reference to the date of enactment of such
23 paragraph (20).”.

1 (d) PRIOR STATE ACTIONS.—Section 112 of the Pub-
2 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.
3 2622) is amended by adding at the end the following:

4 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
5 (c) of this section shall not apply to the standard estab-
6 lished by paragraph (20) of section 111(d) in the case of
7 any electric utility in a State if, before the enactment of
8 this subsection—

9 “(1) the State has implemented for such utility
10 the standard concerned (or a comparable standard);

11 “(2) the State regulatory authority for such
12 State or relevant nonregulated electric utility has
13 conducted a proceeding to consider implementation
14 of the standard concerned (or a comparable stand-
15 ard) for such utility; or

16 “(3) the State legislature has voted on the im-
17 plementation of such standard (or a comparable
18 standard) for such utility.”.

19 (e) PRIOR AND PENDING PROCEEDINGS.—Section
20 124 of the Public Utility Regulatory Policies Act of 1978
21 (16 U.S.C. 2634) is amended by adding at the end the
22 following: “In the case of the standard established by
23 paragraph (20) of section 111(d), the reference contained
24 in this section to the date of the enactment of this Act

1 shall be deemed to be a reference to the date of enactment
2 of such paragraph (20).”.

3 **SEC. 222. COORDINATION OF PROGRAMS.**

4 To the maximum extent practicable, the Secretary of
5 Energy shall ensure that the funding and administration
6 of the different offices within the Grid Modernization Ini-
7 tiative of the Department of Energy and other programs
8 conducting energy storage research are coordinated and
9 streamlined.

10 **SEC. 223. PROMOTING CONSIDERATION AND UTILIZATION**
11 **OF NON-WIRES SOLUTIONS.**

12 (a) CONSIDERATION OF NON-WIRES SOLUTIONS BY
13 STATE REGULATORY AUTHORITIES.—Section 111(d) of
14 the Public Utility Regulatory Policies Act of 1978 ((16
15 U.S.C. 2621(d)) is further amended by adding at the end
16 the following:

17 “(21) NON-WIRES SOLUTIONS.—

18 “(A) IN GENERAL.—Each electric utility
19 shall implement non-wires solutions when ap-
20 propriate.

21 “(B) DEFINITION OF NON-WIRES SOLU-
22 TION.—The term ‘non-wires solution’ means an
23 electricity grid investment or project that uses
24 one or more nontraditional solutions, including
25 distributed generation, energy storage, energy

1 efficiency, demand response, microgrids, or grid
2 software and controls, to defer or replace the
3 need for specific equipment upgrades or new in-
4 frastructure, such as transmission or distribu-
5 tion lines or transformers, at a substation or
6 circuit level.

7 “(C) COST RECOVERY.—To reduce the
8 costs to ratepayers associated with potential up-
9 grades to transmission or distribution infra-
10 structure, the cost of a non-wires solution im-
11 plemented under subparagraph (A) shall be re-
12 covered from ratepayers in the same manner as
13 an upgrade to transmission or distribution in-
14 frastructure would have been recovered.”.

15 (b) TIME LIMITATIONS.—Section 112(b) of the Pub-
16 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.
17 2622(b)) is further amended by adding at the end the fol-
18 lowing:

19 “(8)(A) Not later than 1 year after the date of
20 enactment of this paragraph, each State regulatory
21 authority (with respect to each electric utility for
22 which the State has ratemaking authority) and each
23 nonregulated electric utility shall commence the con-
24 sideration referred to in section 111, or set a hear-

1 ing date for consideration, with respect to the stand-
2 ard established by paragraph (21) of section 111(d).

3 “(B) Not later than 2 years after the date of
4 the enactment of this paragraph, each State regu-
5 latory authority (with respect to each electric utility
6 for which the State has ratemaking authority), and
7 each nonregulated electric utility, shall complete the
8 consideration, and shall make the determination, re-
9 ferred to in section 111 with respect to the standard
10 established by paragraph (21) of section 111(d).”.

11 (c) FAILURE TO COMPLY.—Section 112(c) of the
12 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
13 2622(c)) is further amended by—

14 (1) striking “(b)(2)” and inserting “(b)”; and
15 (2) adding at the end the following: “In the
16 case of the standard established by paragraph (21)
17 of section 111(d), the reference contained in this
18 subsection to the date of enactment of this Act shall
19 be deemed to be a reference to the date of enact-
20 ment of that paragraph (21).”.

21 (d) PRIOR STATE ACTIONS.—Section 112(d) of the
22 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.
23 2622(d)) is amended in the matter preceding paragraph
24 (1) by striking “(19)” and inserting “(21)”.

1 **SEC. 224. CONTRACT OPTIONS FOR QUALIFIED FACILITIES.**

2 Section 210 of the Public Utility Regulatory Policies
3 Act of 1978 (16 U.S.C. 824a-3) is amended by adding
4 at the end the following:

5 “(o) **CONTRACT OPTIONS FOR QUALIFIED FACILI-**
6 **TIES.**—The Commission shall require that qualifying fa-
7 cilities have the option to enter a fixed price contract
8 whose term is at least as long as the term on which the
9 incumbent utility recovers invests in new generation,
10 whether self-built or in the form of a long-term power pur-
11 chase agreement.”.

12 **SEC. 225. ESTABLISHMENT OF COMMUNITY SOLAR PRO-**
13 **GRAMS.**

14 (a) **IN GENERAL.**—Section 111(d) of the Public Util-
15 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
16 is amended by adding at the end the following:

17 “(21) **COMMUNITY SOLAR PROGRAMS.**—Each
18 electric utility shall offer a community solar program
19 that provides all ratepayers, including low-income
20 ratepayers, equitable and demonstrable access to
21 such community solar program. For the purposes of
22 this paragraph, the term ‘community solar program’
23 means a service provided to any electric consumer
24 that the electric utility serves through which the
25 value of electricity generated by a community solar
26 facility may be used to offset charges billed to the

1 electric consumer by the electric utility. A ‘commu-
2 nity solar facility’ is—

3 “(A) a solar photovoltaic system that allo-
4 cates electricity to multiple electric consumers
5 of an electric utility;

6 “(B) connected to a local distribution of
7 the electric utility;

8 “(C) located either on or off the property
9 of the electric consumers; and

10 “(D) may be owned by an electric utility,
11 an electric consumer, or a third party.”.

12 (b) COMPLIANCE.—

13 (1) TIME LIMITATIONS.—Section 112(b) of the
14 Public Utility Regulatory Policies Act of 1978 (16
15 U.S.C. 2622(b)) is amended by adding at the end
16 the following:

17 “(8)(A) Not later than 1 year after the date of
18 enactment of this paragraph, each State regulatory
19 authority (with respect to each electric utility for
20 which the State has ratemaking authority) and each
21 nonregulated electric utility shall commence consid-
22 eration under section 111, or set a hearing date for
23 consideration, with respect to the standard estab-
24 lished by paragraph (21) of section 111(d).

1 “(B) Not later than 2 years after the date of
2 enactment of this paragraph, each State regulatory
3 authority (with respect to each electric utility for
4 which the State has ratemaking authority), and each
5 nonregulated electric utility shall complete the con-
6 sideration and make the determination under section
7 111 with respect to the standard established by
8 paragraph (21) of section 111(d).”.

9 (2) FAILURE TO COMPLY.—

10 (A) IN GENERAL.—Section 112(c) of the
11 Public Utility Regulatory Policies Act of 1978
12 (16 U.S.C. 2622(c)) is amended—

13 (i) by striking “such paragraph (14)”
14 and all that follows through “paragraphs
15 (16)” and inserting “such paragraph (14).
16 In the case of the standard established by
17 paragraph (15) of section 111(d), the ref-
18 erence contained in this subsection to the
19 date of enactment of this Act shall be
20 deemed to be a reference to the date of en-
21 actment of that paragraph (15). In the
22 case of the standards established by para-
23 graphs (16)”;

24 (ii) by adding at the end the fol-
25 lowing: “In the case of the standard estab-

1 lished by paragraph (21) of section 111(d),
2 the reference contained in this subsection
3 to the date of enactment of this Act shall
4 be deemed to be a reference to the date of
5 enactment of that paragraph (21).”.

6 (B) TECHNICAL CORRECTION.—

7 (i) IN GENERAL.—Section 1254(b) of
8 the Energy Policy Act of 2005 (Public
9 Law 109–58; 119 Stat. 971) is amended—

10 (I) by striking paragraph (2);

11 and

12 (II) by redesignating paragraph

13 (3) as paragraph (2).

14 (ii) TREATMENT.—The amendment
15 made by paragraph (2) of section 1254(b)
16 of the Energy Policy Act of 2005 (Public
17 Law 109–58; 119 Stat. 971) (as in effect
18 on the day before the date of enactment of
19 this Act) is void, and section 112(d) of the
20 Public Utility Regulatory Policies Act of
21 1978 (16 U.S.C. 2622(d)) shall be in ef-
22 fect as if those amendments had not been
23 enacted.

24 (3) PRIOR STATE ACTIONS.—

1 (A) IN GENERAL.—Section 112 of the
2 Public Utility Regulatory Policies Act of 1978
3 (16 U.S.C. 2622) is amended by adding at the
4 end the following:

5 “(h) PRIOR STATE ACTIONS.—Subsections (b) and
6 (c) shall not apply to the standard established by para-
7 graph (21) of section 111(d) in the case of any electric
8 utility in a State if, before the date of enactment of this
9 subsection—

10 “(1) the State has implemented for the electric
11 utility the standard (or a comparable standard);

12 “(2) the State regulatory authority for the
13 State or the relevant nonregulated electric utility has
14 conducted a proceeding to consider implementation
15 of the standard (or a comparable standard) for the
16 electric utility; or

17 “(3) the State legislature has voted on the im-
18 plementation of the standard (or a comparable
19 standard) for the electric utility.”.

20 (B) CROSS-REFERENCE.—Section 124 of
21 the Public Utility Regulatory Policies Act of
22 1978 (16 U.S.C. 2634) is amended by adding
23 at the end the following: “In the case of the
24 standard established by paragraph (21) of sec-
25 tion 111(d), the reference contained in this sub-

1 section to the date of enactment of this Act
2 shall be deemed to be a reference to the date
3 of enactment of that paragraph (21).”.

4 **SEC. 226. RURAL AND REMOTE COMMUNITIES ELEC-**
5 **TRIFICATION GRANTS.**

6 Section 609 of the Public Utility Regulatory Policies
7 Act of 1978 (7 U.S.C. 918c) is amended—

8 (1) in section (a)—

9 (A) in paragraph (1), by striking “or mu-
10 nicipality” and inserting “, municipality, or In-
11 dian Tribe”;

12 (B) in paragraph (5), by striking “10,000”
13 and inserting “20,000”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(6) **ECONOMICALLY DISTRESSED COMMU-**
17 **NITY.**—The term ‘economically distressed commu-
18 nity’ means a unit of local government, municipality,
19 or Indian Tribe—

20 “(A) that is located within a 75 mile ra-
21 dius of an electric generating unit that pri-
22 marily uses coal as a fuel source; and

23 “(B) that is significantly impacted by the
24 closure of such electric generating unit occur-

1 ring on or after January 1, 2010, including by,
2 as a result of such closure, experiencing—

3 “(i) a net labor loss at least 50 work-
4 ers who lost employment directly from, or
5 employment associated with, such electric
6 generating unit, including an associated
7 mine;

8 “(ii) a net revenue loss of over 25 per-
9 cent compared to the previous fiscal year,
10 in terms of tax revenue, lease payments, or
11 royalties directly from or associated with
12 such electric generating station, including
13 an associated mine; or

14 “(iii) an increase in the cost of elec-
15 tricity for applicable electric consumers of
16 at least 10 percent from the previous ap-
17 plicable calendar year.”;

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by inserting “or the deployment of
21 energy storage technologies” after “energy
22 efficiency”; and

23 (ii) by striking “areas; or” and insert-
24 ing “areas or economically distressed com-
25 munities;”;

1 (B) in paragraph (2), by striking “rural
2 areas.” and inserting “rural areas or economi-
3 cally distressed communities; or”; and

4 (C) by adding at the end the following:

5 “(3) refurbishing, redeveloping, or repurposing
6 electric generating facilities that primarily consume
7 coal as a fuel source that have recently ceased oper-
8 ation, or will cease operation in the near future, for
9 manufacturing, including clean energy technologies
10 or materials.”; and

11 (3) in subsection (d)—

12 (A) by striking “\$20,000,000” and insert-
13 ing “\$50,000,000”; and

14 (B) by striking “2006 through 2012” and
15 inserting “2022 through 2031”.

16 **Subtitle D—Electricity Infrastruc-**
17 **ture Modernization and Resil-**
18 **ience**

19 **SEC. 230. 21ST CENTURY POWER GRID.**

20 (a) IN GENERAL.—The Secretary of Energy shall es-
21 tablish a program to provide financial assistance to eligible
22 partnerships to carry out projects related to the mod-
23 ernization of the electric grid, including—

24 (1) projects for the deployment of technologies
25 to improve monitoring of, advanced controls for, and

1 prediction of performance of, a distribution system;
2 and

3 (2) projects related to transmission system
4 planning and operation.

5 (b) ELIGIBLE PROJECTS.—Projects for which an eli-
6 gible partnership may receive financial assistance under
7 subsection (a)—

8 (1) shall be designed to improve the resiliency,
9 performance, or efficiency of the electric grid, while
10 ensuring the continued provision of safe, secure, reli-
11 able, and affordable power;

12 (2) may be designed to deploy a new product or
13 technology that could be used by customers of an
14 electric utility; and

15 (3) shall demonstrate—

16 (A) secure integration and management of
17 energy resources, including through distributed
18 energy generation, combined heat and power,
19 microgrids, energy storage, electric vehicles
20 charging infrastructure, energy efficiency, de-
21 mand response, or controllable loads; or

22 (B) secure integration and interoperability
23 of communications and information technologies
24 related to the electric grid.

1 (c) CYBERSECURITY PLAN.—Each project carried
2 out with financial assistance provided under subsection (a)
3 shall include the development of a cybersecurity plan writ-
4 ten in accordance with guidelines developed by the Sec-
5 retary of Energy.

6 (d) PRIVACY EFFECTS ANALYSIS.—Each project car-
7 ried out with financial assistance provided under sub-
8 section (a) shall include a privacy effects analysis that
9 evaluates the project in accordance with the Voluntary
10 Code of Conduct of the Department of Energy, commonly
11 known as the “DataGuard Energy Data Privacy Pro-
12 gram”, or the most recent revisions to the privacy pro-
13 gram of the Department.

14 (e) DEFINITIONS.—In this section:

15 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
16 ble partnership” means a partnership consisting of
17 two or more entities, which—

18 (A) may include—

19 (i) any institution of higher education;

20 (ii) a National Laboratory;

21 (iii) a State or a local government or
22 other public body created by or pursuant
23 to State law;

24 (iv) an Indian Tribe;

1 (v) a Federal power marketing admin-
2 istration; or

3 (vi) an entity that develops and pro-
4 vides technology; and

5 (B) shall include at least one of any of—

6 (i) an electric utility;

7 (ii) a Regional Transmission Organi-
8 zation; or

9 (iii) an Independent System Operator.

10 (2) ELECTRIC UTILITY.—The term “electric
11 utility” has the meaning given that term in section
12 3(22) of the Federal Power Act (16 U.S.C.
13 796(22)), except that such term does not include an
14 entity described in subparagraph (B) of such sec-
15 tion.

16 (3) FEDERAL POWER MARKETING ADMINISTRA-
17 TION.—The term “Federal power marketing admin-
18 istration” means the Bonneville Power Administra-
19 tion, the Southeastern Power Administration, the
20 Southwestern Power Administration, or the Western
21 Area Power Administration.

22 (4) INDEPENDENT SYSTEM OPERATOR; RE-
23 GIONAL TRANSMISSION ORGANIZATION.—The terms
24 “Independent System Operator” and “Regional
25 Transmission Organization” have the meanings

1 given those terms in section 3 of the Federal Power
2 Act (16 U.S.C. 796).

3 (5) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given that term in section 101(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary of Energy
9 to carry out this section \$700,000,000 for each of fiscal
10 years 2022 through 2031, to remain available until ex-
11 pended.

12 **SEC. 231. MICROGRIDS.**

13 (a) DEFINITIONS.—In this section:

14 (1) HYBRID MICROGRID SYSTEM.—The term
15 “hybrid microgrid system” means a stand-alone elec-
16 trical system that—

17 (A) is comprised of conventional generation
18 and at least 1 alternative energy resource; and

19 (B) may use grid-scale energy storage.

20 (2) ISOLATED COMMUNITY.—The term “iso-
21 lated community” means a community that is pow-
22 ered by a stand-alone electric generation and dis-
23 tribution system without the economic and reliability
24 benefits of connection to a regional electric grid.

1 (3) MICROGRID SYSTEM.—The term “microgrid
2 system” means a stand-alone electrical system that
3 uses grid-scale energy storage.

4 (4) STRATEGY.—The term “strategy” means
5 the strategy developed pursuant to subsection
6 (b)(2)(B).

7 (b) PROGRAM.—

8 (1) ESTABLISHMENT.—The Secretary shall es-
9 tablish a program to promote the development of—

10 (A) hybrid microgrid systems for isolated
11 communities; and

12 (B) microgrid systems to increase the resil-
13 ience of critical infrastructure.

14 (2) PHASES.—The program established under
15 paragraph (1) shall be divided into the following
16 phases:

17 (A) Phase I, which shall consist of the de-
18 velopment of a feasibility assessment for—

19 (i) hybrid microgrid systems in iso-
20 lated communities; and

21 (ii) microgrid systems to enhance the
22 resilience of critical infrastructure.

23 (B) Phase II, which shall consist of the de-
24 velopment of an implementation strategy, in ac-
25 cordance with paragraph (3), to promote the

1 development of hybrid microgrid systems for
2 isolated communities, particularly for those
3 communities exposed to extreme weather condi-
4 tions and high energy costs, including elec-
5 tricity, space heating and cooling, and transpor-
6 tation.

7 (C) Phase III, which shall be carried out
8 in parallel with Phase II and consist of the de-
9 velopment of an implementation strategy to
10 promote the development of microgrid systems
11 that increase the resilience of critical infrastruc-
12 ture.

13 (D) Phase IV, which shall consist of cost-
14 shared demonstration projects, based upon the
15 strategies developed under subparagraph (B)
16 that include the development of physical and cy-
17 bersecurity plans to take appropriate measures
18 to protect and secure the electric grid.

19 (E) Phase V, which shall establish a bene-
20 fits analysis plan to help inform regulators, pol-
21 icymakers, and industry stakeholders about the
22 affordability, environmental and resilience bene-
23 fits associated with Phases II, III, and IV.

1 (3) REQUIREMENTS FOR STRATEGY.—In devel-
2 oping the strategy under paragraph (2)(B), the Sec-
3 retary shall consider—

4 (A) establishing future targets for the eco-
5 nomic displacement of conventional generation
6 using hybrid microgrid systems, including dis-
7 placement of conventional generation used for
8 electric power generation, heating and cooling,
9 and transportation;

10 (B) the potential for renewable resources,
11 including wind, solar, and hydropower, to be in-
12 tegrated into a hybrid microgrid system;

13 (C) opportunities for improving the effi-
14 ciency of existing hybrid microgrid systems;

15 (D) the capacity of the local workforce to
16 operate, maintain, and repair a hybrid
17 microgrid system;

18 (E) opportunities to develop the capacity of
19 the local workforce to operate, maintain, and
20 repair a hybrid microgrid system;

21 (F) leveraging existing capacity within
22 local or regional research organizations, such as
23 organizations based at institutions of higher
24 education, to support development of hybrid
25 microgrid systems, including by testing novel

1 components and systems prior to field deploy-
2 ment;

3 (G) the need for basic infrastructure to de-
4 velop, deploy, and sustain a hybrid microgrid
5 system;

6 (H) input of traditional knowledge from
7 local leaders of isolated communities in the de-
8 velopment of a hybrid microgrid system;

9 (I) the impact of hybrid microgrid systems
10 on defense, homeland security, economic devel-
11 opment, and environmental interests;

12 (J) opportunities to leverage existing inter-
13 agency coordination efforts and recommenda-
14 tions for new interagency coordination efforts to
15 minimize unnecessary overhead, mobilization,
16 and other project costs; and

17 (K) any other criteria the Secretary deter-
18 mines appropriate.

19 (c) COLLABORATION.—The program established
20 under subsection (b)(1) shall be carried out in collabora-
21 tion with relevant stakeholders, including, as appro-
22 priate—

23 (1) States;

24 (2) Indian Tribes;

25 (3) regional entities and regulators;

- 1 (4) units of local government;
- 2 (5) institutions of higher education; and
- 3 (6) private sector entities.

4 (d) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and annually thereafter until cal-
6 endar year 2026, the Secretary shall submit to the Com-
7 mittee on Energy and Natural Resources of the Senate
8 and the Committee on Energy and Commerce of the
9 House of Representatives a report on the efforts to imple-
10 ment the program established under subsection (b)(1) and
11 the status of the strategy developed under subsection
12 (b)(2)(B).

13 **SEC. 232. STRATEGIC TRANSFORMER RESERVE PROGRAM.**

14 (a) ESTABLISHMENT.—The Secretary of Energy
15 shall establish a program to reduce the vulnerability of the
16 electric grid to physical attack, cyber attack, electro-
17 magnetic pulse, geomagnetic disturbances, severe weather,
18 climate change, and seismic events, including by—

- 19 (1) ensuring that large power transformers,
20 generator step-up transformers, and other critical
21 electric grid equipment are strategically located to
22 ensure timely replacement of such equipment as may
23 be necessary to restore electric grid function rapidly
24 in the event of severe damage to the electric grid
25 due to physical attack, cyber attack, electromagnetic

1 pulse, geomagnetic disturbances, severe weather, cli-
2 mate change, or seismic events; and

3 (2) establishing a coordinated plan to facilitate
4 transportation of large power transformers and
5 other critical electric grid equipment.

6 (b) TRANSFORMER RESILIENCE AND ADVANCED
7 COMPONENTS PROGRAM.—The program established
8 under subsection (a) shall include implementation of the
9 Transformer Resilience and Advanced Components pro-
10 gram to—

11 (1) improve large power transformers and other
12 critical electric grid equipment by reducing their
13 vulnerabilities; and

14 (2) develop, test, and deploy innovative equip-
15 ment designs that are more flexible and offer greater
16 resiliency of electric grid functions.

17 (c) STRATEGIC EQUIPMENT RESERVES.—

18 (1) AUTHORIZATION.—In carrying out the pro-
19 gram established under subsection (a), the Secretary
20 may establish one or more federally owned strategic
21 equipment reserves, as appropriate, to ensure na-
22 tionwide access to reserve equipment.

23 (2) CONSIDERATION.—In establishing any fed-
24 erally owned strategic equipment reserve, the Sec-
25 retary may consider existing spare transformer and

1 equipment programs and requirements established
2 by the private sector, regional transmission opera-
3 tors, independent system operators, and State regu-
4 latory authorities.

5 (d) CONSULTATION.—The program established under
6 subsection (a) shall be carried out in consultation with the
7 Federal Energy Regulatory Commission, the Electricity
8 Subsector Coordinating Council, the Electric Reliability
9 Organization, and owners and operators of critical electric
10 infrastructure and defense and military installations.

11 (e) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$75,000,000 for each of fiscal years 2022 through 2031.

14 **SEC. 233. DEPARTMENT OF ENERGY SUPPORT TO**
15 **REPOWER COMMUNITIES.**

16 (a) PROGRAM.—The Secretary of Energy shall con-
17 duct a program to provide information and technical as-
18 sistance to State, local, Tribal, and territorial governments
19 and relevant land and infrastructure asset owners, to sup-
20 port the redevelopment of sites that have, or previously
21 had, one or more retired fossil fuel-powered electric gener-
22 ating units, including redevelopment of such sites
23 through—

1 (1) deployment of zero-emissions electricity, in-
2 cluding electricity generated from wind, solar, nu-
3 clear, hydropower, and geothermal energy;

4 (2) deployment of energy storage resources;

5 (3) use of existing and underutilized electric
6 transmission and distribution infrastructure associ-
7 ated with such sites; and

8 (4) economic development opportunities for en-
9 ergy-intensive industries, including data centers.

10 (b) PUBLIC INVENTORY.—In carrying out the pro-
11 gram conducted under subsection (a), the Secretary may
12 inventory and characterize sites described in such sub-
13 section, including the energy and security infrastructure
14 of such sites, and make such inventory and characteriza-
15 tions available to the public.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$10,000,000 for each of fiscal years 2022 through 2031.

19 **SEC. 234. ENVIRONMENTAL PROTECTION AGENCY SUP-**
20 **PORT TO REPOWER COMMUNITIES.**

21 Section 104 of the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9604) is amended by adding at the end the fol-
24 lowing:

1 “(1) REPOWERING COMMUNITIES GRANT PRO-
2 GRAM.—

3 “(1) ESTABLISHMENT.—The Administrator
4 shall establish a program to provide grants to eligi-
5 ble entities to carry out inventory, characterization,
6 assessment, planning, feasibility analysis, design, or
7 remediation activities at sites that have or previously
8 had 1 or more retired fossil fuel-powered electric
9 generating units.

10 “(2) PRIORITIZATION OF GRANTS.—The Ad-
11 ministrator shall prioritize awarding grants to eligi-
12 ble entities who intend to develop or deploy clean en-
13 ergy projects at sites described in paragraph (1).

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

15 “(A) CLEAN ENERGY PROJECT.—The term
16 ‘clean energy project’ means a project that—

17 “(i) is anticipated to generate elec-
18 tricity without emitting greenhouse gases,
19 such as wind, solar, nuclear, hydropower,
20 and geothermal energy; or

21 “(ii) stores energy.

22 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
23 ble entity’ means—

24 “(i) a general purpose unit of local
25 government;

1 “(ii) a land clearance authority or
2 other quasi-governmental entity that oper-
3 ates under the supervision and control of
4 or as an agent of a general purpose unit
5 of local government;

6 “(iii) a government entity created by
7 a State legislature;

8 “(iv) a regional council or group of
9 general purpose units of local government;

10 “(v) a redevelopment agency that is
11 chartered or otherwise sanctioned by a
12 State;

13 “(vi) a State;

14 “(vii) an Indian Tribe other than in
15 Alaska;

16 “(viii) an Alaska Native Regional Cor-
17 poration and an Alaska Native Village Cor-
18 poration as those terms are defined in the
19 Alaska Native Claims Settlement Act and
20 the Metlakatla Indian community;

21 “(ix) an organization described in sec-
22 tion 501(c)(3) of the Internal Revenue
23 Code of 1986 and exempt from taxation
24 under section 501(a) of that Code;

1 “(x) a limited liability corporation in
2 which all managing members are organiza-
3 tions described in clause (ix) or limited li-
4 ability corporations whose sole members
5 are organizations described in clause (ix);

6 “(xi) a limited partnership in which
7 all general partners are organizations de-
8 scribed in clause (ix) or limited liability
9 corporations whose sole members are orga-
10 nizations described in clause (ix); or

11 “(xii) a qualified community develop-
12 ment entity (as defined in section
13 45D(c)(1) of the Internal Revenue Code of
14 1986).

15 “(4) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to carry out
17 this section \$10,000,000, to remain available until
18 expended, for each of fiscal years 2022 through
19 2031.”.

20 **SEC. 235. DAM SAFETY.**

21 (a) DAM SAFETY CONDITIONS.—Section 10 of the
22 Federal Power Act (16 U.S.C. 803) is amended by adding
23 at the end the following:

24 “(k) That the dam and other project works meet the
25 Commission’s dam safety requirements and that the li-

1 licensee shall continue to manage, operate, and maintain
2 the dam and other project works in a manner that ensures
3 dam safety and public safety under the operating condi-
4 tions of the license.”.

5 (b) DAM SAFETY REQUIREMENTS.—Section 15 of
6 the Federal Power Act (16 U.S.C. 808) is amended by
7 adding at the end the following:

8 “(g) The Commission may issue a new license under
9 this section only if the Commission determines that the
10 dam and other project works covered by the license meet
11 the Commission’s dam safety requirements and that the
12 licensee can continue to manage, operate, and maintain
13 the dam and other project works in a manner that ensures
14 dam safety and public safety under the operating condi-
15 tions of the new license.”.

16 (c) VIABILITY PROCEDURES.—The Federal Energy
17 Regulatory Commission shall establish procedures to as-
18 sess the financial viability of an applicant for a license
19 under the Federal Power Act to meet applicable dam safe-
20 ty requirements and to operate the dam and project works
21 under the license.

22 (d) FERC DAM SAFETY TECHNICAL CONFERENCE
23 WITH STATES.—

24 (1) TECHNICAL CONFERENCE.—Not later than
25 April 1, 2022, the Federal Energy Regulatory Com-

1 mission, acting through the Office of Energy
2 Projects, shall hold a technical conference with the
3 States to discuss and provide information on—

4 (A) dam maintenance and repair;

5 (B) Risk Informed Decision Making
6 (RIDM);

7 (C) climate and hydrological regional
8 changes that may affect the structural integrity
9 of dams; and

10 (D) high hazard dams.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this subsection \$1,000,000 for fiscal year 2022.

14 (3) STATE DEFINED.—In this subsection, the
15 term “State” has the meaning given such term in
16 section 3 of the Federal Power Act (16 U.S.C. 796).

17 (e) REQUIRED DAM SAFETY COMMUNICATIONS BE-
18 TWEEN FERC AND STATES.—

19 (1) IN GENERAL.—The Commission, acting
20 through the Office of Energy Projects, shall notify
21 a State within which a project is located when—

22 (A) the Commission issues a finding, fol-
23 lowing a dam safety inspection, that requires
24 the licensee for such project to take actions to

1 repair the dam and other project works that are
2 the subject of such finding;

3 (B) after a period of 5 years starting on
4 the date a finding under subparagraph (A) is
5 issued, the licensee has failed to take actions to
6 repair the dam and other project works, as re-
7 quired by such finding; and

8 (C) the Commission initiates a non-compli-
9 ance proceeding or otherwise takes steps to re-
10 voke a license issued under section 4 of the
11 Federal Power Act (16 U.S.C. 797) due to the
12 failure of a licensee to take actions to repair a
13 dam and other project works.

14 (2) NOTICE UPON REVOCATION, SURRENDER,
15 OR IMPLIED SURRENDER OF A LICENSE.—If the
16 Commission issues an order to revoke a license or
17 approve the surrender or implied surrender of a li-
18 cense under the Federal Power Act (16 U.S.C. 792
19 et seq.), the Commission shall provide to the State
20 within which the project that relates to such license
21 is located—

22 (A) all records pertaining to the structure
23 and operation of the applicable dam and other
24 project works, including, as applicable, any dam
25 safety inspection reports by independent con-

1 sultants, specifications for required repairs or
2 maintenance of such dam and other project
3 works that have not been completed, and esti-
4 mates of the costs for such repairs or mainte-
5 nance;

6 (B) all records documenting the history of
7 maintenance or repair work for the applicable
8 dam and other project works;

9 (C) information on the age of the dam and
10 other project works and the hazard classifica-
11 tion of the dam and other project works;

12 (D) the most recent assessment of the con-
13 dition of the dam and other project works by
14 the Commission;

15 (E) as applicable, the most recent hydro-
16 logic information used to determine the poten-
17 tial maximum flood for the dam and other
18 project works; and

19 (F) the results of the most recent risk as-
20 sessment completed on the dam and other
21 project works.

22 (3) DEFINITION.—In this subsection:

23 (A) COMMISSION.—The term “Commis-
24 sion” means the Federal Energy Regulatory
25 Commission.

1 (B) LICENSEE.—The term “licensee” has
2 the meaning given such term in section 3 of the
3 Federal Power Act (16 U.S.C. 796).

4 (C) PROJECT.—The term “project” has
5 the meaning given such term in section 3 of the
6 Federal Power Act (16 U.S.C. 796).

7 **SEC. 236. CLEAN ENERGY MICROGRID GRANT PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Energy shall es-
9 tablish and carry out a program to provide grants to eligi-
10 ble entities.

11 (b) USE OF FUNDS.—An eligible entity may use a
12 grant provided under the program established pursuant to
13 subsection (a) to—

14 (1) obtain technical assistance to—

15 (A) upgrade building codes and standards
16 for resiliency to climate change hazards (includ-
17 ing wildfires, flooding, sea level rise, landslides,
18 drought, storms, temperature extremes, and
19 other extreme weather events);

20 (B) develop a FEMA Hazard Mitigation
21 Plan to identify and overcome known climate
22 change hazards to critical community infra-
23 structure; or

24 (C) conduct a needs assessment of prospec-
25 tive clean energy microgrid projects and, as ap-

1 plicable, design prospective clean energy
2 microgrids, including assistance to address per-
3 mitting and siting challenges, understand and
4 facilitate financing options, and understand the
5 technical characteristics of clean energy
6 microgrids;

7 (2) provide community outreach and collabo-
8 rative planning with respect to a prospective project
9 described in paragraph (3); or

10 (3) carry out a project to develop and con-
11 struct—

12 (A) a clean energy microgrid that supports
13 critical community infrastructure; or

14 (B) a clean energy microgrid for residences
15 of medical baseline customers.

16 (c) PRIORITY.—

17 (1) IN GENERAL.—In providing grants under
18 the program established pursuant to subsection (a),
19 the Secretary of Energy shall give priority to an eli-
20 gible entity that proposes to use a grant to obtain
21 technical assistance described in subsection (b)(1),
22 provide outreach described in subsection (b)(2), or
23 carry out a project described in subsection (b)(3),
24 that will benefit an environmental justice commu-
25 nity.

1 (2) TECHNICAL ASSISTANCE AND COMMUNITY
2 OUTREACH GRANTS.—After priority given under
3 paragraph (1), in providing grants to obtain tech-
4 nical assistance described in subsection (b)(1) or
5 provide outreach described in subsection (b)(2), the
6 Secretary of Energy shall give priority to an eligible
7 entity proposing to obtain technical assistance or
8 provide outreach that the Secretary of Energy deter-
9 mines will further the development of clean energy
10 microgrids that are community-owned energy sys-
11 tems.

12 (3) CLEAN ENERGY MICROGRID GRANTS.—After
13 priority given under paragraph (1), in providing
14 grants under the program established pursuant to
15 subsection (a) for projects described in subsection
16 (b)(3), the Secretary of Energy shall give priority to
17 an eligible entity that—

18 (A) proposes to develop and construct a
19 clean energy microgrid that, in comparison to
20 other clean energy microgrids for which grants
21 are sought under such program, will result in
22 the greatest reduction—

23 (i) of greenhouse gas emissions;
24 (ii) of emissions of criteria air pollut-
25 ants;

1 (iii) in public health disparities in
2 communities experiencing a dispropor-
3 tionate level of air pollution; or

4 (iv) in the energy cost burden for
5 communities;

6 (B) proposes to develop and construct a
7 clean energy microgrid that is a community-
8 owned energy system;

9 (C) proposes to develop and construct a
10 clean energy microgrid that, in comparison to
11 other clean energy microgrids for which grants
12 are sought under such program, will provide the
13 greatest amount of resiliency benefits to a juris-
14 diction in which the microgrid is located;

15 (D) proposes to develop and construct a
16 clean energy microgrid that minimizes land use
17 impacts by—

18 (i) siting sources of clean energy with-
19 in the already-built environment, including
20 over rooftops and parking lots;

21 (ii) siting sources of clean energy on
22 existing brownfield sites or contaminated
23 sites;

1 (iii) co-locating sources of clean en-
2 ergy on agricultural lands or over res-
3 ervoires; or

4 (iv) siting sources of clean energy on
5 compatible lands;

6 (E) proposes to, in developing and con-
7 structing a clean energy microgrid, utilize or in-
8 volve small businesses or nonprofits that pri-
9 marily operate or are located within environ-
10 mental justice communities, particularly those
11 that are women-owned and operated or minor-
12 ity-owned and operated;

13 (F) has previously received a grant to ob-
14 tain technical assistance under such program;

15 (G) imposes registered apprentice utiliza-
16 tion requirements on projects, provided that
17 such requirements comply with the apprentice
18 to journey worker ratios established by the De-
19 partment of Labor or the applicable State Ap-
20 prenticeship Agency; or

21 (H) proposes to develop and construct a
22 clean energy microgrid in an area designated
23 nonattainment and classified as an Extreme
24 Area or Severe Area for one or more criteria air
25 pollutants.

1 (d) EDUCATIONAL OUTREACH PROGRAM.—

2 (1) IN GENERAL.—Not later than 90 days after
3 funds are made available to carry out this section,
4 the Secretary of Energy shall develop and carry out
5 an educational outreach program to inform eligible
6 entities about the program established pursuant to
7 subsection (a).

8 (2) CONTRACTS.—The Secretary of Energy
9 may enter into third-party contracts to implement
10 the educational outreach program under paragraph
11 (1). In entering into contracts pursuant to this para-
12 graph, the Secretary shall prioritize entering into
13 contracts with women-owned and operated or minor-
14 ity-owned and operated entities.

15 (3) PRIORITY.—The educational outreach pro-
16 gram under paragraph (1) shall prioritize—

17 (A) providing information on the program
18 established pursuant to subsection (a) to eligi-
19 ble entities that serve an environmental justice
20 community and to environmental justice com-
21 munities; and

22 (B) promoting public understanding of the
23 community benefits of clean energy microgrids
24 for critical community infrastructure.

25 (e) COST SHARE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share of the cost of technical
3 assistance, outreach, or a project for which a grant
4 is provided pursuant to the program established pur-
5 suant to subsection (a) shall not exceed 60 percent
6 of such cost.

7 (2) ENVIRONMENTAL JUSTICE COMMUNITY.—
8 The Federal share of the cost of technical assistance
9 that is obtained for, outreach that is provided to, or
10 a project that is carried out in, an environmental
11 justice community, and for which a grant is provided
12 pursuant to the program established pursuant to
13 subsection (a) shall not exceed 90 percent of such
14 cost.

15 (f) LIMITATION ON AMOUNT.—The amount of a
16 grant provided to an eligible entity under this section to
17 carry out a project described in subsection (b)(3) may not
18 exceed \$10,000,000.

19 (g) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
20 TURED GOODS.—

21 (1) No funds authorized under this section shall
22 be made available with respect to a project unless all
23 of the iron, steel, and manufactured goods used in
24 the project are produced in the United States.

1 (2) Paragraph (1) shall not apply in any case
2 or category of cases in which the Secretary of En-
3 ergy finds that—

4 (A) applying paragraph (1) would be in-
5 consistent with the public interest;

6 (B) iron, steel, and the relevant manufac-
7 tured goods are not produced in the United
8 States in sufficient and reasonably available
9 quantities and of a satisfactory quality; or

10 (C) inclusion of iron, steel, and manufac-
11 tured goods produced in the United States will
12 increase the cost of the overall project by more
13 than 25 percent.

14 (3) If the Secretary of Energy receives a re-
15 quest for a waiver under this subsection, the Sec-
16 retary shall make available to the public on an infor-
17 mal basis a copy of the request and information
18 available to the Secretary concerning the request,
19 and shall allow for informal public input on the re-
20 quest for at least 15 days prior to making a finding
21 based on the request. The Secretary shall make the
22 request and accompanying information available by
23 electronic means, including on the official public
24 website of the Department of Energy.

1 (4) This subsection shall be applied in a man-
2 ner consistent with the United States obligations
3 under international agreements.

4 (h) PREVAILING WAGES.—All laborers and mechan-
5 ics employed by contractors or subcontractors in the per-
6 formance of construction, alteration, or repair work as-
7 sisted, in whole or in part, by a grant under this section
8 shall be paid wages at rates not less than those prevailing
9 on similar construction in the locality as determined by
10 the Secretary of Labor in accordance with subchapter IV
11 of chapter 31 of title 40, United States Code. With respect
12 to the labor standards in this subsection, the Secretary
13 of Labor shall have the authority and functions set forth
14 in Reorganization Plan Numbered 14 of 1950 (64 Stat.
15 1267; 5 U.S.C. App.) and section 3145 of title 40, United
16 States Code.

17 (i) PROJECT LABOR.—An eligible entity that uses a
18 grant provided under this section to construct a clean en-
19 ergy microgrid shall ensure, to the greatest extent prac-
20 ticable, that any subgrantee of such eligible entity, and
21 any subgrantee thereof, that carries out such construction
22 employs at least 40 percent of laborers or mechanics for
23 such construction that are individuals who—

24 (1) are domiciled, if the applicable construction
25 area is—

1 (A) a major urban area, not further than
2 15 miles from such construction area; or

3 (B) not a major urban area, not further
4 than 50 miles from such construction area;

5 (2) are displaced and unemployed energy work-
6 ers;

7 (3) are members of the Armed Forces serving
8 on active duty, separated from active duty, or retired
9 from active duty;

10 (4) have been incarcerated or served time in a
11 juvenile or adult detention or correctional facility, or
12 been placed on probation, community supervision, or
13 in a diversion scheme;

14 (5) have a disability;

15 (6) are homeless;

16 (7) are receiving public assistance;

17 (8) lack a general education diploma or high
18 school diploma;

19 (9) are emancipated from the foster care sys-
20 tem;

21 (10) reside or work in an environmental justice
22 community; or

23 (11) are registered apprentices with fewer than
24 15 percent of the required graduating apprentice
25 hours in a program.

1 (j) REPORTS.—The Secretary of Energy shall submit
2 to Congress, and make available on the public website of
3 the Department of Energy, an annual report on the pro-
4 gram established pursuant to subsection (a) that includes,
5 with respect to the previous year—

6 (1) the number of grants provided;

7 (2) the total dollar amount of all grants pro-
8 vided;

9 (3) a list of grant disbursements by State;

10 (4) for each grant provided—

11 (A) a description of the technical assist-
12 ance obtained, outreach provided, or project
13 carried out with grants funds; and

14 (B) whether the grant is provided to obtain
15 technical assistance, provide outreach, or carry
16 out a project with respect to an environmental
17 justice community; and

18 (5) for each grant provided to carry out a clean
19 energy microgrid project—

20 (A) employment data for such project, in-
21 cluding the number of jobs created and what
22 percent of laborers and mechanics hired for
23 such project meet the criteria under subsection
24 (i);

1 (B) the greenhouse gas and criteria air
2 pollutant reduction impacts for such project;

3 (C) the public health benefits from such
4 project; and

5 (D) the reduced energy cost burden from
6 such project.

7 (k) FUNDING.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—For
9 each of fiscal years 2022 through 2031, there is au-
10 thorized to be appropriated—

11 (A) \$50,000,000 for grants for technical
12 assistance described in subsection (b)(1) and
13 outreach described in subsection (b)(2); and

14 (B) \$1,500,000,000 for grants for projects
15 described in subsection (b)(3).

16 (2) COMMUNITY-OWNED ENERGY SYSTEMS.—

17 To the maximum extent practicable, not less than 10
18 percent of the amount appropriated under para-
19 graph (1)(B) for any fiscal year shall be used to pro-
20 vide grants for projects to develop and construct
21 clean energy microgrids that are community-owned
22 energy systems.

23 (3) ADMINISTRATIVE EXPENSES.—

24 (A) TECHNICAL ASSISTANCE AND OUT-
25 REACH.—The Secretary may use not more than

1 2 percent of the amount appropriated for any
2 fiscal year under paragraph (1)(A) for adminis-
3 trative expenses.

4 (B) CLEAN ENERGY MICROGRID
5 PROJECTS.—The Secretary may use not more
6 than 2 percent of the amount appropriated for
7 any fiscal year under paragraph (1)(B) for ad-
8 ministrative expenses, including expenses for
9 carrying out the educational outreach program
10 under subsection (d).

11 (l) DEFINITIONS.—In this section:

12 (1) CLEAN ENERGY.—The term “clean energy”
13 means electric energy generated from solar, wind,
14 geothermal, existing hydropower, micro-hydropower,
15 hydrokinetic, or hydrogen fuel cells.

16 (2) COMMUNITY OF COLOR.—The term “com-
17 munity of color” has the meaning given that term in
18 section 601.

19 (3) COMMUNITY-OWNED ENERGY SYSTEM.—
20 The term “community-owned energy system” means
21 an energy system owned—

22 (A) by the local government where the sys-
23 tem is located;

1 (B) by a nonprofit organization that is
2 based in the local jurisdiction where the energy
3 system is located;

4 (C) collectively, by community members; or

5 (D) by a worker-owned or community-
6 owned for-profit entity.

7 (4) COMPATIBLE LAND.—The term “compatible
8 land” means land that is at least 5 miles away from
9 existing protected areas and within 3 miles of exist-
10 ing transmission infrastructure.

11 (5) CRITICAL COMMUNITY INFRASTRUCTURE.—
12 The term “critical community infrastructure” means
13 infrastructure that is necessary to providing vital
14 community and individual functions, including—

15 (A) schools;

16 (B) town halls;

17 (C) public safety facilities;

18 (D) hospitals;

19 (E) health clinics;

20 (F) community centers;

21 (G) community nonprofit facilities pro-
22 viding essential services;

23 (H) libraries;

24 (I) grocery stores;

25 (J) emergency management facilities;

- 1 (K) water systems;
2 (L) homeless shelters;
3 (M) senior housing; and
4 (N) public or affordable housing.

5 (6) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a State, territory of the United States,
8 or Tribal agency;

9 (B) a local government or political subdivi-
10 sion of a State, including a municipally owned
11 electric utility and an agency, authority, cor-
12 poration, or instrumentality of a State or In-
13 dian Tribe;

14 (C) an electric utility;

15 (D) a nonprofit organization; or

16 (E) a partnership between—

17 (i) a private entity, or a nonprofit or-
18 ganization, that owns critical community
19 infrastructure; and

20 (ii) a State, territory of the United
21 States, Tribal agency, or local government.

22 (7) ENVIRONMENTAL JUSTICE COMMUNITY.—
23 The term “environmental justice community” has
24 the meaning given that term in section 601.

1 (8) LOW-INCOME COMMUNITY.—The term “low-
2 income community” means any census block group
3 in which 30 percent or more of the population are
4 individuals with an annual household income equal
5 to, or less than, the greater of—

6 (A) an amount equal to 80 percent of the
7 median income of the area in which the house-
8 hold is located, as reported by the Department
9 of Housing and Urban Development; and

10 (B) 200 percent of the Federal poverty
11 line.

12 (9) MAJOR URBAN AREA.—The term “major
13 urban area” means a metropolitan statistical area
14 within the United States with an estimated popu-
15 lation that is greater than or equal to 1,500,000.

16 (10) MEDICAL BASELINE CUSTOMER.—The
17 term “medical baseline customer” means a customer
18 of an electric utility with special energy needs due
19 to a medical condition, including energy needs for—

20 (A) a motorized wheelchair;

21 (B) a ventilator;

22 (C) a dialysis machine;

23 (D) an apnea monitor;

24 (E) an electrostatic nebulizer;

25 (F) a respirator;

1 (G) medication requiring refrigeration; and

2 (H) for a customer with a vulnerable res-
3 piratory system, an air cleaning system.

4 (11) MICROGRID.—The term “microgrid”
5 means an interconnected system of loads and clean
6 energy resources (including distributed energy re-
7 sources, energy storage, demand response tools, and
8 other management, forecasting, and analytical tools)
9 which—

10 (A) is appropriately sized to meet the crit-
11 ical needs of its customers;

12 (B) is contained within a clearly defined
13 electrical boundary and has the ability to oper-
14 ate as a single and controllable entity;

15 (C) has the ability to—

16 (i) connect to, disconnect from, or run
17 in parallel with the applicable grid region;
18 or

19 (ii) be managed and isolated from the
20 applicable grid region in order to withstand
21 larger disturbances and maintain the sup-
22 ply of electricity to a connected location;

23 (D) has no point of interconnection to the
24 applicable grid region with a throughput capac-
25 ity in excess of 20 megawatts; and

1 (E) can connect to one building or multiple
2 interconnected buildings.

3 (12) MICRO-HYDROPOWER.—The term “micro-
4 hydropower” means hydropower that produces no
5 more than 100 kilowatts of electricity using the nat-
6 ural flow of water.

7 (13) PRODUCED IN THE UNITED STATES.—The
8 term “produced in the United States” means, in the
9 case of iron or steel, that all manufacturing proc-
10 esses, including the application of a coating, occur in
11 the United States.

12 (14) REGISTERED APPRENTICE.—The term
13 “registered apprentice” means a person in an ap-
14 prenticeship program that is registered with, and ap-
15 proved by, the United States Department of Labor
16 or a State Apprenticeship Agency in accordance with
17 parts 29 and 30 of title 29, Code of Federal Regula-
18 tions (as in effect on January 1, 2020).

19 (15) SMALL BUSINESS.—The term “small busi-
20 ness” has the meaning given the term “small busi-
21 ness concern” under section 3 of the Small Business
22 Act (15 U.S.C. 632).

23 (16) TRIBAL AND INDIGENOUS COMMUNITY.—
24 The term “Tribal and indigenous community”
25 means a population of people who are members of—

- 1 (A) a federally recognized Indian Tribe;
2 (B) a State-recognized Indian Tribe;
3 (C) an Alaska Native or Native Hawaiian
4 community or organization; or
5 (D) any other community of indigenous
6 people located in a State.

7 **Subtitle E—Clean Electricity**
8 **Generation**

9 **SEC. 241. DISTRIBUTED ENERGY RESOURCES.**

10 (a) DEFINITIONS.—In this section:

11 (1) COMBINED HEAT AND POWER SYSTEM.—

12 The term “combined heat and power system” means
13 generation of electric energy and heat in a single, in-
14 tegrated system that meets the efficiency criteria in
15 clauses (ii) and (iii) of section 48(c)(3)(A) of the In-
16 ternal Revenue Code of 1986, under which heat that
17 is conventionally rejected is recovered and used to
18 meet thermal energy requirements.

19 (2) DEMAND RESPONSE.—The term “demand
20 response” means changes in electric usage by elec-
21 tric utility customers from the normal consumption
22 patterns of the customers in response to—

23 (A) changes in the price of electricity over
24 time; or

1 (B) incentive payments designed to induce
2 lower electricity use at times of high wholesale
3 market prices or when system reliability is jeop-
4 ardized.

5 (3) DISTRIBUTED ENERGY.—The term “distrib-
6 uted energy” means energy sources and systems
7 that—

8 (A) produce electric or thermal energy
9 close to the point of use using renewable energy
10 resources or waste thermal energy;

11 (B) generate electricity using a combined
12 heat and power system;

13 (C) distribute electricity in microgrids;

14 (D) store electric or thermal energy; or

15 (E) distribute thermal energy or transfer
16 thermal energy to building heating and cooling
17 systems through a district energy system.

18 (4) DISTRICT ENERGY SYSTEM.—The term
19 “district energy system” means a system that pro-
20 vides thermal energy to buildings and other energy
21 consumers from one or more plants to individual
22 buildings to provide space heating, air conditioning,
23 domestic hot water, industrial process energy, and
24 other end uses.

1 (5) ISLANDING.—The term “islanding” means
2 a distributed generator or energy storage device con-
3 tinuing to power a location in the absence of electric
4 power from the primary source.

5 (6) LOAN.—The term “loan” has the meaning
6 given the term “direct loan” in section 502 of the
7 Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

8 (7) MICROGRID.—The term “microgrid” means
9 an integrated energy system consisting of inter-
10 connected loads and distributed energy resources, in-
11 cluding generators and energy storage devices, with-
12 in clearly defined electrical boundaries that—

13 (A) acts as a single controllable entity with
14 respect to the grid; and

15 (B) can connect and disconnect from the
16 grid to operate in both grid-connected mode
17 and island mode.

18 (8) RENEWABLE ENERGY RESOURCE.—The
19 term “renewable energy resource” includes—

20 (A) biomass;

21 (B) geothermal energy;

22 (C) hydropower;

23 (D) landfill gas;

24 (E) municipal solid waste;

- 1 (F) ocean (including tidal, wave, current,
2 and thermal) energy;
3 (G) organic waste;
4 (H) photosynthetic processes;
5 (I) photovoltaic energy;
6 (J) solar energy; and
7 (K) wind.

8 (9) RENEWABLE THERMAL ENERGY.—The term
9 “renewable thermal energy” means heating or cool-
10 ing energy derived from a renewable energy re-
11 source.

12 (10) SECRETARY.—The term “Secretary”
13 means the Secretary of Energy.

14 (11) THERMAL ENERGY.—The term “thermal
15 energy” means—

16 (A) heating energy in the form of hot
17 water or steam that is used to provide space
18 heating, domestic hot water, or process heat; or

19 (B) cooling energy in the form of chilled
20 water, ice, or other media that is used to pro-
21 vide air conditioning, or process cooling.

22 (12) WASTE THERMAL ENERGY.—The term
23 “waste thermal energy” means energy that—

24 (A) is contained in—

1 (i) exhaust gases, exhaust steam, con-
2 denser water, jacket cooling heat, or lubri-
3 cating oil in power generation systems;

4 (ii) exhaust heat, hot liquids, or flared
5 gas from any industrial process;

6 (iii) waste gas or industrial tail gas
7 that would otherwise be flared, incinerated,
8 or vented;

9 (iv) a pressure drop in any gas, ex-
10 cluding any pressure drop to a condenser
11 that subsequently vents the resulting heat;

12 (v) condenser water from chilled water
13 or refrigeration plants; or

14 (vi) any other form of waste energy,
15 as determined by the Secretary; and

16 (B)(i) in the case of an existing facility, is
17 not being used; or

18 (ii) in the case of a new facility, is not con-
19 ventionally used in comparable systems.

20 (b) DISTRIBUTED ENERGY LOAN PROGRAM.—

21 (1) LOAN PROGRAM.—

22 (A) IN GENERAL.—Subject to the provi-
23 sions of this paragraph and paragraphs (2) and
24 (3), the Secretary shall establish a program to
25 provide to eligible entities—

1 (i) loans for the deployment of distrib-
2 uted energy systems in a specific project;
3 and

4 (ii) loans to provide funding for pro-
5 grams to finance the deployment of mul-
6 tiple distributed energy systems through a
7 revolving loan fund, credit enhancement
8 program, or other financial assistance pro-
9 gram.

10 (B) ELIGIBILITY.—Entities eligible to re-
11 ceive a loan under subparagraph (A) include—

12 (i) a State, territory, or possession of
13 the United States;

14 (ii) a State energy office;

15 (iii) a tribal organization (as defined
16 in section 4 of the Indian Self-Determina-
17 tion and Education Assistance Act (25
18 U.S.C. 5304));

19 (iv) an institution of higher education
20 (as defined in section 101 of the Higher
21 Education Act of 1965 (20 U.S.C. 1001));
22 and

23 (v) an electric utility, including—

24 (I) a rural electric cooperative;

1 (II) a municipally owned electric
2 utility; and

3 (III) an investor-owned utility.

4 (C) SELECTION REQUIREMENTS.—In se-
5 lecting eligible entities to receive loans under
6 this subsection, the Secretary shall, to the max-
7 imum extent practicable, ensure—

8 (i) regional diversity among eligible
9 entities to receive loans under this section,
10 including participation by rural States and
11 small States; and

12 (ii) that specific projects selected for
13 loans—

14 (I) expand on the existing tech-
15 nology deployment program of the De-
16 partment of Energy; and

17 (II) are designed to achieve one
18 or more of the objectives described in
19 subparagraph (D).

20 (D) OBJECTIVES.—Each deployment se-
21 lected for a loan under subparagraph (A) shall
22 promote one or more of the following objectives:

23 (i) Improved security and resiliency of
24 energy supply in the event of disruptions
25 caused by extreme weather events, grid

1 equipment or software failure, or terrorist
2 acts.

3 (ii) Implementation of distributed en-
4 ergy in order to increase use of local re-
5 newable energy resources and waste ther-
6 mal energy sources.

7 (iii) Enhanced feasibility of
8 microgrids, demand response, or islanding.

9 (iv) Enhanced management of peak
10 loads for consumers and the grid.

11 (v) Enhanced reliability in rural areas,
12 including high energy cost rural areas.

13 (E) RESTRICTIONS ON USE OF FUNDS.—

14 Any eligible entity that receives a loan under
15 subparagraph (A) may only use the loan to
16 fund programs relating to the deployment of
17 distributed energy systems.

18 (2) LOAN TERMS AND CONDITIONS.—

19 (A) TERMS AND CONDITIONS.—Notwith-
20 standing any other provision of law, in pro-
21 viding a loan under this subsection, the Sec-
22 retary shall provide the loan on such terms and
23 conditions as the Secretary determines, after
24 consultation with the Secretary of the Treasury,
25 in accordance with this subsection.

1 (B) SPECIFIC APPROPRIATION.—No loan
2 shall be made unless an appropriation for the
3 full amount of the loan has been specifically
4 provided for that purpose.

5 (C) REPAYMENT.—No loan shall be made
6 unless the Secretary determines that there is
7 reasonable prospect of repayment of the prin-
8 cipal and interest by the borrower of the loan.

9 (D) INTEREST RATE.—A loan provided
10 under this section shall bear interest at a fixed
11 rate that is equal or approximately equal, in the
12 determination of the Secretary, to the interest
13 rate for Treasury securities of comparable ma-
14 turity.

15 (E) TERM.—The term of the loan shall re-
16 quire full repayment over a period not to exceed
17 the lesser of—

18 (i) 20 years; or

19 (ii) 90 percent of the projected useful
20 life of the physical asset to be financed by
21 the loan (as determined by the Secretary).

22 (F) USE OF PAYMENTS.—Payments of
23 principal and interest on the loan shall—

1 (i) be retained by the Secretary to
2 support energy research and development
3 activities; and

4 (ii) remain available until expended,
5 subject to such conditions as are contained
6 in annual appropriations Acts.

7 (G) NO PENALTY ON EARLY REPAY-
8 MENT.—The Secretary may not assess any pen-
9 alty for early repayment of a loan provided
10 under this subsection.

11 (H) RETURN OF UNUSED PORTION.—In
12 order to receive a loan under this subsection, an
13 eligible entity shall agree to return to the gen-
14 eral fund of the Treasury any portion of the
15 loan amount that is unused by the eligible enti-
16 ty within a reasonable period of time after the
17 date of the disbursement of the loan, as deter-
18 mined by the Secretary.

19 (I) COMPARABLE WAGE RATES.—Each la-
20 borer and mechanic employed by a contractor
21 or subcontractor in performance of construction
22 work financed, in whole or in part, by the loan
23 shall be paid wages at rates not less than the
24 rates prevailing on similar construction in the
25 locality as determined by the Secretary of

1 Labor in accordance with subchapter IV of
2 chapter 31 of title 40, United States Code.

3 (3) RULES AND PROCEDURES; DISBURSEMENT
4 OF LOANS.—

5 (A) RULES AND PROCEDURES.—Not later
6 than 180 days after the date of enactment of
7 this Act, the Secretary shall adopt rules and
8 procedures for carrying out the loan program
9 under paragraph (1).

10 (B) DISBURSEMENT OF LOANS.—Not later
11 than 1 year after the date on which the rules
12 and procedures under subparagraph (A) are es-
13 tablished, the Secretary shall disburse the ini-
14 tial loans provided under this subsection.

15 (4) REPORTS.—Not later than 2 years after the
16 date of receipt of the loan, and annually thereafter
17 for the term of the loan, an eligible entity that re-
18 ceives a loan under this subsection shall submit to
19 the Secretary a report describing the performance of
20 each program and activity carried out using the
21 loan, including itemized loan performance data.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection such sums as are necessary.

1 (c) TECHNICAL ASSISTANCE AND GRANT PRO-
2 GRAM.—

3 (1) ESTABLISHMENT.—

4 (A) IN GENERAL.—The Secretary shall es-
5 tablish a technical assistance and grant pro-
6 gram (referred to in this subsection as the
7 “program”)—

8 (i) to disseminate information and
9 provide technical assistance directly to eli-
10 gible entities so the eligible entities can
11 identify, evaluate, plan, and design distrib-
12 uted energy systems; and

13 (ii) to make grants to eligible entities
14 so that the eligible entities may contract to
15 obtain technical assistance to identify,
16 evaluate, plan, and design distributed en-
17 ergy systems.

18 (B) TECHNICAL ASSISTANCE.—The tech-
19 nical assistance described in subparagraph (A)
20 shall include assistance with one or more of the
21 following activities relating to distributed en-
22 ergy systems:

23 (i) Identification of opportunities to
24 use distributed energy systems.

1 (ii) Assessment of technical and eco-
2 nomic characteristics.

3 (iii) Utility interconnection.

4 (iv) Permitting and siting issues.

5 (v) Business planning and financial
6 analysis.

7 (vi) Engineering design.

8 (C) INFORMATION DISSEMINATION.—The
9 information disseminated under subparagraph
10 (A)(i) shall include—

11 (i) information relating to the topics
12 described in subparagraph (B), including
13 case studies of successful examples;

14 (ii) computer software and databases
15 for assessment, design, and operation and
16 maintenance of distributed energy systems;
17 and

18 (iii) public databases that track the
19 operation and deployment of existing and
20 planned distributed energy systems.

21 (2) ELIGIBILITY.—Any nonprofit or for-profit
22 entity shall be eligible to receive technical assistance
23 and grants under the program.

24 (3) APPLICATIONS.—

1 (A) IN GENERAL.—An eligible entity desir-
2 ing technical assistance or grants under the
3 program shall submit to the Secretary an appli-
4 cation at such time, in such manner, and con-
5 taining such information as the Secretary may
6 require.

7 (B) APPLICATION PROCESS.—The Sec-
8 retary shall seek applications for technical as-
9 sistance and grants under the program—

10 (i) on a competitive basis; and

11 (ii) on a periodic basis, but not less
12 frequently than once every 12 months.

13 (C) PRIORITIES.—In selecting eligible enti-
14 ties for technical assistance and grants under
15 the program, the Secretary shall give priority to
16 eligible entities with projects that have the
17 greatest potential for—

18 (i) facilitating the use of renewable
19 energy resources;

20 (ii) strengthening the reliability and
21 resiliency of energy infrastructure to the
22 impact of extreme weather events, power
23 grid failures, and interruptions in supply
24 of fossil fuels;

1 (iii) improving the feasibility of
2 microgrids or islanding, particularly in
3 rural areas, including high energy cost
4 rural areas;

5 (iv) minimizing environmental impact,
6 including regulated air pollutants and
7 greenhouse gas emissions; and

8 (v) maximizing local job creation.

9 (4) GRANTS.—On application by an eligible en-
10 tity, the Secretary may award grants to the eligible
11 entity to provide funds to cover not more than—

12 (A) 100 percent of the costs of the initial
13 assessment to identify opportunities;

14 (B) 75 percent of the cost of feasibility
15 studies to assess the potential for the imple-
16 mentation;

17 (C) 60 percent of the cost of guidance on
18 overcoming barriers to implementation, includ-
19 ing financial, contracting, siting, and permitting
20 issues; and

21 (D) 45 percent of the cost of detailed engi-
22 neering.

23 (5) RULES AND PROCEDURES.—

24 (A) RULES.—Not later than 180 days
25 after the date of enactment of this Act, the Sec-

1 retary shall adopt rules and procedures for car-
2 rying out the program.

3 (B) GRANTS.—Not later than 120 days
4 after the date of issuance of the rules and pro-
5 cedures for the program, the Secretary shall
6 issue grants under this subsection.

7 (6) REPORTS.—The Secretary shall submit to
8 Congress and make available to the public—

9 (A) not less frequently than once every 2
10 years, a report describing the performance of
11 the program under this subsection, including a
12 synthesis and analysis of the information pro-
13 vided in the reports submitted to the Secretary
14 under subsection (b)(4); and

15 (B) on termination of the program under
16 this subsection, an assessment of the success of,
17 and education provided by, the measures car-
18 ried out by eligible entities during the term of
19 the program.

20 (7) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to carry out
22 this subsection \$250,000,000 for the period of fiscal
23 years 2022 through 2031, to remain available until
24 expended.

1 **SEC. 242. GRANT PROGRAM FOR SOLAR INSTALLATIONS**
2 **LOCATED IN, OR THAT SERVE, LOW-INCOME**
3 **AND UNDERSERVED AREAS.**

4 (a) DEFINITIONS.—In this section:

5 (1) BENEFICIARY.—The term “beneficiary”
6 means a low-income household or a low-income
7 household in an underserved area.

8 (2) COMMUNITY SOLAR FACILITY.—The term
9 “community solar facility” means a solar generating
10 facility that—

11 (A) through a voluntary program, has mul-
12 tiple subscribers that receive financial benefits
13 that are directly attributable to the facility;

14 (B) has a nameplate rating of 5 megawatts
15 AC or less; and

16 (C) is located in the utility distribution
17 service territory of subscribers.

18 (3) COMMUNITY SOLAR SUBSCRIPTION.—The
19 term “community solar subscription” means a share
20 in the capacity, or a proportional interest in the elec-
21 tricity generation, of a community solar facility.

22 (4) COVERED FACILITY.—The term “covered
23 facility” means—

24 (A) a community solar facility—

25 (i) that is located in an underserved
26 area; or

1 (ii) at least 50 percent of the capacity
2 of which is reserved for low-income house-
3 holds;

4 (B) a solar generating facility located at a
5 residence of a low-income household; or

6 (C) a solar generating facility located at a
7 multi-family affordable housing complex.

8 (5) COVERED STATE.—The term “covered
9 State” means a State with processes in place to en-
10 sure that covered facilities deliver financial benefits
11 to low-income households.

12 (6) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) a nonprofit organization that provides
15 services to low-income households or multi-fam-
16 ily affordable housing complexes;

17 (B) a developer, owner, or operator of a
18 community solar facility that reserves a portion
19 of the capacity of the facility for subscribers
20 who are members of low-income households or
21 for low-income households that otherwise finan-
22 cially benefit from the facility;

23 (C) a covered State, or political subdivision
24 thereof;

1 (D) an Indian Tribe or a tribally owned
2 electric utility;

3 (E) a Native Hawaiian community-based
4 organization;

5 (F) any other national or regional entity
6 that has experience developing or installing
7 solar generating facilities for low-income house-
8 holds that maximize financial benefits to those
9 households; and

10 (G) an electric cooperative or municipal
11 electric utility (as such terms are defined in sec-
12 tion 3 of the Federal Power Act).

13 (7) ELIGIBLE INSTALLATION PROJECT.—The
14 term “eligible installation project” means a project
15 to install a covered facility in a covered State.

16 (8) ELIGIBLE PLANNING PROJECT.—The term
17 “eligible planning project” means a project to carry
18 out pre-installation activities for the development of
19 a covered facility in a covered State.

20 (9) ELIGIBLE PROJECT.—The term “eligible
21 project” means—

22 (A) an eligible planning project; or

23 (B) an eligible installation project.

24 (10) FEASIBILITY STUDY.—The term “feasi-
25 bility study” means any activity to determine the

1 feasibility of a specific solar generating facility, in-
2 cluding a customer interest assessment and a siting
3 assessment, as determined by the Secretary.

4 (11) INDIAN TRIBE.—The term “Indian Tribe”
5 means any Indian Tribe, band, nation, or other or-
6 ganized group or community, including any Alaska
7 Native village, Regional Corporation, or Village Cor-
8 poration (as defined in, or established pursuant to,
9 the Alaska Native Claims Settlement Act (43 U.S.C.
10 1601 et seq.)), that is recognized as eligible for the
11 special programs and services provided by the
12 United States to Indians because of their status as
13 Indians.

14 (12) INTERCONNECTION SERVICE.—The term
15 “interconnection service” has the meaning given
16 such term in section 111(d)(15) of the Public Utility
17 Regulatory Policies Act of 1978 (16 U.S.C.
18 2621(d)(15)).

19 (13) LOW-INCOME HOUSEHOLD.—The term
20 “low-income household” means that income in rela-
21 tion to family size which—

22 (A) is at or below 200 percent of the pov-
23 erty level determined in accordance with criteria
24 established by the Director of the Office of
25 Management and Budget, except that the Sec-

1 retary may establish a higher level if the Sec-
2 retary determines that such a higher level is
3 necessary to carry out the purposes of this sec-
4 tion;

5 (B) is the basis on which cash assistance
6 payments have been paid during the preceding
7 12-month period under titles IV and XVI of the
8 Social Security Act (42 U.S.C. 601 et seq.,
9 1381 et seq.) or applicable State or local law;
10 or

11 (C) if a State elects, is the basis for eligi-
12 bility for assistance under the Low-Income
13 Home Energy Assistance Act of 1981 (42
14 U.S.C. 8621 et seq.), provided that such basis
15 is at least 200 percent of the poverty level de-
16 termined in accordance with criteria established
17 by the Director of the Office of Management
18 and Budget.

19 (14) MULTI-FAMILY AFFORDABLE HOUSING
20 COMPLEX.—The term “multi-family affordable hous-
21 ing complex” means any federally subsidized afford-
22 able housing complex in which at least 50 percent of
23 the units are reserved for low-income households.

24 (15) NATIVE HAWAIIAN COMMUNITY-BASED OR-
25 GANIZATION.—The term “Native Hawaiian commu-

1 nity-based organization” means any organization
2 that is composed primarily of Native Hawaiians
3 from a specific community and that assists in the
4 social, cultural, and educational development of Na-
5 tive Hawaiians in that community.

6 (16) PROGRAM.—The term “program” means
7 the program established under subsection (b).

8 (17) SECRETARY.—The term “Secretary”
9 means the Secretary of Energy.

10 (18) SOLAR GENERATING FACILITY.—The term
11 “solar generating facility” means—

12 (A) a generator that creates electricity
13 from light photons; and

14 (B) the accompanying hardware enabling
15 that electricity to flow—

16 (i) onto the electric grid;

17 (ii) into a facility or structure; or

18 (iii) into an energy storage device.

19 (19) STATE.—The term “State” means each of
20 the 50 States, the District of Columbia, Guam, the
21 Commonwealth of Puerto Rico, the Northern Mar-
22 iana Islands, the Virgin Islands, and American
23 Samoa.

24 (20) SUBSCRIBER.—The term “subscriber”
25 means a person who—

1 (A) owns a community solar subscription,
2 or an equivalent unit or share of the capacity
3 or generation of a community solar facility; or

4 (B) financially benefits from a community
5 solar facility, even if the person does not own
6 a community solar subscription for the facility.

7 (21) UNDERSERVED AREA.—The term “under-
8 served area” means—

9 (A) a geographical area with low or no
10 photovoltaic solar deployment, as determined by
11 the Secretary;

12 (B) a geographical area that has low or no
13 access to electricity, as determined by the Sec-
14 retary;

15 (C) a geographical area with an average
16 annual residential retail electricity price that
17 exceeds the national average annual residential
18 retail electricity price (as reported by the En-
19 ergy Information Agency) by 50 percent or
20 more; or

21 (D) trust land, as defined in section 3765
22 of title 38, United States Code.

23 (b) ESTABLISHMENT.—The Secretary shall establish
24 a program to provide financial assistance to eligible enti-
25 ties to—

1 (1) carry out planning projects that are nec-
2 essary to establish the feasibility, obtain required
3 permits, identify beneficiaries, or secure subscribers
4 to install a covered facility; or

5 (2) install a covered facility for beneficiaries in
6 accordance with this section.

7 (c) APPLICATIONS.—

8 (1) IN GENERAL.—To be eligible to receive as-
9 sistance under the program, an eligible entity shall
10 submit to the Secretary an application at such time,
11 in such manner, and containing such information as
12 the Secretary may require.

13 (2) INCLUSION FOR INSTALLATION ASSIST-
14 ANCE.—

15 (A) REQUIREMENTS.—For an eligible enti-
16 ty to receive assistance for a project to install
17 a covered facility, the Secretary shall require
18 the eligible entity to include—

19 (i) information in the application that
20 is sufficient to demonstrate that the eligi-
21 ble entity has obtained, or has the capacity
22 to obtain, necessary permits, subscribers,
23 access to an installation site, and any other
24 items or agreements necessary to comply
25 with an agreement under subsection (g)(1)

1 and to complete the installation of the ap-
2 plicable covered facility;

3 (ii) a description of the mechanism
4 through which financial benefits will be
5 distributed to beneficiaries or subscribers;
6 and

7 (iii) an estimate of the anticipated fi-
8 nancial benefit for beneficiaries or sub-
9 sscribers.

10 (B) CONSIDERATION OF PLANNING
11 PROJECTS.—The Secretary shall consider the
12 successful completion of an eligible planning
13 project pursuant to subsection (b)(1) by the eli-
14 gible entity to be sufficient to demonstrate the
15 ability of the eligible entity to meet the require-
16 ments of subparagraph (A)(i).

17 (d) SELECTION.—

18 (1) IN GENERAL.—In selecting eligible projects
19 to receive assistance under the program, the Sec-
20 retary shall—

21 (A) prioritize—

22 (i) eligible installation projects that
23 will result in the most financial benefit for
24 subscribers, as determined by the Sec-
25 retary;

1 (ii) eligible installation projects that
2 will result in development of covered facili-
3 ties in underserved areas; and

4 (iii) eligible projects that include ap-
5 prenticeship, job training, or community
6 participation as part of their application;
7 and

8 (B) ensure that such assistance is provided
9 in a manner that results in eligible projects
10 being carried out on a geographically diverse
11 basis within and among covered States.

12 (2) DETERMINATION OF FINANCIAL BEN-
13 EFIT.—In determining the amount of financial ben-
14 efit for low-income households of an eligible installa-
15 tion project, the Secretary shall ensure that all cal-
16 culations for estimated household energy savings are
17 based solely on electricity offsets from the applicable
18 covered facility and use formulas established by the
19 State or local government with jurisdiction over the
20 applicable covered facility for verifiable household
21 energy savings estimates that accrue to low-income
22 households.

23 (e) ASSISTANCE.—

24 (1) FORM.—The Secretary may provide assist-
25 ance under the program in the form of a grant

1 (which may be in the form of a rebate) or a low-in-
2 terest loan.

3 (2) MULTIPLE PROJECTS FOR SAME FACIL-
4 ITY.—

5 (A) IN GENERAL.—An eligible entity may
6 apply for assistance under the program for an
7 eligible planning project and an eligible installa-
8 tion project for the same covered facility.

9 (B) SEPARATE SELECTIONS.—Selection by
10 the Secretary for assistance under the program
11 of an eligible planning project does not require
12 the Secretary to select for assistance under the
13 program an eligible installation project for the
14 same covered facility.

15 (f) USE OF ASSISTANCE.—

16 (1) ELIGIBLE PLANNING PROJECTS.—An eligi-
17 ble entity receiving assistance for an eligible plan-
18 ning project under the program may use such assist-
19 ance to pay the costs of pre-installation activities as-
20 sociated with an applicable covered facility, includ-
21 ing—

22 (A) feasibility studies;

23 (B) permitting;

24 (C) site assessment;

1 (D) on-site job training, or other commu-
2 nity-based activities directly associated with the
3 eligible planning project; or

4 (E) such other costs determined by the
5 Secretary to be appropriate.

6 (2) ELIGIBLE INSTALLATION PROJECTS.—An
7 eligible entity receiving assistance for an eligible in-
8 stallation project under the program may use such
9 assistance to pay the costs of—

10 (A) installation of a covered facility, in-
11 cluding costs associated with materials, permit-
12 ting, labor, or site preparation;

13 (B) storage technology sited at a covered
14 facility;

15 (C) interconnection service expenses;

16 (D) on-site job training, or other commu-
17 nity-based activities directly associated with the
18 eligible installation project;

19 (E) offsetting the cost of a subscription for
20 a covered facility described in subparagraph (A)
21 of subsection (a)(4) for subscribers that are
22 members of a low income household; or

23 (F) such other costs determined by the
24 Secretary to be appropriate.

25 (g) ADMINISTRATION.—

1 (1) AGREEMENTS.—

2 (A) IN GENERAL.—As a condition of re-
3 ceiving assistance under the program, an eligi-
4 ble entity shall enter into an agreement with
5 the Secretary.

6 (B) REQUIREMENTS.—An agreement en-
7 tered into under this paragraph—

8 (i) shall require the eligible entity to
9 maintain such records and adopt such ad-
10 ministrative practices as the Secretary may
11 require to ensure compliance with the re-
12 quirements of this section and the agree-
13 ment;

14 (ii) with respect to an eligible installa-
15 tion project shall require that any solar
16 generating facility installed using assist-
17 ance provided pursuant to the agreement
18 comply with local building and safety codes
19 and standards; and

20 (iii) shall contain such other terms as
21 the Secretary may require to ensure com-
22 pliance with the requirements of this sec-
23 tion.

24 (C) TERM.—An agreement under this
25 paragraph shall be for a term that begins on

1 the date on which the agreement is entered into
2 and ends on the date that is 2 years after the
3 date on which the eligible entity receives assist-
4 ance pursuant to the agreement, which term
5 may be extended once for a period of not more
6 than 1 year if the eligible entity demonstrates
7 to the satisfaction of the Secretary that such an
8 extension is necessary to complete the activities
9 required by the agreement.

10 (2) USE OF FUNDS.—Of the funds made avail-
11 able to provide assistance to eligible installation
12 projects under this section over the period of fiscal
13 years 2022 through 2031, the Secretary shall use—

14 (A) not less than 50 percent to provide as-
15 sistance for eligible installation projects with re-
16 spect to which low-income households make up
17 at least 50 percent of the subscribers to the
18 project; and

19 (B) not more than 50 percent to provide
20 assistance for eligible installation projects with
21 respect to which low-income households make
22 up at least 25 percent of the subscribers to the
23 project.

24 (3) REGULATIONS.—Not later than 120 days
25 after the date of enactment of this Act, the Sec-

1 U.S.C. 792 et seq.) is amended by adding at the end the
2 following:

3 **“SEC. 37. HYDROPOWER LICENSING AND PROCESS IM-**
4 **PROVEMENTS.**

5 “(a) DEFINITION.—In this section, the term ‘Federal
6 authorization’—

7 “(1) means any authorization required under
8 Federal law with respect to an application for a li-
9 cense under this part; and

10 “(2) includes any conditions, prescriptions, per-
11 mits, special use authorizations, certifications, opin-
12 ions, or other approvals as may be required under
13 Federal law to approve or implement the license
14 under this part.

15 “(b) DESIGNATION AS LEAD AGENCY.—The Com-
16 mission shall act as the lead agency for the purposes of
17 complying with the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) with respect to an applica-
19 tion for a license under this part.

20 “(c) RULEMAKING TO ESTABLISH PROCESS TO SET
21 SCHEDULE.—

22 “(1) NEGOTIATED RULEMAKING.—Not later
23 than 90 days after the date of enactment of this sec-
24 tion the Commission, the Secretary of Agriculture,
25 the Administrator of the National Oceanic and At-

1 mospheric Administration, and the Secretary of the
2 Interior shall enter into a negotiated rulemaking
3 pursuant to subchapter III of chapter 5 of title 5,
4 United States Code, to develop and publish a rule
5 providing a process for the Commission to evaluate,
6 and issue a final decision on, a completed applica-
7 tion for a license under this part.

8 “(2) NEGOTIATED RULEMAKING COMMITTEE.—

9 The negotiated rulemaking committee established
10 pursuant to the negotiated rulemaking process en-
11 tered into under paragraph (1) shall include rep-
12 resentatives of State and Indian tribal governments,
13 and other stakeholders who will be significantly af-
14 fected by a rule issued under this subsection.

15 “(3) DEADLINES.—

16 “(A) PROPOSED RULE.—Not later than 2
17 years after the date of enactment of this sec-
18 tion, the Commission shall publish a proposed
19 rule resulting from the negotiated rulemaking
20 under this subsection.

21 “(B) FINAL RULE.—Not later than 3
22 years after the date of enactment of this sec-
23 tion, the Commission shall publish a final rule
24 resulting from the negotiated rulemaking under
25 this subsection.

1 “(4) ELEMENTS OF RULE.—In publishing a
2 rule under this subsection, the Commission shall en-
3 sure that—

4 “(A) the rule includes a description of the
5 Commission’s responsibility as the lead agency
6 in coordinating Federal authorizations;

7 “(B) the rule includes a process for devel-
8 opment of a schedule for the review and disposi-
9 tion of a completed application for a license
10 under this part;

11 “(C) each schedule developed pursuant to
12 such process shall—

13 “(i) include deadlines for actions on
14 the applicable completed application—

15 “(I) that are consistent with the
16 duties of each agency under this Act
17 and under applicable State, tribal, and
18 other Federal laws; and

19 “(II) by—

20 “(aa) each Federal agency
21 responsible for a Federal author-
22 ization;

23 “(bb) each State agency,
24 local government, or Indian tribe
25 that may consider an aspect of

1 an application for a Federal au-
2 thorization or is responsible for
3 conducting any separate permit-
4 ting and environmental reviews of
5 the applicable project;

6 “(cc) the applicant;

7 “(dd) the Commission; and

8 “(ee) other participants in a
9 license proceeding;

10 “(ii) facilitate the identification and
11 completion of Federal, State, and tribal
12 agency-requested studies, reviews, and any
13 other procedures required to be conducted
14 prior to, or concurrent with, the prepara-
15 tion of the Commission’s environmental re-
16 view required under the National Environ-
17 mental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.), to the extent practicable;
19 and

20 “(iii) provide for a final decision on
21 the applicable completed application to be
22 made by not later than 3 years after the
23 date on which the Commission receives
24 such completed application;

1 “(D) the rule includes a mechanism for re-
2 solving issues of concern that may delay the
3 completion of a license application or review of
4 a completed application;

5 “(E) the rule includes a definition of a
6 completed application; and

7 “(F) the rule provides for an opportunity
8 for public notice and comment on—

9 “(i) a completed application; and

10 “(ii) the schedule developed for the re-
11 view and disposition of the application.

12 “(d) APPLICATION PROCESSING.—The Commission,
13 Federal, State, and local government agencies, and Indian
14 tribes may allow an applicant seeking a Federal authoriza-
15 tion to fund a third-party contractor selected by such an
16 agency or tribe to assist in reviewing the application. All
17 costs of an agency or tribe incurred pursuant to direct
18 funding by the applicant, including all costs associated
19 with the third-party contractor, shall not be considered
20 costs of the United States for the administration of this
21 part under section 10(e).

22 “(e) ISSUE RESOLUTION.—The Commission may for-
23 ward any issue of concern that has delayed either the com-
24 pletion of the application or the issuance of a license for
25 a completed application beyond the deadline set forth in

1 the schedule established under the final rule published
2 under subsection (e) to the heads of the relevant State,
3 Federal, or Indian tribal agencies for resolution. If the
4 Commission forwards an issue of concern to the head of
5 a relevant agency, the Commission and the relevant agen-
6 cy shall enter into a memorandum of understanding to fa-
7 cilitate interagency coordination and resolution of the
8 issue of concern, as appropriate.

9 “(f) NO EFFECT ON OTHER LAWS.—Nothing in this
10 section—

11 “(1) expands or limits the application of any
12 power or authority vested in an agency, State, or In-
13 dian tribe by any applicable law or regulation;

14 “(2) shall be construed to affect any require-
15 ments of State, tribal, or other Federal law (includ-
16 ing under the Federal Water Pollution Control Act,
17 the Fish and Wildlife Coordination Act, the Endan-
18 gered Species Act of 1973, section 14 of the Act of
19 March 3, 1899 (commonly known as the Rivers and
20 Harbors Appropriation Act of 1899), the Coastal
21 Zone Management Act of 1972, the Magnuson-Ste-
22 vens Fishery Conservation and Management Act,
23 and those provisions in subtitle III of title 54,
24 United States Code, commonly known as the Na-

1 tional Historic Preservation Act) with respect to an
2 application for a license under this part; or

3 “(3) abrogates, diminishes, or otherwise affects
4 any treaty or other right of any Indian tribe.

5 **“SEC. 38. LICENSING STUDY IMPROVEMENTS.**

6 “(a) IN GENERAL.—To facilitate the timely and effi-
7 cient completion of the license proceedings under this part,
8 the Commission shall, in consultation with applicable Fed-
9 eral and State agencies and interested members of the
10 public—

11 “(1) compile current and accepted best prac-
12 tices in performing studies required in such license
13 proceedings, including methodologies and the design
14 of studies to assess the full range of environmental
15 impacts of a project that reflect the most recent
16 peer-reviewed science;

17 “(2) compile a comprehensive collection of stud-
18 ies and data accessible to the public that could be
19 used to inform license proceedings under this part;
20 and

21 “(3) encourage license applicants, agencies, and
22 Indian tribes to develop and use, for the purpose of
23 fostering timely and efficient consideration of license
24 applications, a limited number of open-source meth-
25 odologies and tools applicable across a wide array of

1 projects, including water balance models and
2 streamflow analyses.

3 “(b) USE OF STUDIES.—To the extent practicable,
4 the Commission and other Federal, State, and local gov-
5 ernment agencies and Indian tribes considering an aspect
6 of an application for Federal authorization (as defined in
7 section 37) shall use relevant, existing studies and data
8 and avoid duplicating such studies that are applicable to
9 the project. Studies repeated for the purpose of character-
10 izing seasonal or annual variation of a relevant char-
11 acteristic or resource shall not be considered duplicative.

12 **“SEC. 39. EVALUATION OF EXPEDITED LICENSING FOR**
13 **QUALIFYING PROJECT UPGRADES.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) EXPEDITED LICENSE AMENDMENT PROC-
16 ESS.—The term ‘expedited license amendment proc-
17 ess’ means an expedited process for issuing an
18 amendment to an existing license issued under this
19 part for a project.

20 “(2) QUALIFYING PROJECT UPGRADE.—The
21 term ‘qualifying project upgrade’ means a change—

22 “(A) to a project; and

23 “(B) that meets the criteria under sub-
24 section (b).

1 “(b) IN GENERAL.—To improve the regulatory pro-
2 cess and reduce the time and cost of making upgrades to
3 existing projects, the Commission shall investigate the fea-
4 sibility of implementing an expedited license amendment
5 process for a change to a project that meets the following
6 criteria:

7 “(1) The change to the project—

8 “(A) is limited to the power house equip-
9 ment of the project; or

10 “(B) will result in environmental protec-
11 tion, mitigation, or enhancement measures to
12 benefit fish and wildlife resources or other nat-
13 ural or cultural resources.

14 “(2) The change to the project is unlikely to
15 adversely affect any species listed as threatened or
16 endangered under the Endangered Species Act of
17 1973 (16 U.S.C. 1531 et seq.), as determined by the
18 Secretary of the Interior.

19 “(3) The Commission ensures, in accordance
20 with section 7 of the Endangered Species Act of
21 1973 (16 U.S.C. 1536), that the change to the
22 project will not result in the destruction or modifica-
23 tion of critical habitat.

1 “(4) The change to the project is consistent
2 with any applicable comprehensive plan under sec-
3 tion 10(a).

4 “(5) The change to the project is unlikely to
5 adversely affect water quality and water supply, as
6 determined in consultation with any applicable State
7 or Indian tribe.

8 “(6) Any adverse environmental effects result-
9 ing from the change to the project will be insignifi-
10 cant.

11 “(c) WORKSHOPS AND PILOTS.—The Commission
12 shall—

13 “(1) not later than 60 days after the date of
14 enactment of this section, hold an initial workshop
15 to solicit public comment and recommendations on
16 how to implement an expedited license amendment
17 process for qualifying project upgrades;

18 “(2) evaluate pending applications for an
19 amendment to an existing license of a project for a
20 qualifying project upgrade that may benefit from an
21 expedited license amendment process;

22 “(3) not later than 180 days after the date of
23 enactment of this section, identify and solicit partici-
24 pation by project developers in, and begin implemen-
25 tation of, a 3-year pilot program to evaluate the fea-

1 sibility and utility of an expedited license amend-
2 ment process for qualifying project upgrades; and

3 “(4) not later than 3 months after the end of
4 the 3-year pilot program under paragraph (3), hold
5 a final workshop to solicit public comment on the ex-
6 pedited license amendment process.

7 “(d) MEMORANDUM OF UNDERSTANDING.—The
8 Commission shall, to the extent practicable, enter into a
9 memorandum of understanding with any applicable Fed-
10 eral, State, or tribal agency to implement the pilot pro-
11 gram described in subsection (c).

12 “(e) REPORTS.—Not later than 3 months after the
13 date of the final workshop held pursuant to subsection
14 (c)(4), the Commission shall submit to the Committee on
15 Energy and Commerce of the House of Representatives
16 and the Committee on Energy and Natural Resources of
17 the Senate a report that includes—

18 “(1) a summary of the public comments re-
19 ceived as part of the initial workshop held under
20 subsection (c)(1);

21 “(2) a summary of the public comments re-
22 ceived as part of the final workshop held under sub-
23 section (c)(4);

1 “(3) a description of the expedited license
2 amendment process for qualifying project upgrades
3 evaluated under the pilot program, including—

4 “(A) a description of the procedures or re-
5 quirements that were waived under the expe-
6 dited license amendment process; and

7 “(B) a comparison between—

8 “(i) the average amount of time re-
9 quired to complete the licensing process for
10 an amendment to a license under the expe-
11 dited license amendment process tested
12 under the pilot program; and

13 “(ii) the average amount of time re-
14 quired to complete the licensing process for
15 a similar amendment to a license under
16 current Commission processes;

17 “(4) the number of requests received by the
18 Commission to participate in the expedited license
19 amendment process for qualifying project upgrades;

20 “(5) a description of changes to Commission
21 rules required to create and standardize an expe-
22 dited license amendment process for qualifying
23 project upgrades; and

24 “(6) a description of factors that prevented any
25 participant in the pilot program from completing the

1 expedited license amendment process in the expedited
2 timeframe.

3 “(f) IMPLEMENTATION.—If the Commission determines,
4 based upon the workshops and results of the pilot
5 program under subsection (c), that an expedited license
6 amendment process will reduce the time and costs for
7 issuing amendments to licenses for qualifying project upgrades,
8 the Commission shall revise its policies and regulations,
9 in accordance with applicable law, to establish an
10 expedited license amendment process.

11 “(g) PUBLIC INPUT.—In carrying out subsection (f),
12 the Commission shall solicit and consider public comments
13 before finalizing any change to policies or regulations.”.

14 (b) PILOT PROGRAM FOR CONSOLIDATED LICENSING
15 PROCESS FOR INTRA-WATERSHED PROJECTS.—

16 (1) DEFINITIONS.—In this subsection:

17 (A) COMMISSION.—The term “Commission” means the Federal Energy Regulatory
18 Commission.
19

20 (B) PROJECT.—The term “project” has
21 the meaning given such term in section 3 of the
22 Federal Power Act (16 U.S.C. 796).

23 (2) INITIAL WORKSHOP.—Not later than 3
24 months after the date of enactment of this Act, the
25 Commission shall hold a workshop to solicit public

1 comment and recommendations on how to implement
2 a pilot program described in paragraph (3).

3 (3) ESTABLISHMENT OF PILOT PROGRAM.—The
4 Commission shall establish a voluntary pilot pro-
5 gram to enable the Commission to consider multiple
6 projects together in a consolidated licensing process
7 in order to issue a license under part I of the Fed-
8 eral Power Act (16 U.S.C. 792 et seq.) for each
9 such project.

10 (4) CANDIDATE PROJECT IDENTIFICATION.—
11 Not later than 1 year after the date of enactment
12 of this Act, the Commission, in consultation with the
13 head of any applicable Federal or State agency or
14 Indian Tribe and licensees, shall identify and solicit
15 candidate projects to participate in the pilot pro-
16 gram established under paragraph (3). In order to
17 participate in such pilot program a project shall
18 meet the following criteria:

19 (A) The current license for the project ex-
20 pires between 2021 and 2030 or the project is
21 not licensed under part I of the Federal Power
22 Act (16 U.S.C. 792 et seq.).

23 (B) The project is located within the same
24 watershed as other projects that are eligible to
25 participate in the pilot program.

1 (C) The project is located in sufficiently
2 close proximity and has environmental condi-
3 tions that are sufficiently similar to other
4 projects that are eligible to participate in the
5 pilot program so that watershed-wide studies
6 and information may be developed, thereby sig-
7 nificantly reducing the need for, and scope of,
8 individual project-level studies and information.

9 (5) DESIGNATION OF INDIVIDUAL PROJECTS AS
10 A SINGLE GROUP.—The Commission may designate
11 a group of projects to be considered together in a
12 consolidated licensing process under the pilot pro-
13 gram established under paragraph (3). The Commis-
14 sion may designate such a group only if each li-
15 censee (or applicant) for a project in the group, on
16 a voluntary basis and in writing, agrees—

17 (A) to participate in the pilot program;

18 and

19 (B) to a cost-sharing arrangement with
20 other licensees (or applicants) and applicable
21 Federal and State agencies with respect to the
22 conduct of watershed-wide studies to be consid-
23 ered in support of the license applications for
24 the group of projects.

1 (6) PROJECT LICENSE TERMS.—The Commis-
2 sion may change the term of any existing license for
3 an individual licensee in a group designated under
4 paragraph (5) by up to 5 years—

5 (A) to provide sufficient time to develop a
6 consolidated study plan for—

7 (i) studies for individual projects in
8 the group, as necessary; and

9 (ii) relevant watershed-wide studies
10 for purposes of the consolidated licensing
11 process under the pilot program estab-
12 lished under paragraph (3) that will be ap-
13 plicable to each project in the group; and

14 (B) to align the terms of the existing li-
15 censes such that they expire on the same date.

16 (7) MEMORANDUM OF UNDERSTANDING.—The
17 Commission shall, to the extent practicable, enter
18 into a memorandum of understanding with any ap-
19 plicable Federal or State agency or Indian Tribe to
20 implement the pilot program established under para-
21 graph (3).

22 (8) INITIAL REPORT.—Not later than 3 months
23 after the date of the initial workshop held pursuant
24 to paragraph (2), the Commission shall submit to
25 the Committee on Energy and Commerce of the

1 House of Representatives and the Committee on En-
2 ergy and Natural Resources of the Senate a report
3 that includes—

4 (A) a summary of the public comments re-
5 ceived as part of such initial workshop; and

6 (B) a preliminary plan for identifying and
7 soliciting participants in the pilot program es-
8 tablished under paragraph (3).

9 (9) INTERIM REPORT.—Not later than 4 years
10 after the establishment of the pilot program under
11 paragraph (3), the Commission shall submit to the
12 Committee on Energy and Commerce of the House
13 of Representatives and the Committee on Energy
14 and Natural Resources of the Senate a report that
15 includes—

16 (A) a description of the status of the pilot
17 program, including a description of the indi-
18 vidual projects that are participating in the
19 pilot program and the watersheds in which such
20 projects are located; or

21 (B) if no projects are participating in the
22 pilot program, a summary of any barriers the
23 Commission has identified to proceeding with
24 the pilot program and the reasons provided by

1 potential participants for their preference for
2 using an individual license process.

3 (c) INTERAGENCY COMMUNICATIONS AND COOPERA-
4 TION.—Part I of the Federal Power Act (16 U.S.C. 792
5 et seq.) is further amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 40. INTERAGENCY COMMUNICATIONS AND COOPERA-**
8 **TION.**

9 “(a) EX PARTE COMMUNICATIONS.—Interagency
10 communications relating to the preparation of environ-
11 mental documents under the National Environmental Pol-
12 icy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to
13 an application for a license under this part, or to the li-
14 censing process for a license under this part, shall not be
15 considered to be ex parte communications under Commis-
16 sion rules.

17 “(b) PARTICIPATION IN PROCEEDINGS.—Interagency
18 cooperation, at any time, in the preparation of environ-
19 mental documents under the National Environmental Pol-
20 icy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to
21 an application for a license under this part, or in the li-
22 censing process for a license under this part, shall not pre-
23 clude an agency from participating in a licensing pro-
24 ceeding under this part.

1 “(c) SEPARATION OF STAFF.—Notwithstanding sub-
2 section (a), to the extent the Commission determines nec-
3 essary, the Commission may require Federal and State
4 agencies participating as cooperating agencies under the
5 National Environmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.) to demonstrate a separation of staff that
7 are cooperating with the Commission with respect to a
8 proceeding under this part from staff that may participate
9 in an intervention in the applicable proceeding.”.

10 (d) TECHNICAL AMENDMENTS.—

11 (1) ALTERNATIVE CONDITIONS.—Section
12 33(a)(2)(B) of the Federal Power Act (16 U.S.C.
13 823d(a)(2)(B)) is amended, in the matter preceding
14 clause (i), by inserting “deemed necessary” before
15 “by the Secretary”.

16 (2) LICENSES.—Section 4(e) of the Federal
17 Power Act (16 U.S.C. 797(e)) is amended by strik-
18 ing “adequate protection and utilization of such res-
19 ervation” and all that follows through “That no li-
20 cense affecting the navigable capacity” and inserting
21 “adequate protection and utilization of such reserva-
22 tion. The license applicant and any party to the pro-
23 ceeding shall be entitled to a determination on the
24 record, after opportunity for an agency trial-type
25 hearing of no more than 90 days, on any disputed

1 issues of material fact with respect to such condi-
2 tions. All disputed issues of material fact raised by
3 any party shall be determined in a single trial-type
4 hearing to be conducted by the relevant resource
5 agency in accordance with the regulations promul-
6 gated under this subsection and within the time-
7 frame established by the Commission for each li-
8 cense proceeding. Within 90 days of the date of en-
9 actment of the Energy Policy Act of 2005, the Sec-
10 retaries of the Interior, Commerce, and Agriculture
11 shall establish jointly, by rule, the procedures for
12 such expedited trial-type hearing, including the op-
13 portunity to undertake discovery and cross-examine
14 witnesses, in consultation with the Federal Energy
15 Regulatory Commission: *Provided further*, That no
16 license affecting the navigable capacity’.

17 (e) IMPROVING CONSULTATION WITH INDIAN
18 TRIBES.—

19 (1) GUIDANCE DOCUMENT.—

20 (A) IN GENERAL.—Not later than one year
21 after the date of enactment of this Act, the
22 Federal Energy Regulatory Commission and
23 the Secretary of the Interior shall prepare, in
24 consultation with interested Indian Tribes, li-
25 censees under part I of the Federal Power Act,

1 and the public, a guidance document that iden-
2 tifies best practices for the Commission, Fed-
3 eral and State resource agencies, Indian Tribes,
4 and applicants for licenses under part I of the
5 Federal Power Act for effective engagement of
6 Indian Tribes in the consideration of applica-
7 tions for licenses under part I of the Federal
8 Power Act that may affect an Indian reserva-
9 tion, a treaty, or other right of an Indian Tribe.

10 (B) UPDATES.—The Commission and Sec-
11 retary shall update the guidance document pre-
12 pared under subparagraph (A) every 10 years.

13 (C) PUBLIC PARTICIPATION.—In preparing
14 or updating the guidance document, the Com-
15 mission and the Secretary shall convene public
16 meetings at different locations in the United
17 States, and shall provide an opportunity for
18 written public comments.

19 (2) PUBLIC WORKSHOPS.—

20 (A) IN GENERAL.—Not later than one year
21 after preparing or updating the guidance docu-
22 ment under paragraph (1), the Commission
23 shall convene public workshops, held at dif-
24 ferent locations in the United States, to inform
25 and educate Commission staff, Federal and

1 State resource agencies, Indian Tribes, appli-
2 cants for licenses under part I of the Federal
3 Power Act, and interested members of the pub-
4 lic, on the best practices identified in the guid-
5 ance document.

6 (B) CONSULTATION.—In preparing the
7 agenda for such workshops, the Commission
8 shall consult with the Secretary of the Interior,
9 interested Indian Tribes, and licensees under
10 part I of the Federal Power Act.

11 (f) TRIBAL MANDATORY CONDITIONS.—

12 (1) IN GENERAL.—Section 4 of the Federal
13 Power Act (16 U.S.C. 797) is amended—

14 (A) in subsection (e), in the first proviso,
15 by inserting “, or, in the case of tribal land,
16 subject to subsection (h), the Indian tribe hav-
17 ing jurisdiction over the tribal land,” after
18 “under whose supervision such reservation
19 falls”; and

20 (B) by adding at the end the following:

21 “(h) TRIBAL MANDATORY CONDITIONS.—

22 “(1) CRITERIA.—An Indian tribe may deem
23 conditions necessary under the first proviso of sub-
24 section (e) only if the Secretary of the Interior (re-

1 ferred to in this subsection as the ‘Secretary’) deter-
2 mines that the Indian tribe has—

3 “(A) confirmed the intent of the Indian
4 tribe to deem conditions necessary under the
5 first proviso of subsection (e) by resolution or
6 other official action by the governing body of
7 the Indian tribe;

8 “(B) demonstrated financial stability and
9 financial management capability over the 3-fis-
10 cal-year period preceding the date of the deter-
11 mination of the Secretary under this paragraph;
12 and

13 “(C) demonstrated the ability to plan, con-
14 duct, and administer all services, functions, and
15 activities that would otherwise be administered
16 by the Secretary with respect to deeming condi-
17 tions necessary on tribal land under the first
18 proviso of subsection (e).

19 “(2) DETERMINATION ON REQUEST.—On re-
20 quest of an Indian tribe, not later than 1 year after
21 the date on which the Secretary receives the request,
22 the Secretary shall make the determination under
23 paragraph (1).

24 “(3) WITHDRAWAL OF DETERMINATION.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), if the Secretary determines that an
3 Indian tribe no longer meets the criteria under
4 paragraph (1), the Secretary may withdraw the
5 determination under paragraph (2).

6 “(B) NOTICE AND OPPORTUNITY TO RE-
7 SPOND.—Before withdrawing a determination
8 under subparagraph (A), the Secretary shall
9 provide to the Indian tribe—

10 “(i) notice of the proposed with-
11 drawal; and

12 “(ii) an opportunity to respond and, if
13 necessary, redress the deficiencies identi-
14 fied by the Secretary.”.

15 (2) ALTERNATIVE CONDITIONS.—Section 33(a)
16 of the Federal Power Act (16 U.S.C. 823d(a)) is
17 amended—

18 (A) in paragraph (1), by inserting “or an
19 Indian tribe” before “deems a condition”;

20 (B) in paragraph (2), by inserting “or In-
21 dian tribe” after “the Secretary” each place it
22 appears;

23 (C) in paragraph (3), by inserting “or In-
24 dian tribe” after “the Secretary” each place it
25 appears;

1 (D) in paragraph (4)—

2 (i) by inserting “or Indian tribe” be-
3 fore “concerned shall submit”;

4 (ii) by inserting “or Indian tribe” be-
5 fore “gave equal consideration”;

6 (iii) by inserting “or Indian tribe”
7 after “may be available to the Secretary”;

8 (iv) by inserting “or Indian tribe” be-
9 fore “shall also submit,”; and

10 (v) by striking “available to the Sec-
11 retary and relevant to the Secretary’s deci-
12 sion” and inserting “available to the Sec-
13 retary or Indian tribe and relevant to the
14 decision of the Secretary or Indian tribe”;
15 and

16 (E) in paragraph (5)—

17 (i) by striking “Secretary’s final con-
18 dition” and inserting “final condition of
19 the Secretary or Indian tribe”;

20 (ii) by inserting “or Indian tribe”
21 after “consult with the Secretary”;

22 (iii) by inserting “or Indian tribe” be-
23 fore “may accept the Dispute Resolution”;

24 (iv) by inserting “or Indian tribe”
25 after “advisory unless the Secretary”;

1 (v) by inserting “or Indian tribe” be-
2 fore “shall submit the advisory and”; and

3 (vi) by striking “Secretary’s final
4 written determination” and inserting “final
5 written determination of the Secretary or
6 Indian tribe”.

7 (g) CONSIDERATION OF INVASIVE SPECIES.—Section
8 18 of the Federal Power Act (16 U.S.C. 811) is amended
9 by inserting after “the Secretary of Commerce.” the fol-
10 lowing: “In prescribing a fishway, the Secretary of Com-
11 merce or the Secretary of the Interior, as appropriate,
12 shall consider the threat of invasive species.”.

13 **SEC. 244. LONG-TERM NUCLEAR POWER PURCHASE AGREE-**
14 **MENT PILOT PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary of Energy
16 shall establish a pilot program for a long-term power pur-
17 chase agreement.

18 (b) REQUIREMENTS.—In developing the pilot pro-
19 gram under this section, the Secretary shall—

20 (1) consult with the heads of other Federal de-
21 partments and agencies that may benefit from pur-
22 chasing nuclear power for a period of longer than 10
23 years; and

24 (2) not later than December 31, 2023, enter
25 into at least 1 agreement to purchase power pro-

1 duced in a nuclear reactor by a person to whom a
2 license is issued under section 103 of the Atomic
3 Energy Act of 1954 after January 1, 2020.

4 (c) FACTORS FOR CONSIDERATION.—

5 (1) IN GENERAL.—In carrying out this section,
6 the Secretary may only consider power purchase
7 agreements for first-of-a-kind or early deployment
8 nuclear technologies that can provide reliable and re-
9 silient power to high-value assets for national secu-
10 rity purposes or other purposes as the Secretary de-
11 termines to be in the national interest, especially in
12 remote off-grid scenarios or grid-connected scenarios
13 that can provide capabilities commonly known as
14 “islanding power capabilities” during an emergency
15 scenario.

16 (2) EFFECT ON RATES.—An agreement to pur-
17 chase power under this section may be at a rate that
18 is higher than the average market rate.

19 **SEC. 245. DISTRIBUTED RENEWABLE ENERGY.**

20 (a) DEFINITIONS.—In this section:

21 (1) AUTHORITY HAVING JURISDICTION.—The
22 term “authority having jurisdiction” means any
23 State, county, local, or Tribal office or official with
24 jurisdiction—

25 (A) to issue permits;

1 (B) to conduct inspections to enforce the
2 requirements of a relevant code or standard; or

3 (C) to approve the installation of, or the
4 equipment and materials used in the installa-
5 tion of, qualifying distributed energy systems.

6 (2) DISTRIBUTED ENERGY SYSTEM IN-
7 STALLER.—The term “distributed energy system in-
8 staller” means an entity or individual—

9 (A) with knowledge and skills relating to—

10 (i) the construction and operation of
11 the equipment used in qualifying distrib-
12 uted energy systems; and

13 (ii) the installation of qualifying dis-
14 tributed energy systems; and

15 (B) that has employed safety training to
16 recognize and avoid the hazards involved in con-
17 structing, operating, and installing qualifying
18 distributed energy systems.

19 (3) QUALIFYING DISTRIBUTED ENERGY SYS-
20 TEM.—The term “qualifying distributed energy sys-
21 tem” means any equipment or materials installed in,
22 on, or near a residential, commercial, or industrial
23 building to support onsite or local energy use, in-
24 cluding—

1 (A) to generate electricity from distributed
2 renewable energy sources, including from—

3 (i) solar photovoltaic modules or simi-
4 lar solar energy technologies;

5 (ii) wind power systems; and

6 (iii) hydrogen electrolysis and fuel cell
7 systems;

8 (B) to store and discharge electricity from
9 batteries with a capacity of at least 2 kilowatt
10 hours;

11 (C) to charge a plug-in electric drive vehi-
12 cle at a power rate of at least 2 kilowatts;

13 (D) to refuel a fuel cell electric vehicle; or

14 (E) to generate electricity from fuel cell
15 systems with a capacity of at least 2 kilowatt
16 hours.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Energy.

19 (b) ESTABLISHMENT OF PROGRAM TO FACILITATE
20 VOLUNTARY STREAMLINED PROCESS FOR LOCAL PER-
21 MITTING OF QUALIFYING DISTRIBUTED ENERGY SYS-
22 TEMS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary, in consultation with trade associations and

1 other entities representing distributed energy system
2 installers and organizations representing State, local,
3 and Tribal governments engaged in permitting, shall
4 establish and carry out a program to establish a vol-
5 untary streamlined permitting process for local per-
6 mitting and inspection of qualifying distributed en-
7 ergy systems, in concert with relevant national con-
8 sensus-based codes and specifications and standards
9 referenced therein.

10 (2) ACTIVITIES OF THE PROGRAM.—In carrying
11 out the program established under paragraph (1),
12 the Secretary shall—

13 (A) facilitate the development and mainte-
14 nance of a streamlined permitting process that
15 includes a national online permitting platform
16 for expediting, standardizing, and streamlining
17 permitting, that authorities having jurisdiction
18 may use to receive, review, and approve permit
19 applications relating to qualifying distributed
20 energy systems;

21 (B) establish a model expedited permit-to-
22 build protocol for qualifying distributed energy
23 systems;

24 (C) provide technical assistance to authori-
25 ties having jurisdiction on using and adopting—

1 (i) the streamlined permitting process
2 described in subparagraph (A); and

3 (ii) the model expedited permit-to-
4 build protocol described in subparagraph
5 (B);

6 (D) develop and maintain a voluntary na-
7 tional inspection protocol integrated with the
8 national online permitting system described in
9 subparagraphs (A) and (B) and related tools to
10 expedite, standardize, and streamline the in-
11 spection of qualifying distributed energy sys-
12 tems, including—

13 (i) by investigating the potential for
14 using remote inspections; and

15 (ii) by investigating the potential for
16 sample-based inspection for distributed en-
17 ergy system installers with a demonstrated
18 track record of high-quality work; and

19 (E) take any other action to expedite,
20 standardize, streamline, or improve the process
21 for permitting, inspecting, or interconnecting
22 qualifying distributed energy systems.

23 (3) SUPPORT SERVICES.—The Secretary shall—

24 (A) provide technical assistance to authori-
25 ties having jurisdiction, any administrator of a

1 national online permitting platform, government
2 software providers, and any other entity deter-
3 mined appropriate by the Secretary in carrying
4 out the activities described in paragraph (2);
5 and

6 (B) provide such financial assistance as
7 the Secretary determines appropriate from any
8 funds appropriated to carry out this section.

9 (c) DISTRIBUTED ENERGY OPPORTUNITY COMMU-
10 NITIES.—

11 (1) IN GENERAL.—The Secretary shall recog-
12 nize and certify certain communities as “Distributed
13 Energy Opportunity Communities”.

14 (2) QUALIFICATIONS.—The Secretary may cer-
15 tify a State, local community, or Tribe as a “Dis-
16 tributed Energy Opportunity Community” if that
17 State, local community, or Tribe has adopted and
18 implemented the model expedited permit-to-build
19 protocol established under the program established
20 under subsection (b).

21 (3) PROCESS.—The Secretary may confer a cer-
22 tification under paragraph (1) through existing pro-
23 grams of the Department of Energy.

24 (4) GRANTS.—The Secretary may award com-
25 petitive grants, using funds appropriated to the Sec-

1 retary to carry out this section, to encourage com-
2 munities to adopt the model expedited permit-to-
3 build protocol and the standardized inspection proc-
4 ess established under the program established under
5 subsection (b).

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section \$20,000,000 for each of fiscal years 2022
9 through 2031.

10 **SEC. 246. POWER PURCHASE AGREEMENTS.**

11 Section 501(b)(1) of title 40, United States Code, is
12 amended by striking subparagraph (B) and inserting the
13 following:

14 “(B) PUBLIC UTILITY CONTRACTS.—

15 “(i) TERM.—

16 “(I) IN GENERAL.—A contract
17 under this paragraph to purchase
18 electricity produced by a public utility
19 using zero-emission technology may be
20 made for a period of not more than
21 40 years.

22 “(II) OTHER PUBLIC UTILITY
23 SERVICES.—A contract under this
24 paragraph for a public utility service
25 other than a service described in sub-

1 clause (I) may be made for a period
2 of not more than 10 years.

3 “(ii) COSTS.—The cost of a contract
4 under this paragraph for any fiscal year
5 may be paid from the appropriations for
6 that fiscal year.

7 “(iii) ZERO-EMISSION TECHNOLOGY
8 DEFINED.—In this subparagraph, the term
9 ‘zero-emission technology’ means a gener-
10 ator that uses a technology or combination
11 of technologies that—

12 “(I) has a carbon intensity of
13 zero; and

14 “(II) is placed into service after
15 the date of enactment of the CLEAN
16 Future Act.”.

17 **SEC. 247. HYDROPOWER REGULATORY IMPROVEMENTS.**

18 (a) MODIFYING THE DEFINITION OF RENEWABLE
19 ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the
20 Energy Policy Act of 2005 (42 U.S.C. 15852) is amend-
21 ed—

22 (1) in subsection (a), by amending paragraphs
23 (1) through (3) to read as follows:

24 “(1) Not less than 25 percent in fiscal years
25 2022 through 2026.

1 “(2) Not less than 30 percent in fiscal years
2 2027 through 2031.

3 “(3) Not less than 50 percent in fiscal year
4 2032 and each fiscal year thereafter.”; and

5 (2) in subsection (b), by striking paragraph (2)
6 and inserting the following:

7 “(2) RENEWABLE ENERGY.—The term ‘renew-
8 able energy’ means electric energy generated from
9 solar, wind, biomass, landfill gas, ocean (including
10 tidal, wave, current, and thermal), geothermal, or
11 municipal solid waste, or from a hydropower
12 project.”.

13 **SEC. 248. STUDY ON EQUITABLE DISTRIBUTION OF BENE-**
14 **FITS OF CLEAN ENERGY.**

15 (a) FRONTLINE COMMUNITY.—In this section, the
16 term “frontline community” means a community with sig-
17 nificant representation of communities of color, low-in-
18 come communities, or Tribal and indigenous communities,
19 that experiences, or is at risk of experiencing, higher or
20 more adverse human health or environmental effects.

21 (b) STUDY.—Not later than 1 year after the date of
22 the enactment of this Act, the Secretary of Energy shall
23 enter into an agreement with the National Academies of
24 Science, Engineering, and Medicine to undertake a study
25 on technical and non-technical barriers to and solutions

1 for ensuring equitable distribution of the benefits associ-
2 ated with clean energy in frontline communities across all
3 sectors of the economy, and in particular the role of the
4 Department of Energy in assessing and mitigating such
5 barriers. The study shall—

6 (1) assess the state of research on the equitable
7 distribution of the benefits of clean energy including
8 workforce development and job creation;

9 (2) assess the progress in implementing pro-
10 grams and policies that result in increased adoption
11 of clean energy technologies in frontline commu-
12 nities;

13 (3) identify barriers as well as potential incen-
14 tives and mechanisms to achieving the equitable dis-
15 tribution of the benefits associated with clean energy
16 in frontline communities, including through the con-
17 sideration of social, behavioral, regulatory, policy,
18 market, and technology aspects, and considerations
19 of the characteristics of individual communities,
20 such as geographical location, average income, and
21 racial-ethnic composition; and

22 (4) recommend research areas for the Depart-
23 ment of Energy to make progress towards ensuring
24 equitable distribution of the benefits associated with
25 clean energy in frontline communities.

1 **Subtitle F—Low-Income Assistance**

2 **SEC. 251. LIHEAP AUTHORIZATION.**

3 Section 2602 of the Low-Income Home Energy As-
4 sistance Act of 1981 (42 U.S.C. 8621) is amended—

5 (1) in subsection (b), by striking “through
6 2007” and inserting “through 2031”; and

7 (2) in subsection (d)—

8 (A) in paragraph (1), by striking “through
9 2004” and inserting “through 2031”; and

10 (B) in paragraph (2), by striking “through
11 2004” and inserting “through 2031”.

12 **TITLE III—EFFICIENCY**

13 **Subtitle A—Energy Saving** 14 **Building Codes**

15 **SEC. 301. ENERGY SAVING BUILDING CODES.**

16 (a) MODEL BUILDING ENERGY CODES.—Section 307
17 of the Energy Conservation and Production Act (42
18 U.S.C. 6836) is amended to read as follows:

19 **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODE** 20 **DEVELOPMENT.**

21 “(a) IN GENERAL.—The Secretary shall support the
22 periodic revision of model building energy codes to signifi-
23 cantly enhance energy and water use efficiency, to enable
24 the achievement of aggregate energy savings targets estab-
25 lished under subsection (b) and, by 2030, to enable adop-

1 tion of codes that would require zero energy ready build-
 2 ings.

3 “(b) TARGETS.—

4 “(1) IN GENERAL.—The targets for aggregate
 5 national energy savings (not including onsite power
 6 production) of buildings under a code compared to
 7 buildings under the baseline in paragraph (2) shall
 8 be the percentages specified in the following table:

“Model codes issued by:	Percentage:
2023	20
2026	35
2029	50

9 “(2) BASELINE.—The baseline shall be the
 10 2018 IECC for residential buildings and ASHRAE
 11 Standard 90.1–2016 for commercial buildings.

12 “(3) MODIFIED TARGETS.—The Secretary may
 13 modify the targets at least 3 years prior to the tar-
 14 get dates, provided that the Secretary—

15 “(A) may set different targets for residen-
 16 tial and commercial buildings;

17 “(B) may adopt different metrics or base-
 18 lines;

19 “(C) may set further targets after 2029;
 20 and

1 “(D) may not weaken the 2029 target or
2 modify earlier targets to be inconsistent with
3 meeting the 2029 target.

4 “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING
5 ENERGY CODE-SETTING AND STANDARDS DEVELOPMENT
6 ORGANIZATIONS.—

7 “(1) IN GENERAL.—The Secretary shall, on a
8 timely basis, provide technical assistance to model
9 building energy code-setting and standards develop-
10 ment organizations consistent with the goals of this
11 section.

12 “(2) ASSISTANCE.—The assistance shall in-
13 clude, as requested by the organizations, technical
14 assistance in—

15 “(A) evaluating code or standards pro-
16 posals or revisions;

17 “(B) building energy and water analysis
18 and design tools;

19 “(C) building demonstrations;

20 “(D) developing definitions of energy use
21 intensity and building types for use in model
22 building energy codes to evaluate the efficiency
23 impacts of the model building energy codes;

24 “(E) performance-based standards;

1 “(F) evaluating economic considerations;
2 and

3 “(G) developing model building energy
4 codes by Indian tribes in accordance with Trib-
5 al law.

6 “(3) AMENDMENT PROPOSALS.—The Secretary
7 shall submit timely model building energy code
8 amendment proposals to the model building energy
9 code-setting and standards development organiza-
10 tions, with supporting evidence, sufficient to enable
11 the model building energy codes to meet the targets
12 established under subsection (b).

13 “(d) EVALUATION OF MODEL BUILDING ENERGY
14 CODES.—

15 “(1) IN GENERAL.—The Secretary shall evalu-
16 ate each proposed and final revision of a nationally
17 recognized model building energy code to determine
18 whether the proposed or final revision will meet the
19 targets under subsection (b).

20 “(2) TIMING.—

21 “(A) INITIAL DETERMINATION.—The Sec-
22 retary shall make an initial determination and
23 communicate that determination to the model
24 codes or standards organization and the public
25 not later than 90 days after the date of receipt

1 of each proposed revision. If the Secretary de-
2 termines that the proposed revision would not
3 meet the applicable target, the Secretary shall,
4 within an additional 90 days, convey to the
5 model codes or standards organization proposed
6 modifications to the proposed code sufficient to
7 meet the target.

8 “(B) FINAL DETERMINATION.—The Sec-
9 retary shall make a final determination and
10 communicate it to the model codes or standards
11 organization and the public by not later than
12 180 days after the date of publication of the re-
13 vision. The Secretary may separately make a
14 determination on the code or standard with op-
15 tional appendices, or on other options published
16 by the model codes or standards organization.

17 “(e) ALTERNATIVE MODEL BUILDING ENERGY
18 CODE.—

19 “(1) NEGATIVE DETERMINATION.—If the Sec-
20 retary makes a final determination that a model
21 building energy code revision does not meet the ap-
22 plicable target, the Secretary shall within 6 months
23 of the date of the determination and after notice and
24 comment—

1 “(A) designate a model code (including any
2 appendix or options) that meets the target;

3 “(B) issue amendments to the revision
4 with which it meets the target; or

5 “(C) issue an alternative model building
6 energy code sufficient to meet the target.

7 “(2) NO REVISION.—If a model building energy
8 code is not revised by the target date, the Secretary
9 shall within 6 months of the target date designate,
10 issue amendments to the last adopted version of the
11 model building energy code, or issue an alternative
12 model building energy code as under paragraph (1).

13 “(3) AVAILABILITY.—The Secretary shall make
14 any amendments or alternative model building en-
15 ergy code made pursuant to this subsection publicly
16 available without charge.

17 “(f) STRETCH CODES AND ADVANCED STAND-
18 ARDS.—

19 “(1) IN GENERAL.—The Secretary shall provide
20 technical and financial support for the development
21 of stretch codes and advanced standards, which may
22 build on the model building energy codes, for resi-
23 dential and commercial buildings for use as—

1 “(A) an option for adoption as a building
2 energy code by local, Tribal, or State govern-
3 ments; and

4 “(B) guidelines for energy-efficient build-
5 ing design.

6 “(2) SAVINGS.—The stretch codes and ad-
7 vanced standards shall be designed to achieve—

8 “(A) zero-net-energy residential and com-
9 mercial buildings; and

10 “(B) zero-energy-ready residential and
11 commercial buildings prior to 2029.”.

12 (b) FEDERAL BUILDING ENERGY EFFICIENCY
13 STANDARDS.—Section 305 of the Energy Conservation
14 and Production Act (42 U.S.C. 6834) is amended by strik-
15 ing “voluntary building energy code” each place it appears
16 in subsections (a)(2)(B) and (b) and inserting “model
17 building energy code”.

18 (c) STATE BUILDING ENERGY EFFICIENCY
19 CODES.—Section 304 of the Energy Conservation and
20 Production Act (42 U.S.C. 6833) is amended to read as
21 follows:

22 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-
23 CIENCY CODES.**

24 “(a) ACTION BY SECRETARY.—The Secretary shall—

1 “(1) encourage and support the adoption of
2 building energy codes by States, Indian tribes, and,
3 as appropriate, by local governments that meet or
4 exceed the most recently adopted model building en-
5 ergy codes, or achieve equivalent or greater energy
6 savings; and

7 “(2) support full compliance with the State and
8 local codes.

9 “(b) STATE AND INDIAN TRIBE BUILDING ENERGY
10 CODE UPDATES.—

11 “(1) REVIEW AND UPDATING OF CODES BY
12 EACH STATE AND INDIAN TRIBE.—

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of a positive determination under
15 section 307(d)(2)(B) or of issuance of an alter-
16 native under section 307(e), each State and In-
17 dian tribe shall certify to the Secretary whether
18 the State or Indian tribe, respectively, has
19 adopted the revised model building energy code
20 or alternative issued under section 307(e).

21 “(B) ALTERNATIVE DEMONSTRATION.—
22 Each State or Indian tribe that has not adopted
23 the revised model building energy code may
24 submit a demonstration to the Secretary that
25 the energy savings for the code provisions that

1 are in effect throughout the territory of the
2 State or Indian tribe meet or exceed the energy
3 savings of the revised model building energy
4 code or alternative issued under section 307(e).

5 “(C) NO MODEL CODE THAT MEETS TAR-
6 GET.—If the Secretary does not issue a positive
7 determination or an alternative under section
8 307(e), each State and Indian tribe shall within
9 3 years of the target date under section 307(b)
10 submit a demonstration to the Secretary that
11 the energy savings for the code provisions that
12 are in effect throughout the territory of the
13 State or Indian tribe meet or exceed the target.

14 “(2) VALIDATION OF CODE UPDATE.—Not later
15 than 90 days after a State or Indian tribe certifi-
16 cation under paragraph (1), the Secretary shall de-
17 termine whether the State or Indian tribe has adopt-
18 ed the revised building code or alternative issued
19 under section 307(e), or successfully made an alter-
20 native demonstration under paragraph (1)(B) or
21 (1)(C), and, upon a positive determination, validate
22 the State code as energy efficient.

23 “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-
24 ING ENERGY CODES.—

1 “(1) VALIDATION OF COMPLIANCE.—Not later
2 than December 31, 2024, and every 3 years there-
3 after, the Secretary shall analyze compliance in each
4 State and Tribal nation with the applicable validated
5 building energy code and shall validate compliance
6 if—

7 “(A) the State or Indian tribe has achieved
8 full compliance under paragraph (3); or

9 “(B) the State has demonstrated that it is
10 implementing a plan to achieve compliance pur-
11 suant to paragraph (4).

12 “(2) MEASUREMENT OF COMPLIANCE.—An
13 analysis under paragraph (1) shall include docu-
14 mentation of the rate of compliance based on—

15 “(A) independent inspections of a random
16 sample of the buildings covered by the code in
17 a year; or

18 “(B) an alternative method that yields an
19 accurate measure of compliance.

20 “(3) ACHIEVEMENT OF COMPLIANCE.—A State
21 or Indian tribe shall be considered to achieve full
22 compliance under paragraph (1) if—

23 “(A) at least 90 percent of building space
24 covered by the code in the preceding year sub-
25 stantially meets all the requirements of the ap-

1 plicable code specified in paragraph (1), or
2 achieves equivalent or greater energy savings;
3 or

4 “(B) the estimated excess energy use of
5 buildings that did not meet the applicable code
6 specified in paragraph (1) in the preceding
7 year, compared to a baseline of comparable
8 buildings that meet this code, is not more than
9 5 percent of the estimated energy use of all
10 buildings covered by this code during the pre-
11 ceding year.

12 “(4) PLAN TO ACHIEVE COMPLIANCE.—

13 “(A) IN GENERAL.—A State or Indian
14 tribe shall be considered to be implementing a
15 plan to achieve compliance for purposes of
16 paragraph (1) if the State or Indian tribe is im-
17 plementing and has met the most recent per-
18 formance targets in a plan that meets the cri-
19 teria in subparagraph (B).

20 “(B) CRITERIA.—The Secretary shall set
21 criteria for plans under this paragraph. A plan
22 to achieve compliance must—

23 “(i) show full compliance by 2030;

24 “(ii) include annual performance tar-
25 gets for compliance and other metrics;

1 “(iii) provide for training of code offi-
2 cials and builders, contractors and sub-
3 contractors, and design professionals;

4 “(iv) make compliance data trans-
5 parent; and

6 “(v) provide funding for compliance
7 and enforcement programs.

8 “(d) STATES OR INDIAN TRIBES WITHOUT VALI-
9 DATED CERTIFICATION AND COMPLIANCE.—

10 “(1) FEDERAL SUPPORT.—For any State or In-
11 dian tribe for which the Secretary has not validated
12 certification or compliance by a deadline under sub-
13 section (b) or (c), the lack of validated certification
14 or compliance may be a basis for withholding Fed-
15 eral financial support related to energy or buildings.

16 “(2) LOCAL GOVERNMENT.—In any State or
17 Indian tribe for which the Secretary has not vali-
18 dated certification or compliance under subsection
19 (b) or (c), a local government shall be eligible for
20 Federal support under subsections (e) and (f) by
21 demonstrating compliance under subsections (b) and
22 (c).

23 “(e) AVAILABILITY OF INCENTIVE FUNDING.—

24 “(1) IN GENERAL.—The Secretary shall provide
25 incentive funding to States and Indian tribes—

1 “(A) to implement the requirements of this
2 section;

3 “(B) to improve and implement residential
4 and commercial building energy codes, including
5 increasing and verifying compliance with the
6 codes and training of State, Tribal, and local
7 building code officials to implement and enforce
8 the codes; and

9 “(C) to promote building energy and water
10 efficiency through the use of the codes and
11 standards.

12 “(2) ADDITIONAL FUNDING.—Additional fund-
13 ing shall be provided under this subsection for im-
14 plementation of a plan to achieve and document full
15 compliance with residential and commercial building
16 energy codes under subsection (c)—

17 “(A) to a State or Indian tribe for which
18 the Secretary has validated a certification or
19 compliance under subsection (b) or (c); and

20 “(B) in a State or Indian tribe that is not
21 eligible under subparagraph (A), to a local gov-
22 ernment that is eligible under this section.

23 “(3) TRAINING.—The State or Indian tribe
24 may use a portion of the amounts made available
25 under this subsection to train State and local build-

1 ing code officials to implement and enforce codes de-
2 scribed in paragraph (2).

3 “(4) LOCAL GOVERNMENTS.—States may share
4 grants under this subsection with local governments
5 that implement and enforce the codes.

6 “(f) TECHNICAL ASSISTANCE TO STATES AND IN-
7 DIAN TRIBES.—The Secretary shall provide technical as-
8 sistance to States and Indian tribes to implement the goals
9 and requirements of this section.

10 “(g) REPORTS BY SECRETARY.—Not later than 3
11 years after the date of enactment of the CLEAN Future
12 Act, and not less frequently than once every 3 years there-
13 after, the Secretary shall submit to Congress and publish
14 a report describing—

15 “(1) the status of model building energy codes;

16 “(2) the status of code adoption and compliance
17 in the States and Indian tribes;

18 “(3) implementation of this section and section
19 307; and

20 “(4) improvements in energy savings over time
21 as result of the targets established under section
22 307(b).

23 “(h) STUDIES.—The Secretary, in consultation with
24 building science experts from the National Laboratories
25 and institutions of higher education, designers and build-

1 ers of energy-efficient residential and commercial build-
2 ings, code officials, code and standards developers, and
3 other stakeholders, shall undertake a study of the feasi-
4 bility, impact, economics, and merit of—

5 “(1) code and standards improvements that
6 would require that buildings be designed, sited, and
7 constructed in a manner that makes the buildings
8 more adaptable in the future to become zero-net-en-
9 ergy after initial construction, as advances are
10 achieved in energy-saving technologies;

11 “(2) code procedures to incorporate measured
12 lifetimes, not just first-year energy use, in trade-offs
13 and performance calculations; and

14 “(3) code and standards improvements that
15 consider energy efficiency and water efficiency and,
16 to the maximum extent practicable, consider energy
17 efficiency and water efficiency in an integrated man-
18 ner.

19 “(i) EFFECT ON OTHER LAWS.—Nothing in this sec-
20 tion or section 307 supersedes or modifies the application
21 of sections 321 through 346 of the Energy Policy and
22 Conservation Act (42 U.S.C. 6291 et seq.).

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 is authorized to be appropriated to carry out this section

1 and section 307, \$200,000,000, to remain available until
2 expended.”.

3 (d) DEFINITIONS.—Section 303 of the Energy Con-
4 servation and Production Act (42 U.S.C. 6832) is amend-
5 ed—

6 (1) by striking paragraph (14) and inserting
7 the following:

8 “(14) MODEL BUILDING ENERGY CODE.—The
9 term ‘model building energy code’ means a building
10 energy code or standard developed and updated for
11 use by State, Tribal, or local governments through
12 a consensus process among interested persons.”; and

13 (2) by adding at the end the following:

14 “(17) IECC.—The term ‘IECC’ means the
15 International Energy Conservation Code.

16 “(18) INDIAN TRIBE.—The term ‘Indian tribe’
17 has the meaning given the term in section 4 of the
18 Native American Housing Assistance and Self-De-
19 termination Act of 1996 (25 U.S.C. 4103).

20 “(19) ZERO ENERGY READY BUILDING.—The
21 term ‘zero energy ready building’ means a highly ef-
22 ficient building that could meet the balance of en-
23 ergy needs from onsite or nearby sources of energy
24 that do not produce greenhouse gases.”.

1 (e) EXCEPTION FOR CERTAIN BUILDING CODE RE-
2 REQUIREMENTS.—Section 327(f) of the Energy Policy and
3 Conservation Act (42 U.S.C. 6297(f)) is amended—

4 (1) in paragraph (3)—

5 (A) by striking subparagraphs (A) through
6 (F) and inserting the following:

7 “(A) The code does not require that the covered
8 product have an energy efficiency exceeding all of
9 the following levels:

10 “(i) The applicable energy conservation
11 standard under section 325.

12 “(ii) The level required by a regulation of
13 the State for which the Secretary has granted
14 a waiver under subsection (d).

15 “(iii) The level set under a national model
16 building energy code (as defined in section 303
17 of the Energy Conservation and Production
18 Act) or that is issued by the Secretary (includ-
19 ing an alternative or amendment to such code
20 issued by the Secretary under section 307(e) of
21 such Act).

22 “(B) If an energy consumption or conservation
23 objective in the code is determined using covered
24 products, including any baseline building designs
25 against which all submitted building designs are to

1 be evaluated, the objective is determined using cov-
2 ered products having efficiencies not exceeding one
3 of the levels specified in subparagraph (A).

4 “(C) If the code sets forth multiple options for
5 meeting an energy efficiency requirement, there is at
6 least 1 option for which no covered product has a
7 specified efficiency exceeding all of the levels speci-
8 fied in subparagraph (A).”; and

9 (B) by redesignating subparagraph (G) as
10 subparagraph (D); and

11 (2) by striking paragraph (4).

12 **Subtitle B—Existing Building** 13 **Retrofits**

14 **SEC. 311. ENERGY EFFICIENT PUBLIC BUILDINGS.**

15 (a) GRANTS.—Section 125(a) of the Energy Policy
16 Act of 2005 (42 U.S.C. 15822(a)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “Standard 90.1 of the
19 American Society of Heating, Refrigerating,
20 and Air-Conditioning Engineers,” after “the
21 International Energy Conservation Code,”; and

22 (B) by striking “; or” and inserting a
23 semicolon;

24 (2) in paragraph (2), by striking the period at
25 the end and inserting “; or”; and

1 (3) by adding at the end the following:

2 “(3) through benchmarking programs to enable
3 use of building performance data to evaluate the
4 performance of energy efficiency investments over
5 time.”.

6 (b) ASSURANCE OF IMPROVEMENT.—Section 125 of
7 the Energy Policy Act of 2005 (42 U.S.C. 15822) is
8 amended by redesignating subsections (b) and (c) as sub-
9 sections (c) and (d), respectively, and inserting after sub-
10 section (a) the following:

11 “(b) ASSURANCE OF IMPROVEMENT.—

12 “(1) VERIFICATION.—A State agency receiving
13 a grant for activities described in paragraph (1) or
14 (2) of subsection (a) shall ensure, as a condition of
15 eligibility for assistance pursuant to such grant, that
16 a unit of local government receiving such assistance
17 obtain third-party verification of energy efficiency
18 improvements in each public building with respect to
19 which such assistance is used.

20 “(2) GUIDANCE.—The Secretary may provide
21 guidance to State agencies to comply with paragraph
22 (1). In developing such guidance, the Secretary shall
23 consider available third-party verification tools for
24 high-performing buildings and available third-party
25 verification tools for energy efficiency retrofits.”.

1 (c) ADMINISTRATION.—Section 125(c) of the Energy
2 Policy Act of 2005, as so redesignated, is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “State energy offices receiving grants” and
5 inserting “A State agency receiving a grant”;

6 (2) in paragraph (1), by striking “; and” and
7 inserting a semicolon;

8 (3) in paragraph (2), by striking the period at
9 the end and inserting “; and”; and

10 (4) by adding at the end the following:

11 “(3) ensure that all laborers and mechanics em-
12 ployed by contractors and subcontractors in the per-
13 formance of construction, alteration, or repair work
14 financed in whole or in part with assistance received
15 pursuant to this section shall be paid wages at rates
16 not less than those prevailing on projects of a simi-
17 lar character in the locality, as determined by the
18 Secretary of Labor in accordance with subchapter
19 IV of chapter 31 of title 40, United States Code
20 (and with respect to such labor standards, the Sec-
21 retary of Labor shall have the authority and func-
22 tions set forth in Reorganization Plan Numbered 14
23 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
24 3145 of title 40, United States Code).”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
2 125(d) of the Energy Policy Act of 2005, as so redesi-
3 gnated, is amended by striking “\$30,000,000 for each of
4 fiscal years 2006 through 2010” and inserting
5 “\$100,000,000 for each of fiscal years 2022 through
6 2031”.

7 **SEC. 312. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
8 **MENTS AND RENEWABLE ENERGY IMPROVE-**
9 **MENTS AT PUBLIC SCHOOL FACILITIES.**

10 (a) DEFINITIONS.—In this section:

11 (1) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means a consortium of—

13 (A) one local educational agency; and

14 (B) one or more—

15 (i) schools;

16 (ii) nonprofit organizations;

17 (iii) for-profit organizations; or

18 (iv) community partners that have the
19 knowledge and capacity to partner and as-
20 sist with energy improvements.

21 (2) ENERGY IMPROVEMENTS.—The term “en-
22 ergy improvements” means—

23 (A) any improvement, repair, or renova-
24 tion, to a school that will result in a direct re-
25 duction in school energy costs including but not

1 limited to improvements to building envelope,
2 air conditioning, ventilation, heating system, do-
3 mestic hot water heating, compressed air sys-
4 tems, distribution systems, lighting, power sys-
5 tems and controls;

6 (B) any improvement, repair, renovation,
7 or installation that leads to an improvement in
8 teacher and student health including but not
9 limited to indoor air quality, daylighting, ven-
10 tilation, electrical lighting, and acoustics; and

11 (C) the installation of renewable energy
12 technologies (such as wind power, photovoltaics,
13 solar thermal systems, geothermal energy, hy-
14 drogen-fueled systems, biomass-based systems,
15 biofuels, anaerobic digesters, and hydropower)
16 involved in the improvement, repair, or renova-
17 tion to a school.

18 (b) AUTHORITY.—From amounts made available for
19 grants under this section, the Secretary of Energy shall
20 provide competitive grants to eligible entities to make en-
21 ergy improvements authorized by this section.

22 (c) PRIORITY.—In making grants under this sub-
23 section, the Secretary shall give priority to eligible entities
24 that have renovation, repair, and improvement funding
25 needs and are—

1 (1) a high-need local educational agency, as de-
2 fined in section 2102 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 6602); or

4 (2) a local educational agency designated with
5 a metrocentric locale code of 41, 42, or 43 as deter-
6 mined by the National Center for Education Statis-
7 tics (NCES), in conjunction with the Bureau of the
8 Census, using the NCES system for classifying local
9 educational agencies.

10 (d) **COMPETITIVE CRITERIA.**—The competitive cri-
11 teria used by the Secretary shall include the following:

12 (1) The fiscal capacity of the eligible entity to
13 meet the needs for improvements of school facilities
14 without assistance under this section, including the
15 ability of the eligible entity to raise funds through
16 the use of local bonding capacity and otherwise.

17 (2) The likelihood that the local educational
18 agency or eligible entity will maintain, in good condi-
19 tion, any facility whose improvement is assisted.

20 (3) The potential energy efficiency and safety
21 benefits from the proposed energy improvements.

22 (e) **APPLICATIONS.**—To be eligible to receive a grant
23 under this section, an applicant must submit to the Sec-
24 retary an application that includes each of the following:

1 (1) A needs assessment of the current condition
2 of the school and facilities that are to receive the en-
3 ergy improvements.

4 (2) A draft work plan of what the applicant
5 hopes to achieve at the school and a description of
6 the energy improvements to be carried out.

7 (3) A description of the applicant's capacity to
8 provide services and comprehensive support to make
9 the energy improvements.

10 (4) An assessment of the applicant's expected
11 needs for operation and maintenance training funds,
12 and a plan for use of those funds, if any.

13 (5) An assessment of the expected energy effi-
14 ciency and safety benefits of the energy improve-
15 ments.

16 (6) A cost estimate of the proposed energy im-
17 provements.

18 (7) An identification of other resources that are
19 available to carry out the activities for which funds
20 are requested under this section, including the avail-
21 ability of utility programs and public benefit funds.

22 (f) USE OF GRANT AMOUNTS.—

23 (1) IN GENERAL.—The recipient of a grant
24 under this section shall use the grant amounts only
25 to make the energy improvements contemplated in

1 the application, subject to the other provisions of
2 this subsection.

3 (2) OPERATION AND MAINTENANCE TRAIN-
4 ING.—The recipient may use up to 5 percent for op-
5 eration and maintenance training for energy effi-
6 ciency and renewable energy improvements (such as
7 maintenance staff and teacher training, education,
8 and preventative maintenance training).

9 (3) AUDIT.—The recipient may use funds for a
10 third-party investigation and analysis for energy im-
11 provements (such as energy audits and existing
12 building commissioning).

13 (4) CONTINUING EDUCATION.—The recipient
14 may use up to 1 percent of the grant amounts to de-
15 velop a continuing education curriculum relating to
16 energy improvements.

17 (g) CONTRACTING REQUIREMENTS.—

18 (1) DAVIS-BACON.—Any laborer or mechanic
19 employed by any contractor or subcontractor in the
20 performance of work on any energy improvements
21 funded by a grant under this section shall be paid
22 wages at rates not less than those prevailing on
23 similar construction in the locality as determined by
24 the Secretary of Labor under subchapter IV of chap-

1 ter 31 of title 40, United States Code (commonly re-
2 ferred to as the Davis-Bacon Act).

3 (2) COMPETITION.—Each applicant that re-
4 ceives funds shall ensure that, if the applicant car-
5 ries out repair or renovation through a contract, any
6 such contract process—

7 (A) ensures the maximum number of quali-
8 fied bidders, including small, minority, and
9 women-owned businesses, through full and open
10 competition; and

11 (B) gives priority to businesses located in,
12 or resources common to, the State or the geo-
13 graphical area in which the project is carried
14 out.

15 (h) REPORTING.—Each recipient of a grant under
16 this section shall submit to the Secretary, at such time
17 as the Secretary may require, a report describing the use
18 of such funds for energy improvements, the estimated cost
19 savings realized by those energy improvements, the results
20 of any audit, the use of any utility programs and public
21 benefit funds and the use of performance tracking for en-
22 ergy improvements (such as the Department of Energy:
23 Energy Star program or LEED for Existing Buildings).

1 (i) BEST PRACTICES.—The Secretary shall develop
2 and publish guidelines and best practices for activities car-
3 ried out under this section.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$100,000,000 for each of fiscal years 2022 through 2031.

7 **Subtitle C—Promoting Energy** 8 **Efficiency**

9 **SEC. 321. REMOVING BARRIERS TO EFFICIENCY.**

10 (a) IN GENERAL.—Section 327 of the Energy Policy
11 and Conservation Act (42 U.S.C. 6297) is amended by
12 adding at the end the following:

13 “(h) SUSPENSION OF PREEMPTION.—This section
14 shall not apply to a covered product during any period
15 that—

16 “(1) begins on the date that is 8 years after the
17 date on which the energy conservation standard was
18 established under section 325 for the covered prod-
19 uct; and

20 “(2) ends on the effective date of an energy
21 conservation standard established after the date de-
22 scribed in paragraph (1) under section 325 for the
23 covered product, that is equivalent to, or more strin-
24 gent than, the standard described in such para-
25 graph.

1 “(i) NO PREEMPTION ABSENT A FEDERAL STAND-
2 ARD.—

3 “(1) APPLICATION.—Notwithstanding any other
4 provision of this part, this section does not apply to
5 any State regulation insofar as the State regulation
6 applies to any product not subject to an energy con-
7 servation standard established under section 325.

8 “(2) COMPLIANCE PERIOD.—Any State regula-
9 tion prescribed or enacted for a covered product be-
10 fore the date on which an energy conservation stand-
11 ard is established under section 325 for the covered
12 product shall not be preempted until the effective
13 date of an equivalent or more stringent energy con-
14 servation standard under section 325 for the covered
15 product.”.

16 (b) ASHRAE PRODUCTS.—Section 345(b)(2) of the
17 Energy Policy and Conservation Act (42 U.S.C.
18 6316(b)(2)) is amended by adding at the end the fol-
19 lowing:

20 “(E) Notwithstanding subparagraph (A), a standard
21 prescribed or established under section 342(a) shall not
22 supersede any State or local regulation concerning the en-
23 ergy efficiency or energy use of a product for which a
24 standard is prescribed or established pursuant to such sec-
25 tion during any period that—

1 “(i) begins on the date that is 8 years after the
2 date on which such standard was prescribed or es-
3 tablished; and

4 “(ii) ends on the effective date of a standard
5 prescribed or established after the date described in
6 clause (i) under section 342(a) for the product, that
7 is equivalent to, or more stringent than, the stand-
8 ard described in such clause.”.

9 **SEC. 322. ENERGY EFFICIENCY AND CONSERVATION BLOCK**
10 **GRANT PROGRAM.**

11 (a) **PURPOSE.**—Section 542(b)(1) of the Energy
12 Independence and Security Act of 2007 (42 U.S.C.
13 17152(b)(1)) is amended—

14 (1) in subparagraph (A), by striking “; and”
15 and inserting a semicolon;

16 (2) in subparagraph (B), by striking the semi-
17 colon and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(C) diversifies energy supplies, including
20 by facilitating and promoting the use of alter-
21 native fuels;”.

22 (b) **USE OF FUNDS.**—Section 544 of the Energy
23 Independence and Security Act of 2007 (42 U.S.C.
24 17154) is amended—

1 (1) by amending paragraph (9) to read as fol-
2 lows:

3 “(9) deployment of energy distribution tech-
4 nologies that significantly increase energy efficiency
5 or expand access to alternative fuels, including—

6 “(A) distributed resources;

7 “(B) district heating and cooling systems;

8 and

9 “(C) infrastructure for delivering alter-
10 native fuels;”;

11 (2) in paragraph (13)(D), by striking “and”;

12 (3) by redesignating paragraph (14) as para-
13 graph (15); and

14 (4) by adding after paragraph (13) the fol-
15 lowing:

16 “(14) programs for financing energy efficiency,
17 renewable energy, and zero-emission transportation
18 (and associated infrastructure) capital investments,
19 projects, and programs—

20 “(A) which may include loan programs and
21 performance contracting programs for
22 leveraging of additional public and private sec-
23 tor funds, and programs which allow rebates,
24 grants, or other incentives for the purchase and
25 installation of energy efficiency, renewable en-

1 ergy, and zero-emission transportation (and as-
2 sociated infrastructure) measures; or

3 “(B) in addition to or in lieu of programs
4 described in subparagraph (A), which may be
5 used in connection with public or nonprofit
6 buildings owned and operated by a State, a po-
7 litical subdivision of a State or an agency or in-
8 strumentality of a State, or an organization ex-
9 empt from taxation under section 501(c)(3) of
10 title 26, United States Code; and”.

11 (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the
12 Energy Independence and Security Act of 2007 (42
13 U.S.C. 17156(c)(2)) is amended by inserting “, including
14 projects to expand the use of alternative fuels” before the
15 period at the end.

16 (d) FUNDING.—Section 548(a) of the Energy Inde-
17 pendence and Security Act of 2007 (42 U.S.C. 17158(a))
18 is amended to read as follows:

19 “(a) AUTHORIZATION OF APPROPRIATIONS.—

20 “(1) GRANTS.—There is authorized to be ap-
21 propriated to the Secretary for the provision of
22 grants under the program \$3,500,000,000 for each
23 of fiscal years 2022 through 2031.

24 “(2) ADMINISTRATIVE COSTS.—There is au-
25 thorized to be appropriated to the Secretary for ad-

1 ministrative expenses of the program \$35,000,000
2 for each of fiscal years 2022 through 2031.”.

3 (e) TECHNICAL AMENDMENTS.—Section 543 of the
4 Energy Independence and Security Act of 2007 (42
5 U.S.C. 17153) is amended—

6 (1) in subsection (c), by striking “subsection
7 (a)(2)” and inserting “subsection (a)(3)”; and

8 (2) in subsection (d), by striking “subsection
9 (a)(3)” and inserting “subsection (a)(4)”.

10 **SEC. 323. NONPROFIT ENERGY EFFICIENCY PILOT PRO-**
11 **GRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPLICANT.—The term “applicant” means
14 a nonprofit organization that applies for a grant
15 under this section.

16 (2) ENERGY EFFICIENCY MATERIAL.—

17 (A) IN GENERAL.—The term “energy effi-
18 ciency material” means a material (including a
19 product, equipment, or system) the installation
20 of which results in a reduction in use of energy
21 or fuel.

22 (B) INCLUSIONS.—The term “energy effi-
23 ciency material” includes—

24 (i) a roof or lighting system or compo-
25 nent of the system;

- 1 (ii) a window;
- 2 (iii) a door, including a security door;
- 3 (iv) a heating, ventilation, or air con-
- 4 ditioning system or component of the sys-
- 5 tem (including insulation and wiring and
- 6 plumbing improvements needed to serve a
- 7 more efficient system); and
- 8 (v) a renewable energy generation or
- 9 heating system, including a solar, photo-
- 10 voltaic, wind, geothermal, or biomass (in-
- 11 cluding wood pellet) system or component
- 12 of the system.

13 (3) NONPROFIT BUILDING.—

14 (A) IN GENERAL.—The term “nonprofit

15 building” means a building operated and owned

16 by a nonprofit organization.

17 (B) INCLUSIONS.—The term “nonprofit

18 building” includes a building described in sub-

19 paragraph (A) that is—

- 20 (i) a hospital;
- 21 (ii) a youth center;
- 22 (iii) a school;
- 23 (iv) a social-welfare program facility;
- 24 (v) a facility of a faith-based organiza-
- 25 tion; or

1 (vi) any other nonresidential and non-
2 commercial structure.

3 (4) NONPROFIT ORGANIZATION.—The term
4 “nonprofit organization” means an organization that
5 is described in section 501(c)(3) of the Internal Rev-
6 enue Code of 1986 and exempt from tax under sec-
7 tion 501(a) of such Code.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Energy.

10 (b) ESTABLISHMENT.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary shall es-
12 tablish a pilot program to award grants to nonprofit orga-
13 nizations to purchase energy efficiency materials to install
14 in nonprofit buildings.

15 (c) GRANTS.—

16 (1) APPLICATION.—The Secretary may award a
17 grant under the pilot program established under
18 subsection (b) if an applicant submits to the Sec-
19 retary an application at such time, in such form,
20 and containing such information as the Secretary
21 may prescribe.

22 (2) CRITERIA FOR GRANT.—In determining
23 whether to award a grant under the pilot program
24 established under subsection (b), the Secretary shall

1 apply performance-based criteria, which shall give
2 priority to applicants based on—

3 (A) the energy savings expected to be
4 achieved;

5 (B) the cost effectiveness of the use of the
6 energy efficiency materials that are proposed to
7 be purchased;

8 (C) an effective plan for evaluation, meas-
9 urement, and verification of energy savings; and

10 (D) the financial need of the applicant.

11 (3) LIMITATION ON INDIVIDUAL GRANT
12 AMOUNT.—Each grant awarded under this section
13 shall not exceed \$200,000.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$10,000,000 for each of fiscal years 2022 through 2031,
17 to remain available until expended.

18 **SEC. 324. HOME WILDFIRE RISK REDUCTION REBATE PRO-**
19 **GRAM.**

20 (a) IN GENERAL.—The Secretary of Energy shall es-
21 tablish a program, to be known as the “Home Wildfire
22 Risk Reduction Rebate Program”, to provide rebates to
23 homeowners to defray the costs of retrofitting an existing
24 home to be wildfire-resistant.

1 (b) AMOUNT OF REBATE.—In carrying out the Home
2 Wildfire Risk Reduction Rebate Program, the Secretary
3 shall provide a homeowner a rebate of up to—

4 (1) \$10,000 for the retrofitting of roof features,
5 including the roof covering, vents, soffit and fascia,
6 and gutters, to be wildfire-resistant;

7 (2) \$20,000 for the retrofitting of exterior wall
8 features, including sheathing and siding, doors, and
9 windows, to be wildfire-resistant;

10 (3) \$5,000 for the retrofitting of a deck, includ-
11 ing the decking, framing, and fascia, to be wildfire-
12 resistant; and

13 (4) \$1,500 for the retrofitting of near-home
14 landscaping, including mulch and landscape fabric in
15 a 5-foot zone immediately around the home and
16 under all attached decks, to be wildfire-resistant.

17 (c) INCLUSION.—For purposes of this section, the
18 cost of a retrofit shall include all costs associated with the
19 retrofit, including the purchase and installation of wild-
20 fire-resistant products and components.

21 (d) LIMITATION.—The amount of the rebate under
22 this section shall not exceed 50 percent of the cost of the
23 retrofit.

24 (e) PROCESS.—

1 (1) FORMS; REBATE PROCESSING SYSTEM.—

2 Not later than 90 days after the date of enactment
3 of this Act, the Secretary, in consultation with the
4 Secretary of the Treasury, shall—

5 (A) develop and make available rebate
6 forms required to receive a rebate under this
7 section;

8 (B) establish a Federal rebate processing
9 system which shall serve as a database and in-
10 formation technology system that will allow
11 homeowners to submit required rebate forms;
12 and

13 (C) establish a website that provides infor-
14 mation on rebates provided under this section,
15 including how to determine whether particular
16 measures qualify for a rebate under this section
17 and how to receive such a rebate.

18 (2) SUBMISSION OF FORMS.—In order to re-
19 ceive a rebate under this section, a homeowner shall
20 submit the required rebate forms, and any other in-
21 formation the Secretary determines appropriate, to
22 the Federal rebate processing system established
23 under paragraph (1).

24 (f) MODERATE-INCOME HOUSEHOLDS.—

1 (1) CERTIFICATIONS.—The Secretary shall es-
2 tablish procedures for certifying that the household
3 of a homeowner is moderate-income for purposes of
4 this section.

5 (2) LIMITATION FOR MODERATE INCOME
6 HOUSEHOLDS.—Notwithstanding subsection (d), for
7 households of homeowners that are certified pursu-
8 ant to the procedures established under paragraph
9 (1) as moderate-income, the amount of the rebate
10 under this section shall not exceed 80 percent of the
11 cost of the retrofit.

12 (3) OUTREACH.—The Secretary shall establish
13 procedures to—

14 (A) provide information to households of
15 homeowners that are certified pursuant to the
16 procedures established under paragraph (1) as
17 moderate-income regarding other programs and
18 resources relating to assistance for upgrades of
19 homes, including the weatherization assistance
20 program implemented under part A of title IV
21 of the Energy Conservation and Production Act
22 (42 U.S.C. 6861 et seq.); and

23 (B) refer such households, as applicable, to
24 such other programs and resources.

1 (g) DEFINITION.—In this section, the term “wildfire-
2 resistant” means meeting or exceeding the specifications
3 of the International Code Council’s 2018 International
4 Wildland-Urban Interface Code (IWUIC).

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$500,000,000 for each of fiscal years 2022 through 2031.

8 **SEC. 325. STATE ENERGY-EFFICIENT APPLIANCE REBATE**
9 **PROGRAM.**

10 Section 124 of the Energy Policy Act of 2005 (42
11 U.S.C. 15821) is amended—

12 (1) in subsection (b)(1), by striking “type;” and
13 inserting “type or to replace used appliances with an
14 appliance for similar purposes that is powered by
15 electricity;”; and

16 (2) in subsection (f)—

17 (A) by striking “\$50,000,000” and insert-
18 ing “\$300,000,000”; and

19 (B) by striking “2006 through 2010” and
20 inserting “2022 through 2031”.

21 **Subtitle D—HOPE for HOMES**

22 **SEC. 331. DEFINITIONS.**

23 In this subtitle:

24 (1) CONTRACTOR CERTIFICATION.—The term
25 “contractor certification” means an industry recog-

1 nized certification that may be obtained by a resi-
2 dential contractor to advance the expertise and edu-
3 cation of the contractor in energy efficiency retrofits
4 of residential buildings, including—

5 (A) a certification provided by—

6 (i) the Building Performance Insti-
7 tute;

8 (ii) the Air Conditioning Contractors
9 of America;

10 (iii) the National Comfort Institute;

11 (iv) the North American Technician
12 Excellence;

13 (v) RESNET;

14 (vi) the United States Green Building
15 Council; or

16 (vii) Home Innovation Research Labs;

17 and

18 (B) any other certification the Secretary
19 determines appropriate for purposes of the
20 Home Energy Savings Retrofit Rebate Pro-
21 gram.

22 (2) CONTRACTOR COMPANY.—The term “con-
23 tractor company” means a company—

24 (A) the business of which is to provide
25 services to residential building owners with re-

1 spect to HVAC systems, insulation, air sealing,
2 or other services that are approved by the Sec-
3 retary;

4 (B) that holds the licenses and insurance
5 required by the State in which the company
6 provides services; and

7 (C) that provides services for which a par-
8 tial system rebate, measured performance re-
9 bate, or modeled performance rebate may be
10 provided pursuant to the Home Energy Savings
11 Retrofit Rebate Program.

12 (3) ENERGY AUDIT.—The term “energy audit”
13 means an inspection, survey, and analysis of the en-
14 ergy use of a building, including the building enve-
15 lope and HVAC system.

16 (4) HOME.—The term “home” means a manu-
17 factured home (as such term is defined in section
18 603 of the National Manufactured Housing Con-
19 struction and Safety Standards Act of 1974 (42
20 U.S.C. 5402)), or a residential dwelling unit in a
21 building with no more than 4 dwelling units that—

22 (A) is located in the United States;

23 (B) was constructed before the date of en-
24 actment of this Act; and

1 (C) is occupied at least 6 months out of
2 the year.

3 (5) HOME ENERGY SAVINGS RETROFIT REBATE
4 PROGRAM.—The term “Home Energy Savings Ret-
5 rofit Rebate Program” means the Home Energy
6 Savings Retrofit Rebate Program established under
7 section 337.

8 (6) HOMEOWNER.—The term “homeowner”
9 means the owner of an owner-occupied home or a
10 tenant-occupied home.

11 (7) HOME VALUATION CERTIFICATION.—The
12 term “home valuation certification” means the fol-
13 lowing home assessments:

14 (A) Home Energy Score.

15 (B) PEARL Certification.

16 (C) National Green Building Standard.

17 (D) LEED.

18 (E) Any other assessment the Secretary
19 determines to be appropriate.

20 (8) HOPE QUALIFICATION.—The term “HOPE
21 Qualification” means the qualification described in
22 section 334.

23 (9) HOPE TRAINING CREDIT.—The term
24 “HOPE training credit” means a HOPE training
25 task credit or a HOPE training supplemental credit.

1 (10) HOPE TRAINING TASK CREDIT.—The
2 term “HOPE training task credit” means a credit
3 described in section 333(a).

4 (11) HOPE TRAINING SUPPLEMENTAL CRED-
5 IT.—The term “HOPE training supplemental cred-
6 it” means a credit described in section 333(b).

7 (12) HVAC SYSTEM.—The term “HVAC sys-
8 tem” means a system—

9 (A) consisting of a heating component, a
10 ventilation component, and an air-conditioning
11 component; and

12 (B) which components may include central
13 air conditioning, a heat pump, a furnace, a boil-
14 er, a rooftop unit, and a window unit.

15 (13) MEASURED PERFORMANCE REBATE.—The
16 term “measured performance rebate” means a re-
17 bate provided in accordance with section 339 and
18 described in subsection (e) of that section.

19 (14) MODELED PERFORMANCE REBATE.—The
20 term “modeled performance rebate” means a rebate
21 provided in accordance with section 339 and de-
22 scribed in subsection (d) of that section.

23 (15) MODERATE INCOME.—The term “mod-
24 erate income” means, with respect to a household, a
25 household with an annual income that is less than

1 80 percent of the area median income, as deter-
2 mined annually by the Department of Housing and
3 Urban Development.

4 (16) MULTIFAMILY BUILDING.—The term
5 “multifamily building” means a structure with 5 or
6 more tenant-occupied residential dwelling units
7 that—

8 (A) is located in the United States;

9 (B) was constructed before the date of en-
10 actment of this Act; and

11 (C) is occupied at least 6 months out of
12 the year.

13 (17) MULTIFAMILY BUILDING OWNER.—The
14 term “multifamily building owner” means the owner
15 of a tenant-occupied multifamily building.

16 (18) PARTIAL SYSTEM REBATE.—The term
17 “partial system rebate” means a rebate provided in
18 accordance with section 338.

19 (19) SECRETARY.—The term “Secretary”
20 means the Secretary of Energy.

21 (20) STATE.—The term “State” includes—

22 (A) a State;

23 (B) the District of Columbia;

24 (C) the Commonwealth of Puerto Rico;

25 (D) Guam;

- 1 (E) American Samoa;
- 2 (F) the Commonwealth of the Northern
- 3 Mariana Islands;
- 4 (G) the United States Virgin Islands; and
- 5 (H) any other territory or possession of the
- 6 United States.

7 (21) STATE ENERGY OFFICE.—The term “State

8 energy office” means the office or agency of a State

9 responsible for developing the State energy conserva-

10 tion plan for the State under section 362 of the En-

11 ergy Policy and Conservation Act (42 U.S.C. 6322).

12 **PART 1—HOPE TRAINING**

13 **SEC. 332. NOTICE FOR HOPE QUALIFICATION TRAINING**

14 **AND GRANTS.**

15 Not later than 30 days after the date of enactment

16 of this Act, the Secretary, acting through the Director of

17 the Building Technologies Office of the Department of

18 Energy, shall issue a notice that includes—

- 19 (1) criteria established under section 333 for
- 20 approval by the Secretary of courses for which cred-
- 21 its may be issued for purposes of a HOPE Qualifica-
- 22 tion;
- 23 (2) a list of courses that meet such criteria and
- 24 are so approved; and

1 (3) information on how individuals and entities
2 may apply for grants under this part.

3 **SEC. 333. COURSE CRITERIA.**

4 (a) HOPE TRAINING TASK CREDIT.—

5 (1) CRITERIA.—The Secretary shall establish
6 criteria for approval of a course for which a credit,
7 to be known as a HOPE training task credit, may
8 be issued, including that such course—

9 (A) is equivalent to at least 30 hours in
10 total course time;

11 (B) is accredited by the Interstate Renew-
12 able Energy Council or is determined to be
13 equivalent by the Secretary;

14 (C) is, with respect to a particular job,
15 aligned with the relevant National Renewable
16 Energy Laboratory Job Task Analysis, or other
17 credentialing program foundation that helps
18 identify the necessary core knowledge areas,
19 critical work functions, or skills, as approved by
20 the Secretary;

21 (D) has established learning objectives;
22 and

23 (E) includes, as the Secretary determines
24 appropriate, an appropriate assessment of such
25 learning objectives that may include a final

1 exam, to be proctored on-site or through remote
2 proctoring, or an in-person field exam.

3 (2) INCLUDED COURSES.—The Secretary shall
4 approve one or more courses that meet the criteria
5 described in paragraph (1) for training related to—

6 (A) contractor certification;

7 (B) energy auditing or assessment, includ-
8 ing energy audits and assessments relevant to
9 multifamily buildings;

10 (C) home and multifamily building energy
11 systems (including HVAC systems);

12 (D) insulation installation and air leakage
13 control;

14 (E) health and safety regarding the instal-
15 lation of energy efficiency measures or health
16 and safety impacts associated with energy effi-
17 ciency retrofits; and

18 (F) indoor air quality.

19 (b) HOPE TRAINING SUPPLEMENTAL CREDIT CRI-
20 TERIA.—The Secretary shall establish criteria for approval
21 of a course for which a credit, to be known as a HOPE
22 training supplemental credit, may be issued, including
23 that such course provides—

24 (1) training related to—

1 (A) small business success, including man-
2 agement, home energy efficiency software, or
3 general accounting principles;

4 (B) the issuance of a home valuation cer-
5 tification;

6 (C) the use of Wi-Fi-enabled technology in
7 an energy efficiency upgrade; or

8 (D) understanding and being able to par-
9 ticipate in the Home Energy Savings Retrofit
10 Rebate Program; and

11 (2) as the Secretary determines appropriate, an
12 appropriate assessment of such training that may in-
13 clude a final exam, to be proctored on-site or
14 through remote proctoring, or an in-person field
15 exam.

16 (c) EXISTING APPROVED COURSES.—The Secretary
17 may approve a course that meets the applicable criteria
18 established under this section that is approved by the ap-
19 plicable State energy office or relevant State agency with
20 oversight authority for residential energy efficiency pro-
21 grams.

22 (d) IN-PERSON AND ONLINE TRAINING.—An online
23 course approved pursuant to this section may be con-
24 ducted in-person, but may not be offered exclusively in-
25 person.

1 **SEC. 334. HOPE QUALIFICATION.**

2 (a) ISSUANCE OF CREDITS.—

3 (1) IN GENERAL.—The Secretary, or an entity
4 authorized by the Secretary pursuant to paragraph
5 (2), may issue—

6 (A) a HOPE training task credit to any
7 individual that completes a course that meets
8 applicable criteria under section 333; and

9 (B) a HOPE training supplemental credit
10 to any individual that completes a course that
11 meets the applicable criteria under section 333.

12 (2) OTHER ENTITIES.—The Secretary may au-
13 thorize a State energy office implementing an au-
14 thorized program under subsection (b)(2), an organi-
15 zation described in section 335(b), and any other en-
16 tity the Secretary determines appropriate, to issue
17 HOPE training credits in accordance with para-
18 graph (1).

19 (b) HOPE QUALIFICATION.—

20 (1) IN GENERAL.—The Secretary may certify
21 that an individual has achieved a qualification, to be
22 known as a HOPE Qualification, that indicates that
23 the individual has received at least 3 HOPE training
24 credits, of which at least 2 shall be HOPE training
25 task credits.

1 (2) STATE PROGRAMS.—The Secretary may au-
2 thorize a State energy office to implement a pro-
3 gram to provide HOPE Qualifications in accordance
4 with this part.

5 **SEC. 335. GRANTS.**

6 (a) IN GENERAL.—The Secretary shall, to the extent
7 amounts are made available in appropriations Acts for
8 such purposes, provide grants to support the training of
9 individuals toward the completion of a HOPE Qualifica-
10 tion.

11 (b) PROVIDER ORGANIZATIONS.—

12 (1) IN GENERAL.—The Secretary may provide a
13 grant of up to \$20,000 under this section to an or-
14 ganization to provide training online, including es-
15 tablishing, modifying, or maintaining the online sys-
16 tems, staff time, and software and online program
17 management, through a course that meets the appli-
18 cable criteria established under section 333.

19 (2) CRITERIA.—In order to receive a grant
20 under this subsection, an organization shall be—

21 (A) a nonprofit organization;

22 (B) an educational institution; or

23 (C) an organization that has experience
24 providing training to contractors that work with
25 the weatherization assistance program imple-

1 mented under part A of title IV of the Energy
2 Conservation and Production Act (42 U.S.C.
3 6861 et seq.) or equivalent experience, as deter-
4 mined by the Secretary.

5 (3) ADDITIONAL CERTIFICATIONS.—In addition
6 to any grant provided under paragraph (1), the Sec-
7 retary may provide an organization up to \$5,000 for
8 each additional course for which a HOPE training
9 credit may be issued that is offered by the organiza-
10 tion.

11 (c) CONTRACTOR COMPANY.—The Secretary may
12 provide a grant under this section of \$1,000 per employee
13 to a contractor company, up to a maximum of \$10,000,
14 to reimburse the contractor company for training costs for
15 employees, and any home technology support needed for
16 an employee to receive training pursuant to this section.
17 Grant funds provided under this subsection may be used
18 to support wages of employees during training.

19 (d) TRAINEES.—The Secretary may provide a grant
20 of up to \$1,000 under this section to an individual who
21 receives a HOPE Qualification.

22 (e) STATE ENERGY OFFICE.—The Secretary may
23 provide a grant under this section to a State energy office
24 of up to \$25,000 to implement an authorized program
25 under section 334(b).

1 **SEC. 336. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this part \$500,000,000 for the period of fiscal years 2022
4 through 2031, to remain available until expended.

5 **PART 2—HOME ENERGY SAVINGS RETROFIT**

6 **REBATE PROGRAM**

7 **SEC. 337. ESTABLISHMENT OF HOME ENERGY SAVINGS**

8 **RETROFIT REBATE PROGRAM.**

9 The Secretary shall establish a program, to be known
10 as the Home Energy Savings Retrofit Rebate Program,
11 to—

12 (1) provide rebates in accordance with section
13 338; and

14 (2) provide grants to States to carry out pro-
15 grams to provide rebates in accordance with section
16 339.

17 **SEC. 338. PARTIAL SYSTEM REBATES.**

18 (a) AMOUNT OF REBATE.—In carrying out the Home
19 Energy Savings Retrofit Rebate Program, and subject to
20 the availability of appropriations for such purpose, the
21 Secretary shall provide a homeowner or multifamily build-
22 ing owner a rebate, to be known as a partial system re-
23 bate, of, except as provided in section 340, up to—

24 (1) \$800 for the purchase and installation of
25 insulation and air sealing within a home of the

1 homeowner or the household living in a multifamily
2 building; and

3 (2) \$1,500 for the purchase and installation of
4 insulation and air sealing within a home of the
5 homeowner or the household living in a multifamily
6 building and replacement of an HVAC system, the
7 heating component of an HVAC system, or the cool-
8 ing component of an HVAC system, of such home.

9 (b) SPECIFICATIONS.—

10 (1) COST.—The amount of a partial system re-
11 bate provided under this section shall, except as pro-
12 vided in section 340, not exceed 30 percent of cost
13 of the purchase and installation of insulation and air
14 sealing under subsection (a)(1), or the purchase and
15 installation of insulation and air sealing and replace-
16 ment of an HVAC system, the heating component of
17 an HVAC system, or the cooling component of an
18 HVAC system, under subsection (a)(2). Labor may
19 be included in such cost but may not exceed—

20 (A) in the case of a rebate under sub-
21 section (a)(1), 50 percent of such cost; and

22 (B) in the case of a rebate under sub-
23 section (a)(2), 25 percent of such cost.

24 (2) REPLACEMENT OF AN HVAC SYSTEM, THE
25 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE

1 COOLING COMPONENT OF AN HVAC SYSTEM.—In
2 order to qualify for a partial system rebate described
3 in subsection (a)(2)—

4 (A) any HVAC system, heating component
5 of an HVAC system, or cooling component of
6 an HVAC system installed shall be Energy Star
7 Most Efficient certified;

8 (B) installation of such an HVAC system,
9 the heating component of an HVAC system, or
10 the cooling component of an HVAC system,
11 shall be completed in accordance with standards
12 specified by the Secretary that are at least as
13 stringent as the applicable guidelines of the Air
14 Conditioning Contractors of America that are in
15 effect on the date of enactment of this Act;

16 (C) if ducts are present, replacement of an
17 HVAC system, the heating component of an
18 HVAC system, or the cooling component of an
19 HVAC system shall include duct sealing; and

20 (D) the installation of insulation and air
21 sealing shall occur within 6 months of the re-
22 placement of the HVAC system, the heating
23 component of an HVAC system, or the cooling
24 component of an HVAC system.

1 (c) ADDITIONAL INCENTIVES FOR CONTRACTORS.—

2 In carrying out the Home Energy Savings Retrofit Rebate
3 Program, the Secretary may provide a \$250 payment to
4 a contractor per home of a homeowner or household living
5 in a multifamily building for which—

6 (1) a partial system rebate is provided under
7 this section for the installation of insulation and air
8 sealing, or installation of insulation and air sealing
9 and replacement of an HVAC system, the heating
10 component of an HVAC system, or the cooling com-
11 ponent of an HVAC system, by the contractor;

12 (2) the applicable homeowner has signed and
13 submitted to the Secretary a release form made
14 available pursuant to section 342(b) authorizing the
15 contractor access to information in the utility bills of
16 the homeowner or the applicable multifamily build-
17 ing owner has signed and submitted an agreement
18 with the contractor to provide whole-building aggre-
19 gate information about the building's energy use;
20 and

21 (3) the contractor inputs, into the Department
22 of Energy's Building Performance Database—

23 (A) the energy usage for the home of a
24 homeowner or for the household living in a mul-
25 tifamily building for the 12 months preceding,

1 and the 24 months following, the installation of
2 insulation and air sealing or installation of in-
3 sulation and air sealing and replacement of an
4 HVAC system, the heating component of an
5 HVAC system, or the cooling component of an
6 HVAC system;

7 (B) a description of such installation or in-
8 stallation and replacement; and

9 (C) the total cost to the homeowner or
10 multifamily building owner for such installation
11 or installation and replacement.

12 (d) PROCESS.—

13 (1) FORMS; REBATE PROCESSING SYSTEM.—

14 Not later than 90 days after the date of enactment
15 of this Act, the Secretary, in consultation with the
16 Secretary of the Treasury, shall—

17 (A) develop and make available rebate
18 forms required to receive a partial system re-
19 bate under this section;

20 (B) establish a Federal rebate processing
21 system which shall serve as a database and in-
22 formation technology system that will allow
23 homeowners and multifamily building owners to
24 submit required rebate forms; and

1 (C) establish a website that provides infor-
2 mation on partial system rebates provided
3 under this section, including how to determine
4 whether particular measures qualify for a re-
5 bate under this section and how to receive such
6 a rebate.

7 (2) SUBMISSION OF FORMS.—In order to re-
8 ceive a partial system rebate under this section, a
9 homeowner or multifamily building owner shall sub-
10 mit the required rebate forms, and any other infor-
11 mation the Secretary determines appropriate, to the
12 Federal rebate processing system established pursu-
13 ant to paragraph (1).

14 (e) FUNDING.—

15 (1) LIMITATION.—For each fiscal year, the Sec-
16 retary may not use more than 50 percent of the
17 amounts made available to carry out this part to
18 carry out this section.

19 (2) ALLOCATION.—The Secretary shall allocate
20 amounts made available to carry out this section for
21 partial system rebates among the States using the
22 same formula as is used to allocate funds for States
23 under part D of title III of the Energy Policy and
24 Conservation Act (42 U.S.C. 6321 et seq.).

1 **SEC. 339. STATE ADMINISTERED REBATES.**

2 (a) **FUNDING.**—In carrying out the Home Energy
3 Savings Retrofit Rebate Program, and subject to the
4 availability of appropriations for such purpose, the Sec-
5 retary shall provide grants to States to carry out programs
6 to provide rebates in accordance with this section.

7 (b) **STATE PARTICIPATION.**—

8 (1) **PLAN.**—In order to receive a grant under
9 this section a State shall submit to the Secretary an
10 application that includes a plan to implement a
11 State program that meets the minimum criteria
12 under subsection (c).

13 (2) **APPROVAL.**—Not later than 60 days after
14 receipt of a completed application for a grant under
15 this section, the Secretary shall either approve the
16 application or provide to the applicant an expla-
17 nation for denying the application.

18 (c) **MINIMUM CRITERIA FOR STATE PROGRAMS.**—
19 Not later than 6 months after the date of enactment of
20 this Act, the Secretary shall establish and publish min-
21 imum criteria for a State program to meet to qualify for
22 funding under this section, including—

23 (1) that the State program be carried out by
24 the applicable State energy office or its designee;

1 (2) that a rebate be provided under a State pro-
2 gram only for a home energy efficiency retrofit
3 that—

4 (A) is completed by a contractor who
5 meets minimum training requirements and cer-
6 tification requirements set forth by the Sec-
7 retary;

8 (B) includes installation of one or more
9 home energy efficiency retrofit measures for a
10 home that together are modeled to achieve, or
11 are shown to achieve, a reduction in home en-
12 ergy use of 20 percent or more from the base-
13 line energy use of the home;

14 (C) does not include installation of any
15 measure that the Secretary determines does not
16 improve the thermal energy performance of the
17 home, such as a pool pump, pool heater, spa, or
18 EV charger; and

19 (D) includes, after installation of the appli-
20 cable home energy efficiency retrofit measures,
21 a test-out procedure conducted in accordance
22 with guidelines issued by the Secretary of such
23 measures to ensure—

24 (i) the safe operation of all systems
25 post retrofit; and

1 (ii) that all improvements are included
2 in, and have been installed according to—

3 (I) manufacturers installation
4 specifications; and

5 (II) all applicable State and local
6 codes or equivalent standards ap-
7 proved by the Secretary;

8 (3) that the State program utilize—

9 (A) for purposes of modeled performance
10 rebates, modeling software approved by the Sec-
11 retary for determining and documenting the
12 baseline energy use of a home and the reduc-
13 tions in home energy use resulting from the im-
14 plementation of a home energy efficiency ret-
15 rofit; and

16 (B) for purposes of measured performance
17 rebates, methods and procedures approved by
18 the Secretary for determining and documenting
19 the baseline energy use of a home and the re-
20 ductions in home energy use resulting from the
21 implementation of a home energy efficiency ret-
22 rofit, including methods and procedures for use
23 of advanced metering infrastructure, weather-
24 normalized data, and open source standards, to

1 measure such baseline energy use and such re-
2 ductions in home energy use;

3 (4) that the State program include implementa-
4 tion of a quality assurance program—

5 (A) to ensure that home energy efficiency
6 retrofits are achieving the stated level of energy
7 savings, that efficiency measures were installed
8 correctly, and that work is performed in accord-
9 ance with procedures developed by the Sec-
10 retary, including through quality-control inspec-
11 tions for a portion of home energy efficiency
12 retrofits completed by each applicable con-
13 tractor; and

14 (B) under which a quality-control inspec-
15 tion of a home energy efficiency retrofit is per-
16 formed by a quality assurance provider who—

17 (i) is independent of the contractor
18 for such retrofit; and

19 (ii) will confirm that such contractor
20 is a contractor who meets minimum train-
21 ing requirements and certification require-
22 ments set forth by the Secretary;

23 (5) that the State program include require-
24 ments for a homeowner, contractor, or rebate
25 aggregator to claim a rebate, including that the

1 homeowner, contractor, or rebate aggregator submit
2 any applicable forms approved by the Secretary to
3 the State, including a copy of the certificate pro-
4 vided by the applicable contractor certifying pro-
5 jected or measured reduction of home energy use;

6 (6) that the State program may include require-
7 ments for an entity to be eligible to serve as a rebate
8 aggregator to facilitate the delivery of rebates to
9 homeowners or contractors;

10 (7) that the State program include procedures
11 for a homeowner to transfer the right to claim a re-
12 bate to the contractor performing the applicable
13 home energy efficiency retrofit or to a rebate
14 aggregator that works with the contractor; and

15 (8) that the State program provide that a
16 homeowner, contractor, or rebate aggregator may
17 claim more than one rebate under the State pro-
18 gram, and may claim a rebate under the State pro-
19 gram after receiving a partial system rebate under
20 section 338, provided that no 2 rebates may be pro-
21 vided with respect to a home using the same baseline
22 energy use of such home.

23 (d) MODELED PERFORMANCE REBATES.—

24 (1) IN GENERAL.—In carrying out a State pro-
25 gram under this section, a State may provide a

1 homeowner, contractor, or rebate aggregator a re-
2 bate, to be known as a modeled performance rebate,
3 for an energy audit of a home and a home energy
4 efficiency retrofit that is projected, using modeling
5 software approved by the Secretary, to reduce home
6 energy use by at least 20 percent.

7 (2) AMOUNT.—

8 (A) IN GENERAL.—Except as provided in
9 section 340, and subject to subparagraph (B),
10 the amount of a modeled performance rebate
11 provided under a State program shall be equal
12 to 50 percent of the cost of the applicable en-
13 ergy audit of a home and home energy effi-
14 ciency retrofit, including the cost of diagnostic
15 procedures, labor, reporting, and modeling.

16 (B) LIMITATION.—Except as provided in
17 section 340, with respect to an energy audit
18 and home energy efficiency retrofit that is pro-
19 jected to reduce home energy use by—

20 (i) at least 20 percent, but less than
21 40 percent, the maximum amount of a
22 modeled performance rebate shall be
23 \$2,000; and

1 (ii) at least 40 percent, the maximum
2 amount of a modeled performance rebate
3 shall be \$4,000.

4 (e) MEASURED PERFORMANCE REBATES.—

5 (1) IN GENERAL.—In carrying out a State pro-
6 gram under this section, a State may provide a
7 homeowner, contractor, or rebate aggregator a re-
8 bate, to be known as a measured performance re-
9 bate, for a home energy efficiency retrofit that re-
10 duces home energy use by at least 20 percent as
11 measured using methods and procedures approved
12 by the Secretary.

13 (2) AMOUNT.—

14 (A) IN GENERAL.—Except as provided in
15 section 340, and subject to subparagraph (B),
16 the amount of a measured performance rebate
17 provided under a State program shall be equal
18 to 50 percent of the cost, including the cost of
19 diagnostic procedures, labor, reporting, and en-
20 ergy measurement, of the applicable home en-
21 ergy efficiency retrofit.

22 (B) LIMITATION.—Except as provided in
23 section 340, with respect to a home energy effi-
24 ciency retrofit that is measured as reducing
25 home energy use by—

1 (i) at least 20 percent, but less than
2 40 percent, the maximum amount of a
3 measured performance rebate shall be
4 \$2,000; and

5 (ii) at least 40 percent, the maximum
6 amount of a measured performance rebate
7 shall be \$4,000.

8 (f) COORDINATION OF REBATE AND EXISTING
9 STATE-SPONSORED OR UTILITY-SPONSORED PRO-
10 GRAMS.—A State that receives a grant under this section
11 is encouraged to work with State agencies, energy utilities,
12 nonprofits, and other entities—

13 (1) to assist in marketing the availability of the
14 rebates under the applicable State program;

15 (2) to coordinate with utility or State managed
16 financing programs;

17 (3) to assist in implementation of the applicable
18 State program, including installation of home energy
19 efficiency retrofits; and

20 (4) to coordinate with existing quality assur-
21 ance programs.

22 (g) ADMINISTRATION AND OVERSIGHT.—

23 (1) REVIEW OF APPROVED MODELING SOFT-
24 WARE.—The Secretary shall, on an annual basis, list
25 and review all modeling software approved for use in

1 determining and documenting the reductions in
2 home energy use for purposes of modeled perform-
3 ance rebates under subsection (d). In approving such
4 modeling software each year, the Secretary shall en-
5 sure that modeling software approved for a year will
6 result in modeling of energy efficiency gains for any
7 type of home energy efficiency retrofit that is at
8 least as substantial as the modeling of energy effi-
9 ciency gains for such type of home energy efficiency
10 retrofit using the modeling software approved for
11 the previous year.

12 (2) OVERSIGHT.—If the Secretary determines
13 that a State is not implementing a State program
14 that was approved pursuant to subsection (b) and
15 that meets the minimum criteria under subsection
16 (c), the Secretary may, after providing the State a
17 period of at least 90 days to meet such criteria,
18 withhold grant funds under this section from the
19 State.

20 **SEC. 340. SPECIAL PROVISIONS FOR MODERATE INCOME**
21 **HOUSEHOLDS.**

22 (a) CERTIFICATIONS.—The Secretary shall establish
23 procedures for certifying that the household of a home-
24 owner or that, in the case of a multifamily building, the

1 majority of households in the building is moderate income
2 for purposes of this section.

3 (b) PERCENTAGES.—Subject to subsection (c), for
4 households that are certified pursuant to the procedures
5 established under subsection (a) as moderate income the—

6 (1) amount of a partial system rebate under
7 section 338 shall not exceed 60 percent of the appli-
8 cable purchase and installation costs described in
9 section 338(b)(1); and

10 (2) amount of—

11 (A) a modeled performance rebate under
12 section 339 provided shall be equal to 80 per-
13 cent of the applicable costs described in section
14 339(d)(2)(A); and

15 (B) a measured performance rebate under
16 section 339 provided shall be equal to 80 per-
17 cent of the applicable costs described in section
18 339(e)(2)(A).

19 (c) MAXIMUM AMOUNTS.—For households that are
20 certified pursuant to the procedures established under
21 subsection (a) as moderate income the maximum
22 amount—

23 (1) of a partial system rebate—

24 (A) under section 338(a)(1) for the pur-
25 chase and installation of insulation and air seal-

1 ing within a home of the homeowner or the
2 household living in a multifamily building shall
3 be \$1,600; and

4 (B) under section 338(a)(2) for the pur-
5 chase and installation of insulation and air seal-
6 ing within a home of the homeowner or the
7 household living in a multifamily building and
8 replacement of an HVAC system, the heating
9 component of an HVAC system, or the cooling
10 component of an HVAC system, of such home,
11 shall be \$3,000;

12 (2) of a modeled performance rebate under sec-
13 tion 339 for an energy audit and home energy effi-
14 ciency retrofit that is projected to reduce home en-
15 ergy use as described in—

16 (A) section 339(d)(2)(B)(i) shall be
17 \$4,000; and

18 (B) section 339(d)(2)(B)(ii) shall be
19 \$8,000; and

20 (3) of a measured performance rebate under
21 section 339 for a home energy efficiency retrofit that
22 reduces home energy use as described in—

23 (A) section 339(e)(2)(B)(i) shall be
24 \$4,000; and

1 (B) section 339(e)(2)(B)(ii) shall be
2 \$8,000.

3 (d) OUTREACH.—The Secretary shall establish proce-
4 dures to—

5 (1) provide information to households of home-
6 owners or multifamily building owners that are cer-
7 tified pursuant to the procedures established under
8 subsection (a) as moderate income regarding other
9 programs and resources relating to assistance for
10 energy efficiency upgrades of homes, including the
11 weatherization assistance program implemented
12 under part A of title IV of the Energy Conservation
13 and Production Act (42 U.S.C. 6861 et seq.); and

14 (2) refer such households and owners, as appli-
15 cable, to such other programs and resources.

16 **SEC. 341. EVALUATION REPORTS TO CONGRESS.**

17 (a) IN GENERAL.—Not later than 3 years after the
18 date of enactment of this Act and annually thereafter until
19 the termination of the Home Energy Savings Retrofit Re-
20 bate Program, the Secretary shall submit to Congress a
21 report on the use of funds made available to carry out
22 this part.

23 (b) CONTENTS.—Each report submitted under sub-
24 section (a) shall include—

1 (1) how many home energy efficiency retrofits
2 have been completed during the previous year under
3 the Home Energy Savings Retrofit Rebate Program;

4 (2) an estimate of how many jobs have been
5 created through the Home Energy Savings Retrofit
6 Rebate Program, directly and indirectly;

7 (3) a description of what steps could be taken
8 to promote further deployment of energy efficiency
9 and renewable energy retrofits;

10 (4) a description of the quantity of verifiable
11 energy savings, homeowner energy bill savings, and
12 other benefits of the Home Energy Savings Retrofit
13 Rebate Program;

14 (5) a description of any waste, fraud, or abuse
15 with respect to funds made available to carry out
16 this part; and

17 (6) any other information the Secretary con-
18 siders appropriate.

19 **SEC. 342. ADMINISTRATION.**

20 (a) **IN GENERAL.**—The Secretary shall provide such
21 administrative and technical support to contractors, rebate
22 aggregators, States, and Indian Tribes as is necessary to
23 carry out this part.

24 (b) **INFORMATION COLLECTION.**—The Secretary
25 shall establish, and make available to a homeowner, or the

1 homeowner’s designated representative, seeking a rebate
2 under this part, release forms authorizing access by the
3 Secretary, or a designated third-party representative to in-
4 formation in the utility bills of the homeowner with appro-
5 priate privacy protections in place.

6 (c) APPLICATION OF WAGE RATE REQUIREMENTS TO
7 PARTIAL SYSTEM AND STATE ADMINISTERED RE-
8 BATES.—Section 841(b) of this Act shall not apply to re-
9 bates under sections 338 and 339.

10 **SEC. 343. TREATMENT OF REBATES.**

11 For purposes of the Internal Revenue Code of 1986,
12 gross income shall not include any rebate received under
13 this part.

14 **SEC. 344. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to the Secretary to carry out this part
17 \$1,600,000,000 for each of fiscal years 2022 through
18 2031, to remain available until expended.

19 (b) TRIBAL ALLOCATION.—Of the amounts made
20 available pursuant to subsection (a) for a fiscal year, the
21 Secretary shall work with Indian Tribes and use 2 percent
22 of such amounts to carry out a program or programs that
23 as close as possible reflect the goals, requirements, and
24 provisions of this part, taking into account any factors
25 that the Secretary determines to be appropriate.

1 **PART 3—GENERAL PROVISIONS**

2 **SEC. 345. APPOINTMENT OF PERSONNEL.**

3 Notwithstanding the provisions of title 5, United
4 States Code, regarding appointments in the competitive
5 service and General Schedule classifications and pay rates,
6 the Secretary may appoint such professional and adminis-
7 trative personnel as the Secretary considers necessary to
8 carry out this subtitle.

9 **SEC. 346. MAINTENANCE OF FUNDING.**

10 Each State receiving Federal funds pursuant to this
11 subtitle shall provide reasonable assurances to the Sec-
12 retary that it has established policies and procedures de-
13 signed to ensure that Federal funds provided under this
14 subtitle will be used to supplement, and not to supplant,
15 State and local funds.

16 **Subtitle E—Investing in State**
17 **Energy**

18 **SEC. 351. INVESTING IN STATE ENERGY.**

19 (a) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
20 SISTANCE UNDER THE WEATHERIZATION ASSISTANCE
21 PROGRAM.—Section 417(d) of the Energy Conservation
22 and Production Act (42 U.S.C. 6867(d)) is amended—

23 (1) by striking “(d) PAYMENTS” and inserting
24 the following:

25 “(d) METHOD AND TIMING OF PAYMENTS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 any payments”; and

3 (2) by adding at the end the following:

4 “(2) TIMING.—Notwithstanding any other pro-
5 vision of law (including regulations), not later than
6 60 days after the date on which funds have been
7 made available to provide assistance under this part,
8 the Secretary shall distribute to the applicable re-
9 cipient the full amount of assistance to be provided
10 to the recipient under this part for the fiscal year.”.

11 (b) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
12 SISTANCE UNDER THE STATE ENERGY PROGRAM.—Sec-
13 tion 363 of the Energy Policy and Conservation Act (42
14 U.S.C. 6323) is amended by adding at the end the fol-
15 lowing:

16 “(g) TIMING FOR DISTRIBUTION OF FINANCIAL AS-
17 SISTANCE.—Notwithstanding any other provision of law
18 (including regulations), not later than 60 days after the
19 date on which funds have been made available to provide
20 financial assistance under this section, the Secretary shall
21 distribute to the applicable State the full amount of assist-
22 ance to be provided to the State under this section for
23 the fiscal year.”.

1 **SEC. 352. STATE ENERGY SECURITY PLANS.**

2 (a) IN GENERAL.—Part D of title III of the Energy
3 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is
4 amended by adding at the end the following:

5 **“SEC. 367. STATE ENERGY SECURITY PLANS.**

6 “(a) IN GENERAL.—Federal financial assistance
7 made available to a State under this part may be used
8 for the implementation, review, and revision of a State en-
9 ergy security plan that assesses the State’s existing cir-
10 cumstances and proposes methods to strengthen the abil-
11 ity of the State, in consultation with owners and operators
12 of energy infrastructure in such State, to—

13 “(1) secure the energy infrastructure of the
14 State against all physical and cybersecurity threats;

15 “(2) mitigate the risk of energy supply interrup-
16 tions to the State and enhance the response to, and
17 recovery from, energy disruptions; and

18 “(3) ensure the State has a reliable, secure, and
19 resilient energy infrastructure.

20 “(b) CONTENTS OF PLAN.—A State energy security
21 plan described in subsection (a) shall—

22 “(1) address all fuels, including petroleum
23 products, other liquid fuels, coal, electricity, and nat-
24 ural gas, as well as regulated and unregulated en-
25 ergy providers;

1 “(2) provide a State energy profile, including
2 an assessment of energy production, distribution,
3 and end-use;

4 “(3) address potential hazards to each energy
5 sector or system, including physical threats and cy-
6 bersecurity threats and vulnerabilities;

7 “(4) provide a risk assessment of energy infra-
8 structure and cross-sector interdependencies;

9 “(5) provide a risk mitigation approach to en-
10 hance reliability and end-use resilience; and

11 “(6) address multi-State, Indian Tribe, and re-
12 gional coordination planning and response, and to
13 the extent practicable, encourage mutual assistance
14 in cyber and physical response plans.

15 “(c) COORDINATION.—In developing a State energy
16 security plan under this section, the energy office of the
17 State shall, to the extent practicable, coordinate with—

18 “(1) the public utility or service commission of
19 the State;

20 “(2) energy providers from the private sector;
21 and

22 “(3) other entities responsible for maintaining
23 fuel or electric reliability.

24 “(d) FINANCIAL ASSISTANCE.—A State is not eligible
25 to receive Federal financial assistance under this part, for

1 any purpose, for a fiscal year unless the Governor of such
2 State submits to the Secretary, with respect to such fiscal
3 year—

4 “(1) a State energy security plan described in
5 subsection (a) that meets the requirements of sub-
6 section (b); or

7 “(2) after an annual review of the State energy
8 security plan by the Governor—

9 “(A) any necessary revisions to such plan;

10 or

11 “(B) a certification that no revisions to
12 such plan are necessary.

13 “(e) TECHNICAL ASSISTANCE.—Upon request of the
14 Governor of a State, the Secretary may provide informa-
15 tion and technical assistance, and other assistance, in the
16 development, implementation, or revision of a State energy
17 security plan.

18 “(f) SUNSET.—This section shall expire on October
19 31, 2024.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) CONFORMING AMENDMENTS.—Section 363
22 of the Energy Policy and Conservation Act (42
23 U.S.C. 6323) is amended—

24 (A) by redesignating subsection (f) as sub-
25 section (e); and

1 (B) by striking subsection (e).

2 (2) TECHNICAL AMENDMENT.—Section
3 366(3)(B)(i) of the Energy Policy and Conservation
4 Act (42 U.S.C. 6326(3)(B)(i)) is amended by strik-
5 ing “approved under section 367”.

6 (3) REFERENCE.—The item relating to “De-
7 partment of Energy—Energy Conservation” in title
8 II of the Department of the Interior and Related
9 Agencies Appropriations Act, 1985 (42 U.S.C.
10 6323a) is amended by striking “sections 361
11 through 366” and inserting “sections 361 through
12 367”.

13 (4) TABLE OF SECTIONS.—The table of sections
14 for part D of title III of the Energy Policy and Con-
15 servation Act is amended by adding at the end the
16 following:

“Sec. 367. State energy security plans.”.

17 **Subtitle F—FEMP**

18 **SEC. 361. ENERGY AND WATER PERFORMANCE REQUIRE-** 19 **MENT FOR FEDERAL FACILITIES.**

20 (a) IN GENERAL.—Section 543 of the National En-
21 ergy Conservation Policy Act (42 U.S.C. 8253) is amend-
22 ed—

23 (1) in the section heading, by inserting “**AND**
24 **WATER**” after “**ENERGY**”;

25 (2) in subsection (a)—

1 (A) in the subsection heading, by striking
2 “ENERGY PERFORMANCE REQUIREMENT FOR
3 FEDERAL BUILDINGS” and inserting “ENERGY
4 AND WATER PERFORMANCE REQUIREMENT
5 FOR FEDERAL FACILITIES”;

6 (B) by striking paragraph (1) and insert-
7 ing the following:

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 the head of each agency shall—

10 “(A) for each of fiscal years 2020 through
11 2030, reduce average facility energy intensity
12 (as measured in British thermal units per gross
13 square foot) at facilities of the agency by 2.5
14 percent each fiscal year relative to the average
15 facility energy intensity of the facilities of the
16 agency in fiscal year 2018;

17 “(B) for each of fiscal years 2020 through
18 2030, improve water use efficiency and manage-
19 ment, including stormwater management, at fa-
20 cilities of the agency by reducing agency water
21 consumption intensity—

22 “(i) by reducing the potable water
23 consumption by 54 percent by fiscal year
24 2030, relative to the potable water con-
25 sumption at facilities of the agency in fis-

1 cal year 2007, through reductions of 2 per-
2 cent each fiscal year (as measured in gal-
3 lons per gross square foot);

4 “(ii) by reducing the industrial, land-
5 scaping, and agricultural water consump-
6 tion of the agency, as compared to a base-
7 line of that consumption at facilities of the
8 agency in fiscal year 2010, through reduc-
9 tions of 2 percent each fiscal year (as
10 measured in gallons); and

11 “(iii) by installing appropriate infra-
12 structure features at facilities of the agen-
13 cy to improve stormwater and wastewater
14 management; and

15 “(C) to the maximum extent practicable, in
16 carrying out subparagraphs (A) and (B), take
17 measures that are life cycle cost-effective.”;

18 (C) in paragraph (2)—

19 (i) by striking “(2) An agency” and
20 inserting the following:

21 “(2) ENERGY AND WATER INTENSIVE FACILITY
22 EXCLUSION.—An agency”;

23 (ii) by striking “building” and insert-
24 ing “facility”;

1 (iii) by inserting “and water” after
2 “energy” each place it appears; and

3 (iv) by striking “buildings” and in-
4 sserting “facilities”; and

5 (D) by striking paragraph (3) and insert-
6 ing the following:

7 “(3) RECOMMENDATIONS.—Not later than De-
8 cember 31, 2029, the Secretary shall—

9 “(A) review the results of the implementa-
10 tion of the energy and water performance re-
11 quirements established under paragraph (1);
12 and

13 “(B) submit to Congress recommendations
14 concerning energy and water performance re-
15 quirements for fiscal years 2031 through
16 2040.”;

17 (3) in subsection (b)—

18 (A) in the subsection heading, by inserting
19 “AND WATER” after “ENERGY”; and

20 (B) by striking paragraph (1) and insert-
21 ing the following:

22 “(1) IN GENERAL.—Each agency shall—

23 “(A) not later than October 1, 2020, to
24 the maximum extent practicable, begin install-
25 ing in facilities owned by the United States all

1 energy and water conservation measures deter-
2 mined by the Secretary to be life cycle cost-ef-
3 fective; and

4 “(B) complete the installation described in
5 subparagraph (A) as soon as practicable after
6 the date referred to in that subparagraph.”;

7 (4) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by striking “Federal building or
10 collection of Federal buildings” each place
11 it appears and inserting “Federal facility”;

12 (ii) in subparagraph (A)—

13 (I) in the matter preceding clause

14 (i), by striking “An agency” and in-
15 serting “The head of each agency”;

16 and

17 (II) by inserting “or water” after
18 “energy” each place it appears; and

19 (iii) in subparagraph (B)(i), by insert-
20 ing “or water” after “energy”;

21 (B) in paragraph (2)—

22 (i) by striking “buildings” and insert-
23 ing “facilities”; and

24 (ii) by striking “building” and insert-
25 ing “facility”; and

1 (C) in paragraph (3), by adding at the end
2 the following: “Not later than 1 year after the
3 date of enactment of the CLEAN Future Act,
4 the Secretary shall issue guidelines to establish
5 criteria for exclusions to water performance re-
6 quirements under paragraph (1). The Secretary
7 shall update the criteria for exclusions under
8 this subsection as appropriate to reflect chang-
9 ing technology and other conditions.”;

10 (5) in subsection (d)(2)—

11 (A) by inserting “and water” after “en-
12 ergy”; and

13 (B) by striking “buildings” and inserting
14 “facilities”;

15 (6) in subsection (e)—

16 (A) in the subsection heading, by inserting
17 “AND WATER” after “ENERGY”;

18 (B) in paragraph (1)—

19 (i) by striking “By October 1” and in-
20 serting the following:

21 “(A) ENERGY.—By October 1”;

22 (ii) by striking “buildings” each place
23 it appears and inserting “facilities”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(B) WATER.—By February 1, 2025, in
2 accordance with guidelines established by the
3 Secretary under paragraph (2), each agency
4 shall use water meters at facilities of the agency
5 where doing so will assist in reducing the cost
6 of water used at such facilities.”;

7 (C) in paragraph (2)—

8 (i) in subparagraph (A)—

9 (I) by striking “and” before
10 “Federal”;

11 (II) by inserting “and any other
12 person the Secretary deems nec-
13 essary,” before “shall”; and

14 (III) by striking “paragraph
15 (1).” and inserting “paragraph
16 (1)(A). Not later than 180 days after
17 the date of enactment of the CLEAN
18 Future Act, the Secretary, in con-
19 sultation with such departments and
20 entities, shall establish guidelines for
21 agencies to carry out paragraph
22 (1)(B).”; and

23 (ii) in subparagraph (B)—

24 (I) by amending clause (i)(II) to
25 read as follows:

1 “(II) the extent to which meter-
2 ing is expected to result in increased
3 potential for energy and water man-
4 agement, increased potential for en-
5 ergy and water savings, energy and
6 water efficiency improvements, and
7 cost savings due to utility contract ag-
8 gregation; and”;

9 (II) in clause (ii), by inserting
10 “and water” after “energy”;

11 (III) in clause (iii), by striking
12 “buildings” and inserting “facilities”;
13 and

14 (IV) in clause (iv), by striking
15 “energy use of a Federal building”
16 and inserting “energy and water use
17 of a Federal facility”; and

18 (D) in paragraph (4)—

19 (i) in subparagraph (A)—

20 (I) by striking “this paragraph”
21 and inserting “the CLEAN Future
22 Act”; and

23 (II) by inserting “and water” be-
24 fore “use in”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “buildings” each
2 place it appears and inserting “facili-
3 ties”; and

4 (II) in clause (ii), in the matter
5 preceding subclause (I), by inserting
6 “and water” after “energy”;

7 (7) in subsection (f)—

8 (A) in the subsection heading, by striking
9 “BUILDINGS” and inserting “FACILITIES”;

10 (B) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “In this subsection”
13 and inserting “In this section”;

14 (ii) in subparagraph (B)(i)(II), by in-
15 serting “and water” after “energy”; and

16 (iii) in subparagraph (C)(i), by insert-
17 ing “that consumes energy or water and
18 is” before “owned or operated”;

19 (C) in paragraph (2)—

20 (i) in subparagraph (A), by inserting
21 “and water” before “use”; and

22 (ii) in subparagraph (B)—

23 (I) by striking “energy” before
24 “efficiency”; and

1 (II) by inserting “or water” be-
2 fore “use”;

3 (D) in paragraph (7)(B)(ii)(II), by insert-
4 ing “and water” after “energy”;

5 (E) in paragraph (8)—

6 (i) by striking “building” each place it
7 appears and inserting “facility”;

8 (ii) in subparagraph (A), by adding at
9 the end the following: “The energy man-
10 ager shall enter water use data for each
11 metered facility that is (or is a part of) a
12 facility that meets the criteria established
13 by the Secretary under paragraph (2)(B)
14 into a facility water use benchmarking sys-
15 tem.”; and

16 (iii) in subparagraph (B), by striking
17 “this subsection” and inserting “the date
18 of enactment of the CLEAN Future Act”;
19 and

20 (F) in paragraph (9)(A), in the matter
21 preceding clause (i), by inserting “and water”
22 after “energy”; and

23 (8) in subsection (g)(1)—

24 (A) by striking “building” and inserting
25 “facility”; and

1 (B) by striking “energy efficient” and in-
2 serting “energy and water efficient”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents for the National Energy Conservation Policy Act
5 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
6 ing the item relating to section 543 and inserting the fol-
7 lowing:

“Sec. 543. Energy and water management requirements.”.

8 **Subtitle G—Open Back Better**

9 **SEC. 371. FACILITIES ENERGY RESILIENCY.**

10 (a) DEFINITIONS.—In this section:

11 (1) COVERED PROJECT.—The term “covered
12 project” means a building project at an eligible facil-
13 ity that—

14 (A) increases—

15 (i) resiliency, including—

16 (I) public health and safety;

17 (II) power outages;

18 (III) natural disasters;

19 (IV) indoor air quality; and

20 (V) any modifications neces-
21 sitated by the COVID–19 pandemic;

22 (ii) energy efficiency;

23 (iii) renewable energy; and

24 (iv) grid integration; and

1 (B) may have combined heat and power
2 and energy storage as project components.

3 (2) EARLY CHILDHOOD EDUCATION PRO-
4 GRAM.—The term “early childhood education pro-
5 gram” has the meaning given the term in section
6 103 of the Higher Education Act of 1965 (20
7 U.S.C. 1003).

8 (3) ELEMENTARY SCHOOL.—The term “elemen-
9 tary school” has the meaning given the term in sec-
10 tion 8101 of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 7801).

12 (4) ELIGIBLE FACILITY.—The term “eligible fa-
13 cility” means a public facility, as determined by the
14 Secretary, including—

15 (A) a public school, including an elemen-
16 tary school and a secondary school;

17 (B) a facility used to operate an early
18 childhood education program;

19 (C) a local educational agency;

20 (D) a medical facility;

21 (E) a local or State government building;

22 (F) a community facility;

23 (G) a public safety facility;

24 (H) a day care center;

25 (I) an institution of higher education;

1 (J) a public library; and

2 (K) a wastewater treatment facility.

3 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—

4 The term “environmental justice community” has
5 the meaning given that term in section 601.

6 (6) INSTITUTION OF HIGHER EDUCATION.—The

7 term “institution of higher education” has the
8 meaning given the term in section 101 of the Higher
9 Education Act of 1965 (20 U.S.C. 1001).

10 (7) LOCAL EDUCATIONAL AGENCY.—The term

11 “local educational agency” has the meaning given
12 the term in section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 7801).

14 (8) LOW INCOME.—The term “low income” has
15 the meaning given that term in section 601.

16 (9) LOW INCOME COMMUNITY.—The term “low

17 income community” has the meaning given that
18 term in section 601.

19 (10) SECONDARY SCHOOL.—The term “sec-

20 ondary school” has the meaning given the term in
21 section 8101 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7801).

23 (11) SECRETARY.—The term “Secretary”

24 means the Secretary of Energy.

1 (12) STATE.—The term “State” has the mean-
2 ing given the term in section 3 of the Energy Policy
3 and Conservation Act (42 U.S.C. 6202).

4 (13) STATE ENERGY PROGRAM.—The term
5 “State Energy Program” means the State Energy
6 Program established under part D of title III of the
7 Energy Policy and Conservation Act (42 U.S.C.
8 6321 et seq.).

9 (14) TRIBAL ORGANIZATION.—

10 (A) IN GENERAL.—The term “tribal orga-
11 nization” has the meaning given the term in
12 section 3765 of title 38, United States Code.

13 (B) TECHNICAL AMENDMENT.—Section
14 3765(4) of title 38, United States Code, is
15 amended by striking “section 4(l) of the Indian
16 Self-Determination and Education Assistance
17 Act (25 U.S.C. 450b(l))” and inserting “section
18 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5304)”.

20 (b) STATE PROGRAMS.—

21 (1) ESTABLISHMENT.—Not later than 60 days
22 after the date of enactment of this Act, the Sec-
23 retary shall distribute grants to States under the
24 State Energy Program, in accordance with the allo-

1 cation formula established under that Program, to
2 implement covered projects.

3 (2) USE OF FUNDS.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), grant funds under paragraph (1)
6 may be used for technical assistance, project fa-
7 cilitation, and administration.

8 (B) TECHNICAL ASSISTANCE.—A State
9 may use not more than 10 percent of grant
10 funds received under paragraph (1) to provide
11 technical assistance for the development, facili-
12 tation, management, oversight, and measure-
13 ment of results of covered projects implemented
14 using those funds.

15 (C) ENVIRONMENTAL JUSTICE AND OTHER
16 COMMUNITIES.—To support communities ad-
17 versely impacted by the COVID–19 pandemic, a
18 State shall use not less than 40 percent of
19 grant funds received under paragraph (1) to
20 implement covered projects in environmental
21 justice communities or low income communities.

22 (D) PRIVATE FINANCING.—A State receiv-
23 ing a grant under paragraph (1) shall—

24 (i) to the extent practicable, leverage
25 private financing for cost-effective energy

1 efficiency, renewable energy, resiliency, and
2 other smart-building improvements, such
3 as by entering into an energy service per-
4 formance contract; but

5 (ii) maintain the use of grant funds to
6 carry out covered projects with more
7 project resiliency, public health, and cap-
8 ital-intensive efficiency and emission reduc-
9 tion components than are typically avail-
10 able through private energy service per-
11 formance contracts.

12 (E) GUIDANCE.—In carrying out a covered
13 project using grant funds received under para-
14 graph (1), a State shall, to the extent prac-
15 ticable, adhere to guidance developed by the
16 Secretary pursuant to the American Recovery
17 and Reinvestment Act of 2009 (Public Law
18 111–5; 123 Stat. 115) relating to distribution
19 of funds, if that guidance will speed the dis-
20 tribution of funds under this subsection.

21 (3) NO MATCHING REQUIREMENT.—Notwith-
22 standing any other provision of law, a State receiv-
23 ing a grant under paragraph (1) shall not be re-
24 quired to provide any amount of matching funding.

1 (4) REPORT.—Not later than 1 year after the
2 date on which grants are distributed under para-
3 graph (1), and each year thereafter until the funds
4 appropriated under paragraph (5) are no longer
5 available, the Secretary shall submit a report on the
6 use of those funds (including in the communities de-
7 scribed in paragraph (2)(C)) to—

8 (A) the Subcommittee on Energy and
9 Water Development of the Committee on Ap-
10 propriations of the Senate;

11 (B) the Subcommittee on Energy and
12 Water Development and Related Agencies of
13 the Committee on Appropriations of the House
14 of Representatives;

15 (C) the Committee on Energy and Natural
16 Resources of the Senate;

17 (D) the Committee on Energy and Com-
18 merce of the House of Representatives; and

19 (E) the Committee on Education and
20 Labor of the House of Representatives.

21 (5) FUNDING.—In addition to any amounts
22 made available to the Secretary to carry out the
23 State Energy Program, there is authorized to be ap-
24 propriated to the Secretary \$3,600,000,000 to carry

1 out this subsection for each of fiscal years 2022
2 through 2031, to remain available until expended.

3 (6) SUPPLEMENT, NOT SUPPLANT.—Funds
4 made available under paragraph (5) shall supple-
5 ment, not supplant, any other funds made available
6 to States for the State Energy Program or the
7 weatherization assistance program established under
8 part A of title IV of the Energy Conservation and
9 Production Act (42 U.S.C. 6861 et seq.).

10 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Secretary
13 shall use the funds appropriated under paragraph
14 (4) to provide grants under the AFFECT program
15 under the Federal Energy Management Program of
16 the Department of Energy to implement covered
17 projects.

18 (2) PRIVATE FINANCING.—A recipient of a
19 grant under paragraph (1) shall—

20 (A) to the extent practicable, leverage pri-
21 vate financing for cost-effective energy effi-
22 ciency, renewable energy, resiliency, and other
23 smart-building improvements, such as by enter-
24 ing into an energy service performance contract;
25 but

1 (B) maintain the use of grant funds to
2 carry out covered projects with more project re-
3 siliency, public health, and capital-intensive effi-
4 ciency and emission reduction components than
5 are typically available through private energy
6 service performance contracts.

7 (3) REPORT.—Not later than 1 year after the
8 date on which grants are distributed under para-
9 graph (1), and each year thereafter until the funds
10 appropriated under paragraph (4) are no longer
11 available, the Secretary shall submit a report on the
12 use of those funds to—

13 (A) the Subcommittee on Energy and
14 Water Development of the Committee on Ap-
15 propriations of the Senate;

16 (B) the Subcommittee on Energy and
17 Water Development and Related Agencies of
18 the Committee on Appropriations of the House
19 of Representatives;

20 (C) the Committee on Energy and Natural
21 Resources of the Senate;

22 (D) the Committee on Energy and Com-
23 merce of the House of Representatives; and

24 (E) the Committee on Education and
25 Labor of the House of Representatives.

1 (4) FUNDING.—In addition to any amounts
2 made available to the Secretary to carry out the AF-
3 FECT program described in paragraph (1), there is
4 authorized to be appropriated to the Secretary
5 \$500,000,000 to carry out this subsection, to remain
6 available until September 30, 2025.

7 (d) TRIBAL ORGANIZATIONS.—

8 (1) IN GENERAL.—Not later than 60 days after
9 the date of enactment of this Act, the Secretary, act-
10 ing through the head of the Office of Indian Energy,
11 shall distribute funds made available under para-
12 graph (3) to Tribal organizations to implement cov-
13 ered projects.

14 (2) REPORT.—Not later than 1 year after the
15 date on which funds are distributed under para-
16 graph (1), and each year thereafter until the funds
17 made available under paragraph (3) are no longer
18 available, the Secretary shall submit a report on the
19 use of those funds to—

20 (A) the Subcommittee on Energy and
21 Water Development of the Committee on Ap-
22 propriations of the Senate;

23 (B) the Subcommittee on Energy and
24 Water Development and Related Agencies of

1 the Committee on Appropriations of the House
2 of Representatives;

3 (C) the Committee on Energy and Natural
4 Resources of the Senate;

5 (D) the Committee on Energy and Com-
6 merce of the House of Representatives; and

7 (E) the Committee on Education and
8 Labor of the House of Representatives.

9 (3) FUNDING.—There is authorized to be ap-
10 propriated to the Secretary \$1,500,000,000 to carry
11 out this subsection, to remain available until Sep-
12 tember 30, 2025.

13 (e) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
14 TURED GOODS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), none of the funds made available by or
17 pursuant to this section may be used for a covered
18 project unless all of the iron, steel, and manufac-
19 tured goods used in the project are produced in the
20 United States.

21 (2) EXCEPTIONS.—The requirement under
22 paragraph (1) shall be waived by the head of the rel-
23 evant Federal department or agency in any case or
24 category of cases in which the head of the relevant
25 Federal department or agency determines that—

1 (A) adhering to that requirement would be
2 inconsistent with the public interest;

3 (B) the iron, steel, and manufactured
4 goods needed for the project are not produced
5 in the United States—

6 (i) in sufficient and reasonably avail-
7 able quantities; and

8 (ii) in a satisfactory quality; or

9 (C) the inclusion of iron, steel, and rel-
10 evant manufactured goods produced in the
11 United States would increase the overall cost of
12 the project by more than 25 percent.

13 (3) WAIVER PUBLICATION.—If the head of a
14 Federal department or agency makes a determina-
15 tion under paragraph (2) to waive the requirement
16 under paragraph (1), the head of the Federal de-
17 partment or agency shall publish in the Federal
18 Register a detailed justification for the waiver.

19 (4) INTERNATIONAL AGREEMENTS.—This sub-
20 section shall be applied in a manner consistent with
21 the obligations of the United States under all appli-
22 cable international agreements.

23 (f) WAGE RATE REQUIREMENTS.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, all laborers and mechanics em-

1 employed by contractors and subcontractors on projects
2 funded directly or assisted in whole or in part by the
3 Federal Government pursuant to this section shall
4 be paid wages at rates not less than those prevailing
5 on projects of a similar character in the locality, as
6 determined by the Secretary of Labor in accordance
7 with subchapter IV of chapter 31 of title 40, United
8 States Code (commonly known as the “Davis-Bacon
9 Act”).

10 (2) **AUTHORITY.**—With respect to the labor
11 standards specified in paragraph (1), the Secretary
12 of Labor shall have the authority and functions set
13 forth in Reorganization Plan Numbered 14 of 1950
14 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
15 title 40, United States Code.

16 **SEC. 372. PERSONNEL.**

17 (a) **IN GENERAL.**—To carry out section 371, the Sec-
18 retary of Energy shall hire within the Department of En-
19 ergy—

20 (1) not less than 300 full-time employees in the
21 Office of Energy Efficiency and Renewable Energy;

22 (2) not less than 100 full-time employees, to be
23 distributed among—

24 (A) the Office of General Counsel;

25 (B) the Office of Procurement Policy;

1 (C) the Golden Field Office;

2 (D) the National Energy Technology Lab-
3 oratory; and

4 (E) the Office of the Inspector General;
5 and

6 (3) not less than 20 full-time employees in the
7 Office of Indian Energy.

8 (b) TIMELINE.—Not later than 60 days after the
9 date of enactment of this Act, the Secretary shall—

10 (1) hire all personnel under subsection (a); or

11 (2) certify that the Secretary is unable to hire
12 all personnel by the date required under this sub-
13 section.

14 (c) CONTRACT HIRES.—

15 (1) IN GENERAL.—If the Secretary makes a
16 certification under subsection (b)(2), the Secretary
17 may hire on a contract basis not more than 50 per-
18 cent of the personnel required to be hired under sub-
19 section (a).

20 (2) DURATION.—An individual hired on a con-
21 tract basis under paragraph (1) shall have an em-
22 ployment term of not more than 1 year.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary to carry

1 out this section \$84,000,000 for each of fiscal years 2022
2 through 2031.

3 (e) REPORT.—Not later than 60 days after the date
4 of enactment of this Act, and annually thereafter for 2
5 years, the Secretary shall submit a report on progress
6 made in carrying out subsection (a) to—

7 (1) the Subcommittee on Energy and Water
8 Development of the Committee on Appropriations of
9 the Senate;

10 (2) the Subcommittee on Energy and Water
11 Development and Related Agencies of the Committee
12 on Appropriations of the House of Representatives;

13 (3) the Committee on Energy and Natural Re-
14 sources of the Senate;

15 (4) the Committee on Energy and Commerce of
16 the House of Representatives; and

17 (5) the Committee on Education and Labor of
18 the House of Representatives.

19 **Subtitle H—Benchmarking**

20 **SEC. 381. DEFINITIONS.**

21 For purposes of this subtitle:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (2) ANONYMIZED DATA.—The term
2 “anonymized data” means data that does not reveal
3 names, addresses, or any other information that
4 would identify an individual or business.

5 (3) CONDOMINIUM.—The term “condominium”
6 means a property that combines separate ownership
7 of individual units with common ownership of other
8 elements, such as common areas.

9 (4) COVERED PROPERTY.—

10 (A) IN GENERAL.—The term “covered
11 property” means any of the following properties
12 that exceeds 50,000 square feet in gross floor
13 area:

14 (i) A single building.

15 (ii) One or more buildings held in the
16 condominium form of ownership, and gov-
17 erned by a single board of managers.

18 (iii) A campus of two or more build-
19 ings which are owned and operated by the
20 same party and are—

21 (I) behind a common utility
22 meter, or served by a common me-
23 chanical or electrical system (such as
24 a chilled water loop), which would pre-
25 vent the owner from being able to eas-

1 ily determine the energy use attrib-
2 utable to each of the individual build-
3 ings; or

4 (II) used primarily as—

5 (aa) an elementary or sec-
6 ondary school;

7 (bb) a hospital;

8 (cc) a hotel;

9 (dd) multifamily housing; or

10 (ee) a senior care commu-
11 nity.

12 (B) EXCLUSIONS.—The term “covered
13 property” does not include any of the following:

14 (i) Single family, duplex, triplex, and
15 fourplex residential homes and related ac-
16 cessory structures, or any other residential
17 building with less than 5 units.

18 (ii) Properties classified as manufac-
19 turing per designated Standard Industrial
20 Classification (SIC) codes 20 through 39.

21 (iii) Other building types not meeting
22 the purpose of the initiative, as determined
23 by the Administrator.

24 (5) ENERGY STAR SCORE.—The term “Energy
25 Star score” means the 1–100 numeric rating gen-

1 erated by the Energy Star Portfolio Manager tool as
2 a measurement of a building’s energy efficiency.

3 (6) ENERGY STAR PORTFOLIO MANAGER.—The
4 term “Energy Star Portfolio Manager” means the
5 tool developed and maintained by the Administrator
6 to track and assess the relative energy performance
7 of buildings.

8 (7) FINANCIAL HARDSHIP.—The term “finan-
9 cial hardship” means, with respect to a property,
10 that the property—

11 (A) had arrears of property taxes or water
12 or wastewater charges that resulted in the prop-
13 erty’s inclusion, within the prior two years, on
14 an annual tax lien sale list;

15 (B) has a court appointed receiver in con-
16 trol of the asset due to financial distress;

17 (C) is owned by a financial institution
18 through default by the borrower;

19 (D) has been acquired by a deed in lieu of
20 foreclosure; or

21 (E) has a senior mortgage subject to a no-
22 tice of default.

23 (8) GROSS FLOOR AREA.—The term “gross
24 floor area” means the total property area, measured
25 between the outside surface of the exterior walls of

1 the building. This includes all areas inside the build-
2 ing including lobbies, tenant areas, common areas,
3 meeting rooms, break rooms, atriums (count the
4 base level only), restrooms, elevator shafts, stair-
5 wells, mechanical equipment areas, basements, and
6 storage rooms.

7 (9) INITIATIVE.—The term “initiative” means
8 the benchmarking and transparency initiative for
9 commercial and multifamily properties developed
10 and carried out pursuant to section 382.

11 (10) OWNER.—The term “owner” means any of
12 the following:

13 (A) An individual or entity possessing title
14 to a property.

15 (B) In the case of a condominium, the
16 board of the owners’ association.

17 (C) The master association, in the case of
18 a condominium where the powers of an owners’
19 association are exercised by or delegated to a
20 master association.

21 (D) The board of directors, in the case of
22 a cooperative apartment corporation.

23 (E) An agent authorized to act on behalf
24 of any of the above.

1 (11) STATE.—The term “State” means each of
2 the several States, the District of Columbia, each
3 territory or possession of the United States, and the
4 governing body of each federally recognized Indian
5 Tribe, band, nation, pueblo, or other organized
6 group or community which is recognized as eligible
7 for the special programs and services provided by
8 the United States to Indians because of their status
9 as Indians.

10 (12) SECRETARY.—The term “Secretary”
11 means the Secretary of Energy.

12 **SEC. 382. COMMERCIAL AND MULTIFAMILY BUILDING**
13 **BENCHMARKING AND TRANSPARENCY INI-**
14 **TIATIVE.**

15 (a) PURPOSE.—The Administrator shall develop and
16 carry out a benchmarking and transparency initiative for
17 commercial and multifamily properties the purpose of
18 which is to—

19 (1) advance knowledge about building energy
20 and water performance and related greenhouse gas
21 emissions by owners and occupants; and

22 (2) inform efforts to reduce energy and water
23 consumption and greenhouse gas emissions nation-
24 wide.

1 (b) CONSULTATION AND COORDINATION.—In devel-
2 oping the initiative, the Administrator shall consult with
3 and coordinate with the Secretary, other relevant agencies,
4 and relevant stakeholders, including State and local gov-
5 ernments with relevant benchmarking programs and ex-
6 perts from academia, nonprofits, and industry.

7 (c) EXISTING PROGRAMS.—In developing the initia-
8 tive, the Administrator shall make appropriate use of ex-
9 isting programs, including—

- 10 (1) Energy Star Portfolio Manager;
- 11 (2) Energy Star for Buildings;
- 12 (3) Standard Energy Efficiency Data Platform;
- 13 (4) Building Performance Database;
- 14 (5) Unique Building Identifier;
- 15 (6) Commercial Building Energy Consumption
16 Survey; and
- 17 (7) Green Button.

18 **SEC. 383. NATIONAL BENCHMARKING REQUIREMENT.**

19 (a) IN GENERAL.—In carrying out the initiative, the
20 Administrator shall require each owner of a covered prop-
21 erty to submit data annually to the Administrator (herein-
22 after to be known as a “benchmarking submission”) that
23 includes data required under subsection (d).

24 (b) BENCHMARKING SCHEDULE.—The owner of each
25 covered property shall make a benchmarking submission

1 for the covered property with respect to the previous cal-
2 endar year not later than—

3 (1) for a residential covered property, May 1,
4 2025, and each year thereafter; or

5 (2) for a covered property not described in
6 paragraph (1), May 1, 2024, and each year there-
7 after.

8 (c) NOTIFICATION.—

9 (1) PUBLIC LIST.—By December 1 of each year
10 prior to a year in which benchmarking submissions
11 are due, the Administrator may publicly post a list
12 of all covered properties that are required provide a
13 benchmarking submission to the Administrator dur-
14 ing the following year.

15 (2) FIRST SUBMISSIONS.—Between January 1
16 and March 1 of each year, for at least the first 3
17 years during which an owner is required to provide
18 a benchmarking submission, the Administrator shall
19 attempt to notify such owner of such requirement
20 via direct mail, electronically via email, or through
21 a public posting on a website.

22 (3) FAILURE TO NOTIFY.—Failure of the Ad-
23 ministrator to notify an owner of a covered property
24 under this subsection shall not affect the obligation
25 of such owner to make a benchmarking submission.

1 (d) BENCHMARKING DATA COLLECTION AND RE-
2 PORTING.—

3 (1) REQUIREMENTS.—

4 (A) IN GENERAL.—Not later than 6
5 months after the date of the enactment of this
6 Act, the Administrator shall develop require-
7 ments for benchmarking submissions.

8 (B) FAILURE TO DEVELOP REQUIRE-
9 MENTS.—If the Administrator fails to develop
10 requirements pursuant to subparagraph (A),
11 the owner of each covered property shall make
12 a benchmarking submission in accordance with
13 paragraphs (2) and (3).

14 (C) UPDATING REQUIREMENTS.—The Ad-
15 ministrator may periodically update the require-
16 ments under this paragraph to increase data
17 transparency for the purposes of reducing en-
18 ergy and water consumption and greenhouse
19 gas emissions of covered properties.

20 (2) DATA REQUIREMENTS.—The requirements
21 developed under paragraph (1) shall include a re-
22 quirement that each benchmarking submission for a
23 covered property include—

24 (A) descriptive information about the cov-
25 ered property, including—

- 1 (i) the address;
- 2 (ii) the gross floor area;
- 3 (iii) the property type; and
- 4 (iv) the individual or entity respon-
- 5 sible for the benchmarking submission; and
- 6 (B) information about the operational
- 7 characteristics of the covered property, includ-
- 8 ing—
 - 9 (i) aggregated whole-building data for
 - 10 the covered property’s energy and water
 - 11 consumption, including monthly—
 - 12 (I) energy use, by fuel type; and
 - 13 (II) total water use and, when
 - 14 available, indoor and outdoor water
 - 15 use;
 - 16 (ii) the weather-normalized site and
 - 17 source Energy Use Intensity (EUI) per
 - 18 unit area per year (kBtu per square foot
 - 19 per year) for the covered property;
 - 20 (iii) the site and source Energy Use
 - 21 Intensity (EUI) per unit area per year
 - 22 (kBtu per square foot per year) for the
 - 23 covered property;
 - 24 (iv) the annual carbon dioxide equiva-
 - 25 lent emissions due to energy use for the

1 covered property, as estimated by the En-
2 ergy Star Portfolio Manager, where avail-
3 able;

4 (v) the Energy Star score, where
5 available;

6 (vi) the Energy Star Water Score,
7 where available; and

8 (vii) the number of years the covered
9 property has been Energy Star certified
10 and the last approval date, if applicable.

11 (3) REPORTING REQUIREMENTS.—

12 (A) DATA QUALITY CHECK.—Before mak-
13 ing a benchmarking submission with respect to
14 a covered property, the owner of the covered
15 property shall run data quality checks to verify
16 that all data is accurate. In order for the
17 benchmarking submission to be considered in
18 compliance with this section, the owner shall
19 correct all missing or incorrect information as
20 identified by the data quality checks run pursu-
21 ant to this subparagraph prior to finalizing the
22 benchmarking submission.

23 (B) INACCURATE OR INCOMPLETE INFOR-
24 MATION.—Where the owner learns that any in-
25 formation reported as part of a benchmarking

1 submission is inaccurate or incomplete, the
2 owner shall amend the benchmarking submis-
3 sion within 30 days of learning of the inaccu-
4 racy.

5 (e) AGGREGATED WHOLE-BUILDING DATA.—

6 (1) EXCLUSIONS.—Aggregated whole-building
7 data submitted under this section shall not include
8 separately metered uses that are not integral to
9 building operations, as determined by the Adminis-
10 trator.

11 (2) COMPILATION OF DATA.—

12 (A) METHODS.—Aggregated whole-build-
13 ing data for a covered property’s energy and
14 water use may be compiled using one or more
15 of the following methods:

16 (i) Obtaining aggregated whole-build-
17 ing data from a utility pursuant to sub-
18 paragraph (B).

19 (ii) Collecting data from all tenants
20 pursuant to subparagraph (C).

21 (iii) Reading a master meter.

22 (B) UTILITY DATA.—A utility that distrib-
23 utes or sells energy or water to a covered prop-
24 erty may directly submit to the Administrator
25 aggregated whole-building data on the energy

1 or water use of the covered property for the
2 covered property if—

3 (i) the owner of the covered property
4 requests the utility release the data for the
5 purposes of meeting the requirements of
6 this section; and

7 (ii)(I) the number of individually me-
8 tered accounts associated with the covered
9 property is at least 3; or

10 (II) the owner provides proof of con-
11 sent from each tenant for the utility to re-
12 lease the data.

13 (C) TENANT DATA.—

14 (i) IN GENERAL.—If a utility does not
15 provide aggregated whole-building data,
16 the owner of a covered property shall re-
17 quest any information that cannot other-
18 wise be acquired by the owner and that is
19 needed by the owner to comply with the re-
20 quirements of this section from each ten-
21 ant located on the property.

22 (ii) INTENTION TO VACATE.—When
23 the owner of a covered property receives
24 notice that a nonresidential tenant intends
25 to vacate a space within such covered prop-

1 erty, and the utilities that distribute or sell
2 energy or water to the covered property do
3 not provide aggregated whole-building en-
4 ergy and water data, the owner shall re-
5 quest information relating to such tenant’s
6 energy and water use for any period of oc-
7 cupancy relevant to the owner’s obligation
8 to make a benchmarking submission.

9 (3) USE OF DATA.—Nothing in this section
10 shall be construed to—

11 (A) permit a property owner to use tenant
12 energy or water usage data for purposes other
13 than compliance with benchmarking submission
14 requirements; or

15 (B) relieve property owners from compli-
16 ance with State or local laws governing direct
17 access to tenant utility data from the respon-
18 sible utility.

19 **SEC. 384. EXEMPTIONS AND EXTENSIONS.**

20 (a) STATE OR LOCAL BENCHMARKING.—

21 (1) EXEMPTION.—The owner of a covered prop-
22 erty shall not be required to make a benchmarking
23 submission with respect to the covered property for
24 a calendar year if the owner satisfies an applicable

1 State or local benchmarking requirement for which
2 a certification is approved under this subsection.

3 (2) STATE AND LOCAL BENCHMARKING RE-
4 QUIREMENTS.—

5 (A) IN GENERAL.—A State may provide a
6 certification to the Administrator that the
7 State—

8 (i) has reviewed and updated, as nec-
9 essary, an existing State benchmarking re-
10 quirement, or established a new State
11 benchmarking requirement that meets or
12 exceeds the benchmarking submission re-
13 quirements under section 383; and

14 (ii) will provide State benchmarking
15 data that meet the requirements under sec-
16 tion 383, in a form determined by the Ad-
17 ministrator.

18 (B) CONFIRMATION.—

19 (i) REQUIREMENT.—Not later than
20 90 days after a State certification is pro-
21 vided under subparagraph (A), the Admin-
22 istrator shall determine whether the
23 State's benchmarking requirement meets
24 or exceeds the benchmarking submission
25 requirements under section 383.

1 (ii) ACCEPTANCE BY ADMINIS-
2 TRATOR.—If the Administrator determines
3 under clause (i) that a State’s
4 benchmarking requirement meets or ex-
5 ceeds the benchmarking submission re-
6 quirements under section 383, the Admin-
7 istrator shall approve the certification.

8 (iii) DEFICIENCY NOTICE.—If the Ad-
9 ministrator determines under clause (i)
10 that a State’s benchmarking requirement
11 does not meet or exceed the benchmarking
12 submission requirements under section
13 383, the Administrator shall identify any
14 deficiencies, and, to the extent possible, in-
15 dicate how the State’s benchmarking re-
16 quirement could be updated to eliminate
17 any deficiencies identified.

18 (iv) REVISION AND RECERTIFI-
19 CATION.—A State may revise its
20 benchmarking requirement and submit a
21 recertification under subparagraph (A) to
22 the Administrator at any time.

23 (C) LOCAL CERTIFICATION.—In any State
24 that has not certified a State benchmarking re-
25 quirement under this subsection, a local govern-

1 ment may certify a local benchmarking require-
2 ment in accordance with this subsection.

3 (D) REVOCATION.—If, at any time, the
4 Administrator determines that the
5 benchmarking requirements of a State or local
6 government with an approved certification
7 under this section no longer meet or exceed the
8 benchmarking submission requirements under
9 section 383, the Administrator shall revoke
10 such certification.

11 (b) EXEMPTIONS FOR CERTAIN CONDITIONS.—

12 (1) EXEMPTION REQUEST.—The owner of a
13 covered property may request an exemption from
14 making a benchmarking submission in accordance
15 with this subsection.

16 (2) DEADLINE AND DOCUMENTATION.—In
17 order to receive an exemption under this subsection,
18 the owner of a covered property shall, by March 1
19 in the year for which the benchmarking submission
20 is due, submit to the Administrator any documenta-
21 tion reasonably necessary to substantiate the request
22 or otherwise assist the Administrator determining
23 whether to grant such exemption.

24 (3) CONDITIONS.—The Administrator may
25 grant an exemption under this subsection if the re-

1 quest for such exemption establishes that the appli-
2 cable covered property met one or more of the fol-
3 lowing conditions for the calendar year to be
4 benchmarked:

5 (A) A demolition permit for the covered
6 property was issued during the calendar year,
7 provided that demolition work commenced and
8 legal occupancy was no longer possible prior to
9 end of such calendar year.

10 (B) The covered property did not receive
11 energy or water utility services for at least 90
12 days during such calendar year.

13 (C) The covered property had an average
14 physical occupancy rate of less than 50 percent
15 over such calendar year.

16 (D) Due to special circumstances unique to
17 the covered property, strict compliance with the
18 requirements of the initiative would not be in
19 the public interest.

20 (E) Due to special circumstances unique to
21 the covered property and not based on a condi-
22 tion caused by actions of the applicant, strict
23 compliance with provisions of the initiative
24 would cause undue hardship.

1 (F) The covered property is under finan-
2 cial hardship.

3 (G) More than 50 percent of gross floor
4 area is used for residential purposes and—

5 (i) more than 4 meters are associated
6 with the covered property;

7 (ii) the owner is not able to obtain ag-
8 gregated whole-building data; and

9 (iii) the utility that provides energy or
10 water service does not provide access to ag-
11 gregated whole-building data.

12 (4) LIMITATION OF EXEMPTION.— In granting
13 an exemption under this subsection, the Adminis-
14 trator shall limit the exemption to the benchmarking
15 submission for which the request was made.

16 (c) TIME EXTENSIONS.—An owner may apply for a
17 time extension for a benchmarking submission if, despite
18 such owner's good faith efforts, the owner is unable to
19 complete the benchmarking submission prior to the sched-
20 uled due date due to the failure of either a utility provider
21 or a tenant to provide the owner with information needed
22 to complete such benchmarking submission. The owner re-
23 questing an extension shall submit to the Administrator
24 any documentation reasonably necessary to substantiate
25 the request or otherwise assist the Administrator in the

1 determination. For each covered property, the Adminis-
2 trator may grant no more than 2 such extensions per year
3 of not more than 60 days each.

4 **SEC. 385. DATA TRANSPARENCY AND SHARING.**

5 (a) DATA TRANSPARENCY.—

6 (1) IN GENERAL.—The Administrator shall, to
7 help inform owners, managers, tenants, and the
8 market at large about a covered property’s energy
9 and water performance, annually make available on
10 a publicly accessible website the subset of data, de-
11 termined in accordance with paragraph (3), that is
12 submitted to the Administrator for the previous cal-
13 endar year for such covered property.

14 (2) AVAILABILITY.—The subset of data made
15 available under this section for a covered property
16 shall first be made available to the public beginning
17 the year after the owner of such covered property is
18 first required to make a benchmarking submission
19 for such covered property.

20 (3) SHARED BENCHMARKING INFORMATION.—

21 Not later than 6 months after the enactment of this
22 Act, the Administrator shall determine the subset of
23 data submitted to the Administrator to be made
24 publicly available under paragraph (1), which shall
25 include gross floor area and the information de-

1 scribed in section 383(d)(2)(B), as the Adminis-
2 trator determines appropriate.

3 (4) EXCLUSIONS.—The Administrator may de-
4 termine if any data shall be excluded from publica-
5 tion under this subsection because it is not in the
6 public interest.

7 (b) SHARING OF DATA.—

8 (1) SHARING OF NONANONYMIZED DATA.—The
9 Administrator may provide data regarding a covered
10 property that is not anonymized data from
11 benchmarking submissions to any utility serving the
12 covered property or to any Federal, State, county or
13 city-managed energy efficiency or management pro-
14 gram, provided that the data will be used only for
15 purposes of offering programs, services, and incen-
16 tives related to energy and water efficiency and
17 management, and provided that the Administrator
18 has first obtained the covered property owner’s writ-
19 ten or electronic permission to so share such data.

20 (2) DISCLOSURE OF ANONYMIZED DATA.—The
21 Administrator may disclose any data from
22 benchmarking submissions to a third party for aca-
23 demic or other non-commercial research purposes
24 provided that such data is anonymized data.

1 **SEC. 386. FEDERAL IMPLEMENTATION AND SUPPORT.**

2 (a) ENERGY STAR PORTFOLIO MANAGER.—

3 (1) SUPPORT.—The Administrator shall im-
4 prove the Energy Star Portfolio Manager and en-
5 hance implementation of the initiative, including
6 by—

7 (A) expanding the types of buildings eligi-
8 ble for Energy Star scores;

9 (B) considering the most effective use of
10 data gathered from the initiative and the Com-
11 mercial Buildings Energy Consumption Survey
12 in determining a timely and accurate Energy
13 Star score for covered properties;

14 (C) considering greenhouse gas emissions
15 in determining Energy Star scores;

16 (D) integrating onsite renewable energy
17 and other distributed energy resources into the
18 Energy Star Portfolio Manager;

19 (E) incorporating data on grid-integrated
20 buildings, smart meters, and other smart de-
21 vices into the Energy Star Portfolio Manager;
22 and

23 (F) making any other improvements the
24 Administrator determines appropriate.

25 (2) AUTHORIZATION OF APPROPRIATIONS.—For
26 each of fiscal years 2022 through 2031 there is au-

1 thorized to be appropriated to carry out this sub-
2 section \$5,000,000 to remain available until ex-
3 pended.

4 (b) STATE AND LOCAL BENCHMARKING IMPLEMEN-
5 TATION.—

6 (1) TECHNICAL ASSISTANCE.—The Adminis-
7 trator shall provide relevant technical assistance to
8 any State or local government that has an approved
9 certification under section 384(a) or any State or
10 local government that intends to establish a
11 benchmarking requirement for certification under
12 section 384, including providing—

13 (A) training for using the Energy Star
14 Portfolio Manager, or any other relevant Fed-
15 eral tools or databases;

16 (B) education and outreach materials on
17 benchmarking submissions for owners of cov-
18 ered properties; and

19 (C) any other technical assistance the Ad-
20 ministrator determines appropriate.

21 (2) NEW BENCHMARKING PROGRAMS.—The Ad-
22 ministrator shall provide financial assistance to
23 States and local governments to help State and local
24 governments establish State or local benchmarking
25 programs. Not later than 90 days after the date of

1 enactment of this Act, the Administrator shall de-
2 velop application materials for State and local gov-
3 ernments to apply for such assistance and funding
4 award limits. As part of the application, a State or
5 local government shall commit to provide a certifi-
6 cation pursuant to section 384 not later than 2
7 years after receiving funds under this subsection.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—For
9 each of fiscal years 2022 through 2031 there is au-
10 thorized to be appropriated to carry out this sub-
11 section \$50,000,000.

12 **TITLE IV—TRANSPORTATION**

13 **Subtitle A—Greenhouse Gas**

14 **Pollution Emission Standards**

15 **SEC. 401. TRANSPORTATION CARBON MANAGEMENT.**

16 (a) NONROAD ENGINE GREENHOUSE GAS EMISSION
17 STANDARDS.—Section 213 of the Clean Air Act (42
18 U.S.C. 7547) is amended by adding at the end the fol-
19 lowing:

20 “(e) GREENHOUSE GAS EMISSION STANDARDS.—

21 “(1) Notwithstanding subsection (a)(4), the Ad-
22 ministrator shall promulgate standards for emissions
23 of greenhouse gases for every class or category of
24 new nonroad engines and new nonroad vehicles, tak-
25 ing into account costs, noise, safety, and energy fac-

1 tors associated with the application of technology
2 which the Administrator determines will be available
3 for the engines and vehicles to which such standards
4 apply. The regulations shall apply to the useful life
5 of the engines or vehicles (as determined by the Ad-
6 ministrator).

7 “(2) The Administrator shall promulgate regu-
8 lations containing standards applicable to green-
9 house gas emissions from new locomotives and new
10 engines used in locomotives. Such standards shall
11 achieve the greatest degree of emission reduction
12 achievable through the application of technology
13 which the Administrator determines will be available
14 for the locomotives or engines to which such stand-
15 ards apply, giving appropriate consideration to the
16 cost of applying such technology within the period of
17 time available to manufactures and to noise, energy,
18 and safety factors associated with the application of
19 such technology.

20 “(3) The Administrator shall promulgate the
21 regulations required by this subsection within 24
22 months of the date of enactment of this subsection.

23 “(4) The Administrator shall promulgate suc-
24 cessive greenhouse gas emission standards pursuant
25 to this subsection, and shall—

1 “(A) ensure that pursuant to such succes-
2 sive standards a greenhouse gas emission stand-
3 ard is always in effect for each regulated class
4 or category of new nonroad engines, new
5 nonroad vehicles, new locomotives, and new en-
6 gines used in locomotives;

7 “(B) mandate increased reductions in
8 greenhouse gas emissions in each successive set
9 of emission standards compared to the prior set
10 of standards; and

11 “(C) determine the level of successive emis-
12 sion standards based on the degree of green-
13 house gas emission reductions needed to achieve
14 the national interim goal and the national goal
15 declared by section 101 of the CLEAN Future
16 Act.

17 “(f) METHANE SLIP REPORT TO CONGRESS.—

18 “(1) The Administrator shall conduct a study
19 of methane slip in engine exhaust, including the ex-
20 istence or absence of effective systems for control of
21 methane slip in engine exhaust.

22 “(2) The Administrator shall, to the extent
23 practicable, and in consultation with the Secretary
24 of Energy, as appropriate, carry out science-based
25 research and development activities to pursue dra-

1 matic improvements in the effectiveness for methane
2 control of catalytic systems suitable for commercial
3 application.

4 “(3) Not later than 24 months after the date
5 of enactment of this subsection, the Administrator
6 shall submit a report to the Congress outlining the
7 findings of the study. The report shall further in-
8 clude policy recommendations for addressing emis-
9 sions from methane slip in engine exhaust in light
10 of the national interim goal and the national goal
11 declared by section 101 of the CLEAN Future
12 Act.”.

13 (b) AIRCRAFT GREENHOUSE GAS EMISSION STAND-
14 ARDS.—

15 (1) IN-SERVICE AIRCRAFT.—

16 (A) IN GENERAL.—Not later than 12
17 months after the date of enactment of this Act,
18 the Administrator of the Environmental Protec-
19 tion Agency (in this subsection referred to as
20 the “Administrator”) shall, pursuant to section
21 231 of the Clean Air Act (42 U.S.C. 7571),
22 promulgate aircraft engine emission standards
23 for greenhouse gas emissions from existing in-
24 service aircraft.

1 (B) TIERED STANDARDS.—In promul-
2 gating the emission standards required by this
3 paragraph, the Administrator shall—

4 (i) establish tiered emission standards
5 to achieve increased stringency and ambi-
6 tion across aircraft fleets; and

7 (ii) in carrying out clause (i), make
8 the least stringent tier at least as stringent
9 as the International Civil Aviation Organi-
10 zation’s CAEP/10 standard for carbon di-
11 oxide.

12 (C) INCREASED AMBITION.—In promul-
13 gating the emission standards required by this
14 paragraph, the Administrator shall consider in-
15 corporating flexibility mechanisms, such as
16 averaging and banking, in order to increase
17 emission reduction ambition.

18 (2) NEW AIRCRAFT.—

19 (A) IN GENERAL.—Not later than 36
20 months after the date of enactment of this Act,
21 the Administrator shall, pursuant to section
22 231 of the Clean Air Act (42 U.S.C. 7571),
23 promulgate aircraft engine emission standards
24 for greenhouse gas emissions from new aircraft.

1 (B) APPLICATION DATE.—The emission
2 standards required to be promulgated pursuant
3 to this paragraph shall apply to all new aircraft
4 delivered on or after January 1, 2030.

5 (C) CRITERIA.—The Administrator shall
6 consider all currently and potentially available
7 technologies for new aircraft in establishing the
8 emission standards required by this paragraph.

9 (D) INCREASED AMBITION.—In promul-
10 gating the emission standards required by this
11 paragraph, the Administrator shall consider in-
12 corporating flexibility mechanisms, such as
13 averaging and banking, in order to increase
14 emission reduction ambition.

15 (3) ONGOING REGULATION.—The Adminis-
16 trator shall promulgate successive greenhouse gas
17 emission standards pursuant to this subsection, and
18 shall—

19 (A) ensure that, pursuant to such succes-
20 sive standards, a greenhouse gas emission
21 standard is always in effect for each regulated
22 class or category of existing in-service and new
23 aircraft engines;

24 (B) mandate increased reductions in green-
25 house gas emissions in each successive set of

1 emission standards compared to the prior set of
2 standards; and

3 (C) determine the level of successive emis-
4 sion standards based on the degree of green-
5 house gas emission reductions needed to achieve
6 the national interim goal and the national goal
7 declared by section 101.

8 (c) UNIFORM STATE CLEAN CAR AUTHORITY.—Sec-
9 tion 177 of the Clean Air Act (42 U.S.C. 7507) is amend-
10 ed—

11 (1) in the section heading, by striking “**NON-**
12 **ATTAINMENT**” and inserting “**ALL**”; and

13 (2) by striking the words “which has plan pro-
14 visions approved under this part”.

15 **Subtitle B—Cleaner Fuels**

16 **SEC. 411. ACCELERATING APPROVAL OF CLEAN FUELS.**

17 The Administrator of the Environmental Protection
18 Agency shall take final action on a petition for approval
19 of a renewable fuel pathway under the renewable fuel pro-
20 gram under section 211(o) of the Clean Air Act (42
21 U.S.C. 7545(o)) if—

22 (1) 90 days or more has passed since the peti-
23 tion was submitted to the Administrator; and

24 (2) the combination of the fuel type, production
25 process, and feedstock that is described in the peti-

1 tion has been approved for sale in at least one State
2 under a program designed to reduce the carbon in-
3 tensity of transportation fuel.

4 **SEC. 412. ANNUAL DEADLINE FOR PETITIONS BY SMALL**
5 **REFINERIES FOR EXEMPTIONS FROM RE-**
6 **NEWABLE FUEL REQUIREMENTS.**

7 (a) DEADLINE.—Notwithstanding any other provi-
8 sion of law, petitions under section 211(o)(9) of the Clean
9 Air Act (42 U.S.C. 7545(o)(9)) for an exemption from the
10 requirements of section 211(o)(2) of such Act (42 U.S.C.
11 7545(o)(2)) shall be submitted to the Administrator of the
12 Environmental Protection Agency by June 1 of the year
13 preceding the year when such requirements would other-
14 wise be in effect.

15 (b) EFFECT OF FAILURE TO MEET DEADLINE.—If
16 a petition described in subsection (a) is not submitted by
17 the deadline specified in such subsection, the petition shall
18 be ineligible for consideration or approval.

19 **SEC. 413. INFORMATION IN PETITION SUBJECT TO PUBLIC**
20 **DISCLOSURE.**

21 (a) IN GENERAL.—The information described in sub-
22 section (b) in any submission to the Environmental Pro-
23 tection Agency by any person, including a small refinery,
24 with respect to a petition under section 211(o)(9)(B) of
25 the Clean Air Act (42 U.S.C. 7545(o)(9)(B))—

1 (1) shall not be deemed to be a trade secret or
2 confidential information; and

3 (2) shall be subject to public disclosure under
4 section 552 of title 5, United States Code.

5 (b) DESCRIBED INFORMATION.—The information de-
6 scribed in this subsection is—

7 (1) the name of the small refinery requesting
8 an extension of an exemption;

9 (2) the number of gallons of renewable fuel that
10 will not be contained in fuel pursuant to section
11 211(o)(2) of the Clean Air Act (42 U.S.C.
12 7545(o)(2)) as a result of the extension if the exten-
13 sion is granted; and

14 (3) the compliance year for which the extension
15 is requested.

16 (c) APPLICABILITY.—Subsection (a) applies only with
17 respect to information submitted with respect to a petition
18 under section 211(o)(9)(B) of the Clean Air Act (42
19 U.S.C. 7545(o)(9)(B)) for calendar year 2023 or a subse-
20 quent calendar year.

1 **Subtitle C—ZEV Vehicle**
2 **Deployment**

3 **SEC. 421. REAUTHORIZATION OF DIESEL EMISSIONS RE-**
4 **DUCTION PROGRAM.**

5 Section 797(a) of the Energy Policy Act of 2005 (42
6 U.S.C. 16137(a)) is amended by striking “\$100,000,000
7 for each of fiscal years 2012 through 2024” and inserting
8 “\$500,000,000 for each of fiscal years 2022 through
9 2031”.

10 **SEC. 422. PILOT PROGRAM FOR THE ELECTRIFICATION OF**
11 **CERTAIN REFRIGERATED VEHICLES.**

12 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Ad-
13 ministrator shall establish and carry out a pilot program
14 to award funds, in the form of grants, rebates, and low-
15 cost revolving loans, as determined appropriate by the Ad-
16 ministrator, on a competitive basis, to eligible entities to
17 carry out projects described in subsection (b).

18 (b) PROJECTS.—An eligible entity receiving an award
19 of funds under subsection (a) may use such funds only
20 for one or more of the following projects:

21 (1) TRANSPORT REFRIGERATION UNIT RE-
22 PLACEMENT.—A project to retrofit a heavy-duty ve-
23 hicle by replacing or retrofitting the existing diesel-
24 powered transport refrigeration unit in such vehicle

1 with an electric transport refrigeration unit and re-
2 tiring the replaced unit for scrappage.

3 (2) SHORE POWER INFRASTRUCTURE.—A
4 project to purchase and install shore power infra-
5 structure or other equipment that enables transport
6 refrigeration units to connect to electric power and
7 operate without using diesel fuel.

8 (c) MAXIMUM AMOUNTS.—The amount of an award
9 of funds under subsection (a) shall not exceed—

10 (1) for the costs of a project described in sub-
11 section (b)(1), 75 percent of such costs; and

12 (2) for the costs of a project described in sub-
13 section (b)(2), 55 percent of such costs.

14 (d) APPLICATIONS.—To be eligible to receive an
15 award of funds under subsection (a), an eligible entity
16 shall submit to the Administrator—

17 (1) a description of the air quality in the area
18 served by the eligible entity, including a description
19 of how the air quality is affected by diesel emissions
20 from heavy-duty vehicles;

21 (2) a description of the project proposed by the
22 eligible entity, including—

23 (A) any technology to be used or funded by
24 the eligible entity; and

1 (B) a description of the heavy-duty vehicle
2 or vehicles of the eligible entity, that will be re-
3 rofitted, if any, including—

4 (i) the number of such vehicles;

5 (ii) the uses of such vehicles;

6 (iii) the locations where such vehicles
7 dock for the purpose of loading or unload-
8 ing; and

9 (iv) the routes driven by such vehicles,
10 including the times at which such vehicles
11 are driven;

12 (3) an estimate of the cost of the proposed
13 project;

14 (4) a description of the age and expected life-
15 time control of the equipment used or funded by the
16 eligible entity; and

17 (5) provisions for the monitoring and
18 verification of the project including to verify
19 scrappage of replaced units.

20 (e) PRIORITY.—In awarding funds under subsection
21 (a), the Administrator shall give priority to proposed
22 projects that, as determined by the Administrator—

23 (1) maximize public health benefits;

24 (2) are the most cost-effective; and

1 (3) will serve the communities that are most
2 polluted by diesel motor emissions, including com-
3 munities that the Administrator identifies as being
4 in either nonattainment or maintenance of the na-
5 tional ambient air quality standards for a criteria
6 pollutant, particularly for—

7 (A) ozone; and

8 (B) particulate matter.

9 (f) DATA RELEASE.—Not later than 120 days after
10 the date on which an award of funds is made under this
11 section, the Administrator shall publish on the website of
12 the Environmental Protection Agency, on a downloadable
13 electronic database, information with respect to such
14 award of funds, including—

15 (1) the name and location of the recipient;

16 (2) the total amount of funds awarded;

17 (3) the intended use or uses of the awarded
18 funds;

19 (4) the date on which the award of funds was
20 approved;

21 (5) where applicable, an estimate of any air pol-
22 lution or greenhouse gas emissions avoided as a re-
23 sult of the project funded by the award; and

24 (6) any other data the Administrator deter-
25 mines to be necessary for an evaluation of the use

1 and effect of awarded funds provided under this sec-
2 tion.

3 (g) REPORTS TO CONGRESS.—

4 (1) ANNUAL REPORT TO CONGRESS.—Not later
5 than 1 year after the date of the establishment of
6 the pilot program under this section, and annually
7 thereafter until amounts made available to carry out
8 this section are expended, the Administrator shall
9 submit to Congress and make available to the public
10 a report that describes, with respect to the applica-
11 ble year—

12 (A) the number of applications for awards
13 of funds received under such program;

14 (B) all awards of funds made under such
15 program, including a summary of the data de-
16 scribed in subsection (f);

17 (C) the estimated reduction of annual
18 emissions of air pollutants regulated under sec-
19 tion 109 of the Clean Air Act (42 U.S.C.
20 7409), and the estimated reduction of green-
21 house gas emissions, associated with the awards
22 of funds made under such program;

23 (D) the number of awards of funds made
24 under such program for projects in communities
25 described in subsection (e)(3); and

1 (E) any other data the Administrator de-
2 termines to be necessary to describe the imple-
3 mentation, outcomes, or effectiveness of such
4 program.

5 (2) FINAL REPORT.—Not later than 1 year
6 after amounts made available to carry out this sec-
7 tion are expended, or 5 years after the pilot program
8 is established, whichever comes first, the Adminis-
9 trator shall submit to Congress and make available
10 to the public a report that describes—

11 (A) all of the information collected for the
12 annual reports under paragraph (1);

13 (B) any benefits to the environment or
14 human health that could result from the wide-
15 spread application of electric transport refriger-
16 eration units for short-haul transportation and
17 delivery of perishable goods or other goods re-
18 quiring climate-controlled conditions, including
19 in low-income communities and communities of
20 color;

21 (C) any challenges or benefits that recipi-
22 ents of awards of funds under such program re-
23 ported with respect to the integration or use of
24 electric transport refrigeration units and associ-
25 ated technologies;

1 (D) an assessment of the national market
2 potential for electric transport refrigeration
3 units;

4 (E) an assessment of challenges and op-
5 portunities for widespread deployment of elec-
6 tric transport refrigeration units, including in
7 urban areas; and

8 (F) recommendations for how future Fed-
9 eral, State, and local programs can best support
10 the adoption and widespread deployment of
11 electric transport refrigeration units.

12 (h) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) DIESEL-POWERED TRANSPORT REFRIGERA-
17 TION UNIT.—The term “diesel-powered transport re-
18 frigeration unit” means a transport refrigeration
19 unit that is powered by an independent diesel inter-
20 nal combustion engine.

21 (3) ELECTRIC TRANSPORT REFRIGERATION
22 UNIT.—The term “electric transport refrigeration
23 unit” means a transport refrigeration unit in which
24 the refrigeration or climate-control system is driven
25 by an electric motor when connected to shore power

1 infrastructure or other equipment that enables
2 transport refrigeration units to connect to electric
3 power, including all-electric transport refrigeration
4 units, hybrid electric transport refrigeration units,
5 and standby electric transport refrigeration units.

6 (4) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a regional, State, local, or Tribal agen-
9 cy, or port authority, with jurisdiction over
10 transportation or air quality;

11 (B) a nonprofit organization or institution
12 that—

13 (i) represents or provides pollution re-
14 duction or educational services to persons
15 or organizations that own or operate
16 heavy-duty vehicles or fleets of heavy-duty
17 vehicles; or

18 (ii) has, as its principal purpose, the
19 promotion of air quality;

20 (C) an individual or entity that is the
21 owner of record of a heavy-duty vehicle or a
22 fleet of heavy-duty vehicles that operates for the
23 transportation and delivery of perishable goods
24 or other goods requiring climate-controlled con-
25 ditions;

1 (D) an individual or entity that is the
2 owner of record of a facility that operates as a
3 warehouse or storage facility for perishable
4 goods or other goods requiring climate-con-
5 trolled conditions; or

6 (E) a hospital or public health institution
7 that utilizes refrigeration for storage of perish-
8 able goods or other goods requiring climate-con-
9 trolled conditions.

10 (5) HEAVY-DUTY VEHICLE.—The term “heavy-
11 duty vehicle” means—

12 (A) a commercial truck or van—

13 (i) used for the primary purpose of
14 transporting perishable goods or other
15 goods requiring climate-controlled condi-
16 tions; and

17 (ii) with a gross vehicle weight rating
18 greater than 6,000 pounds; or

19 (B) an insulated cargo trailer used in
20 transporting perishable goods or other goods re-
21 quiring climate-controlled conditions when
22 mounted on a semitrailer.

23 (6) SHORE POWER INFRASTRUCTURE.—The
24 term “shore power infrastructure” means electrical
25 infrastructure that provides power to the electric

1 transport refrigeration unit of a heavy-duty vehicle
2 when such vehicle is stationary on a property where
3 such vehicle is parked or loaded, including a food
4 distribution center or other location where heavy-
5 duty vehicles congregate.

6 (7) TRANSPORT REFRIGERATION UNIT.—The
7 term “transport refrigeration unit” means a climate-
8 control system installed on a heavy-duty vehicle for
9 the purpose of maintaining the quality of perishable
10 goods or other goods requiring climate-controlled
11 conditions.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to carry out this section \$10,000,000,
15 to remain available until expended.

16 (2) ADMINISTRATIVE EXPENSES.—The Admin-
17 istrator may use not more than 1 percent of
18 amounts made available pursuant to paragraph (1)
19 for administrative expenses to carry out this section.

20 **SEC. 423. CLEAN SCHOOL BUS PROGRAM.**

21 (a) IN GENERAL.—Section 741 of the Energy Policy
22 Act of 2005 (42 U.S.C. 16091) is amended to read as
23 follows:

24 **“SEC. 741. CLEAN SCHOOL BUS PROGRAM.**

25 “(a) DEFINITIONS.—In this section:

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the Environ-
3 mental Protection Agency.

4 “(2) CLEAN SCHOOL BUS.—The term ‘clean
5 school bus’ means a school bus that is a zero-emis-
6 sion school bus.

7 “(3) COMMUNITY OF COLOR.—The term ‘com-
8 munity of color’ has the meaning given that term in
9 section 601 of the CLEAN Future Act.

10 “(4) ELIGIBLE CONTRACTOR.—The term ‘eligi-
11 ble contractor’ means a contractor that is a for-prof-
12 it, not-for-profit, or nonprofit entity that has the ca-
13 pacity—

14 “(A) to sell clean school buses, or charging
15 or other equipment needed to charge or main-
16 tain clean school buses, to individuals or enti-
17 ties that own a school bus or fleet of school
18 buses; or

19 “(B) to arrange financing for such a sale.

20 “(5) ELIGIBLE RECIPIENT.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the term ‘eligible recipient’ means—

23 “(i) 1 or more local or State govern-
24 mental entities responsible for—

1 “(I) providing school bus service
2 to 1 or more public school systems; or

3 “(II) the purchase of school
4 buses;

5 “(ii) a tribally controlled school (as
6 defined in section 5212 of the Tribally
7 Controlled Schools Act of 1988 (25 U.S.C.
8 2511));

9 “(iii) a nonprofit school transportation
10 association; or

11 “(iv) 1 or more contracting entities
12 that provide school bus service to 1 or
13 more public school systems.

14 “(B) SPECIAL REQUIREMENTS.—In the
15 case of eligible recipients identified under
16 clauses (iii) and (iv) of subparagraph (A), the
17 Administrator shall establish timely and appro-
18 priate requirements for notice and may estab-
19 lish timely and appropriate requirements for ap-
20 proval by the public school systems that would
21 be served by buses purchased using award
22 funds made available under this section.

23 “(6) INDIGENOUS COMMUNITY.—The term ‘in-
24 digenous community’ has the meaning given that
25 term in section 601 of the CLEAN Future Act.

1 “(7) LOW INCOME.—The term ‘low income’ has
2 the meaning given that term in section 601 of the
3 CLEAN Future Act.

4 “(8) LOW-INCOME COMMUNITY.—The term
5 ‘low-income community’ has the meaning given that
6 term in section 601 of the CLEAN Future Act.

7 “(9) SCHOOL BUS.—The term ‘school bus’ has
8 the meaning given the term ‘schoolbus’ in section
9 30125(a) of title 49, United States Code.

10 “(10) SCRAP.—

11 “(A) IN GENERAL.—The term ‘scrap’
12 means, with respect to a school bus engine re-
13 placed using funds awarded under this section,
14 to recycle, crush, or shred the engine within
15 such period and in such manner as determined
16 by the Administrator.

17 “(B) EXCLUSION.—The term ‘scrap’ does
18 not include selling, leasing, exchanging, or oth-
19 erwise disposing of an engine described in sub-
20 paragraph (A) for use in another motor vehicle
21 in any location.

22 “(11) SECRETARY.—The term ‘Secretary’
23 means the Secretary of Energy.

24 “(12) ZERO-EMISSION SCHOOL BUS.—The term
25 ‘zero-emission school bus’ means a school bus with

1 a drivetrain that produces, under any possible oper-
2 ational mode or condition, zero exhaust emission
3 of—

4 “(A) any air pollutant that is listed pursu-
5 ant to section 108(a) of the Clean Air Act (42
6 U.S.C. 7408(a)) (or any precursor to such an
7 air pollutant); and

8 “(B) any greenhouse gas.

9 “(b) PROGRAM FOR REPLACEMENT OF EXISTING
10 SCHOOL BUSES WITH CLEAN SCHOOL BUSES.—

11 “(1) ESTABLISHMENT.—The Administrator, in
12 consultation with the Secretary, shall establish a
13 program for—

14 “(A) making awards on a competitive basis
15 of grants, rebates, and low-cost revolving loans
16 to eligible recipients for the replacement of ex-
17 isting school buses with clean school buses; and

18 “(B) making awards of contracts to eligi-
19 ble contractors for providing rebates and low-
20 cost revolving loans for the replacement of ex-
21 isting school buses with clean school buses.

22 “(2) APPLICATIONS.—An applicant for an
23 award under this section shall submit to the Admin-
24 istrator an application at such time, in such manner,

1 and containing such information as the Adminis-
2 trator may require, including—

3 “(A) a written assurance that—

4 “(i) all laborers and mechanics em-
5 ployed by contractors or subcontractors
6 during construction, alteration, or repair,
7 or at any manufacturing operation, that is
8 financed, in whole or in part, by an award
9 under this section, shall be paid wages at
10 rates not less than those prevailing in a
11 similar firm or on similar construction in
12 the locality, as determined by the Sec-
13 retary of Labor in accordance with sub-
14 chapter IV of chapter 31 of title 40,
15 United States Code; and

16 “(ii) the Secretary of Labor shall,
17 with respect to the labor standards de-
18 scribed in this clause, have the authority
19 and functions set forth in Reorganization
20 Plan Numbered 14 of 1950 (64 Stat.
21 1267; 5 U.S.C. App.) and section 3145 of
22 title 40, United States Code;

23 “(B) a certification that no public work or
24 service normally performed by a public em-

1 ployee will be privatized or subcontracted in
2 carrying out a project funded by the award;

3 “(C) to ensure a fair assessment of work-
4 force impact related to an award under this sec-
5 tion, a detailed accounting with respect to rel-
6 evant employees, including employees in each of
7 management, administration, operations, and
8 maintenance, of the eligible recipient at the
9 time of the application, including—

10 “(i) the number of employees, orga-
11 nized by salary;

12 “(ii) the bargaining unit status of
13 each employee;

14 “(iii) the full- or part-time status of
15 each employee; and

16 “(iv) the job title of each employee;
17 and

18 “(D) a description of coordination and ad-
19 vance planning with the local electricity pro-
20 vider.

21 “(3) ELIGIBLE MANUFACTURERS.—

22 “(A) IN GENERAL.—The Administrator
23 shall maintain and make publicly available a list
24 of manufacturers of clean school bus manufac-

1 turers from whom recipients of awards under
2 this section may order clean school buses.

3 “(B) CRITERIA.—The Administrator shall
4 establish a process by which manufacturers may
5 seek inclusion on the list established pursuant
6 to this subparagraph, which process shall in-
7 clude the submission of such information as the
8 Administrator may require, including—

9 “(i) a disclosure of whether there has
10 been any administrative merits determina-
11 tion, arbitral award or decision, or civil
12 judgment, as defined in guidance issued by
13 the Secretary of Labor, rendered against
14 the manufacturer in the preceding 3 years
15 for violations of applicable labor, employ-
16 ment, civil rights, or health and safety
17 laws; and

18 “(ii) specific information regarding
19 the actions the manufacturer will take to
20 demonstrate compliance with, and where
21 possible exceedance of, requirements under
22 applicable labor, employment, civil rights,
23 and health and safety laws, and actions the
24 manufacturer will take to ensure that its
25 direct suppliers demonstrate compliance

1 with applicable labor, employment, civil
2 rights, and health and safety laws.

3 “(4) PRIORITY OF APPLICATIONS.—

4 “(A) HIGHEST PRIORITY.—In making
5 awards under paragraph (1), the Administrator
6 shall give highest priority to applicants that
7 propose to replace school buses that serve the
8 highest number of students (measured in abso-
9 lute numbers or percentage of student popu-
10 lation) who are eligible for free or reduced price
11 lunches under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.).

13 “(B) ADDITIONAL PRIORITY.—In making
14 awards under paragraph (1), the Administrator
15 shall give priority to applicants that propose to
16 complement the assistance received through the
17 award by securing additional sources of funding
18 for the activities supported through the award,
19 such as through—

20 “(i) public-private partnerships with
21 electric companies;

22 “(ii) grants from other entities; or

23 “(iii) issuance of school bonds.

1 “(5) USE OF SCHOOL BUS FLEET.—All clean
2 school buses acquired with funds provided under this
3 section shall—

4 “(A) be operated as part of the school bus
5 fleet for which the award was made for not less
6 than 5 years;

7 “(B) be maintained, operated, charged,
8 and fueled according to manufacturer rec-
9 ommendations or State requirements; and

10 “(C) not be manufactured or retrofitted
11 with, or otherwise have installed, a power unit
12 or other technology that creates air pollution
13 within the school bus, such as an unvented die-
14 sel passenger heater.

15 “(6) AWARDS.—

16 “(A) IN GENERAL.—In making awards
17 under paragraph (1), the Administrator may
18 make awards for up to 100 percent of the re-
19 placement costs for clean school buses, provided
20 that such replacement costs shall not exceed
21 110 percent of the amount equal to the dif-
22 ference between the cost of a clean school bus
23 and the cost of a diesel school bus.

24 “(B) STRUCTURING AWARDS.—In making
25 an award under paragraph (1)(A), the Adminis-

1 trator shall decide whether to award a grant,
2 rebate, or low-cost revolving loan, or a combina-
3 tion thereof, based primarily on—

4 “(i) how best to facilitate replacing
5 existing school buses with clean school
6 buses; and

7 “(ii) the preference of the eligible re-
8 cipient.

9 “(C) INCLUDED COSTS.—Awards under
10 paragraph (1) may pay for—

11 “(i) acquisition and labor costs for
12 charging or other infrastructure needed to
13 charge or maintain clean school buses;

14 “(ii) workforce development and train-
15 ing, to support the maintenance, charging,
16 and operations of electric school buses; and

17 “(iii) planning and technical activities
18 to support the adoption and deployment of
19 clean school buses.

20 “(D) EXCEPTION.—In the case of awards
21 under paragraph (1) to eligible recipients de-
22 scribed in subsection (a)(4)(A)(iv), the Adminis-
23 trator may make awards for up to 70 percent
24 of the replacement costs for clean school buses,
25 except that if such a recipient demonstrates, to

1 the satisfaction of the Administrator, that its
2 labor standards are equal to or exceed those of
3 the public school system that would be served
4 by the clean school buses acquired with an
5 award under this section, the Administrator
6 may make an award to such recipient for up to
7 90 percent of the replacement costs for clean
8 school buses.

9 “(E) REQUIREMENTS.—The Administrator
10 shall require, as a condition of receiving an
11 award under this section, that award recipi-
12 ents—

13 “(i) do not, as a result of receiving
14 the award—

15 “(I) lay off, transfer, or demote
16 any current employee; or

17 “(II) reduce the salary or bene-
18 fits of any current employee or worsen
19 the conditions of work of any current
20 employee; and

21 “(ii) provide current employees with
22 training to effectively operate, maintain, or
23 otherwise adapt to new technologies relat-
24 ing to clean school buses.

25 “(F) BUY AMERICA.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), any clean school bus or
3 electric vehicle supply equipment pur-
4 chased using funds awarded under the this
5 section shall comply with the requirements
6 described in section 5323(j) of title 49,
7 United States Code.

8 “(ii) EXCEPTIONS.—

9 “(I) WAIVER.—The Adminis-
10 trator may provide a waiver to the re-
11 quirements describe in clause (i) in
12 the same manner and to the same ex-
13 tent as the Secretary of Transpor-
14 tation may provide a waiver under
15 section 5323(j)(2) of title 49, United
16 States Code.

17 “(II) PERCENTAGE OF COMPO-
18 NENTS AND SUBCOMPONENTS.—The
19 Administrator may grant a waiver in
20 accordance with section 5323(j)(2)(C)
21 of title 49, United States Code, when
22 a grant recipient procures a clean
23 school bus or electric vehicle supply
24 equipment using funds awarded under
25 the program for which the cost of

1 components and subcomponents pro-
2 duced in the United States—

3 “(aa) for each of fiscal years
4 2021 through 2025, is more than
5 60 percent of the cost of all com-
6 ponents of the clean school bus;
7 and

8 “(bb) for fiscal year 2025
9 and each fiscal year thereafter, is
10 more than 70 percent of the cost
11 of all components of the clean
12 school bus.

13 “(7) DEPLOYMENT AND DISTRIBUTION.—The
14 Administrator shall—

15 “(A) to the maximum extent practicable,
16 achieve nationwide deployment of clean school
17 buses through the program under this section;

18 “(B) ensure, as practicable, a broad geo-
19 graphic distribution of awards under paragraph
20 (1) each fiscal year;

21 “(C) solicit early applications for large-
22 scale deployments and, as soon as reasonably
23 practicable, award grants for at least one such
24 large scale deployment in a rural location and

1 another in an urban location, subject to the re-
2 quirement that each such award recipient—

3 “(i) participate in the development of
4 best practices, lessons learned, and other
5 information sharing to guide the imple-
6 mentation of the award program, including
7 relating to building out associated infra-
8 structure; and

9 “(ii) cooperate as specified in sub-
10 paragraph (D); and

11 “(D) develop, in cooperation with award
12 recipients, resources for future award recipients
13 under this section.

14 “(8) SCRAPPAGE.—

15 “(A) IN GENERAL.—The Administrator
16 shall require the recipient of an award under
17 paragraph (1) to verify, not later than 1 year
18 after receiving a clean school bus purchased
19 using the award, that the engine of the replaced
20 school bus has been scrapped.

21 “(B) EXCEPTION.—Subject to such condi-
22 tions the Administrator determines appropriate,
23 giving consideration to public health and reduc-
24 ing emissions of pollutants, the Administrator

1 may waive the requirements of subparagraph
2 (A) for school buses that meet—

3 “(i) the emission standards applicable
4 to a new school bus as of the date of en-
5 actment of the CLEAN Future Act; or

6 “(ii) subsequent emission standards
7 that are at least as stringent as the stand-
8 ards referred to in clause (i).

9 “(c) EDUCATION AND OUTREACH.—

10 “(1) IN GENERAL.—Not later than 90 days
11 after the date of enactment of the CLEAN Future
12 Act, the Administrator shall develop an education
13 and outreach program to promote and explain the
14 award program under this section.

15 “(2) COORDINATION WITH STAKEHOLDERS.—

16 The education and outreach program under para-
17 graph (1) shall be designed and conducted in con-
18 junction with interested national school bus trans-
19 portation associations, labor unions, electric utilities,
20 manufacturers of clean school buses, manufacturers
21 of components of clean school buses, clean transpor-
22 tation nonprofit organizations, and other stake-
23 holders.

24 “(3) COMPONENTS.—The education and out-
25 reach program under paragraph (1) shall—

1 “(A) inform, encourage, and support po-
2 tential award recipients on the process of apply-
3 ing for awards and fulfilling the requirements
4 of awards;

5 “(B) describe the available technologies
6 and the benefits of the technologies;

7 “(C) explain the benefits of participating
8 in the award program;

9 “(D) make available information regarding
10 best practices, lessons learned, and technical
11 and other information regarding—

12 “(i) clean school bus acquisition and
13 deployment;

14 “(ii) the build-out of associated infra-
15 structure and advance planning with the
16 local electricity supplier;

17 “(iii) workforce development and
18 training; and

19 “(iv) any other information that, in
20 the judgment of the Administrator, is rel-
21 evant to transitioning to and deploying
22 clean school buses;

23 “(E) make available the information pro-
24 vided by the Secretary pursuant to subsection
25 (d);

1 “(F) in consultation with the Secretary,
2 make information available about how clean
3 school buses can be part of building community
4 resilience to the effects of climate change; and

5 “(G) include, as appropriate, information
6 from the annual report required under sub-
7 section (g).

8 “(d) DOE ASSISTANCE.—

9 “(1) INFORMATION GATHERING.—The Sec-
10 retary shall gather, and not less than annually share
11 with the Administrator, information regarding—

12 “(A) vehicle-to-grid technology, including
13 best practices and use-case scenarios;

14 “(B) the use of clean school buses for com-
15 munity resilience; and

16 “(C) technical aspects of clean school bus
17 management and deployment.

18 “(2) TECHNICAL ASSISTANCE.—The Secretary
19 shall, in response to a request from the Adminis-
20 trator, or from an applicant for or recipient of an
21 award under this section, provide technical assist-
22 ance in the development of an application for or the
23 use of award funds.

24 “(e) ADMINISTRATIVE COSTS.—The Administrator
25 may use, for the administrative costs of carrying out this

1 section, not more than two percent of the amounts made
2 available to carry out this section for any fiscal year.

3 “(f) ANNUAL REPORT.—Not later than January 31
4 of each year, the Administrator shall submit to Congress
5 a report that—

6 “(1) evaluates the implementation of this sec-
7 tion;

8 “(2) describes—

9 “(A) the total number of applications re-
10 ceived for awards under this section;

11 “(B) the number of clean school buses re-
12 quested in such applications;

13 “(C) the awards made under this section
14 and the criteria used to select the award recipi-
15 ents;

16 “(D) the awards made under this section
17 for charging and fueling infrastructure;

18 “(E) ongoing compliance with the commit-
19 ments made by manufacturers on the list main-
20 tained by the Administrator under subsection
21 (b)(3);

22 “(F) the estimated effect of the awards
23 under this section on emission of air pollutants,
24 including greenhouse gases; and

1 “(G) any other information the Adminis-
2 trator considers appropriate; and

3 “(3) describes any waiver granted under sub-
4 section (b)(5)(B) during the preceding year.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There is authorized to be
7 appropriated to the Administrator to carry out this
8 section, to remain available until expended,
9 \$2,500,000,000 for each of fiscal years 2022
10 through 2031.

11 “(2) ALLOCATION.—Of the amount authorized
12 to be appropriated for carrying out this section for
13 each fiscal year, no less than \$1,000,000,000 shall
14 be used for awards under this section to eligible re-
15 cipients proposing to replace school buses to serve a
16 community of color, indigenous community, low-in-
17 come community, or any community located in an
18 air quality area designated pursuant to section 107
19 of the Clean Air Act (42 U.S.C. 7407) as nonattain-
20 ment.”.

21 (b) TECHNICAL AMENDMENT TO STRIKE REDUN-
22 DANT AUTHORIZATION.—The Safe, Accountable, Flexible,
23 Efficient Transportation Equity Act: A Legacy for Users
24 (commonly referred to as “SAFETEA-LU”) is amend-
25 ed—

1 (1) by striking section 6015 (42 U.S.C.
2 16091a); and

3 (2) in the table of contents in section 1(b) of
4 such Act, by striking the item relating to section
5 6015.

6 **SEC. 424. CLEAN CITIES COALITION PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall carry out a
8 program to be known as the Clean Cities Coalition Pro-
9 gram.

10 (b) PROGRAM ELEMENTS.—In carrying out the pro-
11 gram under subsection (a), the Secretary shall—

12 (1) establish criteria for designating local and
13 regional Clean Cities Coalitions;

14 (2) designate local and regional Clean Cities
15 Coalitions that the Secretary determines meet the
16 criteria established under paragraph (1);

17 (3) make awards to each designated Clean Cit-
18 ies Coalition for administrative and program ex-
19 penses of the coalition;

20 (4) make competitive awards to designated
21 Clean Cities Coalitions for projects and activities de-
22 scribed in subsection (c);

23 (5) provide technical assistance and training to
24 designated Clean Cities Coalitions;

1 (6) provide opportunities for communication
2 and sharing of best practices among designated
3 Clean Cities Coalitions; and

4 (7) maintain, and make available to the public,
5 a centralized database of information included in the
6 reports submitted under subsection (d).

7 (c) PROJECTS AND ACTIVITIES.—Projects and activi-
8 ties eligible for awards under subsection (b)(4) are
9 projects and activities that reduce petroleum consumption,
10 improve air quality, promote energy and economic secu-
11 rity, and encourage deployment of a diverse, domestic sup-
12 ply of alternative fuels in the transportation sector by—

13 (1) encouraging the purchase and use of alter-
14 native fuel vehicles and alternative fuels, including
15 by fleet managers;

16 (2) expediting the establishment of local, re-
17 gional, and national infrastructure to fuel alternative
18 fuel vehicles;

19 (3) advancing the use of other petroleum fuel
20 reduction technologies and strategies;

21 (4) conducting outreach and education activities
22 to advance the use of alternative fuels and alter-
23 native fuel vehicles;

1 (5) providing training and technical assistance
2 and tools to users that adopt petroleum fuel reduc-
3 tion technologies; or

4 (6) collaborating with and training officials and
5 first responders with responsibility for permitting
6 and enforcing fire, building, and other safety codes
7 related to the deployment and use of alternative
8 fuels or alternative fuel vehicles.

9 (d) ANNUAL REPORT.—Each designated Clean Cities
10 Coalition shall submit an annual report to the Secretary
11 on the activities and accomplishments of the coalition.

12 (e) DEFINITIONS.—In this section:

13 (1) ALTERNATIVE FUEL.—The term “alter-
14 native fuel” has the meaning given such term in sec-
15 tion 32901 of title 49, United States Code.

16 (2) ALTERNATIVE FUEL VEHICLE.—The term
17 “alternative fuel vehicle” means any vehicle that is
18 capable of operating, partially or exclusively, on an
19 alternative fuel.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 (f) FUNDING.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to carry out
25 this section—

- 1 (A) \$50,000,000 for fiscal year 2022;
2 (B) \$60,000,000 for fiscal year 2023;
3 (C) \$75,000,000 for fiscal year 2024;
4 (D) \$90,000,000 for fiscal year 2025; and
5 (E) \$100,000,000 for each of fiscal years
6 2026 through 2031.

7 (2) ALLOCATIONS.—The Secretary shall allo-
8 cate funds made available to carry out this section
9 in each fiscal year as follows:

10 (A) 30 percent of such funds shall be dis-
11 tributed as awards under subsection (b)(3).

12 (B) 50 percent of such funds shall be dis-
13 tributed as competitive awards under subsection
14 (b)(4).

15 (C) 20 percent of such funds shall be used
16 to carry out the duties of the Secretary under
17 this section.

18 **Subtitle D—Zero Emissions Vehicle**
19 **Infrastructure Buildout**

20 **PART 1—ELECTRIC VEHICLE INFRASTRUCTURE**

21 **SEC. 431. DEFINITIONS.**

22 In this part:

23 (1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—

24 The term “electric vehicle supply equipment” means
25 any conductors, including ungrounded, grounded,

1 and equipment grounding conductors, electric vehicle
2 connectors, attachment plugs, and all other fittings,
3 devices, power outlets, or apparatuses installed spe-
4 cifically for the purpose of delivering energy to an
5 electric vehicle.

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of Energy.

8 (3) UNDERSERVED OR DISADVANTAGED COM-
9 MUNITY.—The term “underserved or disadvantaged
10 community” means—

11 (A) a community located in a ZIP code
12 that includes a census tract that is identified
13 as—

14 (i) a low-income community; or

15 (ii) a community of color;

16 (B) a community in which climate change,
17 pollution, or environmental destruction have ex-
18 acerbated systemic racial, regional, social, envi-
19 ronmental, and economic injustices by dis-
20 proportionately affecting indigenous peoples,
21 communities of color, migrant communities,
22 deindustrialized communities, depopulated rural
23 communities, the poor, low-income workers,
24 women, the elderly, the unhoused, people with
25 disabilities, or youth; or

1 (C) any other community that the Sec-
2 retary determines is disproportionately vulner-
3 able to, or bears a disproportionate burden of,
4 any combination of economic, social, and envi-
5 ronmental stressors.

6 **SEC. 432. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE**
7 **PROGRAM.**

8 (a) REBATE PROGRAM.—Not later than January 1,
9 2022, the Secretary shall establish a rebate program to
10 provide rebates for covered expenses associated with pub-
11 licly accessible electric vehicle supply equipment (in this
12 section referred to as the “rebate program”).

13 (b) REBATE PROGRAM REQUIREMENTS.—

14 (1) ELIGIBLE ENTITIES.—A rebate under the
15 rebate program may be made to an individual, a
16 State, local, Tribal, or Territorial government, a pri-
17 vate entity, a not-for-profit entity, a nonprofit entity,
18 or a metropolitan planning organization.

19 (2) ELIGIBLE EQUIPMENT.—

20 (A) IN GENERAL.—Not later than 180
21 days after the date of the enactment of this
22 Act, the Secretary shall publish and maintain
23 on the Department of Energy internet website
24 a list of electric vehicle supply equipment that
25 is eligible for the rebate program.

1 (B) UPDATES.—The Secretary may, by
2 regulation, add to, or otherwise revise, the list
3 of electric vehicle supply equipment under sub-
4 paragraph (A) if the Secretary determines that
5 such addition or revision will likely lead to—

6 (i) greater usage of electric vehicle
7 supply equipment;

8 (ii) greater access to electric vehicle
9 supply equipment by users; or

10 (iii) an improved experience for users
11 of electric vehicle supply equipment, in-
12 cluding accessibility in compliance with the
13 Americans with Disabilities Act of 1990
14 (42 U.S.C. 12101 et seq.).

15 (C) LOCATION REQUIREMENT.—To be eli-
16 gible for the rebate program, the electric vehicle
17 supply equipment described in subparagraph
18 (A) shall be installed—

19 (i) in the United States;

20 (ii) on property—

21 (I) owned by the eligible entity
22 under paragraph (1); or

23 (II) on which the eligible entity
24 under paragraph (1) has authority to

1 install electric vehicle supply equip-
2 ment; and

3 (iii) at a location that is—

4 (I) a multi-unit housing struc-
5 ture;

6 (II) a workplace;

7 (III) a commercial location; or

8 (IV) open to the public for a
9 minimum of 12 hours per day;

10 (3) APPLICATION.—

11 (A) IN GENERAL.—An eligible entity under
12 paragraph (1) may submit to the Secretary an
13 application for a rebate under the rebate pro-
14 gram. Such application shall include—

15 (i) the estimated cost of covered ex-
16 penses to be expended on the electric vehi-
17 cle supply equipment that is eligible under
18 paragraph (2);

19 (ii) the estimated installation cost of
20 the electric vehicle supply equipment that
21 is eligible under paragraph (2);

22 (iii) the global positioning system lo-
23 cation, including the integer number of de-
24 grees, minutes, and seconds, where such
25 electric vehicle supply equipment is to be

1 installed, and identification of whether
2 such location is—

3 (I) a multi-unit housing struc-
4 ture;

5 (II) a workplace;

6 (III) a commercial location; or

7 (IV) open to the public for a
8 minimum of 12 hours per day;

9 (iv) the technical specifications of
10 such electric vehicle supply equipment, in-
11 cluding the maximum power voltage and
12 amperage of such equipment;

13 (v) an identification of any existing
14 electric vehicle supply equipment that—

15 (I) is available to the public for a
16 minimum of 12 hours per day; and

17 (II) is not further than 50 miles
18 from the global positioning system lo-
19 cation identified under clause (iii);
20 and

21 (vi) any other information determined
22 by the Secretary to be necessary for a com-
23 plete application.

24 (B) REVIEW PROCESS.—The Secretary
25 shall review an application for a rebate under

1 the rebate program and approve an eligible en-
2 tity under paragraph (1) to receive such rebate
3 if the application meets the requirements of the
4 rebate program under this subsection.

5 (C) NOTIFICATION TO ELIGIBLE ENTITY.—

6 Not later than 1 year after the date on which
7 the eligible entity under paragraph (1) applies
8 for a rebate under the rebate program, the Sec-
9 retary shall notify the eligible entity whether
10 the eligible entity will be awarded a rebate
11 under the rebate program following the submis-
12 sion of additional materials required under
13 paragraph (5).

14 (4) REBATE AMOUNT.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the amount of a rebate made
17 under the rebate program for each charging
18 unit shall be the lesser of—

19 (i) 75 percent of the applicable cov-
20 ered expenses;

21 (ii) \$2,000 for covered expenses asso-
22 ciated with the purchase and installation of
23 non-networked level 2 charging equipment;

1 (iii) \$4,000 for covered expenses asso-
2 ciated with the purchase and installation of
3 networked level 2 charging equipment; or

4 (iv) \$100,000 for covered expenses as-
5 sociated with the purchase and installation
6 of networked direct current fast charging
7 equipment.

8 (B) REBATE AMOUNT FOR REPLACEMENT
9 EQUIPMENT.—A rebate made under the rebate
10 program for replacement of pre-existing electric
11 vehicle supply equipment at a single location
12 shall be the lesser of—

13 (i) 75 percent of the applicable cov-
14 ered expenses;

15 (ii) \$1,000 for covered expenses asso-
16 ciated with the purchase and installation of
17 non-networked level 2 charging equipment;

18 (iii) \$2,000 for covered expenses asso-
19 ciated with the purchase and installation of
20 networked level 2 charging equipment; or

21 (iv) \$25,000 for covered expenses as-
22 sociated with the purchase and installation
23 of networked direct current fast charging
24 equipment.

25 (5) DISBURSEMENT OF REBATE.—

1 (A) IN GENERAL.—The Secretary shall
2 disburse a rebate under the rebate program to
3 an eligible entity under paragraph (1), following
4 approval of an application under paragraph (3),
5 if such entity submits the materials required
6 under subparagraph (B).

7 (B) MATERIALS REQUIRED FOR DISBURSE-
8 MENT OF REBATE.—Not later than one year
9 after the date on which the eligible entity under
10 paragraph (1) receives notice under paragraph
11 (3)(C) that the eligible entity has been ap-
12 proved for a rebate, such eligible entity shall
13 submit to the Secretary the following—

14 (i) a record of payment for covered
15 expenses expended on the installation of
16 the electric vehicle supply equipment that
17 is eligible under paragraph (2);

18 (ii) a record of payment for the elec-
19 tric vehicle supply equipment that is eligi-
20 ble under paragraph (2);

21 (iii) the global positioning system lo-
22 cation of where such electric vehicle supply
23 equipment was installed and identification
24 of whether such location is—

1 (I) a multi-unit housing struc-
2 ture;

3 (II) a workplace;

4 (III) a commercial location; or

5 (IV) open to the public for a
6 minimum of 12 hours per day;

7 (iv) the technical specifications of the
8 electric vehicle supply equipment that is el-
9 igible under paragraph (2), including the
10 maximum power voltage and amperage of
11 such equipment; and

12 (v) any other information determined
13 by the Secretary to be necessary.

14 (C) AGREEMENT TO MAINTAIN.—To be eli-
15 gible for a rebate under the rebate program, an
16 eligible entity under paragraph (1) shall enter
17 into an agreement with the Secretary to main-
18 tain the electric vehicle supply equipment that
19 is eligible under paragraph (2) in a satisfactory
20 manner for not less than 5 years after the date
21 on which the eligible entity under paragraph (1)
22 receives the rebate under the rebate program.

23 (D) EXCEPTION.—The Secretary shall not
24 disburse a rebate under the rebate program if
25 materials submitted under subparagraph (B) do

1 not meet the same global positioning system lo-
2 cation and technical specifications for the elec-
3 tric vehicle supply equipment that is eligible
4 under paragraph (2) provided in an application
5 under paragraph (3).

6 (6) MULTI-PORT CHARGERS.—An eligible entity
7 under paragraph (1) shall be awarded a rebate
8 under the rebate program for covered expenses relat-
9 ing to the purchase and installation of a multi-port
10 charger based on the number of publicly accessible
11 charging ports, with each subsequent port after the
12 first port being eligible for 50 percent of the full re-
13 bate amount.

14 (7) NETWORKED DIRECT CURRENT FAST
15 CHARGING.—Of amounts appropriated to carry out
16 the rebate program, not more than 40 percent may
17 be used for rebates of networked direct current fast
18 charging equipment.

19 (8) HYDROGEN FUEL CELL REFUELING INFRA-
20 STRUCTURE.—Hydrogen refueling equipment shall
21 be eligible for a rebate under the rebate program as
22 though it were networked direct current fast charg-
23 ing equipment. All requirements related to public ac-
24 cessibility of installed locations shall apply.

1 (9) REPORT.—Not later than 3 years after the
2 first date on which the Secretary awards a rebate
3 under the rebate program, the Secretary shall sub-
4 mit to the Committee on Energy and Commerce of
5 the House of Representatives and the Committee on
6 Energy and Natural Resources of the Senate a re-
7 port of the number of rebates awarded for electric
8 vehicle supply equipment and hydrogen fuel cell re-
9 fueling equipment in each of the location categories
10 described in paragraph (2)(C)(iii).

11 (c) DEFINITIONS.—In this section:

12 (1) COVERED EXPENSES.—The term “covered
13 expenses” means an expense that is associated with
14 the purchase and installation of electric vehicle sup-
15 ply equipment, including—

16 (A) the cost of electric vehicle supply
17 equipment;

18 (B) labor costs associated with the installa-
19 tion of such electric vehicle supply equipment,
20 only if wages for such labor are paid at rates
21 not less than those prevailing on similar labor
22 in the locality of installation, as determined by
23 the Secretary of Labor under subchapter IV of
24 chapter 31 of title 40, United States Code

1 (commonly referred to as the “Davis-Bacon
2 Act”);

3 (C) material costs associated with the in-
4 stallation of such electric vehicle supply equip-
5 ment, including expenses involving electrical
6 equipment and necessary upgrades or modifica-
7 tions to the electrical grid and associated infra-
8 structure required for the installation of such
9 electric vehicle supply equipment;

10 (D) permit costs associated with the instal-
11 lation of such electric vehicle supply equipment;
12 and

13 (E) the cost of an on-site energy storage
14 system.

15 (2) ELECTRIC VEHICLE.—The term “electric
16 vehicle” means a vehicle that derives all or part of
17 its power from electricity.

18 (3) MULTI-PORT CHARGER.—The term “multi-
19 port charger” means electric vehicle supply equip-
20 ment capable of charging more than one electric ve-
21 hicle.

22 (4) LEVEL 2 CHARGING EQUIPMENT.—The
23 term “level 2 charging equipment” means electric
24 vehicle supply equipment that provides an alter-

1 nating current power source at a minimum of 208
2 volts.

3 (5) NETWORKED DIRECT CURRENT FAST
4 CHARGING EQUIPMENT.—The term “networked di-
5 rect current fast charging equipment” means electric
6 vehicle supply equipment that provides a direct cur-
7 rent power source at a minimum of 50 kilowatts and
8 is enabled to connect to a network to facilitate data
9 collection and access.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$100,000,000 for each of fiscal years 2022 through 2031.

13 **SEC. 433. MODEL BUILDING CODE FOR ELECTRIC VEHICLE**
14 **SUPPLY EQUIPMENT.**

15 (a) REVIEW.—The Secretary shall review proposed or
16 final model building codes for—

17 (1) integrating electric vehicle supply equipment
18 into residential and commercial buildings that in-
19 clude space for individual vehicle or fleet vehicle
20 parking; and

21 (2) integrating onsite renewable power equip-
22 ment and electric storage equipment (including elec-
23 tric vehicle batteries to be used for electric storage)
24 into residential and commercial buildings.

1 (b) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to stakeholders representing
3 the building construction industry, manufacturers of elec-
4 tric vehicles and electric vehicle supply equipment, State
5 and local governments, and any other persons with rel-
6 evant expertise or interests to facilitate understanding of
7 the model code and best practices for adoption by jurisdic-
8 tions.

9 **SEC. 434. ELECTRIC VEHICLE SUPPLY EQUIPMENT COORDI-**
10 **NATION.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary, acting
13 through the Assistant Secretary of the Office of Electricity
14 Delivery and Energy Reliability (including the Smart Grid
15 Task Force), shall convene a group to assess progress in
16 the development of standards necessary to—

17 (1) support the expanded deployment of electric
18 vehicle supply equipment;

19 (2) develop an electric vehicle charging network
20 to provide reliable charging for electric vehicles na-
21 tionwide, taking into consideration range anxiety
22 and the location of charging infrastructure to ensure
23 an electric vehicle can travel throughout the United
24 States without losing a charge; and

1 (3) ensure the development of such network will
2 not compromise the stability and reliability of the
3 electric grid.

4 (b) REPORT TO CONGRESS.—Not later than 1 year
5 after the date of enactment of this Act, the Secretary shall
6 provide to the Committee on Energy and Commerce of the
7 House of Representatives and to the Committee on En-
8 ergy and Natural Resources of the Senate a report con-
9 taining the results of the assessment carried out under
10 subsection (a) and recommendations to overcome any bar-
11 riers to standards development or adoption identified by
12 the group convened under such subsection.

13 **SEC. 435. STATE CONSIDERATION OF ELECTRIC VEHICLE**
14 **CHARGING.**

15 (a) CONSIDERATION AND DETERMINATION RESPECT-
16 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
17 of the Public Utility Regulatory Policies Act of 1978 (16
18 U.S.C. 2621(d)) is further amended by adding at the end
19 the following:

20 “(22) ELECTRIC VEHICLE CHARGING PRO-
21 GRAMS.—

22 “(A) IN GENERAL.—Each State shall con-
23 sider measures to promote greater electrifica-
24 tion of the transportation sector, including—

1 “(i) authorizing measures to stimulate
2 investment in and deployment of electric
3 vehicle supply equipment and to foster the
4 market for electric vehicle charging;

5 “(ii) authorizing each electric utility
6 of the State to recover from ratepayers any
7 capital, operating expenditure, or other
8 costs of the electric utility relating to load
9 management, programs, or investments as-
10 sociated with the integration of electric ve-
11 hicle supply equipment into the grid; and

12 “(iii) allowing a person or agency that
13 owns and operates an electric vehicle
14 charging facility for the sole purpose of re-
15 charging an electric vehicle battery to be
16 excluded from regulation as an electric
17 utility pursuant to section 3(4) when mak-
18 ing electricity sales from the use of the
19 electric vehicle charging facility, if such
20 sales are the only sales of electricity made
21 by the person or agency.

22 “(B) DEFINITION.—For purposes of this
23 paragraph, the term ‘electric vehicle supply
24 equipment’ means conductors, including
25 ungrounded, grounded, and equipment ground-

1 ing conductors, electric vehicle connectors, at-
2 tachment plugs, and all other fittings, devices,
3 power outlets, or apparatuses installed specifi-
4 cally for the purpose of delivering energy to an
5 electric vehicle.”.

6 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

7 (1) TIME LIMITATIONS.—Section 112(b) of the
8 Public Utility Regulatory Policies Act of 1978 (16
9 U.S.C. 2622(b)) is amended by adding at the end
10 the following:

11 “(9)(A) Not later than 1 year after the date of
12 enactment of this paragraph, each State regulatory
13 authority (with respect to each electric utility for
14 which it has ratemaking authority) and each non-
15 regulated electric utility shall commence the consid-
16 eration referred to in section 111, or set a hearing
17 date for consideration, with respect to the standards
18 established by paragraph (22) of section 111(d).

19 “(B) Not later than 2 years after the date of
20 the enactment of this paragraph, each State regu-
21 latory authority (with respect to each electric utility
22 for which it has ratemaking authority), and each
23 nonregulated electric utility, shall complete the con-
24 sideration, and shall make the determination, re-
25 ferred to in section 111 with respect to each stand-

1 ard established by paragraph (22) of section
2 111(d).”.

3 (2) FAILURE TO COMPLY.—Section 112(c) of
4 the Public Utility Regulatory Policies Act of 1978
5 (16 U.S.C. 2622(c)) is amended by adding at the
6 end the following: “In the case of the standard es-
7 tablished by paragraph (22) of section 111(d), the
8 reference contained in this subsection to the date of
9 enactment of this Act shall be deemed to be a ref-
10 erence to the date of enactment of that paragraph.”.

11 (3) PRIOR STATE ACTIONS.—Section 112 of the
12 Public Utility Regulatory Policies Act of 1978 (16
13 U.S.C. 2622) is amended by adding at the end the
14 following:

15 “(i) PRIOR STATE ACTIONS.—Subsections (b) and
16 (c) of this section shall not apply to the standard estab-
17 lished by paragraph (22) of section 111(d) in the case of
18 any electric utility in a State if, before the enactment of
19 this subsection—

20 “(1) the State has implemented for such utility
21 the standard concerned (or a comparable standard);

22 “(2) the State regulatory authority for such
23 State or relevant nonregulated electric utility has
24 conducted a proceeding to consider implementation

1 of the standard concerned (or a comparable stand-
2 ard) for such utility;

3 “(3) the State legislature has voted on the im-
4 plementation of such standard (or a comparable
5 standard) for such utility; or

6 “(4) the State has taken action to implement
7 incentives or other steps to strongly encourage the
8 deployment of electric vehicles.”.

9 (4) PRIOR AND PENDING PROCEEDINGS.—Sec-
10 tion 124 of the Public Utility Regulatory Policies
11 Act of 1978 (16 U.S.C. 2634) is amended is amend-
12 ed by adding at the end the following: “In the case
13 of the standard established by paragraph (22) of
14 section 111(d), the reference contained in this sec-
15 tion to the date of the enactment of this Act shall
16 be deemed to be a reference to the date of enact-
17 ment of such paragraph (22).”.

18 **SEC. 436. STATE ENERGY PLANS.**

19 (a) STATE ENERGY CONSERVATION PLANS.—Section
20 362(d) of the Energy Policy and Conservation Act (42
21 U.S.C. 6322(d)) is amended—

22 (1) in paragraph (16), by striking “; and” and
23 inserting a semicolon;

24 (2) by redesignating paragraph (17) as para-
25 graph (18); and

1 (3) by inserting after paragraph (16) the fol-
2 lowing:

3 “(17) a State energy transportation plan devel-
4 oped in accordance with section 368; and”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
6 365(f) of the Energy Policy and Conservation Act (42
7 U.S.C. 6325(f)) is amended to read as follows:

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) STATE ENERGY CONSERVATION PLANS.—
10 For the purpose of carrying out this part, there are
11 authorized to be appropriated \$100,000,000 for each
12 of fiscal years 2022 through 2031.

13 “(2) STATE ENERGY TRANSPORTATION
14 PLANS.—In addition to the amounts authorized
15 under paragraph (1), for the purpose of carrying out
16 section 368, there are authorized to be appropriated
17 \$25,000,000 for each of fiscal years 2022 through
18 2031.”.

19 (c) STATE ENERGY TRANSPORTATION PLANS.—

20 (1) IN GENERAL.—Part D of title III of the
21 Energy Policy and Conservation Act (42 U.S.C.
22 6321 et seq.) is further amended by adding at the
23 end the following:

1 **“SEC. 368. STATE ENERGY TRANSPORTATION PLANS.**

2 “(a) IN GENERAL.—The Secretary may provide fi-
3 nancial assistance to a State to develop a State energy
4 transportation plan, for inclusion in a State energy con-
5 servation plan under section 362(d), to promote the elec-
6 trification of the transportation system, reduced consump-
7 tion of fossil fuels, and improved air quality.

8 “(b) DEVELOPMENT.—A State developing a State en-
9 ergy transportation plan under this section shall carry out
10 this activity through the State energy office that is respon-
11 sible for developing the State energy conservation plan
12 under section 362.

13 “(c) CONTENTS.—A State developing a State energy
14 transportation plan under this section shall include in such
15 plan a plan to—

16 “(1) deploy a network of electric vehicle supply
17 equipment to ensure access to electricity for electric
18 vehicles, including commercial vehicles, to an extent
19 that such electric vehicles can travel throughout the
20 State without running out of a charge; and

21 “(2) promote modernization of the electric grid,
22 including through the use of renewable energy
23 sources to power the electric grid, to accommodate
24 demand for power to operate electric vehicle supply
25 equipment and to utilize energy storage capacity

1 provided by electric vehicles, including commercial
2 vehicles.

3 “(d) COORDINATION.—In developing a State energy
4 transportation plan under this section, a State shall co-
5 ordinate, as appropriate, with—

6 “(1) State regulatory authorities (as defined in
7 section 3 of the Public Utility Regulatory Policies
8 Act of 1978 (16 U.S.C. 2602));

9 “(2) electric utilities;

10 “(3) regional transmission organizations or
11 independent system operators;

12 “(4) private entities that provide electric vehicle
13 charging services;

14 “(5) State transportation agencies, metropoli-
15 tan planning organizations, and local governments;

16 “(6) electric vehicle manufacturers;

17 “(7) public and private entities that manage ve-
18 hicle fleets; and

19 “(8) public and private entities that manage
20 ports, airports, or other transportation hubs.

21 “(e) TECHNICAL ASSISTANCE.—Upon request of the
22 Governor of a State, the Secretary shall provide informa-
23 tion and technical assistance in the development, imple-
24 mentation, or revision of a State energy transportation
25 plan.

1 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
2 FINED.—For purposes of this section, the term ‘electric
3 vehicle supply equipment’ means conductors, including
4 ungrounded, grounded, and equipment grounding conduc-
5 tors, electric vehicle connectors, attachment plugs, and all
6 other fittings, devices, power outlets, or apparatuses in-
7 stalled specifically for the purpose of delivering energy to
8 an electric vehicle.”.

9 (2) CONFORMING AMENDMENT.—The table of
10 sections for part D of title III of the Energy Policy
11 and Conservation Act is further amended by adding
12 at the end the following:

“Sec. 368. State energy security plans.”.

13 **SEC. 437. TRANSPORTATION ELECTRIFICATION.**

14 Section 131 of the Energy Independence and Security
15 Act of 2007 (42 U.S.C. 17011) is amended—

16 (1) in subsection (a)(6)—

17 (A) in subparagraph (A), by inserting “,
18 including ground support equipment at ports”
19 before the semicolon;

20 (B) in subparagraph (E), by inserting
21 “and vehicles” before the semicolon;

22 (C) in subparagraph (H), by striking
23 “and” at the end;

24 (D) in subparagraph (I)—

1 (i) by striking “battery chargers,”;

2 and

3 (ii) by striking the period at the end

4 and inserting a semicolon; and

5 (E) by adding at the end the following:

6 “(J) installation of electric vehicle supply
7 equipment for recharging plug-in electric drive
8 vehicles, including such equipment that is acces-
9 sible in rural and urban areas and in under-
10 served or disadvantaged communities and such
11 equipment for medium- and heavy-duty vehicles,
12 including at depots and in-route locations;

13 “(K) multi-use charging hubs used for
14 multiple forms of transportation;

15 “(L) medium- and heavy-duty vehicle
16 smart charging management and refueling;

17 “(M) battery recycling and secondary use,
18 including for medium- and heavy-duty vehicles;

19 and

20 “(N) sharing of best practices, and tech-
21 nical assistance provided by the Department to
22 public utilities commissions and utilities, for
23 medium- and heavy-duty vehicle electrifica-
24 tion.”;

25 (2) in subsection (b)—

1 (A) in paragraph (3)(A)(ii), by inserting “,
2 components for such vehicles, and charging
3 equipment for such vehicles” after “vehicles”;
4 and

5 (B) in paragraph (6), by striking
6 “\$90,000,000 for each of fiscal years 2008
7 through 2012” and inserting “\$2,000,000,000
8 for each of fiscal years 2022 through 2031”;
9 (3) in subsection (c)—

10 (A) in the header, by striking “NEAR-
11 TERM” and inserting “LARGE-SCALE”; and

12 (B) in paragraph (4), by striking
13 “\$95,000,000 for each of fiscal years 2008
14 through 2013” and inserting “\$2,500,000,000
15 for each of fiscal years 2022 through 2031”;
16 and

17 (4) by redesignating subsection (d) as sub-
18 section (e) and inserting after subsection (c) the fol-
19 lowing:

20 “(d) PRIORITY.—In providing grants under sub-
21 sections (b) and (c), the Secretary shall give priority con-
22 sideration to applications that contain a written assurance
23 that all laborers and mechanics employed by contractors
24 or subcontractors during construction, alteration, or re-
25 pair that is financed, in whole or in part, by a grant pro-

1 vided under this section shall be paid wages at rates not
2 less than those prevailing on similar construction in the
3 locality, as determined by the Secretary of Labor in ac-
4 cordance with sections 3141 through 3144, 3146, and
5 3147 of title 40, United States Code (and the Secretary
6 of Labor shall, with respect to the labor standards de-
7 scribed in this clause, have the authority and functions
8 set forth in Reorganization Plan Numbered 14 of 1950
9 (5 U.S.C. App.) and section 3145 of title 40, United
10 States Code).”.

11 **SEC. 438. FEDERAL FLEETS.**

12 (a) **MINIMUM FEDERAL FLEET REQUIREMENT.**—
13 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.
14 13212) is amended—

15 (1) in subsection (a), by adding at the end the
16 following:

17 “(3) The Secretary, in consultation with the Adminis-
18 trator of General Services, shall ensure that in acquiring
19 medium- and heavy-duty vehicles for a Federal fleet, a
20 Federal entity shall acquire zero emission vehicles to the
21 maximum extent feasible.”;

22 (2) by striking subsection (b) and inserting the
23 following:

24 “(b) **PERCENTAGE REQUIREMENTS.**—

25 “(1) **IN GENERAL.**—

1 “(A) LIGHT-DUTY VEHICLES.—Beginning
2 in fiscal year 2025, 100 percent of the total
3 number of light-duty vehicles acquired by a
4 Federal entity for a Federal fleet shall be alter-
5 native fueled vehicles, of which—

6 “(i) at least 50 percent shall be zero
7 emission vehicles or plug-in hybrids in fis-
8 cal years 2025 through 2034;

9 “(ii) at least 75 percent shall be zero
10 emission vehicles or plug-in hybrids in fis-
11 cal years 2035 through 2049; and

12 “(iii) 100 percent shall be zero emis-
13 sion vehicles in fiscal year 2050 and there-
14 after.

15 “(B) MEDIUM- AND HEAVY-DUTY VEHI-
16 CLES.—The following percentages of the total
17 number of medium- and heavy-duty vehicles ac-
18 quired by a Federal entity for a Federal fleet
19 shall be alternative fueled vehicles:

20 “(i) At least 20 percent in fiscal years
21 2025 through 2029.

22 “(ii) At least 30 percent in fiscal
23 years 2030 through 2039.

24 “(iii) At least 40 percent in fiscal
25 years 2040 through 2049.

1 “(iv) At least 50 percent in fiscal year
2 2050 and thereafter.

3 “(2) EXCEPTION.—The Secretary, in consulta-
4 tion with the Administrator of General Services
5 where appropriate, may permit a Federal entity to
6 acquire for a Federal fleet a smaller percentage than
7 is required in paragraph (1) for a fiscal year, so long
8 as the aggregate percentage acquired for each class
9 of vehicle for all Federal fleets in the fiscal year is
10 at least equal to the required percentage.

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

12 “(A) FEDERAL FLEET.—The term ‘Fed-
13 eral fleet’ means a fleet of vehicles that are cen-
14 trally fueled or capable of being centrally fueled
15 and are owned, operated, leased, or otherwise
16 controlled by or assigned to any Federal execu-
17 tive department, military department, Govern-
18 ment corporation, independent establishment,
19 or executive agency, the United States Postal
20 Service, the Congress, the courts of the United
21 States, or the Executive Office of the President.
22 Such term does not include—

23 “(i) motor vehicles held for lease or
24 rental to the general public;

1 “(ii) motor vehicles used for motor ve-
2 hicle manufacturer product evaluations or
3 tests;

4 “(iii) law enforcement vehicles;

5 “(iv) emergency vehicles; or

6 “(v) motor vehicles acquired and used
7 for military purposes that the Secretary of
8 Defense has certified to the Secretary must
9 be exempt for national security reasons.

10 “(B) FLEET.—The term ‘fleet’ means—

11 “(i) 20 or more light-duty vehicles, lo-
12 cated in a metropolitan statistical area or
13 consolidated metropolitan statistical area,
14 as established by the Bureau of the Cen-
15 sus, with a 1980 population of more than
16 250,000; or

17 “(ii) 10 or more medium- or heavy-
18 duty vehicles, located at a Federal facility
19 or located in a metropolitan statistical area
20 or consolidated metropolitan statistical
21 area, as established by the Bureau of the
22 Census, with a 1980 population of more
23 than 250,000.”; and

24 (3) in subsection (f)(2)(B)—

25 (A) by striking “, either”; and

1 (B) in clause (i), by striking “or” and in-
2 serting “and”.

3 (b) FEDERAL FLEET CONSERVATION REQUIRE-
4 MENTS.—Section 400FF(a) of the Energy Policy and
5 Conservation Act (42 U.S.C. 6374e) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “18 months after the date
8 of enactment of this section” and inserting “12
9 months after the date of enactment of the
10 CLEAN Future Act”;

11 (B) by striking “2010” and inserting
12 “2022”; and

13 (C) by striking “and increase alternative
14 fuel consumption” and inserting “, increase al-
15 ternative fuel consumption, and reduce vehicle
16 greenhouse gas emissions”; and

17 (2) by striking paragraph (2) and inserting the
18 following:

19 “(2) GOALS.—The goals of the requirements
20 under paragraph (1) are that each Federal agency
21 shall—

22 “(A) reduce fleet-wide per-mile greenhouse
23 gas emissions from agency fleet vehicles, rel-
24 ative to a baseline of emissions in 2015, by—

1 “(i) not less than 30 percent by the
2 end of fiscal year 2025;

3 “(ii) not less than 50 percent by the
4 end of fiscal year 2030; and

5 “(iii) 100 percent by the end of fiscal
6 year 2050; and

7 “(B) increase the annual percentage of al-
8 ternative fuel consumption by agency fleet vehi-
9 cles as a proportion of total annual fuel con-
10 sumption by Federal fleet vehicles, to achieve—

11 “(i) 25 percent of total annual fuel
12 consumption that is alternative fuel by the
13 end of fiscal year 2025;

14 “(ii) 50 percent of total annual fuel
15 consumption that is alternative fuel by the
16 end of fiscal year 2035; and

17 “(iii) at least 85 percent of total an-
18 nual fuel consumption that is alternative
19 fuel by the end of fiscal year 2050.”.

20 **PART 2—ELECTRIC VEHICLES FOR**
21 **UNDERSERVED COMMUNITIES**
22 **SEC. 440A. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**
23 **UNDERSERVED AND DISADVANTAGED COM-**
24 **MUNITIES.**

25 (a) IN GENERAL.—

1 (1) ASSESSMENT.—The Secretary shall conduct
2 an assessment of the state of, challenges to, and op-
3 portunities for the deployment of electric vehicle
4 charging infrastructure in underserved or disadvan-
5 taged communities located throughout the United
6 States.

7 (2) REPORT.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary
9 shall submit to the Committee on Energy and Com-
10 merce of the House of Representatives and the Com-
11 mittee on Energy and Natural Resources of the Sen-
12 ate a report on the results of the assessment con-
13 ducted under paragraph (1), which shall—

14 (A) describe the state of deployment of
15 electric vehicle charging infrastructure in un-
16 derserved or disadvantaged communities located
17 in urban, suburban, and rural areas, including
18 a description of—

19 (i) the state of deployment of electric
20 vehicle charging infrastructure that is—

21 (I) publicly accessible;

22 (II) installed in or available to
23 occupants of public and affordable
24 housing;

1 (III) installed in or available to
2 occupants of multi-unit dwellings;

3 (IV) available to public sector
4 and commercial fleets; and

5 (V) installed in or available at
6 places of work;

7 (ii) policies, plans, and programs that
8 cities, States, utilities, and private entities
9 are using to encourage greater deployment
10 and usage of electric vehicles and the asso-
11 ciated electric vehicle charging infrastruc-
12 ture, including programs to encourage de-
13 ployment of publicly accessible electric ve-
14 hicle charging stations and electric vehicle
15 charging stations available to residents in
16 publicly owned and privately owned multi-
17 unit dwellings;

18 (iii) ownership models for Level 2
19 charging stations and DC FAST charging
20 stations located in residential multi-unit
21 dwellings, commercial buildings, and pub-
22 licly accessible areas;

23 (iv) mechanisms for financing electric
24 vehicle charging stations; and

1 (v) rates charged for the use of Level
2 charging stations and DC FAST charg-
3 ing stations;

4 (B) identify current barriers to expanding
5 deployment of electric vehicle charging infra-
6 structure in underserved or disadvantaged com-
7 munities in urban, suburban, and rural areas,
8 including barriers to expanding deployment of
9 publicly accessible electric vehicle charging in-
10 frastructure;

11 (C) identify the potential for, and barriers
12 to, recruiting and entering into contracts with
13 locally owned small and disadvantaged busi-
14 nesses, including women and minority-owned
15 businesses, to deploy electric vehicle charging
16 infrastructure in underserved or disadvantaged
17 communities in urban, suburban, and rural
18 areas;

19 (D) compile and provide an analysis of
20 best practices and policies used by State and
21 local governments, nonprofit organizations, and
22 private entities to increase deployment of elec-
23 tric vehicle charging infrastructure in under-
24 served or disadvantaged communities in urban,

1 suburban, and rural areas, including best prac-
2 tices and policies relating to—

3 (i) public outreach and engagement;

4 (ii) increasing deployment of publicly
5 accessible electric vehicle charging infra-
6 structure; and

7 (iii) increasing deployment of electric
8 vehicle charging infrastructure in publicly
9 owned and privately owned multi-unit
10 dwellings;

11 (E) to the extent practicable, enumerate
12 and identify in urban, suburban, and rural
13 areas within each State with detail at the level
14 of ZIP Codes and census tracts—

15 (i) the number of existing and
16 planned publicly accessible Level 2 charg-
17 ing stations and DC FAST charging sta-
18 tions for individually owned light-duty and
19 medium-duty electric vehicles;

20 (ii) the number of existing and
21 planned Level 2 charging stations and DC
22 FAST charging stations for public sector
23 and commercial fleet electric vehicles and
24 medium- and heavy-duty electric vehicles;
25 and

1 (iii) the number and type of electric
2 vehicle charging stations installed in or
3 available to occupants of public and afford-
4 able housing; and

5 (F) describe the methodology used to ob-
6 tain the information provided in the report.

7 (b) FIVE-YEAR UPDATE ASSESSMENT.—Not later
8 than 5 years after the date of the enactment of this Act,
9 the Secretary shall—

10 (1) update the assessment conducted under
11 subsection (a)(1); and

12 (2) make public and submit to the Committee
13 on Energy and Commerce of the House of Rep-
14 resentatives and the Committee on Energy and Nat-
15 ural Resources of the Senate a report, which shall—

16 (A) update the information required by
17 subsection (a)(2); and

18 (B) include a description of case studies
19 and key lessons learned after the date on which
20 the report under subsection (a)(2) was sub-
21 mitted with respect to expanding the deploy-
22 ment of electric vehicle charging infrastructure
23 in underserved or disadvantaged communities in
24 urban, suburban, and rural areas.

1 **SEC. 440B. ELECTRIC VEHICLE CHARGING EQUITY PRO-**
2 **GRAM.**

3 (a) PROGRAM.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary shall establish
5 a program, to be known as the EV Charging Equity Pro-
6 gram, to increase deployment and accessibility of electric
7 vehicle charging infrastructure in underserved or dis-
8 advantaged communities by—

9 (1) providing technical assistance to eligible en-
10 tities described in subsection (e); and

11 (2) awarding grants on a competitive basis to
12 eligible entities described in subsection (e) for
13 projects that increase such deployment and accessi-
14 bility of electric vehicle charging infrastructure, in-
15 cluding projects that are—

16 (A) publicly accessible;

17 (B) located within or are easily accessible
18 to residents of—

19 (i) public or affordable housing;

20 (ii) multi-unit dwellings; or

21 (iii) single-family homes; and

22 (C) located within or easily accessible to
23 places of work, provided that such electric vehi-
24 cle charging infrastructure is accessible no
25 fewer than 5 days per week.

26 (b) COST SHARE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the amount of a grant awarded under
3 this section for a project shall not exceed 80 percent
4 of project costs.

5 (2) SINGLE-FAMILY HOMES.—The amount of a
6 grant awarded under this section for a project that
7 involves, as a primary focus, single-family homes
8 shall not exceed 60 percent of project costs.

9 (c) LIMITATION.—Not more than 15 percent of the
10 amount awarded for grants under this section in a fiscal
11 year shall be awarded for projects that involve, as a pri-
12 mary focus, single-family homes.

13 (d) PRIORITY.—In awarding grants and providing
14 technical assistance under this section, the Secretary shall
15 give priority to projects that—

16 (1) provide the greatest benefit to the greatest
17 number of people within an underserved or dis-
18 advantaged community;

19 (2) incorporate renewable energy resources;

20 (3) maximize local job creation, particularly
21 among low-income, women, and minority workers; or

22 (4) utilize or involve locally owned small and
23 disadvantaged businesses, including women and mi-
24 nority-owned businesses.

25 (e) ELIGIBLE ENTITIES.—

1 (1) IN GENERAL.—To be eligible for a grant or
2 technical assistance under the EV Charging Equity
3 Program, an entity shall be—

4 (A) an individual or household that is the
5 owner of where a project will be carried out;

6 (B) a State, local, Tribal, or Territorial
7 government, or an agency or department there-
8 of;

9 (C) an electric utility, including—

10 (i) a municipally owned electric utility;

11 (ii) a publicly owned electric utility;

12 (iii) an investor-owned utility; and

13 (iv) a rural electric cooperative;

14 (D) a nonprofit organization or institution;

15 (E) a public housing authority;

16 (F) an institution of higher education (as
17 defined in section 101 of the Higher Education
18 Act of 1965 (20 U.S.C. 1001));

19 (G) a local small or disadvantaged busi-
20 ness; or

21 (H) a partnership between any number of
22 eligible entities described in subparagraphs (A)
23 through (G).

24 (2) UPDATES.—The Secretary may add to or
25 otherwise revise the list of eligible entities under

1 paragraph (1) if the Secretary determines that such
2 an addition or revision would be beneficial to in-
3 creasing deployment and accessibility of electric ve-
4 hicle charging infrastructure in underserved or dis-
5 advantaged communities.

6 (f) PUBLIC NOTICE AND REQUEST FOR APPLICA-
7 TIONS.—The Secretary shall publish in the Federal Reg-
8 ister, and such other publications as the Secretary con-
9 siders to be appropriate, a notice and request for applica-
10 tions to carry out projects under the EV Charging Equity
11 Program.

12 (g) EDUCATION AND OUTREACH.—

13 (1) IN GENERAL.—In carrying out the EV
14 Charging Equity Program, the Secretary shall estab-
15 lish an education and outreach component of such
16 Program to ensure that information regarding such
17 Program and the benefits and opportunities for elec-
18 tric vehicle charging is made available to individuals
19 and relevant entities that live within or serve under-
20 served or disadvantaged communities.

21 (2) REQUIREMENTS.—At a minimum, the edu-
22 cation and outreach component of the EV Charging
23 Equity Program established under this subsection
24 shall include—

1 (A) the development and dissemination of
2 an electric vehicle charging resource guide that
3 is—

4 (i) maintained electronically on a
5 website;

6 (ii) available to the public, free of
7 charge; and

8 (iii) directed specifically towards indi-
9 viduals and relevant entities that live with-
10 in or serve underserved or disadvantaged
11 communities;

12 (B) targeted outreach towards, and coordi-
13 nated public outreach with, relevant local,
14 State, and Tribal entities, nonprofit organiza-
15 tions, and institutions of higher education, that
16 are located within or serve underserved or dis-
17 advantaged communities; and

18 (C) any other such forms of education or
19 outreach as the Secretary determines appro-
20 priate to increase awareness of and access to
21 the EV Charging Equity Program.

22 (h) REPORTS TO CONGRESS.—Not later than 1 year
23 after the EV Charging Equity Program is established
24 under this section, and not less frequently than once every
25 2 years after that, the Secretary shall submit to the Com-

1 mittee on Energy and Commerce of the House of Rep-
2 resentatives and the Committee on Energy and Natural
3 Resources of the Senate, and make publicly available, a
4 report on the status of the EV Charging Equity Program,
5 including a list and description of projects that have re-
6 ceived grant awards or technical assistance, and of the
7 funding or assistance provided to such projects.

8 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$96,000,000 for each of fiscal years 2022 through 2031.

11 **SEC. 440C. ENSURING PROGRAM BENEFITS FOR UNDER-**
12 **SERVED AND DISADVANTAGED COMMU-**
13 **NITIES.**

14 In administering a relevant program, the Secretary
15 shall, to the extent practicable, invest or direct available
16 and relevant programmatic resources so that such pro-
17 gram—

18 (1) promotes electric vehicle charging infra-
19 structure;

20 (2) supports clean and multi-modal transpor-
21 tation;

22 (3) provides improved air quality and emissions
23 reductions; and

24 (4) prioritizes the needs of underserved or dis-
25 advantaged communities.

1 **SEC. 440D. DEFINITIONS.**

2 In this part:

3 (1) **ELECTRIC VEHICLE CHARGING INFRA-**
4 **STRUCTURE.**—The term “electric vehicle charging
5 infrastructure” means electric vehicle supply equip-
6 ment, including any conductors, electric vehicle con-
7 nectors, attachment plugs, and all other fittings, de-
8 vices, power outlets, or apparatuses installed specifi-
9 cally for the purposes of delivering energy to an elec-
10 tric vehicle.

11 (2) **PUBLICLY ACCESSIBLE.**—The term “pub-
12 licly accessible” means, with respect to electric vehi-
13 cle charging infrastructure, electric vehicle charging
14 infrastructure that is available, at zero or reasonable
15 cost, to members of the public for the purpose of
16 charging a privately owned or leased electric vehicle,
17 or electric vehicle that is available for use by mem-
18 bers of the general public as part of a ride service
19 or vehicle sharing service or program, including
20 within or around—

21 (A) public sidewalks and streets;

22 (B) public parks;

23 (C) public buildings, including—

24 (i) libraries;

25 (ii) schools; and

26 (iii) government offices;

- 1 (D) public parking;
- 2 (E) shopping centers; and
- 3 (F) commuter transit hubs.

4 (3) RELEVANT PROGRAM.—The term “relevant
5 program” means a program of the Department of
6 Energy, including—

- 7 (A) the State energy program under part
8 D of title III the Energy Policy and Conserva-
9 tion Act (42 U.S.C. 6321 et seq.);
- 10 (B) the Clean Cities program;
- 11 (C) the Energy Efficiency and Conserva-
12 tion Block Grant Program established under
13 section 542 of the Energy Independence and
14 Security Act of 2007 (42 U.S.C. 17152);
- 15 (D) loan guarantees made pursuant to title
16 XVII of the Energy Policy Act of 2005 (42
17 U.S.C. 16511 et seq.); and
- 18 (E) such other programs as the Secretary
19 determines appropriate.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of Energy.

22 (5) UNDERSERVED OR DISADVANTAGED COM-
23 MUNITY.—The term “underserved or disadvantaged
24 community” means a community located within a
25 ZIP Code or census tract that is identified as—

- 1 (A) a low-income community;
- 2 (B) a community of color;
- 3 (C) a Tribal community;
- 4 (D) having a disproportionately low num-
- 5 ber of electric vehicle charging stations per cap-
- 6 ita, compared to similar areas; or
- 7 (E) any other community that the Sec-
- 8 retary determines is disproportionately vulner-
- 9 able to, or bears a disproportionate burden of,
- 10 any combination of economic, social, environ-
- 11 mental, and climate stressors.

12 **PART 3—ELECTRIC VEHICLE MAPPING**

13 **SEC. 440E. DEFINITIONS.**

14 In this part:

15 (1) APPROPRIATE COMMITTEES OF CON-

16 GRESS.—The term “appropriate committees of Con-

17 gress” means—

18 (A) the Committee on Appropriations of

19 the Senate;

20 (B) the Committee on Energy and Natural

21 Resources of the Senate;

22 (C) the Committee on Appropriations of

23 the House of Representatives; and

24 (D) the Committee on Energy and Com-

25 merce of the House of Representatives.

1 (2) DIRECT CURRENT FAST CHARGING EQUIP-
2 MENT.—The term “direct current fast charging
3 equipment” means electric vehicle supply equipment
4 that provides a direct current power source at a
5 minimum of 50 kilowatts.

6 (3) ELECTRIC VEHICLE.—The term “electric
7 vehicle” means a light, medium, or heavy-duty vehi-
8 cle that is powered primarily by an electric motor
9 drawing current from rechargeable batteries, includ-
10 ing battery electric vehicles and plug-in hybrid vehi-
11 cles.

12 (4) ELECTRIC VEHICLE CHARGING STATION.—
13 The term “electric vehicle charging station” means
14 electric vehicle supply equipment that provides elec-
15 tric current to recharge electric vehicles, including
16 AC or DC charging capabilities, at a location that
17 is—

18 (A) a multiunit housing structure;

19 (B) a workplace;

20 (C) a commercial location; or

21 (D) open to the public for a minimum of
22 12 hours per day.

23 (5) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

25 (A) a college or university;

1 (B) a nonprofit entity;

2 (C) an electric cooperative;

3 (D) a political subdivision of a State, in-
4 cluding a municipally owned electric utility and
5 an agency, authority, corporation, or instrumen-
6 tality of a State;

7 (E) a tribally owned electric utility, an
8 agency, authority, corporation, or instrumen-
9 tality of an Indian Tribe;

10 (F) an investor-owned electric utility; or

11 (G) a private entity.

12 (6) INDIAN TRIBE.—The term “Indian Tribe”
13 has the meaning given the term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).

16 (7) LEVEL 2 CHARGING EQUIPMENT.—The
17 term “Level 2 charging equipment” means electric
18 vehicle supply equipment that provides an alter-
19 nating current power source at a minimum of 240
20 volts.

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Energy.

1 **SEC. 440F. ELECTRIC VEHICLE CHARGING STATION MAP-**
2 **PING PROGRAM.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of enactment of this Act, the Secretary shall establish
5 a program to provide grants to, or enter into cooperative
6 agreements with, eligible entities to carry out activities de-
7 scribed in subsection (c) in order to determine where elec-
8 tric vehicle charging stations will be needed to meet the
9 current and future needs of electric vehicle drivers in the
10 5-year period following receipt of the grant, and to help
11 guide future investments for electric vehicle charging sta-
12 tions.

13 (b) **APPLICATION.**—To be eligible to receive a grant
14 under the program established under subsection (a), an
15 eligible entity, or partnership of eligible entities, shall sub-
16 mit to the Secretary an application at such time, in such
17 manner, and containing such information as the Secretary
18 may require.

19 (c) **USE OF GRANT.**—An eligible entity, or partner-
20 ship of eligible entities, may use a grant received under
21 subsection (a), with respect to an area in the United
22 States specified by the eligible entity or partnership of eli-
23 gible entities, to—

24 (1) evaluate locations of current electric vehicle
25 owners, and potential locations of electric vehicles
26 owners during the 5-year period following receipt of

1 the grant, in the specified area, based on data such
2 as commute and travel patterns;

3 (2) evaluate estimated current commute and
4 travel patterns, and commute and travel patterns
5 during the 5-year period following receipt of the
6 grant, of electric vehicles in the specified area;

7 (3) estimate the current electricity usage, and
8 the electricity usage during the 5-year period fol-
9 lowing receipt of the grant, required to serve electric
10 vehicle charging stations in the specified area;

11 (4) develop a map identifying concentrations of
12 electric vehicle charging stations to meet the needs
13 of current and future of electric vehicle drivers in
14 the specified area, based on data such as commute
15 and travel patterns;

16 (5) estimate the future need for electric vehicle
17 charging stations in the specified area to support the
18 adoption and use of electric vehicles in shared mobil-
19 ity solutions, such as microtransit and transpor-
20 tation network companies; or

21 (6) develop an analytical model to allow a city,
22 county, or other local agency to compare and evalu-
23 ate different adoption and use scenarios for electric
24 vehicles and electric vehicle charging stations, with

1 the ability to adjust factors to account for locally
2 and regionally specific characteristics.

3 (d) ELECTRIC VEHICLE CHARGING STATION DATA-
4 BASE.—Not later than 1 year after the date of enactment
5 of this Act, the Secretary of Energy shall create and main-
6 tain a fully searchable database, which shall be accessible
7 on the website of the Department, that contains, at a min-
8 imum—

9 (1) information maintained by the Office of En-
10 ergy Efficiency & Renewable Energy of the Depart-
11 ment of electric vehicle charging station locations;

12 (2) potential electric vehicle charging station lo-
13 cations identified by eligible entities, or partnerships
14 of eligible entities, from the program established
15 under subsection (c); and

16 (3) the ability for a user of the database estab-
17 lished under this subsection to sort generated elec-
18 tric vehicle charging station results by various char-
19 acteristics with respect to such electric vehicle charg-
20 ing stations, including—

21 (A) location, in terms of the State, city, or
22 other specified area by the user;

23 (B) accessibility, in terms whether such
24 station is public or private;

1 (C) status, in terms of whether such sta-
2 tion is available, planned, or a potential location
3 identified by the program established under
4 subsection (c); and

5 (D) charging type, in terms of—

6 (i) Level 2 charging equipment; and

7 (ii) direct current fast charging equip-
8 ment.

9 (e) REPORT.—

10 (1) An eligible entity receiving funds under sub-
11 section (c) of this Act shall provide preliminary or
12 complete findings, data, or results of activity carried
13 about by the eligible entity under such subsection to
14 the Secretary at the earliest date practicable, except
15 that such preliminary or complete findings, data, or
16 results of such activity shall be provided to the Sec-
17 retary from an eligible entity no later than 12
18 months after the date of receipt of such grant.

19 (2) Not later than 18 months after the date of
20 enactment of this Act, and annually thereafter dur-
21 ing the duration of such program, the Secretary
22 shall submit to the appropriate committees of Con-
23 gress a report on the outcomes of the program es-
24 tablished under this section, including—

1 (A) the number of identified concentra-
2 tions, and to the extent practicable, locations,
3 by eligible entities for electric vehicle charging
4 stations in rural, urban, or specified areas with
5 a combination thereof;

6 (B) an analysis, based on the number of
7 identified concentrations or locations by eligible
8 entities for electric vehicle charging stations in
9 paragraph (1)—

10 (i) for the potential of such electric
11 vehicle charging stations to reasonably
12 support travel patterns of various distances
13 for operators of electric vehicles; and

14 (ii) in terms of the requisite electricity
15 usage that could be derived from identified
16 locations of electric vehicle charging sta-
17 tions, any relevant variables that may im-
18 pact the efficacy of electric vehicle charg-
19 ing stations in rural, urban, or specified
20 areas with a combination thereof;

21 (C) a summary of characteristics, trends,
22 or lessons learned by eligible entities in identi-
23 fying concentrations or locations for electric ve-
24 hicle charging stations in rural, urban, or speci-

1 fied areas with a combination thereof using the
2 grant under subsection (c); and

3 (D) such other information as the Sec-
4 retary determines appropriate.

5 **SEC. 440G. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated to carry out this Act \$2,000,000 for each of fiscal
8 years 2022 through 2027.

9 (b) ADMINISTRATIVE COSTS.—Not more than 5 per-
10 cent of the amount appropriated under subsection (a) for
11 each fiscal year shall be used for administrative expenses
12 for the Secretary to carry out this part.

13 **Subtitle E—Promoting Domestic**
14 **Advanced Vehicle Manufacturing**

15 **SEC. 441. DOMESTIC MANUFACTURING CONVERSION**
16 **GRANT PROGRAM.**

17 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND
18 FUEL CELL BUSES.—Subtitle B of title VII of the Energy
19 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-
20 ed—

21 (1) in the subtitle header, by inserting “**Plug-**
22 **In Electric Vehicles,**” before “**Hybrid Vehi-**
23 **cles**”; and

24 (2) in part 1, in the part header, by striking
25 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

1 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of
2 the Energy Policy Act of 2005 (42 U.S.C. 16061) is
3 amended to read as follows:

4 **“SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

5 “The Secretary shall accelerate efforts, related to do-
6 mestic manufacturing, that are directed toward the im-
7 provement of batteries, power electronics, and other tech-
8 nologies for use in plug-in electric vehicles.”.

9 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
10 HICLES.—Section 712 of the Energy Policy Act of 2005
11 (42 U.S.C. 16062) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “, plug-
14 in electric,” after “efficient hybrid”; and

15 (B) by amending paragraph (3) to read as
16 follows:

17 “(3) PRIORITY.—Priority shall be given to—

18 “(A) the refurbishment or retooling of
19 manufacturing facilities that have recently
20 ceased operation or would otherwise cease oper-
21 ation in the near future; and

22 “(B) applications containing—

23 “(i) a written assurance that—

24 “(I) all laborers and mechanics
25 employed by contractors or sub-

1 contractors during construction, alter-
2 ation, or repair, or at any manufac-
3 turing operation, that is financed, in
4 whole or in part, by a loan under this
5 section shall be paid wages at rates
6 not less than those prevailing in a
7 similar firm or on similar construction
8 in the locality, as determined by the
9 Secretary of Labor in accordance with
10 subchapter IV of chapter 31 of title
11 40, United States Code; and

12 “(II) the Secretary of Labor
13 shall, with respect to the labor stand-
14 ards described in this paragraph, have
15 the authority and functions set forth
16 in Reorganization Plan Numbered 14
17 of 1950 (64 Stat. 1267; 5 U.S.C.
18 App.) and section 3145 of title 40,
19 United States Code;

20 “(ii) a disclosure of whether there has
21 been any administrative merits determina-
22 tion, arbitral award or decision, or civil
23 judgment, as defined in guidance issued by
24 the Secretary of Labor, rendered against
25 the applicant in the preceding 3 years for

1 violations of applicable labor, employment,
2 civil rights, or health and safety laws;

3 “(iii) specific information regarding
4 the actions the applicant will take to dem-
5 onstrate compliance with, and where pos-
6 sible exceedance of, requirements under
7 applicable labor, employment, civil rights,
8 and health and safety laws, and actions the
9 applicant will take to ensure that its direct
10 suppliers demonstrate compliance with ap-
11 plicable labor, employment, civil rights,
12 and health and safety laws; and

13 “(iv) an estimate and description of
14 the jobs and types of jobs to be retained or
15 created by the project and the specific ac-
16 tions the applicant will take to increase
17 employment and retention of dislocated
18 workers, veterans, individuals from low-in-
19 come communities, women, minorities, and
20 other groups underrepresented in manufac-
21 turing, and individuals with a barrier to
22 employment.”; and

23 (2) by striking subsection (e) and inserting the
24 following:

1 “(c) COST SHARE AND GUARANTEE OF OPER-
2 ATION.—

3 “(1) CONDITION.—A recipient of a grant under
4 this section shall pay the Secretary the full amount
5 of the grant if the facility financed in whole or in
6 part under this subsection fails to manufacture
7 goods for a period of at least 10 years after the com-
8 pletion of construction.

9 “(2) COST SHARE.—Section 988(c) shall apply
10 to a grant made under this subsection.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary to carry
13 out this section \$2,500,000,000 for each of fiscal years
14 2022 through 2031.

15 “(e) PERIOD OF AVAILABILITY.—An award made
16 under this section after the date of enactment of this sub-
17 section shall only be available with respect to facilities and
18 equipment placed in service before December 30, 2035.”.

19 (d) CONFORMING AMENDMENT.—The table of con-
20 tents of the Energy Policy Act of 2005 is amended—

21 (1) in the item relating to subtitle B of title
22 VII, by inserting “Plug-In Electric Vehicles,” before
23 “Hybrid Vehicles”;

1 (2) in the item relating to part 1 of such sub-
2 title, by striking “Hybrid” and inserting “Plug-In
3 Electric”; and

4 (3) in the item relating to section 711, by strik-
5 ing “Hybrid” and inserting “Plug-in electric”.

6 **SEC. 442. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
7 **TURING INCENTIVE PROGRAM.**

8 Section 136 of the Energy Independence and Security
9 Act of 2007 (42 U.S.C. 17013) is amended—

10 (1) in subsection (a)—

11 (A) by amending paragraph to read as fol-
12 lows:

13 “(1) ADVANCED TECHNOLOGY VEHICLE.—The
14 term ‘advanced technology vehicle’ means—

15 “(A) an ultra efficient vehicle;

16 “(B) a light-duty vehicle or medium-duty
17 passenger vehicle that—

18 “(i) meets the Bin 160 Tier III emis-
19 sion standard established in regulations
20 issued by the Administrator of the Envi-
21 ronmental Protection Agency under section
22 202(i) of the Clean Air Act (42 U.S.C.
23 7521(i)), or a lower-numbered Bin emis-
24 sion standard;

1 “(ii) meets any new emission standard
2 in effect for fine particulate matter pre-
3 scribed by the Administrator under that
4 Act (42 U.S.C. 7401 et seq.); and

5 “(iii) either—

6 “(I) complies with the applicable
7 regulatory standard for emissions of
8 greenhouse gases for model year 2027
9 or later; or

10 “(II) emits zero emissions of
11 greenhouse gases; or

12 “(C) a heavy-duty vehicle (excluding a me-
13 dium-duty passenger vehicle) that—

14 “(i) demonstrates achievement below
15 the applicable regulatory standards for
16 emissions of greenhouse gases for model
17 year 2027 vehicles promulgated by the Ad-
18 ministrator on October 25, 2016 (81 Fed.
19 Reg. 73478);

20 “(ii) complies with the applicable reg-
21 ulatory standard for emissions of green-
22 house gases for model year 2030 or later;
23 or

24 “(iii) emits zero emissions of green-
25 house gases.”;

1 (B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

3 (C) by striking paragraph (4) and inserting the following:

5 “(3) QUALIFYING COMPONENT.—The term
6 ‘qualifying component’ means a material, technology,
7 component, system, or subsystem in an advanced
8 technology vehicle, including an ultra-efficient component.
9

10 “(4) ULTRA-EFFICIENT COMPONENT.—The
11 term ‘ultra-efficient component’ means—

12 “(A) a component of an ultra efficient vehicle;
13

14 “(B) fuel cell technology;

15 “(C) battery technology, including a battery cell, battery, battery management system,
16 or thermal control system;
17

18 “(D) an automotive semiconductor or computer;
19

20 “(E) an electric motor, axle, or component;
21 and

22 “(F) an advanced lightweight, high-strength, or high-performance material.”; and
23

24 (D) in paragraph (5)—

1 (i) in subparagraph (B), by striking
2 “or” at the end;

3 (ii) in subparagraph (C), by striking
4 the period at the end and inserting “; or”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) at least 75 miles per gallon equiva-
9 lent while operating as a hydrogen fuel cell elec-
10 tric vehicle.”;

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) ADVANCED VEHICLES MANUFACTURING FACIL-
14 ITY.—

15 “(1) IN GENERAL.—The Secretary shall provide
16 facility funding awards under this section to ad-
17 vanced technology vehicle manufacturers and compo-
18 nent suppliers to pay not more than 50 percent of
19 the cost of—

20 “(A) reequipping, expanding, or estab-
21 lishing a manufacturing facility in the United
22 States to produce—

23 “(i) advanced technology vehicles; or

24 “(ii) qualifying components; and

1 “(B) engineering integration performed in
2 the United States of advanced technology vehi-
3 cles and qualifying components.

4 “(2) ULTRA-EFFICIENT COMPONENTS COST
5 SHARE.—Notwithstanding paragraph (1), a facility
6 funding award under such paragraph may pay not
7 more than 80 percent of the cost of a project to
8 reequip, expand, or establish a manufacturing facil-
9 ity in the United States to produce ultra-efficient
10 components.”;

11 (3) in subsection (c), by striking “2020” and
12 inserting “2031” each place it appears;

13 (4) in subsection (d)—

14 (A) by amending paragraph (2) to read as
15 follows:

16 “(2) APPLICATION.—An applicant for a loan
17 under this subsection shall submit to the Secretary
18 an application at such time, in such manner, and
19 containing such information as the Secretary may
20 require, including—

21 “(A) a written assurance that—

22 “(i) all laborers and mechanics em-
23 ployed by contractors or subcontractors
24 during construction, alteration, or repair,
25 or at any manufacturing operation, that is

1 financed, in whole or in part, by a loan
2 under this section shall be paid wages at
3 rates not less than those prevailing in a
4 similar firm or on similar construction in
5 the locality, as determined by the Sec-
6 retary of Labor in accordance with sub-
7 chapter IV of chapter 31 of title 40,
8 United States Code; and

9 “(ii) the Secretary of Labor shall,
10 with respect to the labor standards de-
11 scribed in this paragraph, have the author-
12 ity and functions set forth in Reorganiza-
13 tion Plan Numbered 14 of 1950 (64 Stat.
14 1267; 5 U.S.C. App.) and section 3145 of
15 title 40, United States Code;

16 “(B) a disclosure of whether there has
17 been any administrative merits determination,
18 arbitral award or decision, or civil judgment, as
19 defined in guidance issued by the Secretary of
20 Labor, rendered against the applicant in the
21 preceding 3 years for violations of applicable
22 labor, employment, civil rights, or health and
23 safety laws;

24 “(C) specific information regarding the ac-
25 tions the applicant will take to demonstrate

1 compliance with, and where possible exceedance
2 of, requirements under applicable labor, employ-
3 ment, civil rights, and health and safety laws,
4 and actions the applicant will take to ensure
5 that its direct suppliers demonstrate compliance
6 with applicable labor, employment, civil rights,
7 and health and safety laws; and

8 “(D) an estimate and description of the
9 jobs and types of jobs to be retained or created
10 by the project and the specific actions the appli-
11 cant will take to increase employment and re-
12 tention of dislocated workers, veterans, individ-
13 uals from low-income communities, women, mi-
14 norities, and other groups underrepresented in
15 manufacturing, and individuals with a barrier
16 to employment.”;

17 (B) by amending paragraph (3) to read as
18 follows:

19 “(3) SELECTION OF ELIGIBLE PROJECTS.—

20 “(A) IN GENERAL.—The Secretary shall
21 select eligible projects to receive loans under
22 this subsection in cases in which the Secretary
23 determines—

24 “(i) the loan recipient—

1 “(I) has a reasonable prospect of
2 repaying the principal and interest on
3 the loan;

4 “(II) will provide sufficient infor-
5 mation to the Secretary for the Sec-
6 retary to ensure that the qualified in-
7 vestment is expended efficiently and
8 effectively; and

9 “(III) has met such other criteria
10 as may be established and published
11 by the Secretary; and

12 “(ii) the amount of the loan (when
13 combined with amounts available to the
14 loan recipient from other sources) will be
15 sufficient to carry out the project.

16 “(B) REASONABLE PROSPECT OF REPAY-
17 MENT.—The Secretary shall base a determina-
18 tion of whether there is a reasonable prospect
19 of repayment of the principal and interest on a
20 loan under subparagraph (A) on a comprehen-
21 sive evaluation of whether the loan recipient has
22 a reasonable prospect of repaying the principal
23 and interest, including evaluation of—

1 “(i) the strength of an eligible
2 project’s contractual terms (if commer-
3 cially reasonably available);

4 “(ii) the forecast of noncontractual
5 cash flows supported by market projections
6 from reputable sources, as determined by
7 the Secretary;

8 “(iii) cash sweeps and other structure
9 enhancements;

10 “(iv) the projected financial strength
11 of the loan recipient at the time of loan
12 close and projected throughout the loan
13 term after the project is completed;

14 “(v) the financial strength of the loan
15 recipient’s investors and strategic partners,
16 if applicable; and

17 “(vi) other financial metrics and anal-
18 yses that are relied upon by the private
19 lending community and nationally recog-
20 nized credit rating agencies, as determined
21 appropriate by the Secretary.”; and

22 (C) in paragraph (4)—

23 (i) in subparagraph (B)(i), by striking
24 “; and” and inserting “; or”;

1 (ii) in subparagraph (C), by striking
2 “; and” and inserting a semicolon;

3 (iii) in subparagraph (D), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(E) shall be subject to the condition that
9 the loan is not subordinate to other financing.”;

10 (5) by amending subsection (e) to read as fol-
11 lows:

12 “(e) REGULATIONS.—Not later than 6 months after
13 the date of enactment of the CLEAN Future Act, the Sec-
14 retary shall issue a final rule establishing regulations to
15 carry out this section.”;

16 (6) by amending subsection (f) to read as fol-
17 lows:

18 “(f) FEES.—The Secretary shall charge and collect
19 fees for loans under this section in amounts the Secretary
20 determines are sufficient to cover applicable administra-
21 tive expenses (including any costs associated with third-
22 party consultants engaged by the Secretary), which may
23 not exceed \$100,000 or 10 basis points of the loan and
24 may not be collected prior to financial closing.”;

1 (7) by amending subsection (g) to read as fol-
2 lows:

3 “(g) PRIORITY.—The Secretary shall, in making
4 awards or loans to those manufacturers that have existing
5 facilities (which may be idle), give priority to those facili-
6 ties that are or would be—

7 “(1) oldest or in existence for at least 20 years;

8 “(2) recently closed, or at risk of closure;

9 “(3) utilized primarily for the manufacture of
10 medium-duty passenger vehicles or other heavy-duty
11 vehicles that emit zero greenhouse gas emissions; or

12 “(4) utilized primarily for the manufacture of
13 ultra-efficient components.”;

14 (8) in subsection (h)—

15 (A) in the header, by striking “AUTO-
16 MOBILE” and inserting “ADVANCED TECH-
17 NOLOGY VEHICLE”; and

18 (B) in paragraph (1)(B), by striking
19 “automobiles, or components of automobiles”
20 and inserting “advanced technology vehicles, or
21 components of advanced technology vehicles”;

22 (9) by striking subsection (i) and redesignating
23 subsection (j) as subsection (i); and

24 (10) by adding at the end the following:

1 “(j) COORDINATION.—In carrying out this section,
2 the Secretary shall coordinate with relevant vehicle, bio-
3 energy, and hydrogen and fuel cell demonstration project
4 activities supported by the Department.

5 “(k) OUTREACH.—In carrying out this section, the
6 Secretary shall—

7 “(1) provide assistance with the completion of
8 applications for awards or loans under this section;
9 and

10 “(2) conduct outreach, including through con-
11 ferences and online programs, to disseminate infor-
12 mation on awards and loans under this section to
13 potential applicants.

14 “(l) REPORT.—Not later than 2 years after the date
15 of the enactment of this subsection, and every 3 years
16 thereafter, the Secretary shall submit to Congress a report
17 on the status of projects supported by a loan under this
18 section, including—

19 “(1) a list of projects receiving a loan under
20 this section, including the loan amount and con-
21 struction status of each such project;

22 “(2) the status of each project’s loan repay-
23 ment, including future repayment projections;

1 technology” means any technology, technique, or
2 measure that—

3 (A) captures the emissions of nitrogen
4 oxide, particulate matter, reactive organic com-
5 pounds, and greenhouse gases from the auxil-
6 iary engine and auxiliary boiler of an ocean-
7 going vessel at berth;

8 (B) is verified or approved by a State or
9 Federal air quality regulatory agency; and

10 (C) the use of which achieves at least the
11 equivalent reduction of such emissions as the
12 use of shore power for an ocean-going vessel at
13 berth.

14 (3) CARGO-HANDLING EQUIPMENT.—The term
15 “cargo-handling equipment” includes—

16 (A) ship-to-shore container cranes and
17 other cranes;

18 (B) container-handling equipment; and

19 (C) equipment for moving or handling
20 cargo, including trucks, reachstackers,
21 toploaders, and forklifts.

22 (4) CRITERIA POLLUTANT.—The term “criteria
23 pollutant” means any air pollutant for which a na-
24 tional ambient air quality standard is in effect under
25 section 109 of the Clean Air Act (42 U.S.C. 7409).

1 (5) DISTRIBUTED ENERGY SYSTEM.—

2 (A) IN GENERAL.—The term “distributed
3 energy system” means any energy system
4 that—

5 (i) is located on or near a customer
6 site;

7 (ii) is operated on the customer side
8 of the electric meter; and

9 (iii) is interconnected with the electric
10 grid.

11 (B) INCLUSIONS.—The term “distributed
12 energy system” includes—

13 (i) clean electricity generation;

14 (ii) energy efficiency;

15 (iii) energy demand management;

16 (iv) an energy storage system; and

17 (v) a microgrid.

18 (6) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means—

20 (A) a port authority;

21 (B) a State, regional, local, or Tribal agen-
22 cy that has jurisdiction over a port authority or
23 a port;

24 (C) an air pollution control district or air
25 quality management district; or

1 (D) a private entity (including any non-
2 profit organization) that—

3 (i) applies for a grant under this sec-
4 tion in partnership with an entity de-
5 scribed in subparagraph (A), (B), or (C);
6 and

7 (ii) owns, operates, or uses the facili-
8 ties, cargo-handling equipment, transpor-
9 tation equipment, or related technology of
10 a port.

11 (7) ENERGY STORAGE SYSTEM.—The term “en-
12 ergy storage system” means any system, equipment,
13 facility, or technology that—

14 (A) is capable of storing energy for a pe-
15 riod of time and dispatching the stored energy;
16 and

17 (B) uses a mechanical, electrical, chemical,
18 electrochemical, or thermal process to store en-
19 ergy that—

20 (i) was generated at an earlier time
21 for use at a later time; or

22 (ii) was generated from a mechanical
23 process, and would otherwise be wasted,
24 for use at a later time.

1 (8) ENVIRONMENTAL JUSTICE COMMUNITY.—
2 The term “environmental justice community” has
3 the meaning given that term in section 601.

4 (9) FULLY AUTOMATED CARGO-HANDLING
5 EQUIPMENT.—The term “fully automated cargo-
6 handling equipment” means cargo-handling equip-
7 ment that does not require the exercise of human
8 intervention or control to operate or monitor,
9 through either direct or remote means.

10 (10) HARBOR VESSEL.—The term “harbor ves-
11 sel” means a ship, boat, lighter, or maritime vessel
12 designed for service at and around a harbor or port.

13 (11) NONATTAINMENT AREA.—The term “non-
14 attainment area” has the meaning given such term
15 in section 171 of the Clean Air Act (42 U.S.C.
16 7501).

17 (12) PORT.—The term “port” means any mari-
18 time port or inland port.

19 (13) PORT AUTHORITY.—The term “port au-
20 thority” means a governmental or quasi-
21 governmental authority formed by a legislative body
22 to operate a port.

23 (14) QUALIFIED CLIMATE ACTION PLAN.—The
24 term “qualified climate action plan” means a de-
25 tailed and strategic plan that—

1 (A) establishes goals for an eligible entity
2 to reduce emissions at one or more ports of—

3 (i) greenhouse gases;

4 (ii) criteria pollutants, and precursors
5 thereof; and

6 (iii) hazardous air pollutants;

7 (B) describes how an eligible entity will im-
8 plement measures at one or more ports to meet
9 the goals established in subparagraph (A);

10 (C) describes how an eligible entity has im-
11 plemented or will implement measures to in-
12 crease the resilience of the port or ports in-
13 volved, including measures related to with-
14 standing and recovering from extreme weather
15 events;

16 (D) describes how an eligible entity will
17 implement emissions accounting and inventory
18 practices to—

19 (i) determine baseline greenhouse gas
20 emissions at a port; and

21 (ii) measure the progress of the eligi-
22 ble entity in reducing such emissions;

23 (E) demonstrates how implementation of
24 the proposed measures will not result in a net
25 loss of jobs at the port or ports involved; and

1 (F) includes a strategy to—

2 (i) collaborate with stakeholders that
3 may be affected by implementation of the
4 plan, including local environmental justice
5 communities and other near-port commu-
6 nities;

7 (ii) address the potential, cumulative,
8 community-level effects on stakeholders of
9 implementing the plan; and

10 (iii) provide effective, advance commu-
11 nication to stakeholders to avoid and mini-
12 mize conflicts.

13 (15) SHORE POWER.—The term “shore power”
14 means the provision of shoreside electrical power to
15 a ship at berth that has shut down main and auxil-
16 iary engines.

17 (16) ZERO-EMISSIONS PORT EQUIPMENT AND
18 TECHNOLOGY.—The term “zero-emissions port
19 equipment and technology”—

20 (A) means any equipment, technology, or
21 measure that—

22 (i) is used at a port; and

23 (ii)(I) produces zero exhaust emissions
24 of—

1 (aa) any criteria pollutant and
2 precursor thereof; and

3 (bb) any greenhouse gas, other
4 than water vapor; or

5 (II) captures 100 percent of the ex-
6 haust emissions produced by an ocean-
7 going vessel at berth; and

8 (B) includes any equipment, technology, or
9 measure described in subparagraph (A) that
10 is—

11 (i) cargo-handling equipment;

12 (ii) a harbor vessel;

13 (iii) shore power;

14 (iv) electrical charging infrastructure;

15 (v) a distributed energy system;

16 (vi) a vehicle, including an electric
17 transport refrigeration unit;

18 (vii) any technology or measure that
19 reduces vehicle idling;

20 (viii) any alternative emissions control
21 technology;

22 (ix) any equipment, technology, or
23 measure related to grid modernization; or

1 (x) any other technology, equipment,
2 or measure that the Administrator deter-
3 mines to be appropriate.

4 **SEC. 452. GRANTS TO REDUCE AIR POLLUTION AT PORTS.**

5 (a) ESTABLISHMENT.—Not later than 6 months after
6 the date of enactment of this Act, the Administrator shall
7 establish a program to award grants to eligible entities
8 to develop and implement a qualified climate action plan
9 at one or more ports.

10 (b) GRANTS.—In carrying out the program estab-
11 lished under subsection (a), the Administrator shall award
12 the following types of grants:

13 (1) QUALIFIED CLIMATE ACTION PLAN DEVEL-
14 OPMENT.—The Administrator may award grants to
15 eligible entities for development of a qualified cli-
16 mate action plan.

17 (2) ZERO-EMISSIONS PORT EQUIPMENT AND
18 TECHNOLOGY.—

19 (A) IN GENERAL.—The Administrator may
20 award grants to eligible entities to purchase, in-
21 stall, or utilize zero-emissions port equipment
22 and technology at one or more ports.

23 (B) RELATION TO QUALIFIED CLIMATE AC-
24 TION PLAN.—The use of equipment and tech-
25 nology pursuant to a grant under this sub-

1 section shall be consistent with the qualified cli-
2 mate action plan of the eligible entity.

3 (c) APPLICATION.—

4 (1) IN GENERAL.—To seek a grant that is
5 awarded under subsection (b), an eligible entity shall
6 submit an application to the Administrator at such
7 time, in such manner, and containing such informa-
8 tion and assurances as the Administrator may re-
9 quire.

10 (2) CONCURRENT APPLICATIONS.—An eligible
11 entity may submit concurrent applications for both
12 types of grants described in subsection (b), provided
13 that the eligible entity demonstrates how use of a
14 grant awarded under subsection (b)(2) will be con-
15 sistent with the qualified climate action plan to be
16 developed using a grant awarded under subsection
17 (b)(1).

18 (d) PROHIBITED USE.—An eligible entity may not
19 use a grant awarded under subsection (b)(2) to purchase
20 fully automated cargo-handling equipment or terminal in-
21 frastructure that is designed for fully automated cargo-
22 handling equipment.

23 (e) COST SHARE.—An eligible entity may not use a
24 grant awarded under subsection (b)(2) to cover more than

1 80 percent of the cost of purchasing, installing, or utilizing
2 zero-emissions port equipment and technology.

3 (f) LABOR.—

4 (1) WAGES.—All laborers and mechanics em-
5 ployed by a subgrantee of an eligible entity, and any
6 subgrantee thereof at any tier, to perform construc-
7 tion, alteration, installation, or repair work that is
8 assisted, in whole or in part, by a grant awarded
9 under this section shall be paid wages at rates not
10 less than those prevailing on similar construction, al-
11 teration, installation, or repair work in the locality
12 as determined by the Secretary of Labor in accord-
13 ance with subchapter IV of chapter 31 of title 40,
14 United States Code.

15 (2) LABOR STANDARDS.—With respect to the
16 labor standards in paragraph (1), the Secretary of
17 Labor shall have the authority and functions set
18 forth in Reorganization Plan Numbered 14 of 1950
19 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
20 title 40, United States Code.

21 (3) PROJECT LABOR AGREEMENT.—Any
22 projects initiated using a grant under subsection
23 (b)(2) with total capital costs of \$1,000,000 or
24 greater shall utilize a project labor agreement, as de-

1 scribed in section 8(f) of the National Labor Rela-
2 tions Act (29 U.S.C. 158(f)).

3 (4) PROTECTIONS.—An eligible entity may not
4 extend use of a grant provided under this subtitle to
5 a subgrantee of the eligible entity, and any sub-
6 grantee thereof at any tier, to perform construction,
7 alteration, installation, or repair work at any loca-
8 tion other than the port or ports involved.

9 (g) PRIORITY.—The Administrator shall prioritize
10 awarding grants under subsection (b)(2) to eligible entities
11 based on the following:

12 (1) The degree to which the eligible entity pro-
13 poses to reduce—

14 (A) the amount of greenhouse gases emit-
15 ted at a port;

16 (B) the amount of criteria pollutants, in-
17 cluding any precursor thereof, emitted at a
18 port;

19 (C) the amount of hazardous air pollutants
20 emitted at a port; and

21 (D) health disparities in environmental jus-
22 tice communities near a port.

23 (2) The degree to which the eligible entity—

24 (A) takes a regional approach, as applica-
25 ble, to reducing greenhouse gas emissions by

1 collaborating efforts with other ports and local
2 electric utility owners and operators;

3 (B) with respect to use of the grant, pro-
4 poses to enable increased electrification of infra-
5 structure or operations at the port or ports in-
6 volved; and

7 (C) proposes to use equipment and tech-
8 nology that is produced in the United States.

9 (3) The degree to which the eligible entity, any
10 subgrantee of such eligible entity, and any sub-
11 grantee thereof proposes to hire individuals to carry
12 out the installation of zero-emissions port equipment
13 and technology who—

14 (A) are domiciled—

15 (i) if the applicable installation area is
16 a major urban area, not further than 15
17 miles from such installation area; and

18 (ii) if the applicable installation area
19 is not a major urban area, not further
20 than 50 miles from such installation area;

21 (B) are displaced and unemployed energy
22 workers;

23 (C) are members of the Armed Forces
24 serving on active duty, separated from active
25 duty, or retired from active duty;

1 (D) have been incarcerated or served time
2 in a juvenile or adult detention or correctional
3 facility, or been placed on probation, community
4 supervision, or in a diversion scheme;

5 (E) have a disability;

6 (F) are homeless;

7 (G) are receiving public assistance;

8 (H) lack a general education diploma or
9 high school diploma;

10 (I) are emancipated from the foster care
11 system; or

12 (J) are registered apprentices with fewer
13 than 15 percent of the required graduating ap-
14 prentice hours in a program.

15 (h) OUTREACH.—Not later than 90 days after the
16 date on which funds are made available to carry out this
17 section, the Administrator shall develop and carry out an
18 educational outreach program to promote and explain the
19 program established under this subtitle.

20 (i) REPORTS.—

21 (1) REPORT TO ADMINISTRATOR.—Not later
22 than 90 days after receipt of a grant awarded under
23 subsection (b), and thereafter on a periodic basis to
24 be determined by the Administrator, the grantee
25 shall submit to the Administrator a report on the

1 progress of the grantee in carrying out measures
2 funded through the grant.

3 (2) ANNUAL REPORT TO CONGRESS.—Not later
4 than 1 year after the establishment of the program
5 in subsection (a), and annually thereafter, the Ad-
6 ministrator shall submit to Congress and make
7 available on the public website of the Environmental
8 Protection Agency a report that includes, with re-
9 spect to each grant awarded under this section dur-
10 ing the preceding calendar year—

11 (A) the name and location of the eligible
12 entity that was awarded such grant;

13 (B) the amount of such grant that the eli-
14 gible entity was awarded;

15 (C) the name and location of each port
16 where measures are carried out;

17 (D) an estimate of the impact of measures
18 on reducing—

19 (i) the amount of greenhouse gases
20 emitted at each port;

21 (ii) the amount of criteria pollutants,
22 including any precursors thereof, emitted
23 at each port;

24 (iii) the amount of hazardous air pol-
25 lutants emitted at each port; and

1 (iv) health disparities in near-port
2 communities; and

3 (E) any other information the Adminis-
4 trator determines necessary to understand the
5 impact of grants awarded under this subsection.

6 **SEC. 453. MODEL METHODOLOGIES.**

7 The Administrator shall—

8 (1) develop model methodologies that may be
9 used by an eligible entity in developing emissions ac-
10 counting and inventory practices for a qualified cli-
11 mate action plan; and

12 (2) ensure that such methodologies are designed
13 to measure progress in reducing air pollution in
14 near-port communities.

15 **SEC. 454. PORT ELECTRIFICATION.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Administrator, in con-
18 sultation with the Secretary of Energy, shall initiate a
19 study to evaluate—

20 (1) how ports, intermodal port transfer facili-
21 ties, and surrounding communities may benefit from
22 increased electrification of port infrastructure or op-
23 erations;

1 (2) the effects of increased electrification of
2 port infrastructure and operations on air quality and
3 energy demand;

4 (3) the scale of investment needed to increase
5 and maintain electrification of port infrastructure
6 and operations, including an assessment of ports
7 where zero-emissions port equipment and technology
8 have already been installed or utilized;

9 (4) how emerging technologies and strategies
10 may be used to increase port electrification; and

11 (5) how ports and intermodal port transfer fa-
12 cilities can partner with electric utility owners and
13 operators and electrical equipment providers to
14 strengthen the reliability and resiliency of the elec-
15 tric transmission and distribution system, in order
16 to enable greater deployment of zero-emissions port
17 equipment and technology.

18 (b) REPORT.—Not later than 1 year after initiating
19 the study under subsection (a), the Administrator shall
20 submit to Congress and make available on the public
21 website of the Environmental Protection Agency a report
22 that describes the results of the study.

23 **SEC. 455. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this subtitle \$2,000,000,000 for each

1 of fiscal years 2022 through 2031, to remain available
2 until expended.

3 (b) DEVELOPMENT OF QUALIFIED CLIMATE ACTION
4 PLANS.—In addition to the authorization of appropria-
5 tions in subsection (a), there is authorized to be appro-
6 priated to carry out section 452(b)(1) \$50,000,000 for fis-
7 cal year 2022, to remain available until expended.

8 (c) NONATTAINMENT AREAS.—To the extent prac-
9 ticable, at least 25 percent of amounts made available to
10 carry out this subtitle in each fiscal year shall be used
11 to award grants under section 452(b)(2) to eligible entities
12 to carry out measures at ports that are in a nonattainment
13 area.

14 **TITLE V—INDUSTRY**

15 **Subtitle A—Industrial Technology** 16 **Development, Demonstration,** 17 **and Deployment**

18 **SEC. 501. DOE ASSISTANT SECRETARY FOR MANUFAC-** 19 **TURING AND INDUSTRY.**

20 Section 203(a) of the Department of Energy Organi-
21 zation Act (42 U.S.C. 7133(a)) is amended—

22 (1) by striking “8 Assistant Secretaries” and
23 inserting “9 Assistant Secretaries”; and

24 (2) by adding at the end the following:

1 “(12) Manufacturing and industrial
2 decarbonization responsibilities, including—

3 “(A) conducting research, development,
4 demonstration, deployment, commercialization,
5 and technical assistance programs related to in-
6 dustrial applications of energy efficiency, energy
7 management systems, fuel switching, carbon
8 capture, and carbon removal technologies;

9 “(B) promoting increased domestic manu-
10 facturing production of energy-related tech-
11 nologies;

12 “(C) promoting adoption of low-carbon
13 processes, technologies, and materials by do-
14 mestic manufacturers; and

15 “(D) promoting other activities resulting in
16 pollution abatement from industrial facilities
17 and processes while promoting the manufac-
18 turing competitiveness of the United States.”.

19 **SEC. 502. SUPPORTING CARBON DIOXIDE GEOLOGIC SE-**
20 **QUESTRATION.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—For ac-
22 tivities involved in the permitting by the Administrator of
23 the Environmental Protection Agency of Class VI wells for
24 the injection of carbon dioxide for the purpose of geologic
25 sequestration in accordance with the requirements of the

1 Safe Drinking Water Act (42 U.S.C. 300f et seq.) and
2 regulations promulgated thereunder by the Administrator
3 on December 10, 2010 (75 Fed. Reg. 77230), there are
4 authorized to be appropriated \$5,000,000 for each of fis-
5 cal years 2022 through 2026, and such sums as may be
6 necessary for fiscal years 2027 through 2031.

7 (b) STATE PERMITTING PROGRAMS.—

8 (1) GRANTS.—The Administrator shall provide
9 grants to States that receive program approval for
10 permitting Class VI wells for the injection of carbon
11 dioxide pursuant to section 1422 of the Safe Drink-
12 ing Water Act (42 U.S.C. 300h–1), for the purpose
13 of defraying State expenses related to the establish-
14 ment and operation of such State permitting pro-
15 grams.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—For
17 State grants described in paragraph (1), there are
18 authorized to be appropriated \$50,000,000 for the
19 period of fiscal years 2022 through 2026, and such
20 sums as may be necessary for fiscal years 2027
21 through 2031.

1 **SEC. 503. DETERMINING REASONABLE PROSPECT OF RE-**
2 **PAYMENT UNDER TITLE XVII LOAN PRO-**
3 **GRAM.**

4 Section 1702(d)(1) of the Energy Policy Act of 2005
5 (42 U.S.C. 16512(d)(1)) is amended—

6 (1) by striking “No guarantee” and inserting
7 the following:

8 “(A) REQUIREMENT.—No guarantee”; and

9 (2) by adding at the end the following:

10 “(B) REASONABLE PROSPECT OF REPAY-
11 MENT.—The Secretary shall base a determina-
12 tion of whether there is reasonable prospect of
13 repayment under subparagraph (A) on a com-
14 prehensive evaluation of whether the borrower
15 has a reasonable prospect of repaying the guar-
16 anteed obligation for the eligible project, includ-
17 ing evaluation of—

18 “(i) the strength of an eligible
19 project’s contractual terms (if commer-
20 cially reasonably available);

21 “(ii) the forecast of noncontractual
22 cash flows supported by market projections
23 from reputable sources, as determined by
24 the Secretary;

25 “(iii) cash sweeps and other structure
26 enhancements;

1 “(iv) the projected financial strength
2 of the borrower—

3 “(I) at the time of loan close;
4 and

5 “(II) throughout the loan term
6 after the project is completed;

7 “(v) the financial strength of the bor-
8 rower’s investors and strategic partners, if
9 applicable; and

10 “(vi) other financial metrics and anal-
11 yses that are relied upon by the private
12 lending community and nationally recog-
13 nized credit rating agencies, as determined
14 appropriate by the Secretary.”.

15 **SEC. 504. CLEAN ENERGY MANUFACTURING GRANT PRO-**
16 **GRAM.**

17 (a) ESTABLISHMENT OF PROGRAM.—Not later than
18 180 days after the date of enactment of this Act, the Sec-
19 retary shall establish a program to award grants in ac-
20 cordance with this section.

21 (b) GRANTS TO MANUFACTURERS.—

22 (1) GRANTS.—In carrying out the program es-
23 tablished under subsection (a), the Secretary shall,
24 subject to the availability of appropriations, award
25 grants to manufacturers—

1 (A) for projects to reequip, expand, or es-
2 tablish a facility for the manufacture of clean
3 energy systems, or for the manufacture of com-
4 ponents of clean energy systems, including the
5 manufacture of—

6 (i) renewable energy technologies;

7 (ii) energy storage technologies;

8 (iii) advanced nuclear energy tech-
9 nologies;

10 (iv) carbon capture, utilization, trans-
11 portation, and storage technologies, includ-
12 ing direct air capture systems, direct ocean
13 capture systems, bio-energy systems with
14 carbon capture and storage, and systems
15 intended to capture biogas and greenhouse
16 gas emissions from wastewater treatment
17 plants and agricultural applications;

18 (v) electric grid technologies, including
19 smart grid technologies, microgrid tech-
20 nologies, advanced transmission tech-
21 nologies, building-to-grid technologies, and
22 vehicle-to-grid technologies;

23 (vi) efficient end-use energy tech-
24 nologies, including Energy Star products

1 and energy-conserving lighting tech-
2 nologies;

3 (vii) electrolyzers;

4 (viii) hydrogen fuel cells and other
5 technologies related to the transportation,
6 storage, delivery, and use of hydrogen, in-
7 cluding technologies for residential, com-
8 mercial, industrial, and transportation ap-
9 plications;

10 (ix) zero-emission light-, medium-,
11 and heavy-duty vehicles, components of
12 such vehicles, and refueling equipment for
13 such vehicles;

14 (x) industrial energy efficiency tech-
15 nologies, including combined heat and
16 power systems and waste heat to power
17 systems;

18 (xi) pollution control equipment; and

19 (xii) other technologies that reduce
20 greenhouse gas emissions, as determined
21 appropriate by the Secretary;

22 (B) for projects to install, retrofit, or con-
23 vert equipment for a facility, or to otherwise es-
24 tablish, retrofit, or convert a facility, to enable
25 the facility to manufacture zero- or low-emis-

1 sion energy-intensive industrial products, in-
2 cluding projects relating to the installation, ret-
3 rofit, or conversion of—

4 (i) industrial energy efficiency tech-
5 nologies;

6 (ii) carbon capture systems;

7 (iii) equipment and infrastructure to
8 enable fuel or feedstock switching to elec-
9 tricity or hydrogen; and

10 (iv) equipment to enable production of
11 materials and products containing a high
12 percentage of recycled content; and

13 (C) for front end engineering design stud-
14 ies, as determined appropriate by the Secretary,
15 for projects described in subparagraph (B).

16 (2) PRIORITY OF APPLICATIONS.—In awarding
17 grants under this subsection, the Secretary shall give
18 priority to projects that—

19 (A) provide the greatest potential net im-
20 pact in avoiding or reducing greenhouse gas
21 emissions and other air, land, and water pollut-
22 ants;

23 (B) include the refurbishment or retooling
24 of manufacturing facilities that have ceased op-

1 eration or will cease operation in the near fu-
2 ture;

3 (C) provide the greatest potential for do-
4 mestic job creation (both direct and indirect);

5 (D) have the greatest potential for techno-
6 logical innovation and commercial deployment;

7 (E) have the greatest potential to strenght-
8 en or develop domestic supply chains for clean
9 energy systems;

10 (F) result in economic development or eco-
11 nomic diversification in regions or localities that
12 have historically generated significant economic
13 activity from the production, processing, trans-
14 portation, or combustion of fossil fuels, includ-
15 ing coal mines, fossil fuel-fired electricity gener-
16 ating units, and petroleum refining facilities;

17 (G) promote environmental justice in com-
18 munities with significant representation of com-
19 munities of color, low-income communities, or
20 Tribal and indigenous communities, or commu-
21 nities that experience, or are at risk of experi-
22 encing, higher or more adverse human health or
23 environmental effects, including through reme-
24 diation of contaminated sites; or

1 (H) commit to hiring displaced workers in
2 regions or localities described in subparagraph
3 (F).

4 (3) LABOR STANDARDS.—The Secretary shall
5 require—

6 (A) all laborers and mechanics employed
7 by contractors or subcontractors in carrying out
8 a project for the construction, alteration, retool-
9 ing, or repair of a facility that is financed by
10 a grant under this subsection shall be paid
11 wages at rates not less than those prevailing on
12 similar construction in the locality, as deter-
13 mined by the Secretary of Labor in accordance
14 with sections 3141 through 3144, 3146, and
15 3147 of title 40, United States Code;

16 (B) a disclosure by an applicant for a
17 grant under this subsection of any administra-
18 tive merits determination, arbitral award or de-
19 cision, or civil judgment, as defined in guidance
20 issued by the Secretary of Labor, rendered
21 against the applicant in the preceding 3 years
22 for violations of applicable labor, employment,
23 civil rights, or health and safety laws;

24 (C) an applicant for a grant under this
25 subsection to provide specific information re-

1 garding the actions the applicant will take to
2 demonstrate compliance with, and where pos-
3 sible exceedance of, requirements under applica-
4 ble labor, employment, civil rights, and health
5 and safety laws, and actions the applicant will
6 take to ensure that its direct suppliers dem-
7 onstrate compliance with applicable labor, em-
8 ployment, civil rights, and health and safety
9 laws; and

10 (D) an applicant for a grant under this
11 subsection to provide an estimate and descrip-
12 tion of the jobs and types of jobs to be retained
13 or created by the project proposed by the appli-
14 cant and the specific actions the applicant will
15 take to increase employment and retention of
16 dislocated workers, veterans, individuals from
17 low-income communities, women, minorities,
18 and other groups underrepresented in manufac-
19 turing, and individuals with a barrier to em-
20 ployment.

21 (4) COST SHARE.—

22 (A) IN GENERAL.—Section 988(c) of the
23 Energy Policy Act of 2005 (42 U.S.C.
24 16352(c)) shall apply to a grant made under
25 this subsection.

1 (B) CERTAIN REGIONS AND LOCALITIES.—

2 Notwithstanding subparagraph (A), the Sec-
3 retary may require, for a project that is funded
4 by a grant under this section and that is lo-
5 cated in a region or locality described in sub-
6 section (b)(2)(F), that not less than 20 percent
7 of the cost of the project be provided by a non-
8 Federal source.

9 (c) COORDINATION WITH STATE AND LOCAL PRO-
10 GRAMS.—The Secretary shall coordinate implementation
11 of the program established under subsection (a) with pro-
12 grams administered by State governments, local govern-
13 ments, and Indian Tribes designed to provide financial
14 and technical assistance to manufacturers, including the
15 retention and retraining of skilled workers.

16 (d) INTRA-AGENCY COORDINATION.—In carrying out
17 the program established under subsection (a), to the ex-
18 tent consistent with applicable law, the Secretary shall col-
19 laborate, coordinate, and share information with relevant
20 programs and offices within the Department of Energy.

21 (e) DEFINITIONS.—In this section:

22 (1) INDIAN TRIBE.—The term “Indian Tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (3) STATE.—The term “State” means a State,
4 the District of Columbia, Puerto Rico, or any terri-
5 tory or possession of the United States.

6 (4) ZERO- OR LOW-EMISSION ENERGY-INTEN-
7 SIVE INDUSTRIAL PRODUCT.—The term “zero- or
8 low-emission energy-intensive industrial product”
9 means a product—

10 (A) the production of which results in sig-
11 nificantly less greenhouse gas emissions relative
12 to the production of similar products, as deter-
13 mined by the Secretary; and

14 (B) that is in one of the following manu-
15 facturing categories, as determined by the Sec-
16 retary:

17 (i) Aluminum and other non-ferrous
18 metals.

19 (ii) Ammonia and fertilizer.

20 (iii) Cement and concrete.

21 (iv) Ceramics.

22 (v) Chemicals and petrochemicals.

23 (vi) Food processing.

24 (vii) Glass.

25 (viii) Hydrogen.

1 (ix) Iron and steel.

2 (x) Pulp and paper.

3 (xi) A manufacturing subsector deter-
4 mined by the Secretary to be energy-inten-
5 sive or difficult-to-decarbonize.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Secretary to carry
8 out this section \$10,000,000,000, to remain available until
9 expended.

10 **Subtitle B—Industrial Efficiency**

11 **SEC. 511. SMART MANUFACTURING LEADERSHIP.**

12 (a) DEFINITIONS.—In this section:

13 (1) ENERGY MANAGEMENT SYSTEM.—The term
14 “energy management system” means a business
15 management process based on standards of the
16 American National Standards Institute that enables
17 an organization to follow a systematic approach in
18 achieving continual improvement of energy perform-
19 ance, including energy efficiency, security, use, and
20 consumption.

21 (2) INDUSTRIAL ASSESSMENT CENTER.—The
22 term “industrial assessment center” means a center
23 located at an institution of higher education that—

24 (A) receives funding from the Department
25 of Energy;

1 (B) provides an in-depth assessment of
2 small- and medium-sized manufacturer plant
3 sites to evaluate the facilities, services, and
4 manufacturing operations of the plant site; and

5 (C) identifies opportunities for potential
6 savings for small- and medium-sized manufac-
7 turer plant sites from energy efficiency improve-
8 ments, waste minimization, pollution preven-
9 tion, and productivity improvement.

10 (3) INFORMATION AND COMMUNICATION TECH-
11 NOLOGY.—The term “information and communica-
12 tion technology” means any electronic system or
13 equipment (including the content contained in the
14 system or equipment) used to create, convert, com-
15 municate, or duplicate data or information, including
16 computer hardware, firmware, software, communica-
17 tion protocols, networks, and data interfaces.

18 (4) INSTITUTION OF HIGHER EDUCATION.—The
19 term “institution of higher education” has the
20 meaning given the term in section 101(a) of the
21 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

22 (5) NATIONAL LABORATORY.—The term “Na-
23 tional Laboratory” has the meaning given the term
24 in section 2 of the Energy Policy Act of 2005 (42
25 U.S.C. 15801).

1 (6) NORTH AMERICAN INDUSTRY CLASSIFICA-
2 TION SYSTEM.—The term “North American Indus-
3 try Classification System” means the standard used
4 by Federal statistical agencies in classifying business
5 establishments for the purpose of collecting, ana-
6 lyzing, and publishing statistical data relating to the
7 business economy of the United States.

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of Energy.

10 (8) SMALL AND MEDIUM MANUFACTURERS.—
11 The term “small and medium manufacturers”
12 means manufacturing firms—

13 (A) classified in the North American In-
14 dustry Classification System as any of sectors
15 31 through 33;

16 (B) with gross annual sales of less than
17 \$100,000,000;

18 (C) with fewer than 500 employees at the
19 plant site; and

20 (D) with annual energy bills totaling more
21 than \$100,000 and less than \$2,500,000.

22 (9) SMART MANUFACTURING.—The term
23 “smart manufacturing” means advanced tech-
24 nologies in information, automation, monitoring,

1 computation, sensing, modeling, and networking
2 that—

3 (A) digitally—

4 (i) simulate manufacturing production
5 lines;

6 (ii) operate computer-controlled man-
7 ufacturing equipment;

8 (iii) monitor and communicate pro-
9 duction line status; and

10 (iv) manage and optimize energy pro-
11 ductivity and cost throughout production;

12 (B) model, simulate, and optimize the en-
13 ergy efficiency of a factory building;

14 (C) monitor and optimize building energy
15 performance;

16 (D) model, simulate, and optimize the de-
17 sign of energy efficient and sustainable prod-
18 ucts, including the use of digital prototyping
19 and additive manufacturing to enhance product
20 design;

21 (E) connect manufactured products in net-
22 works to monitor and optimize the performance
23 of the networks, including automated network
24 operations; and

1 (F) digitally connect the supply chain net-
2 work.

3 (b) LEVERAGING EXISTING AGENCY PROGRAMS TO
4 ASSIST SMALL AND MEDIUM MANUFACTURERS.—

5 (1) FINDINGS.—Congress finds that—

6 (A) the Department of Energy has existing
7 technical assistance programs that facilitate
8 greater economic growth through outreach to
9 and engagement with small and medium manu-
10 facturers;

11 (B) those technical assistance programs
12 represent an important conduit for increasing
13 the awareness of and providing education to
14 small and medium manufacturers regarding the
15 opportunities for implementing smart manufac-
16 turing; and

17 (C) those technical assistance programs
18 help facilitate the implementation of best prac-
19 tices.

20 (2) EXPANSION OF TECHNICAL ASSISTANCE
21 PROGRAMS.—The Secretary shall expand the scope
22 of technologies covered by the Industrial Assessment
23 Centers of the Department of Energy—

24 (A) to include smart manufacturing tech-
25 nologies and practices; and

1 (B) to equip the directors of the Industrial
2 Assessment Centers with the training and tools
3 necessary to provide technical assistance in
4 smart manufacturing technologies and prac-
5 tices, including energy management systems, to
6 manufacturers.

7 (c) LEVERAGING SMART MANUFACTURING INFRA-
8 STRUCTURE AT NATIONAL LABORATORIES.—

9 (1) STUDY.—

10 (A) IN GENERAL.—Not later than 180
11 days after the date of enactment of this Act,
12 the Secretary shall conduct a study on how the
13 Department of Energy can increase access to
14 existing high-performance computing resources
15 in the National Laboratories, particularly for
16 small and medium manufacturers.

17 (B) INCLUSIONS.—In identifying ways to
18 increase access to National Laboratories under
19 subparagraph (A), the Secretary shall—

20 (i) focus on increasing access to the
21 computing facilities of the National Lab-
22 oratories; and

23 (ii) ensure that—

24 (I) the information from the
25 manufacturer is protected; and

1 (II) the security of the National
2 Laboratory facility is maintained.

3 (C) REPORT.—Not later than 1 year after
4 the date of enactment of this Act, the Secretary
5 shall submit to Congress a report describing the
6 results of the study.

7 (2) ACTIONS FOR INCREASED ACCESS.—The
8 Secretary shall facilitate access to the National Lab-
9 oratories studied under paragraph (1) for small and
10 medium manufacturers so that small and medium
11 manufacturers can fully use the high-performance
12 computing resources of the National Laboratories to
13 enhance the manufacturing competitiveness of the
14 United States.

15 (d) STATE LEADERSHIP GRANTS.—

16 (1) FINDING.—Congress finds that the
17 States—

18 (A) are committed to promoting domestic
19 manufacturing and supporting robust economic
20 development activities; and

21 (B) are uniquely positioned to assist manu-
22 facturers, particularly small and medium manu-
23 facturers, with deployment of smart manufac-
24 turing through the provision of infrastructure,
25 including—

- 1 (i) access to shared supercomputing
2 facilities;
- 3 (ii) assistance in developing process
4 simulations; and
- 5 (iii) conducting demonstrations of the
6 benefits of smart manufacturing.

7 (2) GRANTS AUTHORIZED.—The Secretary may
8 make grants on a competitive basis to States for es-
9 tablishing State programs to be used as models for
10 supporting the implementation of smart manufac-
11 turing technologies.

12 (3) APPLICATION.—

13 (A) IN GENERAL.—To be eligible to receive
14 a grant under this subsection, a State shall sub-
15 mit to the Secretary an application at such
16 time, in such manner, and containing such in-
17 formation as the Secretary may require.

18 (B) CRITERIA.—The Secretary shall evalu-
19 ate an application for a grant under this sub-
20 section on the basis of merit using criteria iden-
21 tified by the Secretary, including—

- 22 (i) the breadth of academic and pri-
23 vate sector partners;
- 24 (ii) alternate sources of funding;

- 1 (iii) plans for dissemination of results;
2 and
3 (iv) the permanence of the infrastruc-
4 ture to be put in place by the project.

5 (4) REQUIREMENTS.—

6 (A) TERM.—The term of a grant under
7 this subsection shall not exceed 3 years.

8 (B) MAXIMUM AMOUNT.—The amount of a
9 grant under this subsection shall be not more
10 than \$3,000,000.

11 (C) MATCHING REQUIREMENT.—Each
12 State that receives a grant under this sub-
13 section shall contribute matching funds in an
14 amount equal to not less than 30 percent of the
15 amount of the grant.

16 (5) USE OF FUNDS.—A State shall use a grant
17 provided under this subsection—

18 (A) to provide access to shared supercom-
19 puting facilities to small and medium manufac-
20 turers;

21 (B) to fund research and development of
22 transformational manufacturing processes and
23 materials technology that advance smart manu-
24 facturing; and

1 (C) to provide tools and training to small
2 and medium manufacturers on how to adopt en-
3 ergy management systems and implement smart
4 manufacturing technologies in the facilities of
5 the small and medium manufacturers.

6 (6) EVALUATION.—The Secretary shall conduct
7 biannual evaluations of each grant made under this
8 subsection—

9 (A) to determine the impact and effective-
10 ness of programs funded with the grant; and

11 (B) to provide guidance to States on ways
12 to better execute the program of the State.

13 (7) FUNDING.—There is authorized to be ap-
14 propriated to the Secretary to carry out this sub-
15 section \$10,000,000 for each of fiscal years 2022
16 through 2031.

17 (e) REPORT.—The Secretary annually shall submit to
18 Congress and make publicly available a report on the
19 progress made in advancing smart manufacturing in the
20 United States.

21 **Subtitle C—Federal Buy Clean** 22 **Program**

23 **SEC. 521. DEFINITIONS.**

24 In this subtitle:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) ELIGIBLE MATERIAL.—The term “eligible
5 material” means any material (or groups of mate-
6 rials) on the list in effect under section 522(b).

7 (3) EMBODIED EMISSIONS.—The term “em-
8 bodied emissions” means the quantity of greenhouse
9 gas emissions, measured in kilograms of carbon di-
10 oxide-equivalent, accounting for all stages of produc-
11 tion including upstream processing and extraction of
12 fuels and feedstocks, emitted to the atmosphere due
13 to the production of a product per unit of such prod-
14 uct.

15 (4) ENVIRONMENTAL PRODUCT DECLARA-
16 TION.—The term “environmental product declara-
17 tion” means a document that includes—

18 (A) product-specific measurement of the
19 embodied emissions of a product on a mass
20 basis and per functional unit that—

21 (i) is in accordance with international
22 standards, such as a Type III environ-
23 mental product declaration, as defined by
24 the International Organization for Stand-
25 ardization standard 14025;

- 1 (ii) is calculated for a specific facility;
- 2 (iii) communicates transparent and
- 3 comparable information;
- 4 (iv) includes all stages of manufac-
- 5 turing required by the product;
- 6 (v) is verified by an independent third
- 7 party; and
- 8 (vi) is developed in accordance with
- 9 the criteria specified in the appropriate
- 10 product category rule designated by the
- 11 Administration under section 522(c); and
- 12 (B) is valid for no more than 5 years.

13 (5) FEDERAL CONTRACTING AGENCY.—The

14 term “Federal contracting agency” means—

- 15 (A) the Department of Defense, including
- 16 the Army Corps of Engineers;
- 17 (B) the Department of Energy;
- 18 (C) the Department of Transportation;
- 19 (D) the Department of Commerce;
- 20 (E) the Environmental Protection Agency;
- 21 (F) the General Services Administration;
- 22 and
- 23 (G) the Department of Veterans Affairs.

1 (6) FUNCTIONAL UNIT.—The term “functional
2 unit” means the measurement of the function of a
3 product that—

4 (A) is in accordance with international
5 standards, such as a Type III environmental
6 product declaration, as defined by the Inter-
7 national Organization for Standardization
8 standard 14025; and

9 (B) is a quantified description of the func-
10 tion a product performs, including for how long
11 it is performed.

12 (7) PRODUCT CATEGORY RULE.—The term
13 “product category rule” means a document that de-
14 fines necessary rules, requirements, and guidelines
15 for developing an environmental product declaration,
16 or similar mechanism as determined appropriate by
17 the Administrator, of a product covered by such
18 product category rule.

19 (8) SMALL BUSINESS.—The term “small busi-
20 ness” means an entity that generated less than
21 \$10,000,000 in annual revenue in at least 1 of the
22 previous 3 calendar years.

23 **SEC. 522. EMBODIED EMISSIONS TRANSPARENCY.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 enactment of this subtitle, the Administrator, in consulta-

1 tion with the Secretary of Energy, the Director of the Na-
2 tional Institute of Standards and Technology, and relevant
3 National Laboratories, shall establish a program to en-
4 hance the transparency, quality, and availability of life-
5 cycle assessment data, and harmonize life-cycle assess-
6 ment approaches to calculating greenhouse gas emissions
7 and other environmental factors, in the production of
8 products made primarily of eligible materials through en-
9 vironmental product declarations or a similar mechanism
10 as determined appropriate by the Administrator.

11 (b) LIST OF ELIGIBLE MATERIALS.—

12 (1) IN GENERAL.—The Administrator shall
13 maintain a list of materials to be treated as eligible
14 materials for purposes of this subtitle.

15 (2) INITIAL LIST.—The initial list of eligible
16 materials shall include—

17 (A) aluminum;

18 (B) iron;

19 (C) steel;

20 (D) concrete;

21 (E) cement; and

22 (F) any eligible material described in para-
23 graph (3) the Administrator determines is ap-
24 propriate.

1 (3) SECONDARY LIST.—The secondary list of el-
2 igible materials shall include—

3 (A) flat glass;

4 (B) insulation;

5 (C) unit masonry; and

6 (D) wood products.

7 (4) MODIFICATION OF LIST.—

8 (A) PETITION.—Beginning 2 years after
9 the date of enactment of this subtitle, any per-
10 son may submit to the Administrator a petition
11 to modify the list of eligible materials main-
12 tained under this subsection.

13 (B) DEADLINE.—Not later than 1 year
14 after receipt of a petition under subparagraph
15 (A), the Administrator shall—

16 (i) approve the petition and modify
17 the list maintained under this subsection in
18 accordance with such petition; or

19 (ii) deny the petition and publish a
20 written explanation of the Administrator's
21 decision to approve or deny the petition.

22 (c) PRODUCT CATEGORY RULE DESIGNATIONS.—

23 (1) IN GENERAL.—The Administrator shall, in
24 consultation with the Secretary of Energy, the Di-
25 rector of the National Institute of Standards and

1 Technology, and relevant National Laboratories, des-
2 ignate product category rules for products made pri-
3 marily of eligible materials to be used in the creation
4 of environmental product declarations, or a similar
5 mechanism as determined appropriate by the Admin-
6 istrator, for each product type covered by such prod-
7 uct category rules. In designating such product cat-
8 egory rules, the Administrator may designate sepa-
9 rate product category rules as appropriate based on
10 class, type, and size of products.

11 (2) TIMING.—

12 (A) INITIAL DESIGNATIONS.—Not later
13 than 6 months after the date of enactment of
14 this subtitle, the Administrator shall designate
15 product category rules for products made pri-
16 marily of eligible materials listed in subsection
17 (b)(2) and used in construction.

18 (B) SECONDARY DESIGNATIONS.—Not
19 later than 1 year after the date of enactment of
20 this subtitle, the Administrator shall designate
21 product category rules for products made pri-
22 marily of eligible materials listed in subsection
23 (b)(3) and used in construction.

1 (3) REQUIREMENTS.—In designating a product
2 category rule for products made primarily of an eli-
3 gible material, the Administrator shall consider—

4 (A) the uses, durability, lifetime, perform-
5 ance, and appropriate functional unit of a prod-
6 uct covered by such product category rule;

7 (B) the stages of manufacturing required
8 by a product covered by such product category
9 rule;

10 (C) the inclusion of imported products cov-
11 ered by such product category rule; and

12 (D) the quality and harmonization of life-
13 cycle assessments of embodied emissions and
14 other environmental factors, in the production
15 of products covered by such product category
16 rule.

17 (4) PRODUCT CATEGORY RULES DEVELOPED BY
18 THIRD PARTIES.—In designating a product category
19 rule under this subsection, the Administrator—

20 (A) may designate a product category rule
21 developed by a third party; or

22 (B) may develop and designate a product
23 category rule if the Administrator determines
24 that for the products made primarily of an eli-
25 gible material—

1 (i) no such third party rule exists; or

2 (ii) no such rule third party rule ex-

3 ists that is adequate.

4 (5) UPDATES.—

5 (A) IN GENERAL.—At least once every 5
6 years after a product category rule is des-
7 igned under this subsection, the Adminis-
8 trator shall review such product category rule,
9 and after opportunity for notice and comment,
10 update such product category rule as necessary.

11 (B) PETITIONS.—Beginning 1 year after
12 the designation of a product category rule
13 under this subsection, any person may submit
14 to the Administrator a petition to reconsider
15 such designation based on—

16 (i) advances in technology that create
17 substantial changes to the production of
18 products within a product category; or

19 (ii) a misrepresentation or change of a
20 product's characteristics, methods of pro-
21 duction, or use.

22 (d) NATIONAL ENVIRONMENTAL PRODUCT DEC-
23 LARATION DATABASE.—

24 (1) ESTABLISHMENT.—Beginning not later
25 than 9 months after the date of enactment of this

1 subtitle, the Administrator shall establish and main-
2 tain a publicly accessible database of environmental
3 product declarations to be known as the National
4 Environmental Product Declaration Database.

5 (2) INCLUSION BY APPROPRIATE PRODUCT CAT-
6 EGORY RULE.—The Administrator shall include an
7 environmental product declaration, including an en-
8 vironmental product declaration for an imported
9 product, in the National Environmental Product
10 Declaration Database only if the declaration is cre-
11 ated using the appropriate product category rule
12 designated under subsection (c).

13 (3) REMOVAL.—The Administrator shall imme-
14 diately remove an environmental product declaration,
15 including an environmental product declaration for
16 an imported product, from the National Environ-
17 mental Product Declaration Database if the declara-
18 tion does not use the appropriate product category
19 rule designated under subsection (c), is unverified by
20 a third party, or is otherwise found to be inad-
21 equate, as determined by the Administrator.

22 (e) ENVIRONMENTAL PRODUCT DECLARATION AS-
23 SISTANCE.—

24 (1) TECHNICAL ASSISTANCE PROGRAM.—The
25 Administrator shall establish a program to provide

1 technical assistance to manufacturers of eligible ma-
2 terials to develop and verify environmental product
3 declarations.

4 (2) GRANTS TO SMALL BUSINESSES.—

5 (A) IN GENERAL.—Not later than 9
6 months after the date of enactment of this sub-
7 title, the Administrator shall establish a grant
8 program to provide financial assistance for the
9 development and verification of environmental
10 product declarations subject to the appropriate
11 product category rules designated in subsection
12 (c) for small businesses that manufacture eligi-
13 ble materials or products primarily made of eli-
14 gible materials in the United States.

15 (B) LIMITATIONS.—No small business
16 shall receive more than \$100,000 under such
17 program during any 5-year period.

18 (C) COMMITMENT TO SUBMIT ENVIRON-
19 MENTAL PRODUCT DECLARATIONS.—Any small
20 business receiving financial assistance under
21 this paragraph shall submit any environmental
22 product declaration developed and verified with
23 such financial assistance to the National Envi-
24 ronmental Product Declaration Database estab-
25 lished under subsection (d).

1 (3) OUTREACH TO MANUFACTURERS.—The Ad-
2 ministrators shall conduct public outreach and edu-
3 cation to manufacturers about the National Environ-
4 mental Product Declaration Database established
5 under subsection (d) and encourage submission of
6 environmental product declarations created using the
7 appropriate product category rule designated in sub-
8 section (c), to such database.

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$25,000,000 for each of fiscal years
12 2022 through 2031.

13 (f) ENVIRONMENTAL PRODUCT DECLARATIONS AU-
14 DITS.—The Administrator shall conduct random audits of
15 environmental product declarations submitted to the Na-
16 tional Environmental Product Declaration Database es-
17 tablished under subsection (d), and the practices of inde-
18 pendent third-party verifiers of such environmental prod-
19 uct declarations. At a minimum, the Administrator shall
20 conduct audits each year for a representative sample of
21 product categories and geographical areas, including envi-
22 ronmental product declarations of imported products.

23 (g) INTERAGENCY CONSULTATION.—In carrying out
24 the program established in this section, the Administrator
25 shall consult and coordinate with relevant programs within

1 the Department of Energy, Department of Commerce, and
2 other relevant agencies as determined by the Adminis-
3 trator.

4 (h) PROGRAM REVIEW AND ASSESSMENT OF ENVI-
5 RONMENTAL PRODUCT DECLARATIONS.—Not later than
6 5 years after the date of enactment of this subtitle, the
7 Administrator, in consultation with other relevant agen-
8 cies as determined by the Administrator, shall conduct a
9 review of the program established under this section. Such
10 review—

11 (1) shall—

12 (A) include an assessment of the quality
13 and efficacy of environmental product declara-
14 tions to account for the embodied emissions of
15 a product, and consider alternative mechanisms
16 or accounting methods that would enhance the
17 transparency, quality, and availability of life-
18 cycle assessment data, and improve harmoni-
19 zation of life-cycle assessment approaches to
20 calculating greenhouse gas and other environ-
21 mental factors, in the production of products
22 containing eligible materials; and

23 (B) provide an opportunity for public com-
24 ment on the review's findings; and

25 (2) may—

1 (A) include recommendations to enhance or
2 harmonize accounting and reporting methods
3 related to international life-cycle assessment
4 standards of products containing eligible mate-
5 rials, including data verification and identifica-
6 tion of products' country of origin for products
7 produced outside of the United States; and

8 (B) include recommendations to improve
9 the evaluation of environmental factors, includ-
10 ing air, water, and land pollution, and other
11 factors related to raw material extraction,
12 transportation, manufacturing, use, and end of
13 life, associated with products containing eligible
14 materials.

15 **SEC. 523. REPORTS TO CONGRESS.**

16 (a) REPORT ON FEDERAL PROCUREMENT.—Not
17 later than 1 year after the date of enactment of this sub-
18 title, the Administrator, in consultation with other Federal
19 contracting agencies, shall submit to Congress a report
20 that quantifies and evaluates, by agency, sector of expend-
21 iture, and product sector, the volume of eligible materials
22 procured by the Federal Government, and the level of
23 spending on such eligible materials.

24 (b) REPORT ON MATERIAL EFFICIENCY.—Not later
25 than 2 years after the date of enactment of this subtitle,

1 the Administrator, in consultation with the Department
2 of Energy and other relevant agencies determined by the
3 Administrator, shall submit to Congress and make pub-
4 licly available a report that includes a review of existing
5 research on, and policy recommendations for, improving
6 material efficiency of eligible materials.

7 **SEC. 524. ESTABLISHING BUY CLEAN STANDARDS FOR FED-**
8 **ERALLY FUNDED INFRASTRUCTURE**
9 **PROJECTS.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this subtitle, the Administrator and
12 the Secretary of Energy, in coordination with relevant
13 Federal agencies, shall develop a Federal Buy Clean pro-
14 gram to steadily reduce the quantity of embodied emis-
15 sions of construction materials and products, and promote
16 the use of low-emissions construction materials and prod-
17 ucts, in projects involving Federal funds.

18 (b) RELEVANT FEDERAL AGENCIES.—For purposes
19 of subsection (a), relevant Federal agencies are—

- 20 (1) the Department of Commerce;
- 21 (2) the General Services Administration;
- 22 (3) the Department of Defense, including the
23 U.S. Army Corps of Engineers;
- 24 (4) the Department of Transportation;
- 25 (5) the Department of Agriculture;

1 (6) the Department of Veterans Affairs; and

2 (7) any other Federal agency determined appro-
3 priate by the Administrator and the Secretary of
4 Energy.

5 (c) CONSIDERATIONS.—In developing a Federal Buy
6 Clean program under this section, the Administrator and
7 the Secretary of Energy, in coordination with relevant
8 Federal agencies, shall consider—

9 (1) inclusion of specific materials and product
10 categories under such program;

11 (2) the appropriate Federal agencies and
12 project types to be covered by such program;

13 (3) effective methods of developing, setting, and
14 adjusting Buy Clean performance standards, includ-
15 ing consideration of—

16 (A) differentiation between products, class-
17 es, types, sizes, functional uses, and other fac-
18 tors that may warrant distinction between prod-
19 uct categories;

20 (B) which stages of production and use of
21 materials and products should be covered by
22 performance standards;

23 (C) whether performance standards should
24 be applied on a facility-specific basis, and for
25 which product categories;

1 (D) appropriate and effective safeguards to
2 ensure such performance standards do not re-
3 duce the international competitiveness of do-
4 mestic manufacturers;

5 (E) issuance of waivers from performance
6 standards, including factors for consideration to
7 warrant a waiver; and

8 (F) additional factors involving materials
9 and products covered by such performance
10 standards, including durability, safety, other
11 performance characteristics, domestic content
12 requirements, and cost;

13 (4) methods to cover projects and contracts
14 issued by State and local governments that involve
15 Federal funding;

16 (5) effective enforcement of Buy Clean perform-
17 ance standards, including verification and enforce-
18 ment of standards for imported products, and appro-
19 priate penalties for noncompliance;

20 (6) timing and other factors to promote ease of
21 implementation of such program;

22 (7) the technical and financial assistance to
23 manufacturers and State and local governments
24 needed to support implementation of such program
25 and to meet Buy Clean performance standards;

1 (8) promotion of novel technologies with the po-
2 tential to reduce embodied emissions of materials
3 and products covered by such program;

4 (9) the data collection and reporting require-
5 ments needed to implement and enforce such pro-
6 gram; and

7 (10) harmonization with the program estab-
8 lished under section 522 and the program estab-
9 lished under section 324C of the Energy Policy and
10 Conservation Act (as added by this Act).

11 (d) STAKEHOLDER OUTREACH.—In carrying out
12 subsection (a), the Administrator and the Secretary of En-
13 ergy shall solicit input from relevant stakeholders and or-
14 ganizations, including—

15 (1) manufacturers of relevant construction ma-
16 terials and products;

17 (2) labor organizations;

18 (3) experts in greenhouse gas emissions lifecycle
19 assessments;

20 (4) experts in procurement;

21 (5) experts in international trade;

22 (6) State and local governments; and

23 (7) developers of relevant codes and standards.

1 **SEC. 525. CLIMATE STAR PROGRAM.**

2 (a) IN GENERAL.—The Energy Policy and Conserva-
3 tion Act is amended by inserting after section 324B (42
4 U.S.C. 6294b) the following:

5 **“SEC. 324C. CLIMATE STAR PROGRAM.**

6 “(a) IN GENERAL.—There is established within the
7 Environmental Protection Agency and the Department of
8 Energy a voluntary program to identify and promote cer-
9 tain products produced with significantly lower embodied
10 emissions than comparable products, while meeting strict
11 performance criteria, in order to reduce greenhouse gas
12 emissions and encourage use of products with lower em-
13 bodied emissions, through voluntary labeling of, or other
14 forms of communication about, products that meet strict
15 performance criteria.

16 “(b) DIVISION OF RESPONSIBILITIES.—Responsibil-
17 ities under the program shall be divided between the Envi-
18 ronmental Protection Agency and the Department of En-
19 ergy in accordance with the terms of applicable agree-
20 ments between those agencies.

21 “(c) INCLUSIONS.—Categories of products that may
22 be included under the program shall include products
23 which typically have high embodied emissions, as deter-
24 mined by the Administrator of the Environmental Protec-
25 tion Agency and the Secretary of Energy, and may include

1 categories of products composed primarily of eligible mate-
2 rials.

3 “(d) DUTIES.—The Administrator and the Secretary
4 shall—

5 “(1) establish—

6 “(A) a Climate Star label to be used for
7 products meeting the certification criteria estab-
8 lished pursuant to this section; and

9 “(B) the procedure, including the methods
10 and means, and criteria by which products may
11 be certified to display the Climate Star label;

12 “(2) enhance public awareness regarding the
13 Climate Star label through outreach and public edu-
14 cation;

15 “(3) preserve the integrity of the Climate Star
16 label by—

17 “(A) establishing and maintaining per-
18 formance criteria so that products certified to
19 display the Climate Star label are produced
20 with significantly lower embodied emissions
21 than comparable products;

22 “(B) overseeing Climate Star certifications
23 made by third parties, which shall be inde-
24 pendent third-party product certification bodies

1 accredited by an accreditation entity domiciled
2 in the United States; and

3 “(C) auditing the use of the Climate Star
4 label in the marketplace and preventing cases of
5 misuse;

6 “(4) not more frequently than every 6 years
7 after adoption or major revision of any Climate Star
8 performance criteria, review and, if appropriate, re-
9 vise the performance criteria to achieve an additional
10 reduction in embodied emissions compared to the ex-
11 isting Climate Star performance criteria;

12 “(5) regularly consider the inclusion of addi-
13 tional categories of products to achieve a significant
14 reduction in the embodied emissions of such prod-
15 ucts; and

16 “(6) in revising any Climate Star performance
17 criteria or inclusion of an additional category of
18 products—

19 “(A) provide reasonable notice to inter-
20 ested parties and the public of any changes, in-
21 cluding effective dates, and an explanation of
22 the changes;

23 “(B) solicit comments from interested par-
24 ties and the public prior to any changes;

1 “(C) as appropriate, respond to comments
2 submitted by interested parties and the public;
3 and

4 “(D) provide an appropriate transition
5 time prior to the applicable effective date of any
6 changes, taking into account the timing nec-
7 essary for the manufacture, marketing, train-
8 ing, and distribution of the specific product
9 being addressed.

10 “(e) DISTINCTION OF AUTHORITIES.—In setting or
11 maintaining specifications and criteria for Energy Star
12 pursuant to section 324A, WaterSense pursuant to section
13 324B, and Climate Star under this section, the Adminis-
14 trator and the Secretary shall coordinate to prevent dupli-
15 cative or conflicting requirements among the respective
16 programs.

17 “(f) NO WARRANTY.—A Climate Star label shall not
18 create any express or implied warranty.

19 “(g) METHODS FOR ESTABLISHING PERFORMANCE
20 CRITERIA.—In establishing performance criteria for prod-
21 ucts pursuant to this section, the Administrator and the
22 Secretary shall use technical specifications established in
23 product category rules designated under section 522 of the
24 CLEAN Future Act for specific products, as appropriate.

1 “(b) PROCUREMENT OF CLIMATE STAR PROD-
2 UCTS.—

3 “(1) REQUIREMENT.—Not later than January
4 1, 2025, to meet the requirements of an agency for
5 a product for which Climate Star program criteria
6 exists, the head of the agency shall, except as pro-
7 vided in paragraph (2), procure a Climate Star prod-
8 uct.

9 “(2) EXCEPTIONS.—The head of an agency is
10 not required to procure a Climate Star product
11 under paragraph (1) if the head of the agency finds
12 in writing that no Climate Star product is reason-
13 ably available that meets the functional requirements
14 of the agency.

15 “(3) PROCUREMENT PLANNING.—The head of
16 an agency shall incorporate into the specifications
17 for all procurements involving products for which
18 Climate Star program criteria exist, including guide
19 specifications, project specifications, and construc-
20 tion, renovation, and services contracts that include
21 provision of products for which Climate Star pro-
22 gram criteria exist, and into the factors for the eval-
23 uation of offers received for the procurement, cri-
24 teria for greenhouse gas emissions that are con-

1 sistent with the criteria used for rating Climate Star
2 products.

3 “(c) LISTING OF CLIMATE STAR PRODUCTS IN FED-
4 ERAL CATALOGS.—Climate Star products shall be clearly
5 identified and prominently displayed in any inventory or
6 listing of products by the General Services Administration
7 or the Defense Logistics Agency. The General Services
8 Administration or the Defense Logistics Agency shall sup-
9 ply only Climate Star products for all categories of prod-
10 ucts covered by the Climate Star program, except in cases
11 where the agency ordering a product specifies in writing
12 that no Climate Star product is available to meet the buy-
13 er’s functional requirements.

14 “(d) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this section, the Secretary
16 shall issue guidelines to carry out this section.”.

17 (c) CONFORMING AMENDMENT.—The table of con-
18 tents of the National Energy Conservation Policy Act is
19 amended by inserting after the item relating to section
20 553 the following new item:

“Sec. 554. Federal procurement of Carbon Star products.”.

21 **Subtitle D—Industrial Efficiency**
22 **Incentives**

23 **SEC. 531. PURPOSES.**

24 The purposes of this subtitle are the following:

1 (1) Reduce greenhouse gas emissions from the
2 industrial sector.

3 (2) Maximize the energy efficiency and water
4 use efficiency of United States industrial plants.

5 (3) Make industrial facilities more financially
6 viable through energy efficiency improvements that
7 lower energy costs.

8 (4) Create opportunities for energy efficiency
9 manufacturing and installation jobs across the coun-
10 try.

11 (5) Make the United States industrial sector
12 the cleanest in the world.

13 **SEC. 532. SUSTAINABLE INDUSTRY REBATE PROGRAM.**

14 (a) IN GENERAL.—The Secretary of Energy shall es-
15 tablish the Sustainable Industry Rebate Program with the
16 purpose of—

17 (1) maximizing the energy efficiency of indus-
18 trial processes and cross-cutting systems;

19 (2) reducing greenhouse gas emissions from in-
20 dustrial processes;

21 (3) improving efficient use of water in manufac-
22 turing processes; and

23 (4) preventing pollution and minimizing waste.

24 (b) PROCESS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this section, the Sec-
3 retary of Energy, in consultation with the Secretary
4 of the Treasury, shall—

5 (A) develop and make available rebate
6 forms required to receive a rebate under this
7 section; and

8 (B) establish a Federal Rebate Processing
9 System which shall serve as a database and in-
10 formation technology system that will allow
11 qualified entities to submit required rebate
12 forms for reimbursement.

13 (2) REQUIREMENTS.—To be eligible to receive
14 a rebate under this section, a qualified entity shall
15 submit to the Secretary of Energy the required re-
16 bate forms, at such time, and containing such infor-
17 mation as the Secretary of Energy may require, and
18 include demonstrated evidence—

19 (A) that the entity purchased the qualified
20 technology;

21 (B) that the qualified technology is eligible
22 for the rebate program;

23 (C) that the qualified technology is eligible
24 for any of the additional rebates laid out in
25 paragraph (4);

1 (D) of the energy efficiency gains or water
2 use efficiency gains to be achieved by implemen-
3 tation of the technology;

4 (E) the greenhouse gas emissions reduc-
5 tions resulting from replacing an existing tech-
6 nology with the qualified technology; and

7 (F) that the technology replaced by the
8 qualified technology has been permanently de-
9 commissioned.

10 (c) SUSTAINABLE INDUSTRY DATABASE.—

11 (1) ESTABLISHMENT.—Not later than 90 days
12 after the date of enactment of this section, the Sec-
13 retary of Energy shall maintain, on the website of
14 the Department of Energy, a national database to
15 provide information on the Sustainable Industry Re-
16 bate Program.

17 (2) INCLUSIONS.—The Sustainable Industry
18 Database shall include—

19 (A) a list of the qualified technologies;

20 (B) a list of the qualified technologies that
21 are eligible for the Made in America additional
22 rebate established in paragraph (4)(B)(i);

23 (C) instructions for how to participate in
24 the Sustainable Industry Rebate Program;

1 (D) instructions for how to petition the In-
2 dustrial Efficiency Working group, established
3 in section 3, regarding additions to the list of
4 qualified technologies; and

5 (E) any additional information determined
6 by the Secretary of Energy to be appropriate.

7 (d) AUTHORIZED AMOUNT OF REBATE.—

8 (1) IN GENERAL.—The base amount of rebate
9 provided under this section shall be—

10 (A) 25 percent of the overall cost of the
11 qualified technology for companies with over
12 500 employees; and

13 (B) 40 percent of the overall cost of the
14 qualified technology for companies under 500
15 employees.

16 (2) ADDITIONAL REBATES.—

17 (A) 15 percent of the overall cost of the
18 qualified technology if the majority of compo-
19 nents of the purchased qualified technology
20 were manufactured in the United States.

21 (B) 10 percent of the overall cost of the
22 qualified technology if the qualified technology
23 facilitates a switch from fossil fuel-fired energy
24 source to a low- or zero-carbon fuel source, in-
25 cluding electrification.

1 (C) 10 percent of the overall cost of the
2 qualified technology if the qualified entity pro-
3 duces Climate Star Products certified pursuant
4 to section 324C of the Energy Policy and Con-
5 servation Act (as added by this Act).

6 (3) INCLUSION.—For purposes of this section,
7 the overall cost of a qualified technology shall in-
8 clude all costs associated with the purchase and in-
9 stallation of the qualified technology, and replace-
10 ment and removal costs of the existing technology.

11 (4) LIMITATION.—The amount of a rebate pro-
12 vided under this section shall not exceed 50 percent
13 of the overall cost of a qualified technology for com-
14 panies with over 500 employees, or 65 percent of the
15 overall cost of a qualified technology for companies
16 with under 500 employees.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$1,000,000,000 for each of fiscal years 2022 through
20 2031, to remain available until expended.

21 (f) DEFINITIONS.—In this section:

22 (1) QUALIFIED ENTITY.—The term “qualified
23 entity” means the owner or operator of a nonpower
24 industrial or manufacturing facility.

1 (2) QUALIFIED TECHNOLOGY.—The term
2 “qualified technology” means—

3 (A) any technology listed in the Sustain-
4 able Industry Database that can be dem-
5 onstrated to result in energy efficiency improve-
6 ments of at least 20 percent over the facility’s
7 existing technology;

8 (B) any technology listed in the Sustain-
9 able Industry Database that can be dem-
10 onstrated to result in water use reductions,
11 water intensity reductions, or energy reductions
12 from water management of at least 20 percent
13 over a facility’s existing technology; or

14 (C) any technology listed in the Sustain-
15 able Industry Database and used in an indus-
16 trial application that replaces a facility’s fossil
17 fuel-fired technology.

18 **SEC. 533. INDUSTRIAL EFFICIENCY WORKING GROUP.**

19 (a) ESTABLISHMENT.—Not later than 30 days after
20 the date of enactment of this section, the Secretary of En-
21 ergy shall establish the Industrial Efficiency Working
22 Group or “Working Group” for purposes of this section,
23 and appoint members pursuant to subsection (b).

24 (b) MEMBERSHIP.—

1 (1) CHAIR.—The Secretary of Energy shall des-
2 ignate a member of the Working Group to serve as
3 Chair.

4 (2) APPOINTMENT.—The Working Group shall
5 be comprised of members who shall be appointed by
6 the Secretary of Energy, in coordination with direc-
7 tors of the Advanced Manufacturing Office, the Of-
8 fice of Energy Efficiency and Renewable Energy,
9 and the Building Technology Office.

10 (3) REPRESENTATION.—Members of the Work-
11 ing Group shall include—

12 (A) representatives of each relevant Fed-
13 eral agency as determined by the Secretary of
14 Energy;

15 (B) representatives of each relevant De-
16 partment of Energy office;

17 (C) representatives of labor groups;

18 (D) representatives of the research com-
19 munity, which shall include academia and na-
20 tional laboratories;

21 (E) representatives of nongovernmental or-
22 ganizations;

23 (F) representatives of energy efficiency
24 program administrators;

1 (G) representatives of industry and trade
2 associations, the collective expertise of which
3 shall cover every focus area; and

4 (H) any other individual whom the Sec-
5 retary of Energy determines to be necessary to
6 ensure that the Working Group is comprised of
7 a diverse group of representatives of industry,
8 academia, independent researchers, and public
9 and private entities.

10 (c) DUTIES.—The Working Group shall—

11 (1) develop a list of qualified technologies to be
12 eligible for the Sustainable Industry Rebate Pro-
13 gram established under section 532;

14 (2) develop a list of the qualified technologies
15 that meet the Made in America requirements for the
16 additional rebate established under section
17 2(d)(2)(A);

18 (3) determine if technologies petitioned to be
19 added to the list are eligible;

20 (4) determine if any technologies on the list
21 need to be removed from the list; and

22 (5) identify technology gaps in industrial effi-
23 ciency, and make recommendations to address those
24 gaps.

25 (d) MEETINGS.—

1 (1) FREQUENCY.—The Working Group shall
2 meet not less frequently than 2 times per year, at
3 the call of the Chair.

4 (2) INITIAL MEETING.—Not later than 60 days
5 after the date on which the members are appointed
6 under subsection (b), the Working Group shall hold
7 its first meeting.

8 (e) REPORT.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this section, and not
11 less frequently than once every year thereafter, the
12 Working Group shall submit to the Secretary of En-
13 ergy a report that includes—

14 (A) a list of qualified technologies eligible
15 for the Sustainable Industry Rebate Program;

16 (B) a list of qualified technologies eligible
17 for the Made in America additional rebate es-
18 tablished under section 2(d)(2)(A); and

19 (C) a list of technologies that should be
20 added or removed from the database.

21 (f) COORDINATION.—In carrying out this section, the
22 Secretary of Energy shall—

23 (1) coordinate and seek to avoid duplication
24 with other programs of the Department of Energy;

1 (2) coordinate and collaborate with the Indus-
2 trial Technology Innovation Advisory Committee;
3 and

4 (3) to the maximum extent practicable, leverage
5 existing resources and programs of the Department
6 of Energy.

7 **TITLE VI—ENVIRONMENTAL**
8 **JUSTICE**

9 **Subtitle A—Empowering**
10 **Community Voices**

11 **SEC. 601. DEFINITIONS.**

12 In this subtitle:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) CLIMATE JUSTICE.—The term “climate jus-
17 tice” means the fair treatment and meaningful in-
18 volvement of all individuals, regardless of race, color,
19 culture, national origin, educational level, or income,
20 with respect to the development, implementation,
21 and enforcement of policies and projects that ad-
22 dress climate change, a recognition of the historical
23 responsibilities for climate change, and a commit-
24 ment that the people and communities least respon-
25 sible for climate change, and most vulnerable to the

1 impacts of climate change, do not suffer disproportio-
2 tionately as a result of historical injustice and dis-
3 investment.

4 (3) COMMUNITY OF COLOR.—The term “com-
5 munity of color” means any geographically distinct
6 area the population of color of which is higher than
7 the average population of color of the State in which
8 the community is located.

9 (4) COMMUNITY-BASED SCIENCE.—The term
10 “community-based science” means voluntary public
11 participation in the scientific process and the incor-
12 poration of data and information generated outside
13 of traditional institutional boundaries to address
14 real-world problems in ways that may include formu-
15 lating research questions, conducting scientific ex-
16 periments, collecting and analyzing data, inter-
17 preting results, making new discoveries, developing
18 technologies and applications, and solving complex
19 problems, with an emphasis on the democratization
20 of science and the engagement of diverse people and
21 communities.

22 (5) ENVIRONMENTAL JUSTICE.—The term “en-
23 vironmental justice” means the fair treatment and
24 meaningful involvement of all individuals, regardless
25 of race, color, national origin, educational level, or

1 income, with respect to the development, implemen-
2 tation, and enforcement of environmental laws, regu-
3 lations, and policies to ensure that—

4 (A) populations of color, communities of
5 color, indigenous communities, and low-income
6 communities have access to public information
7 and opportunities for meaningful public partici-
8 pation relating to human health and environ-
9 mental planning, regulations, and enforcement;

10 (B) no population of color or community of
11 color, indigenous community, or low-income
12 community shall be exposed to a dispropor-
13 tionate burden of the negative human health
14 and environmental impacts of pollution or other
15 environmental hazards; and

16 (C) the 17 Principles of Environmental
17 Justice written and adopted at the First Na-
18 tional People of Color Environmental Leader-
19 ship Summit held on October 24 through 27,
20 1991, in Washington, DC, are upheld.

21 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—

22 The term “environmental justice community” means
23 any population of color, community of color, indige-
24 nous community, or low-income community that ex-
25periences a disproportionate burden of the negative

1 human health and environmental impacts of pollu-
2 tion or other environmental hazards.

3 (7) FEDERAL AGENCY.—The term “Federal
4 agency” means—

5 (A) each Federal agency represented on
6 the Working Group; and

7 (B) any other Federal agency that carries
8 out a Federal program or activity that substan-
9 tially affects human health or the environment,
10 as determined by the President.

11 (8) INDIGENOUS COMMUNITY.—The term “in-
12 digenous community” means—

13 (A) a federally recognized Indian Tribe;

14 (B) a State-recognized Indian Tribe;

15 (C) an Alaska Native or Native Hawaiian
16 community or organization; and

17 (D) any other community of indigenous
18 people, including communities in other coun-
19 tries.

20 (9) INFRASTRUCTURE.—The term “infrastruc-
21 ture” means any system for safe drinking water,
22 sewer collection, solid waste disposal, electricity gen-
23 eration, communication, or transportation access (in-
24 cluding highways, airports, marine terminals, rail

1 systems, and residential roads) that is used to effec-
2 tively and safely support—

3 (A) housing;

4 (B) an educational facility;

5 (C) a medical provider;

6 (D) a park or recreational facility; or

7 (E) a local business.

8 (10) LOW INCOME.—The term “low income”
9 means an annual household income equal to, or less
10 than, the greater of—

11 (A) an amount equal to 80 percent of the
12 median income of the area in which the house-
13 hold is located, as reported by the Department
14 of Housing and Urban Development; and

15 (B) 200 percent of the Federal poverty
16 line.

17 (11) LOW-INCOME COMMUNITY.—The term
18 “low-income community” means any census block
19 group in which 30 percent or more of the population
20 are individuals with low income.

21 (12) MEANINGFUL.—The term “meaningful”,
22 with respect to involvement by the public in a deter-
23 mination by a Federal agency, means that—

24 (A) potentially affected residents of a com-
25 munity have an appropriate opportunity to par-

1 participate in decisions regarding a proposed activ-
2 ity that will affect the environment or public
3 health of the community;

4 (B) the public contribution can influence
5 the determination by the Federal agency;

6 (C) the concerns of all participants in-
7 volved are taken into consideration in the deci-
8 sion-making process; and

9 (D) the Federal agency—

10 (i) provides to potentially affected
11 members of the public accurate informa-
12 tion; and

13 (ii) facilitates the involvement of po-
14 tentially affected members of the public.

15 (13) POPULATION OF COLOR.—The term “pop-
16 ulation of color” means a population of individuals
17 who identify as—

18 (A) Black;

19 (B) African American;

20 (C) Asian;

21 (D) Pacific Islander;

22 (E) another non-White race;

23 (F) Hispanic;

24 (G) Latino; or

25 (H) linguistically isolated.

1 (14) PUBLISH.—The term “publish” means to
2 make publicly available in a form that is—

3 (A) generally accessible, including on the
4 internet and in public libraries; and

5 (B) accessible for—

6 (i) individuals who are limited in
7 English proficiency, in accordance with Ex-
8 ecutive Order 13166 (65 Fed. Reg. 50121
9 (August 16, 2000)); and

10 (ii) individuals with disabilities.

11 (15) WORKING GROUP.—The term “Working
12 Group” means the interagency Federal Working
13 Group on Environmental Justice convened under
14 section 1–102 of Executive Order 12898 (42 U.S.C.
15 4321 note), as amended by Executive Order 12948
16 (60 Fed. Reg. 6381 (January 30, 1995)) and modi-
17 fied by this subtitle.

18 **SEC. 602. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
19 **NICAL ASSISTANCE GRANTS.**

20 Title III of the Clean Air Act (42 U.S.C. 7601 et
21 seq.) is amended by adding at the end the following new
22 section:

1 **“SEC. 330. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
2 **NICAL ASSISTANCE GRANTS.**

3 “(a) IN GENERAL.—The Administrator may award
4 grants to eligible entities to enable such entities to partici-
5 pate in decisions impacting the health and safety of their
6 communities in connection with an actual or potential re-
7 lease of a covered hazardous air pollutant.

8 “(b) TIMING.—

9 “(1) GUIDANCE.—Not later than 12 months
10 after the date of enactment of this section, the Ad-
11 ministrator shall publish guidance describing the
12 process for eligible entities to apply for a grant
13 under this section, including the required content
14 and form of applications, the manner in which appli-
15 cations must be submitted, and any applicable dead-
16 lines.

17 “(2) FIRST GRANT.—Not later than 180 days
18 after the issuance of guidance under paragraph (1),
19 the Administrator shall award the first grant under
20 this section.

21 “(c) ELIGIBLE ENTITY.—To be eligible for a grant
22 under this section, an applicant shall be a group of individ-
23 uals who reside in a community that—

24 “(1) is a population of color, a community of
25 color, an indigenous community, or a low-income
26 community; and

1 “(2) is in close proximity to the site of an ac-
2 tual or potential release of a covered hazardous air
3 pollutant.

4 “(d) USE OF FUNDS.—An eligible entity receiving a
5 grant under this section shall use the grant to participate
6 in decisions impacting the health and safety of the commu-
7 nity involved in connection with an actual or potential re-
8 lease of a covered hazardous air pollutant, including—

9 “(1) interpreting information with regard to the
10 nature of the hazard, cumulative impacts studies,
11 health impacts studies, remedial investigation and
12 feasibility studies, agency decisions, remedial design,
13 and operation and maintenance of necessary mon-
14 itors; and

15 “(2) performing additional air pollution moni-
16 toring.

17 “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

18 “(1) AMOUNT.—

19 “(A) IN GENERAL.—The amount of a
20 grant under this section (excluding any renew-
21 als of the grant) may not exceed \$50,000 for
22 any grant recipient.

23 “(B) EXCEPTION.—The Administrator
24 may waive the limitation in subparagraph (A)
25 with respect to an applicant in any case where

1 the Administrator determines that such waiver
2 is necessary for the community involved to ob-
3 tain the necessary technical assistance.

4 “(2) RENEWAL.—Grants may be renewed for
5 each step in the regulatory, removal, or remediation
6 process in connection with a facility with the poten-
7 tial to release a covered hazardous air pollutant.

8 “(f) DEFINITIONS.—In this section:

9 “(1) The term ‘community of color’ has the
10 meaning given that term in section 601 of the
11 CLEAN Future Act.

12 “(2) The term ‘covered hazardous air pollutant’
13 means a hazardous air pollutant (as defined in sec-
14 tion 112 of the Clean Air Act) that—

15 “(A) is listed on the toxics release inven-
16 tory under section 313(c) of the Emergency
17 Planning and Community Right-To-Know Act
18 of 1986; or

19 “(B) is identified as carcinogenic by an as-
20 sessment under the Integrated Risk Informa-
21 tion System (IRIS) of the Environmental Pro-
22 tection Agency.

23 “(3) The term ‘indigenous community’ has the
24 meaning given that term in section 601 of the
25 CLEAN Future Act.

1 “(4) The term ‘low income’ has the meaning
2 given that term in section 601 of the CLEAN Fu-
3 ture Act.

4 “(5) The term ‘population of color’ has the
5 meaning given that term in section 601 of the
6 CLEAN Future Act.”.

7 **SEC. 603. INTERAGENCY FEDERAL WORKING GROUP ON**
8 **ENVIRONMENTAL JUSTICE.**

9 (a) **IN GENERAL.**—Not later than 90 days after the
10 date of enactment of this Act, the Administrator shall con-
11 vene, as appropriate to carry out this section, the Working
12 Group.

13 (b) **REQUIREMENTS.**—

14 (1) **COMPOSITION.**—The Working Group shall
15 be comprised of the following (or a designee):

16 (A) The Secretary of Agriculture.

17 (B) The Secretary of Commerce.

18 (C) The Secretary of Defense.

19 (D) The Secretary of Energy.

20 (E) The Secretary of Health and Human
21 Services.

22 (F) The Secretary of Homeland Security.

23 (G) The Secretary of Housing and Urban
24 Development.

25 (H) The Secretary of the Interior.

1 (I) The Secretary of Labor.

2 (J) The Secretary of Transportation.

3 (K) The Attorney General.

4 (L) The Administrator.

5 (M) The Director of the Office of Environ-
6 mental Justice.

7 (N) The Chairman of the Consumer Prod-
8 uct Safety Commission.

9 (O) The Chairperson of the Chemical Safe-
10 ty Board.

11 (P) The Director of the Office of Manage-
12 ment and Budget.

13 (Q) The Director of the Office of Science
14 and Technology Policy.

15 (R) The Chair of the Council on Environ-
16 mental Quality.

17 (S) The Assistant to the President for Do-
18 mestic Policy.

19 (T) The Director of the National Economic
20 Council.

21 (U) The Chairman of the Council of Eco-
22 nomic Advisers.

23 (V) Such other Federal officials as the
24 President may designate.

25 (2) FUNCTIONS.—The Working Group shall—

1 (A) report to the President through the
2 Chair of the Council on Environmental Quality
3 and the Assistant to the President for Domestic
4 Policy;

5 (B) provide guidance to Federal agencies
6 regarding criteria for identifying disproportion-
7 ately high and adverse human health or envi-
8 ronmental effects—

9 (i) on populations of color, commu-
10 nities of color, indigenous communities,
11 and low-income communities; and

12 (ii) on the basis of race, color, na-
13 tional origin, or income;

14 (C) coordinate with, provide guidance to,
15 and serve as a clearinghouse for, each Federal
16 agency with respect to the implementation and
17 updating of an environmental justice strategy
18 required under this Act, in order to ensure that
19 the administration, interpretation, and enforce-
20 ment of programs, activities, and policies are
21 carried out in a consistent manner;

22 (D) assist in coordinating research by, and
23 stimulating cooperation among, the Environ-
24 mental Protection Agency, the Department of
25 Health and Human Services, the Department of

1 Housing and Urban Development, and other
2 Federal agencies conducting research or other
3 activities in accordance with this Act;

4 (E) identify, based in part on public rec-
5 ommendations contained in Federal agency
6 progress reports, important areas for Federal
7 agencies to take into consideration and address,
8 as appropriate, in environmental justice strate-
9 gies and other efforts;

10 (F) assist in coordinating data collection
11 and maintaining and updating appropriate
12 databases, as required by this Act;

13 (G) examine existing data and studies re-
14 lating to environmental justice;

15 (H) hold public meetings and otherwise so-
16 licit public participation under paragraph (3);
17 and

18 (I) develop interagency model projects re-
19 lating to environmental justice that demonstrate
20 cooperation among Federal agencies.

21 (3) PUBLIC PARTICIPATION.—The Working
22 Group shall—

23 (A) hold public meetings or otherwise so-
24 licit public participation and community-based

1 science for the purpose of fact-finding with re-
2 spect to the implementation of this Act; and

3 (B) prepare for public review and publish
4 a summary of any comments and recommenda-
5 tions provided.

6 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—

7 Any person may commence a civil action—

8 (1) to seek relief from, or to compel, an agency
9 action under this section (including regulations pro-
10 mulgated pursuant to this section); or

11 (2) otherwise to ensure compliance with this
12 section (including regulations promulgated pursuant
13 to this section).

14 **SEC. 604. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-
15 RONMENTAL JUSTICE.**

16 (a) FEDERAL AGENCY RESPONSIBILITIES.—

17 (1) ENVIRONMENTAL JUSTICE MISSION.—To
18 the maximum extent practicable and permitted by
19 applicable law, each Federal agency shall make
20 achieving environmental justice part of the mission
21 of the Federal agency by identifying, addressing,
22 and mitigating disproportionately high and adverse
23 human health or environmental effects of the pro-
24 grams, policies, and activities of the Federal agency
25 on populations of color, communities of color, indige-

1 nous communities, and low-income communities in
2 the United States (including the territories and pos-
3 sessions of the United States and the District of Co-
4 lumbia).

5 (2) NONDISCRIMINATION.—Each Federal agen-
6 cy shall conduct any program, policy, or activity that
7 substantially affects human health or the environ-
8 ment in a manner that ensures that the program,
9 policy, or activity does not have the effect of exclud-
10 ing any individual or group from participation in,
11 denying any individual or group the benefits of, or
12 subjecting any individual or group to discrimination
13 under, the program, policy, or activity because of
14 race, color, or national origin.

15 (3) STRATEGIES.—

16 (A) AGENCYWIDE STRATEGIES.—Each
17 Federal agency shall implement and update, not
18 less frequently than annually, an agencywide
19 environmental justice strategy that identifies
20 disproportionately high and adverse human
21 health or environmental effects of the pro-
22 grams, policies, spending, and other activities of
23 the Federal agency with respect to populations
24 of color, communities of color, indigenous com-
25 munities, and low-income communities, includ-

1 ing, as appropriate for the mission of the Fed-
2 eral agency, with respect to the following areas:

3 (i) Implementation of the National
4 Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.).

6 (ii) Implementation of title VI of the
7 Civil Rights Act of 1964 (42 U.S.C. 2000d
8 et seq.) (including regulations promulgated
9 pursuant to that title).

10 (iii) Implementation of the Robert T.
11 Stafford Disaster Relief and Emergency
12 Assistance Act (42 U.S.C. 5121 et seq.).

13 (iv) Impacts from the lack of infra-
14 structure, or from deteriorated infrastruc-
15 ture.

16 (v) Impacts from land use.

17 (vi) Impacts from climate change.

18 (vii) Impacts from commercial trans-
19 portation.

20 (B) REVISIONS.—

21 (i) IN GENERAL.—Each strategy de-
22 veloped and updated pursuant to subpara-
23 graph (A) shall identify programs, policies,
24 planning and public participation proc-
25 esses, rulemaking, agency spending, and

1 enforcement activities relating to human
2 health or the environment that may be re-
3 vised, at a minimum—

4 (I) to promote enforcement of all
5 health, environmental, and civil rights
6 laws and regulations in areas con-
7 taining populations of color, commu-
8 nities of color, indigenous commu-
9 nities, and low-income communities;

10 (II) to ensure greater public par-
11 ticipation;

12 (III) to provide increased access
13 to infrastructure;

14 (IV) to improve research and
15 data collection relating to the health
16 and environment of populations of
17 color, communities of color, indige-
18 nous communities, and low-income
19 communities, including through the
20 increased use of community-based
21 science; and

22 (V) to identify differential pat-
23 terns of use of natural resources
24 among populations of color, commu-

1 nities of color, indigenous commu-
2 nities, and low-income communities.

3 (ii) TIMETABLES.—Each strategy im-
4 plemented and updated pursuant to sub-
5 paragraph (A) shall include a timetable for
6 undertaking revisions identified pursuant
7 to clause (i).

8 (C) PROGRESS REPORTS.—Not later than
9 1 year after the date of enactment of this Act,
10 and not less frequently than once every 5 years
11 thereafter, each Federal agency shall submit to
12 Congress and the Working Group, and shall
13 publish, a progress report that includes, with
14 respect to the period covered by the report—

15 (i) a description of the current envi-
16 ronmental justice strategy of the Federal
17 agency;

18 (ii) an evaluation of the progress
19 made by the Federal agency at national
20 and regional levels regarding implementa-
21 tion of the environmental justice strategy,
22 including—

23 (I) metrics used by the Federal
24 agency to measure performance; and

1 (II) the progress made by the
2 Federal agency toward—

3 (aa) the achievement of the
4 metrics described in subclause
5 (I); and

6 (bb) mitigating identified in-
7 stances of environmental injus-
8 tice;

9 (iii) a description of the participation
10 by the Federal agency in interagency col-
11 laboration;

12 (iv) responses to recommendations
13 submitted by members of the public to the
14 Federal agency relating to the environ-
15 mental justice strategy of the Federal
16 agency and the implementation by the
17 Federal agency of this Act; and

18 (v) any updates or revisions to the en-
19 vironmental justice strategy of the Federal
20 agency, including those resulting from pub-
21 lic comments.

22 (4) PUBLIC PARTICIPATION.—Each Federal
23 agency shall—

24 (A) ensure that meaningful opportunities
25 exist for the public to submit comments and

1 recommendations relating to the environmental
2 justice strategy, progress reports, and ongoing
3 efforts of the Federal agency to incorporate en-
4 vironmental justice principles into the pro-
5 grams, policies, and activities of the Federal
6 agency;

7 (B) hold public meetings or otherwise so-
8 licit public participation and community-based
9 science from populations of color, communities
10 of color, indigenous communities, and low-in-
11 come communities for fact-finding, receiving
12 public comments, and conducting inquiries con-
13 cerning environmental justice; and

14 (C) prepare for public review and publish
15 a summary of the comments and recommenda-
16 tions provided.

17 (5) ACCESS TO INFORMATION.—Each Federal
18 agency shall—

19 (A) publish public documents, notices, and
20 hearings relating to the programs, policies, and
21 activities of the Federal agency that affect
22 human health or the environment; and

23 (B) translate and publish any public docu-
24 ments, notices, and hearings relating to an ac-
25 tion of the Federal agency as appropriate for

1 the affected population, specifically in any case
2 in which a limited English-speaking population
3 may be disproportionately affected by that ac-
4 tion.

5 (6) CODIFICATION OF GUIDANCE.—

6 (A) COUNCIL ON ENVIRONMENTAL QUAL-
7 ITY.—Notwithstanding any other provision of
8 law, sections II and III of the guidance issued
9 by the Council on Environmental Quality enti-
10 tled “Environmental Justice Guidance Under
11 the National Environmental Policy Act” and
12 dated December 10, 1997, are enacted into law.

13 (B) ENVIRONMENTAL PROTECTION AGEN-
14 CY.—Notwithstanding any other provision of
15 law, the guidance issued by the Environmental
16 Protection Agency entitled “EPA Policy on
17 Consultation and Coordination with Indian
18 Tribes: Guidance for Discussing Tribal Treaty
19 Rights” and dated February 2016 is enacted
20 into law.

21 (b) HUMAN HEALTH AND ENVIRONMENTAL RE-
22 SEARCH, DATA COLLECTION, AND ANALYSIS.—

23 (1) RESEARCH.—Each Federal agency, to the
24 maximum extent practicable and permitted by appli-
25 cable law, shall—

1 (A) in conducting environmental or human
2 health research, include diverse segments of the
3 population in epidemiological and clinical stud-
4 ies, including segments at high risk from envi-
5 ronmental hazards, such as—

6 (i) populations of color, communities
7 of color, indigenous communities, popu-
8 lations with low income, and low-income
9 communities;

10 (ii) fenceline communities; and

11 (iii) workers who may be exposed to
12 substantial environmental hazards;

13 (B) in conducting environmental or human
14 health analyses, identify multiple and cumu-
15 lative exposures; and

16 (C) actively encourage and solicit commu-
17 nity-based science, and provide to populations
18 of color, communities of color, indigenous com-
19 munities, populations with low income, and low-
20 income communities the opportunity to com-
21 ment regarding the development and design of
22 research strategies carried out pursuant to this
23 Act.

24 (2) DISPROPORTIONATE IMPACT.—To the max-
25 imum extent practicable and permitted by applicable

1 law (including section 552a of title 5, United States
2 Code (commonly known as the Privacy Act)), each
3 Federal agency shall—

4 (A) collect, maintain, and analyze informa-
5 tion assessing and comparing environmental
6 and human health risks borne by populations
7 identified by race, national origin, or income;
8 and

9 (B) use that information to determine
10 whether the programs, policies, and activities of
11 the Federal agency have disproportionately high
12 and adverse human health or environmental ef-
13 fects on populations of color, communities of
14 color, indigenous communities, and low-income
15 communities.

16 (3) INFORMATION RELATING TO NON-FEDERAL
17 FACILITIES.—In connection with the implementation
18 of Federal agency strategies under subsection (a)(3),
19 each Federal agency, to the maximum extent prac-
20 ticable and permitted by applicable law, shall collect,
21 maintain, and analyze information relating to the
22 race, national origin, and income level, and other
23 readily accessible and appropriate information, for
24 fenceline communities in proximity to any facility or
25 site expected to have a substantial environmental,

1 human health, or economic effect on the surrounding
2 populations, if the facility or site becomes the sub-
3 ject of a substantial Federal environmental adminis-
4 trative or judicial action.

5 (4) IMPACT FROM FEDERAL FACILITIES.—Each
6 Federal agency, to the maximum extent practicable
7 and permitted by applicable law, shall collect, main-
8 tain, and analyze information relating to the race,
9 national origin, and income level, and other readily
10 accessible and appropriate information, for fenceline
11 communities in proximity to any facility of the Fed-
12 eral agency that is—

13 (A) subject to the reporting requirements
14 under the Emergency Planning and Community
15 Right-To-Know Act of 1986 (42 U.S.C. 11001
16 et seq.), as required by Executive Order 12898
17 (42 U.S.C. 4321 note); and

18 (B) expected to have a substantial environ-
19 mental, human health, or economic effect on
20 surrounding populations.

21 (c) CONSUMPTION OF FISH AND WILDLIFE.—

22 (1) IN GENERAL.—Each Federal agency shall
23 develop, publish (unless prohibited by law), and re-
24 vise, as practicable and appropriate, guidance on ac-
25 tions of the Federal agency that will impact fish and

1 wildlife consumed by populations that principally
2 rely on fish or wildlife for subsistence.

3 (2) REQUIREMENT.—The guidance described in
4 paragraph (1) shall—

5 (A) reflect the latest scientific information
6 available concerning methods for evaluating the
7 human health risks associated with the con-
8 sumption of pollutant-bearing fish or wildlife;
9 and

10 (B) publish the risks of such consumption
11 patterns.

12 (d) MAPPING AND SCREENING TOOL.—The Adminis-
13 trator shall continue to make available to the public an
14 environmental justice mapping and screening tool (such
15 as EJScreen or an equivalent tool) that includes, at a min-
16 imum, the following features:

17 (1) Nationally consistent data.

18 (2) Environmental data.

19 (3) Demographic data, including data relating
20 to race, ethnicity, and income.

21 (4) Capacity to produce maps and reports by
22 geographical area.

23 (e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—
24 Any person may commence a civil action—

1 (1) to seek relief from, or to compel, an agency
2 action under this section (including regulations pro-
3 mulgated pursuant to this section); or

4 (2) otherwise to ensure compliance with this
5 section (including regulations promulgated pursuant
6 to this section).

7 (f) INFORMATION SHARING.—In carrying out this
8 section, each Federal agency, to the maximum extent
9 practicable and permitted by applicable law, shall share
10 information and eliminate unnecessary duplication of ef-
11 forts through the use of existing data systems and cooper-
12 ative agreements among Federal agencies and with State,
13 local, and Tribal governments.

14 **SEC. 605. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**
15 **COUNCIL.**

16 (a) ESTABLISHMENT.—The establishment by the Ad-
17 ministrator on September 30, 1993, by charter pursuant
18 to the Federal Advisory Committee Act (5 U.S.C. App.)
19 of the National Environmental Justice Advisory Council
20 (referred to in this section as the “Advisory Council”) is
21 enacted into law.

22 (b) DUTIES.—The Advisory Council may carry out
23 such duties as were carried out by the Advisory Council
24 on the day before the date of enactment of this Act, sub-
25 ject to modification by the Administrator, by regulation.

1 (c) MEMBERSHIP; SUBCOMMITTEES; WORKGROUPS;
2 DUTIES.—

3 (1) MEMBERSHIP.—The Advisory Council shall
4 be comprised of 26 members who have knowledge of,
5 or experience relating to, the effect of environmental
6 conditions on communities of color, low-income com-
7 munities, and Tribal and indigenous communities,
8 including—

9 (A) representatives of—

10 (i) community-based organizations
11 that carry out initiatives relating to envi-
12 ronmental justice, including grassroots or-
13 ganizations led by people of color;

14 (ii) State governments, Tribal Govern-
15 ments, and local governments;

16 (iii) Indian Tribes and other indige-
17 nous groups;

18 (iv) nongovernmental and environ-
19 mental organizations; and

20 (v) private sector organizations (in-
21 cluding representatives of industries and
22 businesses); and

23 (B) experts in the fields of—

24 (i) socioeconomic analysis;

25 (ii) health and environmental effects;

- 1 (iii) exposure evaluation;
2 (iv) environmental law and civil rights
3 law; and
4 (v) environmental health science re-
5 search.

6 (2) SUBCOMMITTEES; WORKGROUPS.—

7 (A) ESTABLISHMENT.—The Advisory
8 Council may establish any subcommittee or
9 workgroup to assist the Advisory Council in
10 carrying out any duty of the Advisory Council
11 described in paragraph (3).

12 (B) REPORT.—Upon the request of the
13 Advisory Council, each subcommittee or
14 workgroup established by the Advisory Council
15 under subparagraph (A) shall submit to the Ad-
16 visory Council a report that contains—

17 (i) a description of each recommenda-
18 tion of the subcommittee or workgroup;
19 and

20 (ii) any advice requested by the Advi-
21 sory Council with respect to any duty of
22 the Advisory Council.

23 (3) DUTIES.—The Advisory Council shall pro-
24 vide independent advice and recommendations to the
25 Environmental Protection Agency with respect to

1 issues relating to environmental justice, including
2 advice—

3 (A) to help develop, facilitate, and conduct
4 reviews of the direction, criteria, scope, and
5 adequacy of the scientific research and dem-
6 onstration projects of the Environmental Pro-
7 tection Agency relating to environmental jus-
8 tice;

9 (B) to improve participation, cooperation,
10 and communication with respect to such
11 issues—

12 (i) within the Environmental Protec-
13 tion Agency; and

14 (ii) between, and among, the Environ-
15 mental Protection Agency and Federal
16 agencies, State and local governments, In-
17 dian Tribes, environmental justice leaders,
18 interest groups, and the public;

19 (C) requested by the Administrator to help
20 improve the response of the Environmental Pro-
21 tection Agency in securing environmental jus-
22 tice for communities of color, low-income com-
23 munities, and Tribal and indigenous commu-
24 nities; and

25 (D) on issues relating to—

1 (i) the developmental framework of
2 the Environmental Protection Agency with
3 respect to the integration by the Environ-
4 mental Protection Agency of socioeconomic
5 programs into the strategic planning, an-
6 nual planning, and management account-
7 ability of the Environmental Protection
8 Agency to achieve environmental justice re-
9 sults throughout the Environmental Pro-
10 tection Agency;

11 (ii) the measurement and evaluation
12 of the progress, quality, and adequacy of
13 the Environmental Protection Agency in
14 planning, developing, and implementing en-
15 vironmental justice strategies, project, and
16 programs;

17 (iii) any existing and future informa-
18 tion management systems, technologies,
19 and data collection activities of the Envi-
20 ronmental Protection Agency (including
21 recommendations to conduct analyses that
22 support and strengthen environmental jus-
23 tice programs in administrative and sci-
24 entific areas);

1 (iv) the administration of grant pro-
2 grams relating to environmental justice as-
3 sistance; and

4 (v) education, training, and other out-
5 reach activities conducted by the Environ-
6 mental Protection Agency relating to envi-
7 ronmental justice.

8 (d) DESIGNATED FEDERAL OFFICER.—The Director
9 of the Office of Environmental Justice of the Environ-
10 mental Protection Agency is designated as the Federal of-
11 ficer required under section 10(e) of the Federal Advisory
12 Committee Act (5 U.S.C. App.) for the Advisory Council.

13 (e) MEETINGS.—

14 (1) IN GENERAL.—The Advisory Council shall
15 meet not less frequently than 3 times each calendar
16 year.

17 (2) OPEN TO PUBLIC.—Each meeting of the
18 Advisory Council shall be held open to the public.

19 (3) DESIGNATED FEDERAL OFFICER.—The des-
20 ignated Federal officer described in subsection (d)
21 (or a designee) shall—

22 (A) be present at each meeting of the Ad-
23 visory Council;

1 (B) ensure that each meeting is conducted
2 in accordance with an agenda approved in ad-
3 vance by the designated Federal officer;

4 (C) provide an opportunity for interested
5 persons—

6 (i) to file comments before or after
7 each meeting of the Advisory Council; or

8 (ii) to make statements at such a
9 meeting, to the extent that time permits;

10 (D) ensure that a representative of the
11 Working Group and a high-level representative
12 from each regional office of the Environmental
13 Protection Agency are invited to, and encour-
14 aged to attend, each meeting of the Advisory
15 Council; and

16 (E) provide technical assistance to States
17 seeking to establish State-level environmental
18 justice advisory councils or implement other en-
19 vironmental justice policies or programs.

20 (f) RESPONSES FROM ADMINISTRATOR.—

21 (1) PUBLIC COMMENT INQUIRIES.—The Admin-
22 istrator shall provide a written response to each in-
23 quiry submitted to the Administrator by a member
24 of the public before or after each meeting of the Ad-

1 visory Council by not later than 120 days after the
2 date of submission.

3 (2) RECOMMENDATIONS FROM ADVISORY COUN-
4 CIL.—The Administrator shall provide a written re-
5 sponse to each recommendation submitted to the Ad-
6 ministrators by the Advisory Council by not later
7 than 120 days after the date of submission.

8 (g) TRAVEL EXPENSES.—A member of the Advisory
9 Council may be allowed travel expenses, including per
10 diem in lieu of subsistence, at such rate as the Adminis-
11 trator determines to be appropriate while away from the
12 home or regular place of business of the member in the
13 performance of the duties of the Advisory Council.

14 (h) DURATION.—The Advisory Council shall remain
15 in existence unless otherwise provided by law.

16 **SEC. 606. REDUCING DISPROPORTIONATE IMPACTS OF**
17 **POLLUTION ON ENVIRONMENTAL JUSTICE**
18 **COMMUNITIES.**

19 (a) DEFINITIONS.—Section 501 of the Clean Air Act
20 (42 U.S.C. 7661) is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “As used in this title—” and inserting “In
23 this title:”;

24 (2) by redesignating paragraphs (3) and (4) as
25 paragraphs (4) and (5), respectively; and

1 (3) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) OVERBURDENED CENSUS TRACT.—The
4 term ‘overburdened census tract’ means a census
5 tract that—

6 “(A) has been identified within the Na-
7 tional Air Toxics Assessment published by the
8 Administrator as having a greater than 100 in
9 1,000,000 total cancer risk; or

10 “(B) has been determined to have an an-
11 nual mean concentration of PM_{2.5} of greater
12 than 8 micrograms per cubic meter, as deter-
13 mined over the most recent 3-year period for
14 which data are available.”.

15 (b) PERMIT PROGRAMS.—Section 502 of the Clean
16 Air Act (42 U.S.C. 7661a) is amended—

17 (1) in subsection (a), in the first sentence, by
18 striking “parts (C) or (D)” and inserting “part (C)
19 or (D)”; and

20 (2) in subsection (b)—

21 (A) in the matter preceding paragraph

22 (1)—

23 (i) in the first sentence, by striking
24 “The Administrator” and inserting “Ex-
25 cept for the requirements described in

1 paragraphs (11) and (12), the Adminis-
2 trator”; and

3 (ii) in the second sentence, by striking
4 “These” and inserting “For the require-
5 ments described in paragraphs (11) and
6 (12), the Administrator shall promulgate
7 the regulations required by those para-
8 graphs as soon as practicable after the
9 date of enactment of the CLEAN Future
10 Act. Those”;

11 (B) in paragraph (3)(B)(i), by striking
12 “subparagraphs (ii) through (v) of this sub-
13 paragraph” and inserting “clauses (ii) through
14 (v)”;

15 (C) in paragraph (10), in the matter be-
16 fore the proviso, by striking “total emissions:”
17 and inserting “total emissions):”; and

18 (D) by adding at the end the following:

19 “(11) After the date of enactment of the
20 CLEAN Future Act, no permit shall be granted by
21 a permitting authority for a proposed major source
22 that would be located in an overburdened census
23 tract.

1 “(i) ENVIRONMENTAL JUSTICE.—

2 “(1) AUTHORIZATION.—The Administrator may
3 not authorize a State to administer and enforce a
4 hazardous waste program under this section unless
5 the Administrator determines that the State haz-
6 ardous waste program does not create or exacerbate
7 disproportionately high or adverse health or environ-
8 mental effects on populations of color, communities
9 of color, indigenous communities, or low-income
10 communities.

11 “(2) REVISED GUIDELINES.—Not later than 1
12 year after the date of enactment of this subsection,
13 the Administrator shall revise the guidelines issued
14 pursuant to subsection (a) for purposes of carrying
15 out paragraph (1) of this subsection.

16 “(3) REVISED STATE APPLICATION.—Any State
17 which has, prior to the date of enactment of this
18 subsection, received authorization pursuant to sub-
19 section (b) to administer and enforce a hazardous
20 waste program may submit a revised application in
21 accordance with such subsection to demonstrate that
22 the applicable State hazardous waste program does
23 not create or exacerbate disproportionately high or
24 adverse health or environmental effects on popu-

1 lations of color, communities of color, indigenous
2 communities, or low-income communities.

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

4 “(A) The term ‘community of color’ has
5 the meaning given that term in section 601 of
6 the CLEAN Future Act.

7 “(B) The term ‘indigenous community’ has
8 the meaning given that term in section 601 of
9 the CLEAN Future Act.

10 “(C) The term ‘low income’ has the mean-
11 ing given that term in section 601 of the
12 CLEAN Future Act.

13 “(D) The term ‘low-income community’
14 has the meaning given that term in section 601
15 of the CLEAN Future Act.

16 “(E) The term ‘population of color’ has
17 the meaning given that term in section 601 of
18 the CLEAN Future Act.”.

19 **SEC. 608. HAZARDOUS RELEASE COMMUNITY NOTIFICA-**
20 **TION.**

21 (a) EMERGENCY NOTIFICATION MEETING.—Section
22 304(b) of the Emergency Planning and Community Right-
23 To-Know Act of 1986 (42 U.S.C. 11004(b)) is amended
24 by adding at the end the following new paragraph:

1 “(3) PUBLIC MEETING.—Not later than 72
2 hours after a release which requires notice under
3 subsection (a), the owner or operator of the applica-
4 ble facility shall—

5 “(A) publish a notice in a local newspaper,
6 with at least 24 hours notice, of a public meet-
7 ing, including—

8 “(i) the date of such meeting;

9 “(ii) the time of such meeting; and

10 “(iii) the location of such meeting;

11 and

12 “(B) hold such meeting, providing, con-
13 sistent with section 322, the information re-
14 quired under paragraph (2), to the extent such
15 information is known at the time of the meeting
16 and so long as no delay in responding to the
17 emergency results.”.

18 (b) ANNUAL PUBLIC MEETING.—Subtitle A of the
19 Emergency Planning and Community Right-To-Know Act
20 of 1986 (42 U.S.C. 11001 et seq.) is amended by adding
21 at the end the following new section:

22 **“SEC. 306. ANNUAL PUBLIC MEETING.**

23 “Not later than 1 year after the date of enactment
24 of this section, and annually thereafter, the owner or oper-

1 ator of a facility subject to the requirements of this sub-
2 title shall—

3 “(1) publish a notice in a local newspaper, at
4 least 7 days in advance, of a public meeting, includ-
5 ing—

6 “(A) the date of such meeting;

7 “(B) the time of such meeting; and

8 “(C) the location of such meeting; and

9 “(2) hold such meeting, providing, consistent
10 with section 322—

11 “(A) the chemical name of each substance
12 on the list published under section 302(a) that
13 was present at such facility, in an amount in
14 excess of the threshold planning quantity estab-
15 lished for such substance under such section, at
16 any time in the preceding calendar year;

17 “(B) an estimate of the maximum amount
18 of each such substance present at such facility
19 during the preceding calendar year; and

20 “(C) the details of the methods and proce-
21 dures to be followed to respond to a release of
22 such a substance pursuant to the applicable
23 emergency plan prepared under section
24 303(c).”.

1 (c) ENFORCEMENT.—Section 325(c)(1) of the Emer-
2 gency Planning and Community Right-To-Know Act of
3 1986 (42 U.S.C. 11045(c)(1)) is amended by striking
4 “section 312” and inserting “section 306, 312,”.

5 (d) CLERICAL AMENDMENT.—The table of contents
6 in section 300(b) of the Emergency Planning and Commu-
7 nity Right-To-Know Act of 1986 is amended by adding
8 after the item relating to section 305 the following:

“Sec. 306. Annual public meeting.”.

9 **SEC. 609. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

10 (a) IN GENERAL.—The Administrator shall continue
11 to carry out the Environmental Justice Small Grants Pro-
12 gram and the Environmental Justice Collaborative Prob-
13 lem-Solving Cooperative Agreement Program, as those
14 programs are in existence on the date of enactment of this
15 Act.

16 (b) CARE GRANTS.—The Administrator shall con-
17 tinue to carry out the Community Action for a Renewed
18 Environment grant programs I and II, as in existence on
19 January 1, 2012.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to carry out the programs
22 described in subsections (a) and (b) \$50,000,000 for each
23 of fiscal years 2022 through 2031.

1 **SEC. 610. ENVIRONMENTAL JUSTICE COMMUNITY SOLID**
2 **WASTE DISPOSAL TECHNICAL ASSISTANCE**
3 **GRANTS.**

4 (a) GRANTS.—Subtitle D of the Solid Waste Disposal
5 Act (42 U.S.C. 6941 et seq.) is amended by adding at
6 the end the following new section:

7 **“SEC. 4011. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**
8 **NICAL ASSISTANCE GRANTS.**

9 “(a) IN GENERAL.—The Administrator may award
10 grants to eligible entities to enable such entities to partici-
11 pate in decisions impacting the health and safety of their
12 communities relating to the permitting or permit renewal
13 of a solid waste disposal facility or hazardous waste facil-
14 ity.

15 “(b) TIMING.—

16 “(1) GUIDANCE.—Not later than 12 months
17 after the date of enactment of this section, the Ad-
18 ministrator shall publish guidance describing the
19 process for eligible entities to apply for a grant
20 under this section, including the required content
21 and form of applications, the manner in which appli-
22 cations must be submitted, and any applicable dead-
23 lines.

24 “(2) FIRST GRANT.—Not later than 180 days
25 after the issuance of guidance under paragraph (1),

1 the Administrator shall award the first grant under
2 this section.

3 “(c) ELIGIBLE ENTITY.—To be eligible for a grant
4 under this section, an applicant shall be a group of individ-
5 uals who reside in a community that—

6 “(1) is a population of color, a community of
7 color, an indigenous community, or a low-income
8 community; and

9 “(2) is in close proximity to a facility described
10 in subsection (a) for which a decision relating to a
11 permit or permit renewal for such facility is re-
12 quired.

13 “(d) USE OF FUNDS.—An eligible entity receiving a
14 grant under this section shall use the grant to participate
15 in decisions impacting the health and safety of the commu-
16 nity involved that are related to the permitting or permit
17 renewal of a solid waste disposal facility or hazardous
18 waste facility, including—

19 “(1) interpreting information with regard to—

20 “(A) cumulative impacts studies;

21 “(B) health impacts studies;

22 “(C) relevant agency decisions; and

23 “(D) operation and maintenance of nec-
24 essary monitors; and

25 “(2) performing environmental monitoring.

1 “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

2 “(1) AMOUNT.—

3 “(A) IN GENERAL.—The amount of a
4 grant under this section (excluding any renew-
5 als of the grant) may not exceed \$50,000 for
6 any grant recipient.

7 “(B) EXCEPTION.—The Administrator
8 may waive the limitation in subparagraph (A)
9 with respect to an applicant in any case where
10 the Administrator determines that such waiver
11 is necessary for the community involved to ob-
12 tain the necessary technical assistance.

13 “(2) RENEWAL.—Grants may be renewed for
14 each step in the process for the permitting or permit
15 renewal of a solid waste disposal facility or haz-
16 ardous waste facility.

17 “(f) DEFINITIONS.—In this section:

18 “(1) The term ‘community of color’ has the
19 meaning given that term in section 601 of the
20 CLEAN Future Act.

21 “(2) The term ‘indigenous community’ has the
22 meaning given that term in section 601 of the
23 CLEAN Future Act.

1 “(3) The term ‘low income’ has the meaning
2 given that term in section 601 of the CLEAN Fu-
3 ture Act.

4 “(4) The term ‘population of color’ has the
5 meaning given that term in section 601 of the
6 CLEAN Future Act.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 for the Solid Waste Disposal Act is amended by adding
9 after the item relating to section 4010 the following:

 “Sec. 4011. Environmental justice community technical assistance grants.”.

10 **SEC. 611. TRAINING OF EMPLOYEES OF FEDERAL AGEN-**
11 **CIES.**

12 (a) INITIAL TRAINING.—Not later than 1 year after
13 the date of enactment of this Act, each employee of the
14 Department of Energy, the Environmental Protection
15 Agency, the Department of the Interior, and the National
16 Oceanic and Atmospheric Administration shall complete
17 an environmental justice training program to ensure that
18 each such employee—

19 (1) has received training in environmental jus-
20 tice; and

21 (2) is capable of—

22 (A) appropriately incorporating environ-
23 mental justice concepts into the daily activities
24 of the employee; and

1 (B) increasing the meaningful participation
2 of individuals from environmental justice com-
3 munities in the activities of the applicable agen-
4 cy.

5 (b) MANDATORY PARTICIPATION.—Effective on the
6 date that is 1 year after the date of enactment of this
7 Act, each individual hired by the Department of Energy,
8 the Environmental Protection Agency, the Department of
9 the Interior, and the National Oceanic and Atmospheric
10 Administration after that date shall be required to partici-
11 pate in environmental justice training.

12 (c) REQUIREMENT RELATING TO CERTAIN EMPLOY-
13 EES.—

14 (1) IN GENERAL.—With respect to each Fed-
15 eral agency that participates in the Working Group,
16 not later than 30 days after the date on which an
17 individual is appointed to the position of environ-
18 mental justice coordinator, or any other position the
19 responsibility of which involves the conduct of envi-
20 ronmental justice activities, the individual shall be
21 required to possess documentation of the completion
22 by the individual of environmental justice training.

23 (2) EVALUATION.—Not later than 3 years after
24 the date of enactment of this Act, the Inspector
25 General of each Federal agency that participates in

1 the Working Group shall evaluate the training pro-
2 grams of such Federal agency to determine if such
3 Federal agency has improved the rate of training of
4 the employees of such Federal agency to ensure that
5 each employee has received environmental justice
6 training.

7 **SEC. 612. ENVIRONMENTAL JUSTICE BASIC TRAINING PRO-**
8 **GRAM.**

9 (a) ESTABLISHMENT.—The Administrator shall es-
10 tablish a basic training program, in coordination and con-
11 sultation with nongovernmental environmental justice or-
12 ganizations, to increase the capacity of residents of envi-
13 ronmental justice communities to identify and address dis-
14 proportionately adverse human health or environmental ef-
15 fects by providing culturally and linguistically appro-
16 priate—

17 (1) training and education relating to—

18 (A) basic and advanced techniques for the
19 detection, assessment, and evaluation of the ef-
20 fects of hazardous substances on human health;

21 (B) methods to assess the risks to human
22 health presented by hazardous substances;

23 (C) methods and technologies to detect
24 hazardous substances in the environment;

1 (D) basic biological, chemical, and physical
2 methods to reduce the quantity and toxicity of
3 hazardous substances;

4 (E) the rights and safeguards currently af-
5 farded to individuals through policies and laws
6 intended to help environmental justice commu-
7 nities address disparate impacts and discrimi-
8 nation, including—

9 (i) laws adopted to protect human
10 health and the environment; and

11 (ii) section 602 of the Civil Rights Act
12 of 1964 (42 U.S.C. 2000d–1);

13 (F) public engagement opportunities
14 through the policies and laws described in sub-
15 paragraph (E);

16 (G) materials available on the Clearing-
17 house described in section 613;

18 (H) methods to expand access to parks
19 and other natural and recreational amenities;
20 and

21 (I) finding and applying for Federal grants
22 related to environmental justice; and

23 (2) short courses and continuation education
24 programs for residents of communities who are lo-

1 cated in close proximity to hazardous substances to
2 provide—

3 (A) education relating to—

4 (i) the proper manner to handle haz-
5 ardous substances;

6 (ii) the management of facilities at
7 which hazardous substances are located
8 (including facility compliance protocols);
9 and

10 (iii) the evaluation of the hazards that
11 facilities described in clause (ii) pose to
12 human health; and

13 (B) training on environmental and occupa-
14 tional health and safety with respect to the pub-
15 lic health and engineering aspects of hazardous
16 waste control.

17 (b) GRANT PROGRAM.—

18 (1) ESTABLISHMENT.—In carrying out the
19 basic training program established under subsection
20 (a), the Administrator may provide grants to, or
21 enter into any contract or cooperative agreement
22 with, an eligible entity to carry out any training or
23 educational activity described in subsection (a).

24 (2) ELIGIBLE ENTITY.—To be eligible to receive
25 assistance under paragraph (1), an eligible entity

1 shall be an accredited institution of education in
2 partnership with—

3 (A) a community-based organization that
4 carries out activities relating to environmental
5 justice;

6 (B) a generator of hazardous waste;

7 (C) any individual who is involved in the
8 detection, assessment, evaluation, or treatment
9 of hazardous waste;

10 (D) any owner or operator of a facility at
11 which hazardous substances are located; or

12 (E) any State government, Tribal Govern-
13 ment, or local government.

14 (c) PLAN.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, the Administrator,
17 in consultation with the Director, shall develop and
18 publish in the Federal Register a plan to carry out
19 the basic training program established under sub-
20 section (a).

21 (2) CONTENTS.—The plan described in para-
22 graph (1) shall contain—

23 (A) a list that describes the relative pri-
24 ority of each activity described in subsection
25 (a); and

1 (B) a description of research and training
2 relevant to environmental justice issues of com-
3 munities adversely affected by pollution.

4 (3) COORDINATION WITH FEDERAL AGEN-
5 CIES.—The Administrator shall, to the maximum ex-
6 tent practicable, take appropriate steps to coordinate
7 the activities of the basic training program described
8 in the plan with the activities of other Federal agen-
9 cies to avoid any duplication of effort.

10 (d) REPORT.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, and every 2 years
13 thereafter, the Administrator shall submit to the
14 Committees on Energy and Commerce and Natural
15 Resources of the House of Representatives and the
16 Committees on Environment and Public Works and
17 Energy and Natural Resources of the Senate a re-
18 port describing—

19 (A) the implementation of the basic train-
20 ing program established under subsection (a);
21 and

22 (B) the impact of the basic training pro-
23 gram on improving training opportunities for
24 residents of environmental justice communities.

1 (2) PUBLIC AVAILABILITY.—The Administrator
2 shall make the report required under paragraph (1)
3 available to the public (including by posting a copy
4 of the report on the website of the Environmental
5 Protection Agency).

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$10,000,000 for each of fiscal years 2022 through 2031.

9 **SEC. 613. ENVIRONMENTAL JUSTICE CLEARINGHOUSE.**

10 (a) ESTABLISHMENT.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator shall
12 establish a public internet-based clearinghouse, to be
13 known as the Environmental Justice Clearinghouse.

14 (b) CONTENTS.—The Clearinghouse shall be com-
15 prised of culturally and linguistically appropriate mate-
16 rials related to environmental justice, including—

17 (1) information describing the activities con-
18 ducted by the Environmental Protection Agency to
19 address issues relating to environmental justice;

20 (2) copies of training materials provided by the
21 Administrator to help individuals and employees un-
22 derstand and carry out environmental justice activi-
23 ties;

24 (3) links to web pages that describe environ-
25 mental justice activities of other Federal agencies;

1 (4) a directory of individuals who possess tech-
2 nical expertise in issues relating to environmental
3 justice;

4 (5) a directory of nonprofit and community-
5 based organizations, including grassroots organiza-
6 tions led by people of color, that address issues re-
7 lating to environmental justice at the local, State,
8 and Federal levels (with particular emphasis given to
9 nonprofit and community-based organizations that
10 possess the capability to provide advice or technical
11 assistance to environmental justice communities);
12 and

13 (6) any other appropriate information as deter-
14 mined by the Administrator, including information
15 on any resources available to help address the dis-
16 proportionate burden of adverse human health or en-
17 vironmental effects on environmental justice commu-
18 nities.

19 (c) CONSULTATION.—In developing the Clearing-
20 house, the Administrator shall consult with individuals
21 representing academic and community-based organiza-
22 tions who have expertise in issues relating to environ-
23 mental justice.

24 (d) ANNUAL REVIEW.—The Advisory Council shall—

1 (1) conduct a review of the Clearinghouse on an
2 annual basis; and

3 (2) recommend to the Administrator any up-
4 dates for the Clearinghouse that the Advisory Coun-
5 cil determines to be necessary for the effective oper-
6 ation of the Clearinghouse.

7 **SEC. 614. PUBLIC MEETINGS.**

8 (a) **IN GENERAL.**—Not later than 2 years after the
9 date of enactment of this Act, and biennially thereafter,
10 the Administrator shall hold public meetings on environ-
11 mental justice issues in each region of the Environmental
12 Protection Agency to gather public input with respect to
13 the implementation and updating of environmental justice
14 strategies and efforts of the Environmental Protection
15 Agency.

16 (b) **OUTREACH TO ENVIRONMENTAL JUSTICE COM-**
17 **MUNITIES.**—The Administrator, in advance of the meet-
18 ings described in subsection (a), shall to the extent prac-
19 ticable hold multiple meetings in environmental justice
20 communities in each region to provide meaningful commu-
21 nity involvement opportunities.

22 (c) **NOTICE.**—Notice for the meetings described in
23 subsections (a) and (b) shall be provided—

1 (1) to applicable representative entities or orga-
2 nizations present in the environmental justice com-
3 munity including—

4 (A) local religious organizations;

5 (B) civic associations and organizations;

6 (C) business associations of people of color;

7 (D) environmental and environmental jus-
8 tice organizations;

9 (E) homeowners', tenants', and neighbor-
10 hood watch groups;

11 (F) local and Tribal Governments;

12 (G) rural cooperatives;

13 (H) business and trade organizations;

14 (I) community and social service organiza-
15 tions;

16 (J) universities, colleges, and vocational
17 schools;

18 (K) labor organizations;

19 (L) civil rights organizations;

20 (M) senior citizens' groups; and

21 (N) public health agencies and clinics;

22 (2) through communication methods that are
23 accessible in the applicable environmental justice
24 community, which may include electronic media,
25 newspapers, radio, and other media particularly tar-

1 geted at communities of color, low-income commu-
2 nities, and Tribal and indigenous communities; and

3 (3) at least 30 days before any such meeting.

4 (d) COMMUNICATION METHODS AND REQUIRE-
5 MENTS.—The Administrator shall—

6 (1) provide translations of any documents made
7 available to the public pursuant to this section in
8 any language spoken by more than 5 percent of the
9 population residing within the applicable environ-
10 mental justice community, and make available trans-
11 lation services for meetings upon request; and

12 (2) not require members of the public to
13 produce a form of identification or register their
14 names, provide other information, complete a ques-
15 tionnaire, or otherwise fulfill any condition precedent
16 to attending a meeting, but if an attendance list,
17 register, questionnaire, or other similar document is
18 utilized during meetings, it shall state clearly that
19 the signing, registering, or completion of the docu-
20 ment is voluntary.

21 (e) REQUIRED ATTENDANCE OF CERTAIN EMPLOY-
22 EES.—In holding a public meeting under subsection (a),
23 the Administrator shall ensure that at least 1 employee
24 of the Environmental Protection Agency at the level of As-
25 sistant Administrator is present at the meeting to serve

1 as a representative of the Environmental Protection Agen-
2 cy.

3 **SEC. 615. ENVIRONMENTAL JUSTICE COMMUNITY, STATE,**
4 **AND TRIBAL GRANT PROGRAMS.**

5 (a) ENVIRONMENTAL JUSTICE COMMUNITY GRANT
6 PROGRAM.—

7 (1) ESTABLISHMENT.—The Administrator shall
8 establish a program under which the Administrator
9 shall provide grants to eligible entities to assist the
10 eligible entities in—

11 (A) building capacity to address issues re-
12 lating to environmental justice; and

13 (B) carrying out any activity described in
14 paragraph (4).

15 (2) ELIGIBILITY.—To be eligible to receive a
16 grant under paragraph (1), an eligible entity shall be
17 a nonprofit, community-based organization that con-
18 ducts activities, including providing medical and pre-
19 ventive health services, to reduce the dispropor-
20 tionate health impacts of environmental pollution in
21 the environmental justice community at which the
22 eligible entity proposes to conduct an activity that is
23 the subject of the application described in paragraph
24 (3).

1 (3) APPLICATION.—To be eligible to receive a
2 grant under paragraph (1), an eligible entity shall
3 submit to the Administrator an application at such
4 time, in such manner, and containing such informa-
5 tion as the Administrator may require, including—

6 (A) an outline describing the means by
7 which the project proposed by the eligible entity
8 will—

9 (i) with respect to environmental and
10 public health issues at the local level, in-
11 crease the understanding of the environ-
12 mental justice community at which the eli-
13 gible entity will conduct the project;

14 (ii) improve the ability of the environ-
15 mental justice community to address each
16 issue described in clause (i);

17 (iii) facilitate collaboration and co-
18 operation among various stakeholders (in-
19 cluding members of the environmental jus-
20 tice community); and

21 (iv) support the ability of the environ-
22 mental justice community to proactively
23 plan and implement just sustainable com-
24 munity development and revitalization ini-

1 tiatives, including countering displacement
2 and gentrification;

3 (B) a proposed budget for each activity of
4 the project that is the subject of the applica-
5 tion;

6 (C) a list of proposed outcomes with re-
7 spect to the proposed project;

8 (D) a description of the ways by which the
9 eligible entity may leverage the funds of the eli-
10 gible entity, or the funds made available
11 through a grant under this subsection, to de-
12 velop a project that is capable of being sus-
13 tained beyond the period of the grant; and

14 (E) a description of the ways by which the
15 eligible entity is linked to, and representative
16 of, the environmental justice community at
17 which the eligible entity will conduct the
18 project.

19 (4) USE OF FUNDS.—An eligible entity may
20 only use a grant under this subsection to carry out
21 culturally and linguistically appropriate projects and
22 activities that are driven by the needs, opportunities,
23 and priorities of the environmental justice commu-
24 nity at which the eligible entity proposes to conduct
25 the project or activity to address environmental jus-

1 tice concerns and improve the health or environment
2 of the environmental justice community, including
3 activities—

4 (A) to create or develop collaborative part-
5 nerships;

6 (B) to educate and provide outreach serv-
7 ices to the environmental justice community;

8 (C) to identify and implement projects to
9 address environmental or public health con-
10 cerns; or

11 (D) to develop a comprehensive under-
12 standing of environmental or public health
13 issues.

14 (5) REPORT.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this Act, and an-
17 nually thereafter, the Administrator shall sub-
18 mit to the Committees on Energy and Com-
19 merce and Natural Resources of the House of
20 Representatives and the Committees on Envi-
21 ronment and Public Works and Energy and
22 Natural Resources of the Senate a report de-
23 scribing the ways by which the grant program
24 under this subsection has helped community-

1 based nonprofit organizations address issues re-
2 lating to environmental justice.

3 (B) PUBLIC AVAILABILITY.—The Adminis-
4 trator shall make each report required under
5 subparagraph (A) available to the public (in-
6 cluding by posting a copy of the report on the
7 website of the Environmental Protection Agen-
8 cy).

9 (6) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$25,000,000 for each of fiscal years
12 2022 through 2031.

13 (b) STATE GRANT PROGRAM.—

14 (1) ESTABLISHMENT.—The Administrator shall
15 establish a program under which the Administrator
16 shall provide grants to States to enable the States—

17 (A) to establish culturally and linguistically
18 appropriate protocols, activities, and mecha-
19 nisms for addressing issues relating to environ-
20 mental justice; and

21 (B) to carry out culturally and linguis-
22 tically appropriate activities to reduce or elimi-
23 nate disproportionately adverse human health
24 or environmental effects on environmental jus-
25 tice communities in the State, including reduc-

1 ing economic vulnerabilities that result in the
2 environmental justice communities being dis-
3 proportionately affected.

4 (2) ELIGIBILITY.—

5 (A) APPLICATION.—To be eligible to re-
6 ceive a grant under paragraph (1), a State shall
7 submit to the Administrator an application at
8 such time, in such manner, and containing such
9 information as the Administrator may require,
10 including—

11 (i) a plan that contains a description
12 of the means by which the funds provided
13 through a grant under paragraph (1) will
14 be used to address issues relating to envi-
15 ronmental justice at the State level; and

16 (ii) assurances that the funds pro-
17 vided through a grant under paragraph (1)
18 will be used only to supplement the
19 amount of funds that the State allocates
20 for initiatives relating to environmental
21 justice.

22 (B) ABILITY TO CONTINUE PROGRAM.—To
23 be eligible to receive a grant under paragraph
24 (1), a State shall demonstrate to the Adminis-
25 trator that the State has the ability to continue

1 each program that is the subject of funds pro-
2 vided through a grant under paragraph (1)
3 after receipt of the funds.

4 (3) REPORT.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, and an-
7 nually thereafter, the Administrator shall sub-
8 mit to the Committees on Energy and Com-
9 merce and Natural Resources of the House of
10 Representatives and the Committees on Envi-
11 ronment and Public Works and Energy and
12 Natural Resources of the Senate a report de-
13 scribing—

14 (i) the implementation of the grant
15 program established under paragraph (1);

16 (ii) the impact of the grant program
17 on improving the ability of each partici-
18 pating State to address environmental jus-
19 tice issues; and

20 (iii) the activities carried out by each
21 State to reduce or eliminate disproportion-
22 ately adverse human health or environ-
23 mental effects on environmental justice
24 communities in the State.

1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make each report required under
3 subparagraph (A) available to the public (in-
4 cluding by posting a copy of the report on the
5 website of the Environmental Protection Agen-
6 cy).

7 (4) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$15,000,000 for each of fiscal years
10 2022 through 2031.

11 (c) TRIBAL GRANT PROGRAM.—

12 (1) ESTABLISHMENT.—The Administrator shall
13 establish a program under which the Administrator
14 shall provide grants to Tribal Governments to enable
15 the Indian Tribes—

16 (A) to establish culturally and linguistically
17 appropriate protocols, activities, and mecha-
18 nisms for addressing issues relating to environ-
19 mental justice; and

20 (B) to carry out culturally and linguis-
21 tically appropriate activities to reduce or elimi-
22 nate disproportionately adverse human health
23 or environmental effects on environmental jus-
24 tice communities in Tribal and indigenous com-
25 munities, including reducing economic

1 vulnerabilities that result in the Tribal and in-
2 digenous communities being disproportionately
3 affected.

4 (2) ELIGIBILITY.—

5 (A) APPLICATION.—To be eligible to re-
6 ceive a grant under paragraph (1), a Tribal
7 Government shall submit to the Administrator
8 an application at such time, in such manner,
9 and containing such information as the Admin-
10 istrator may require, including—

11 (i) a plan that contains a description
12 of the means by which the funds provided
13 through a grant under paragraph (1) will
14 be used to address issues relating to envi-
15 ronmental justice in Tribal and indigenous
16 communities; and

17 (ii) assurances that the funds pro-
18 vided through a grant under paragraph (1)
19 will be used only to supplement the
20 amount of funds that the Tribal Govern-
21 ment allocates for initiatives relating to en-
22 vironmental justice.

23 (B) ABILITY TO CONTINUE PROGRAM.—To
24 be eligible to receive a grant under paragraph
25 (1), a Tribal Government shall demonstrate to

1 the Administrator that the Tribal Government
2 has the ability to continue each program that is
3 the subject of funds provided through a grant
4 under paragraph (1) after receipt of the funds.

5 (3) REPORT.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this Act, and an-
8 nually thereafter, the Administrator shall sub-
9 mit to the Committees on Energy and Com-
10 merce and Natural Resources of the House of
11 Representatives and the Committees on Envi-
12 ronment and Public Works and Energy and
13 Natural Resources of the Senate a report de-
14 scribing—

15 (i) the implementation of the grant
16 program established under paragraph (1);

17 (ii) the impact of the grant program
18 on improving the ability of each partici-
19 pating Indian Tribe to address environ-
20 mental justice issues; and

21 (iii) the activities carried out by each
22 Tribal Government to reduce or eliminate
23 disproportionately adverse human health or
24 environmental effects on applicable envi-

1 ronmental justice communities in Tribal
2 and indigenous communities.

3 (B) PUBLIC AVAILABILITY.—The Adminis-
4 trator shall make each report required under
5 subparagraph (A) available to the public (in-
6 cluding by posting a copy of the report on the
7 website of the Environmental Protection Agen-
8 cy).

9 (4) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to carry out
11 this subsection \$25,000,000 for each of fiscal years
12 2022 through 2031.

13 (d) COMMUNITY-BASED PARTICIPATORY RESEARCH
14 GRANT PROGRAM.—

15 (1) ESTABLISHMENT.—The Administrator, in
16 consultation with the Director, shall establish a pro-
17 gram under which the Administrator shall provide
18 not more than 25 multiyear grants to eligible enti-
19 ties to carry out community-based participatory re-
20 search—

21 (A) to address issues relating to environ-
22 mental justice;

23 (B) to improve the environment of resi-
24 dents and workers in environmental justice
25 communities; and

1 (C) to improve the health outcomes of resi-
2 dents and workers in environmental justice
3 communities.

4 (2) ELIGIBILITY.—To be eligible to receive a
5 multiyear grant under paragraph (1), an eligible en-
6 tity shall be a partnership comprised of—

7 (A) an accredited institution of higher edu-
8 cation; and

9 (B) a community-based organization.

10 (3) APPLICATION.—To be eligible to receive a
11 multiyear grant under paragraph (1), an eligible en-
12 tity shall submit to the Administrator an application
13 at such time, in such manner, and containing such
14 information as the Administrator may require, in-
15 cluding—

16 (A) a detailed description of the partner-
17 ship of the eligible entity that, as determined by
18 the Administrator, demonstrates the participa-
19 tion of members of the community at which the
20 eligible entity proposes to conduct the research;
21 and

22 (B) a description of—

23 (i) the project proposed by the eligible
24 entity; and

1 (ii) the ways by which the project
2 will—

3 (I) address issues relating to en-
4 vironmental justice;

5 (II) assist in the improvement of
6 health outcomes of residents and
7 workers in environmental justice com-
8 munities; and

9 (III) assist in the improvement of
10 the environment of residents and
11 workers in environmental justice com-
12 munities.

13 (4) PUBLIC AVAILABILITY.—The Administrator
14 shall make the results of the grants available pro-
15 vided under this subsection to the public, including
16 by posting on the website of the Environmental Pro-
17 tection Agency a copy of the grant awards and an
18 annual report at the beginning of each fiscal year
19 describing the research findings associated with each
20 grant provided under this subsection.

21 (5) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection \$10,000,000 for each of fiscal years
24 2022 through 2031.

1 **SEC. 616. PUBLIC HEALTH RISKS ASSOCIATED WITH CUMU-**
2 **LATIVE ENVIRONMENTAL STRESSORS.**

3 (a) PROPOSED PROTOCOL.—Not later than 180 days
4 after the date of enactment of this section, the Adminis-
5 trator, in consultation with the Advisory Council, shall
6 publish a proposal for a protocol for assessing and ad-
7 dressing the cumulative public health risks associated with
8 multiple environmental stressors. The Administrator shall
9 allow 90 days for public comment on such proposal. The
10 environmental stressors addressed under such proposal
11 shall include—

12 (1) impacts associated with global climate
13 change, including extreme heat, extremes in tem-
14 perature change, drought, wildfires, sea level rise,
15 flooding, storms, water shortage, food shortage, eco-
16 system disruption, and the spread of infectious dis-
17 ease;

18 (2) exposure to pollutants, emissions, dis-
19 charges, waste, chemicals, or other materials subject
20 to regulation under the Clean Air Act, the Federal
21 Water Pollution Control Act, the Safe Drinking
22 Water Act, the Toxic Substances Control Act, the
23 Solid Waste Disposal Act, the Comprehensive Envi-
24 ronmental Response, Compensation, and Liability
25 Act of 1980, the Emergency Planning and Commu-

1 nity Right-to-Know Act of 1986, and other laws ad-
2 ministered by the Administrator; and

3 (3) other environmental stressors determined by
4 the Administrator to impact public health.

5 (b) FINAL PROTOCOL.—Not later than 1 year after
6 the enactment of this section, the Administrator shall pub-
7 lish the final protocol for assessing and addressing the cu-
8 mulative public health risks associated with multiple envi-
9 ronmental stressors.

10 (c) IMPLEMENTATION.—Not later than 3 years after
11 the enactment of this section, the Administrator shall im-
12 plement the protocol described under subsection (b).

13 **SEC. 617. CLIMATE JUSTICE GRANT PROGRAM.**

14 (a) ESTABLISHMENT.—The Administrator shall es-
15 tablish a program under which the Administrator shall
16 provide grants to eligible entities to assist the eligible enti-
17 ties in—

18 (1) building capacity to address issues relating
19 to climate justice; and

20 (2) carrying out any activity described in sub-
21 section (d).

22 (b) ELIGIBILITY.—To be eligible to receive a grant
23 under subsection (a), an eligible entity shall be a Tribal
24 government, local government, or nonprofit, community-
25 based organization.

1 (c) APPLICATION.—To be eligible to receive a grant
2 under subsection (a), an eligible entity shall submit to the
3 Administrator an application at such time, in such man-
4 ner, and containing such information as the Administrator
5 may require, including—

6 (1) an outline describing the means by which
7 the project proposed by the eligible entity will—

8 (A) with respect to climate justice issues at
9 the local level, increase the understanding of
10 the environmental justice community at which
11 the eligible entity will conduct the project;

12 (B) improve the ability of the environ-
13 mental justice community to address each issue
14 described in subparagraph (A);

15 (C) facilitate collaboration and cooperation
16 among various stakeholders (including members
17 of the environmental justice community); and

18 (D) support the ability of the environ-
19 mental justice community to proactively plan
20 and implement climate justice initiatives;

21 (2) a proposed budget for each activity of the
22 project that is the subject of the application;

23 (3) a list of proposed outcomes with respect to
24 the proposed project;

1 (4) a description of the ways by which the eligi-
2 ble entity may leverage the funds of the eligible enti-
3 ty, or the funds made available through a grant
4 under this subsection, to develop a project that is ca-
5 pable of being sustained beyond the period of the
6 grant; and

7 (5) a description of the ways by which the eligi-
8 ble entity is linked to, and representative of, the en-
9 vironmental justice community at which the eligible
10 entity will conduct the project.

11 (d) USE OF FUNDS.—An eligible entity may only use
12 a grant under this subsection to carry out culturally and
13 linguistically appropriate projects and activities that are
14 driven by the needs, opportunities, and priorities of the
15 environmental justice community at which the eligible en-
16 tity proposes to conduct the project or activity to address
17 climate justice concerns of the environmental justice com-
18 munity, including activities—

19 (1) to create or develop collaborative partner-
20 ships;

21 (2) to educate and provide outreach services to
22 the environmental justice community on climate jus-
23 tice;

24 (3) to identify and implement projects to ad-
25 dress climate justice concerns, including community

1 solar and wind energy projects, energy efficiency,
2 home and building electrification, home and building
3 weatherization, energy storage, solar and wind en-
4 ergy supported microgrids, battery electric vehicles,
5 electric vehicle charging infrastructure, natural in-
6 frastructure, and climate resilient infrastructure.

7 (e) LIMITATIONS ON AMOUNT.—The amount of a
8 grant under this section may not exceed \$2,000,000 for
9 any grant recipient.

10 (f) REPORT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, and annually
13 thereafter, the Administrator shall submit to the
14 Committees on Energy and Commerce and Natural
15 Resources of the House of Representatives and the
16 Committees on Environment and Public Works and
17 Energy and Natural Resources of the Senate a re-
18 port describing the ways by which the grant pro-
19 gram under this subsection has helped eligible enti-
20 ties address issues relating to energy and climate
21 justice.

22 (2) PUBLIC AVAILABILITY.—The Administrator
23 shall make each report required under paragraph (1)
24 available to the public (including by posting a copy

1 of the report on the website of the Environmental
2 Protection Agency).

3 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this subsection
5 \$1,000,000,000 for each of fiscal years 2022 through
6 2031. The Administrator may not use more than 2 per-
7 cent of the amount appropriated for each fiscal year for
8 administrative expenses, including outreach and technical
9 assistance to eligible entities.

10 **SEC. 618. OFFICE OF ENERGY EQUITY.**

11 (a) IN GENERAL.—Title II of the Department of En-
12 ergy Organization Act (42 U.S.C. 7131 et seq.) is amend-
13 ed by adding at the end the following:

14 **“SEC. 218. OFFICE OF ENERGY EQUITY.**

15 “(a) ESTABLISHMENT.—There is established within
16 the Department an Office of Energy Equity (referred to
17 in this section as the ‘Office’). The Office shall be headed
18 by a Director, who shall be appointed by the Secretary
19 and compensated at a rate equal to that of level IV of
20 the Executive Schedule under section 5315 of title 5,
21 United States Code.

22 “(b) DUTIES OF THE DIRECTOR.—The Director, in
23 accordance with Executive Order 12898 (42 U.S.C. 4321
24 note) and the purposes of this Act, shall provide, direct,
25 foster, coordinate, and implement energy planning, edu-

1 cation, management, conservation, and delivery programs
2 of the Department that—

3 “(1) promote an agency-wide environmental
4 justice strategy and interagency collaboration;

5 “(2) reduce or stabilize energy costs within un-
6 derserved or disadvantaged communities; and

7 “(3) increase the availability of energy con-
8 servation measures within underserved or disadvan-
9 tagged communities.

10 “(c) DEFINITIONS.—In this section:

11 “(1) ENERGY CONSERVATION MEASURES.—The
12 term ‘energy conservation measures’ means meas-
13 ures that improve energy efficiency, energy conserva-
14 tion, or access to renewable energy sources, includ-
15 ing retrofit activities.

16 “(2) COMMUNITY OF COLOR; POPULATION OF
17 COLOR; LOW-INCOME COMMUNITY.—The terms ‘com-
18 munity of color’, ‘population of color’, and ‘low-in-
19 come community’ have the meanings given those
20 terms in section 601 of the CLEAN Future Act.

21 “(3) UNDERSERVED OR DISADVANTAGED COM-
22 MUNITY.—The term ‘underserved or disadvantaged
23 community’ means—

1 “(A) a community located in a ZIP Code
2 that includes a census tract that is identified
3 as—

4 “(i) a low-income community;

5 “(ii) a community of color; or

6 “(iii) a population of color; or

7 “(B) any other community that the Sec-
8 retary determines is disproportionately vulner-
9 able to, or bears a disproportionate burden of,
10 any combination of economic, social, and envi-
11 ronmental stressors.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$20,000,000 for each of fiscal years 2022 through 2031.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents of the Department of Energy Organization Act is
17 amended by inserting after the item relating to section
18 217 the following:

“Sec. 218. Office of Energy Equity.”.

19 **Subtitle B—Restoring Regulatory**
20 **Protections**

21 **SEC. 621. ENHANCING UNDERGROUND INJECTION CON-**
22 **TROLS FOR ENHANCED OIL RECOVERY.**

23 Section 1426 of the Safe Drinking Water Act (42
24 U.S.C. 300h-5) is amended—

1 (1) by striking “(a) Not later than” and insert-
2 ing the following:

3 “(a) MONITORING FOR CLASS I WELLS.—Not later
4 than”; and

5 (2) by adding at the end the following new sub-
6 section:

7 “(b) REGULATIONS FOR CLASS VII WELLS.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of the CLEAN Future Act,
10 the Administrator shall propose regulations for a
11 new class of wells under this part for enhanced oil
12 recovery that includes sequestration of carbon diox-
13 ide. The Administrator shall finalize such regula-
14 tions not later than 2 years after the date of enact-
15 ment of the CLEAN Future Act.

16 “(2) REQUIREMENTS FOR THE PROTECTION OF
17 UNDERGROUND SOURCES OF DRINKING WATER.—

18 The regulations promulgated pursuant to paragraph
19 (1) shall ensure the protection of underground
20 sources of drinking water from enhanced oil recovery
21 and include the following minimum requirements:

22 “(A) Site characterization, including dem-
23 onstration that the injection zone and confining
24 zone have sufficient properties to receive the

1 volume of injectate and contain the volumes of
2 sequestered gas and fluid.

3 “(B) Identification of all penetrations in
4 the area of review and corrective action as
5 needed to ensure all penetrations in the area of
6 review have been closed in a manner that pre-
7 vents the movement of carbon dioxide.

8 “(C) Design and construction that pre-
9 vents the movement of fluids into unauthorized
10 zones and permits continuous monitoring of the
11 annulus between the tubing and casing.

12 “(D) Testing and monitoring sufficient to
13 ensure that sequestration of carbon dioxide is
14 operating as permitted and is not endangering
15 underground sources of drinking water, includ-
16 ing periodic monitoring of ground water quality
17 above the injection zone.

18 “(E) Postinjection site care and closure
19 sufficient to ensure no endangerment of under-
20 ground sources of drinking water.

21 “(3) REQUIREMENTS FOR THE MITIGATION OF
22 GREENHOUSE GAS EMISSIONS.—

23 “(A) PERCENTAGES.—The regulations pro-
24 mulgated pursuant to paragraph (1) shall re-
25 quire increasing net sequestration of carbon di-

1 oxide, on a per-well basis, in permitted wells,
2 according to the following schedule:

3 “(i) Net sequestration of 30 percent
4 by 2025.

5 “(ii) Net sequestration of 50 percent
6 by 2030.

7 “(iii) Net sequestration of 80 percent
8 by 2035.

9 “(iv) Net sequestration of 100 percent
10 by 2045.

11 “(v) Net sequestration of 110 percent
12 by 2050.

13 “(B) ESTIMATES.—The regulations pro-
14 mulgated pursuant to paragraph (1) may allow
15 estimates of net sequestration of carbon dioxide
16 to be based on modeling or monitoring.

17 “(4) TRANSITION OF EXISTING CLASS II
18 WELLS.—The regulations promulgated pursuant to
19 paragraph (1) shall allow for the transition of exist-
20 ing Class II wells to the class of wells established
21 pursuant to this subsection upon a showing that
22 such a well can meet the requirements of such regu-
23 lations relating to site characterization, penetrations,
24 testing and monitoring, and postinjection site care
25 and closure.”.

1 **SEC. 622. ENSURING SAFE DISPOSAL OF COAL ASH.**

2 Section 4005(d) of the Solid Waste Disposal Act (42
3 U.S.C. 6945(d)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B)—

6 (i) in the matter preceding clause (i),
7 by striking “after public notice and an op-
8 portunity for public comment” and insert-
9 ing “after public notice, an opportunity for
10 public comment, and an opportunity for a
11 public hearing”;

12 (ii) in clause (i), by striking “; or”
13 and inserting “; and”; and

14 (iii) by amending clause (ii) to read as
15 follows:

16 “(ii) the minimum requirements de-
17 scribed in paragraph (3).”;

18 (B) by amending subparagraph (C) to read
19 as follows:

20 “(C) RETENTION OF STATE AUTHORITY.—

21 No State or political subdivision may impose
22 any requirement less stringent than the require-
23 ments for coal combustion residuals under part
24 257 of title 40, Code of Federal Regulations (or
25 successor regulations promulgated pursuant to
26 sections 1008(a)(3) and 4004(a)). Nothing in

1 this subsection shall be construed to prohibit
2 any State or political subdivision thereof from
3 imposing any requirements for coal combustion
4 residuals that are more stringent than those im-
5 posed by such regulations.”;

6 (C) in subparagraph (D)—

7 (i) in clause (i)(I), by striking “12”
8 and inserting “5”;

9 (ii) in clause (ii)(II), by inserting
10 “clauses (i) and (ii) of” before “subpara-
11 graph (B)”;

12 (iii) by adding at the end the fol-
13 lowing:

14 “(iii) PERIOD FOR CORRECTION OF
15 DEFICIENCIES.—The Administrator shall
16 include in a notice under clause (ii) a rea-
17 sonable period for the State to correct the
18 deficiencies identified under such clause,
19 which shall not exceed 120 days.”;

20 (D) in subparagraph (E), by inserting “by
21 the end of the period included in the notice
22 under subparagraph (D)(iii)” after “identified
23 by the Administrator under subparagraph
24 (D)(ii)”;

1 (2) in paragraph (2)(B), by adding before the
2 period at the end “and the minimum requirements
3 described in paragraph (3)”;

4 (3) by amending paragraph (3) to read as fol-
5 lows:

6 “(3) MINIMUM REQUIREMENTS.—In addition to
7 requiring compliance with the applicable criteria for
8 coal combustion residuals units under part 257 of
9 title 40, Code of Federal Regulations (or successor
10 regulations promulgated pursuant to sections
11 1008(a)(3) and 4004(a)), a permit program or other
12 system of prior approval and conditions approved or
13 implemented by the Administrator under this sub-
14 section shall, at a minimum—

15 “(A) require meaningful (as defined in sec-
16 tion 601 of the CLEAN Future Act) public
17 participation in the issuance and renewal of all
18 permits or other prior approvals, including no-
19 tice, opportunity to comment, and public hear-
20 ings;

21 “(B) require financial assurance for all
22 coal combustion residuals units sufficient to
23 cover closure and corrective actions, with no al-
24 lowance for self-bonding;

1 “(C) prohibit the continued operation of
2 unlined impoundments, which shall include all
3 coal combustion residuals units that fail to meet
4 the design criteria for new impoundments pur-
5 suant to part 257 of title 40, Code of Federal
6 Regulations;

7 “(D) limit fugitive dust at coal combustion
8 residuals units and during closure and correc-
9 tive action to no more than 35 micrograms per
10 square meter, or another standard established
11 by the Administrator that will protect human
12 health, including the health of vulnerable or dis-
13 proportionately exposed subpopulations, and re-
14 quire air monitoring and public reporting to en-
15 sure such standard is met;

16 “(E) require permit or other prior approval
17 terms that do not exceed 5 years;

18 “(F) require permits for closure and cor-
19 rective action, and deny any permit for closure
20 that would allow coal combustion residuals to
21 remain—

22 “(i) in contact with ground water;

23 “(ii) in a location that does not meet
24 the requirements for new units under part

1 257 of title 40, Code of Federal Regula-
2 tions; or

3 “(iii) in a unit that fails to meet the
4 design criteria for new impoundments pur-
5 suant to part 257 of title 40, Code of Fed-
6 eral Regulations;

7 “(G) prohibit, as open dumping, the use of
8 coal combustion residuals in unencapsulated
9 uses;

10 “(H) require a permit or other prior ap-
11 proval for any coal combustion residuals unit
12 that is located on the premises of a coal-burn-
13 ing electric generating facility and has not been
14 closed pursuant to the criteria in part 257 of
15 title 40, Code of Federal Regulations, without
16 regard to when the unit ceased accepting coal
17 combustion residuals;

18 “(I) require ground water monitoring
19 methods that are sufficient to detect contami-
20 nants at levels defined in applicable ground
21 water protection standards;

22 “(J) require ground water monitoring for
23 all constituents listed in Appendix IV to part
24 257 of title 40, Code of Federal Regulations,
25 and boron and hexavalent chromium;

1 “(K) require corrective actions for all con-
2 tinuing releases at a coal combustion residuals
3 unit with a permit or other prior approval
4 under this subsection; and

5 “(L) require corrective action beyond facil-
6 ity boundaries, as needed to protect human
7 health and the environment, including the
8 health of vulnerable or disproportionately ex-
9 posed subpopulations.”;

10 (4) in paragraph (5), by adding before the pe-
11 riod at the end “and the minimum requirements de-
12 scribed in paragraph (3)”;

13 (5) by adding at the end the following new
14 paragraph:

15 “(8) REVISION OF REGULATIONS.—Not later
16 than 2 years after the date of enactment of this
17 paragraph, the Administrator shall finalize revisions
18 to the criteria for coal combustion residuals units
19 under part 257 of title 40, Code of Federal Regula-
20 tions, to include any other criteria necessary to pro-
21 tect human health and the environment, including
22 the health of vulnerable or disproportionately ex-
23 posed subpopulations.”.

1 **SEC. 623. SAFE HYDRATION IS AN AMERICAN RIGHT IN EN-**
2 **ERGY DEVELOPMENT.**

3 (a) IN GENERAL.—Section 1421(b)(1) of the Safe
4 Drinking Water Act (42 U.S.C. 300h(b)(1)) is amended—

5 (1) in subparagraph (C), by striking “and” at
6 the end;

7 (2) in subparagraph (D), by striking the period
8 at the end and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(E) shall prohibit the underground injection of
11 fluids or propping agents pursuant to hydraulic frac-
12 turing operations related to oil, gas, or geothermal
13 production activities unless the person proposing to
14 conduct the hydraulic fracturing operations agrees
15 to conduct testing and report data in accordance
16 with section 1421A.”.

17 (b) TESTING AND REPORTING REQUIREMENTS.—
18 Part C of the Safe Drinking Water Act is amended by
19 inserting after section 1421 of such Act (42 U.S.C. 300h)
20 the following:

21 **“SEC. 1421A. TESTING OF UNDERGROUND DRINKING**
22 **WATER SOURCES IN CONNECTION WITH HY-**
23 **DRAULIC FRACTURING OPERATIONS.**

24 “(a) REQUIREMENTS.—Regulations under section
25 1421(a) for State underground injection control programs
26 shall, in connection with the underground injection of

1 fluids or propping agents pursuant to hydraulic fracturing
2 operations related to oil, gas, or geothermal production ac-
3 tivities, require any person conducting such operations—

4 “(1) to conduct testing of underground sources
5 of drinking water in accordance with subsections (c)
6 and (d)—

7 “(A) with respect to a site where, as of the
8 date of enactment of this section, underground
9 injection has not commenced for the first
10 time—

11 “(i) prior to commencement of under-
12 ground injection at the site for the first
13 time;

14 “(ii) at least once every 6 months dur-
15 ing the period beginning at the commence-
16 ment of underground injection described in
17 clause (i) and ending at the cessation of
18 such hydraulic fracturing operations; and

19 “(iii) at least once every 12 months
20 during the 5-year period following the end
21 of the period described in clause (ii);

22 “(B) with respect to a site where, as of the
23 date of enactment of this section, there is no
24 active underground injection, but underground
25 injection has previously occurred at the site—

1 “(i) prior to renewing underground in-
2 jection at the site;

3 “(ii) at least once every 6 months dur-
4 ing the period beginning at such renewal of
5 underground injection and ending at the
6 cessation of such hydraulic fracturing oper-
7 ations; and

8 “(iii) at least once every 12 months
9 during the 5-year period following the end
10 of the period described in clause (ii); and

11 “(C) with respect to a site where, as of the
12 date of enactment of this section, such hydrau-
13 lic fracturing operations are occurring—

14 “(i) at least once every 6 months dur-
15 ing the period beginning on the date of en-
16 actment of this section ending at the ces-
17 sation of such hydraulic fracturing oper-
18 ations; and

19 “(ii) at least once every 12 months
20 during the 5-year period following the end
21 of the period described in clause (i); and

22 “(2) to submit reports to the Administrator on
23 the results of testing under subparagraph (A), (B),
24 or (C) of paragraph (1) within 2 weeks of such test-
25 ing.

1 “(b) EXCEPTION.—The testing and reporting re-
2 quirements of subsection (a) do not apply with respect to
3 hydraulic fracturing operations if there is no accessible un-
4 derground source of drinking water within a radius of one
5 mile of the site where the operations occur.

6 “(c) SAMPLING LOCATIONS.—Testing required pur-
7 suant to subsection (a) shall occur—

8 “(1) at all accessible underground sources of
9 drinking water within a radius of one-half mile of
10 the site where the hydraulic fracturing operations
11 occur; and

12 “(2) if there is no accessible underground
13 source of drinking water within such radius, at the
14 nearest accessible underground source of drinking
15 water within a radius of one mile of such site.

16 “(d) TESTING.—Testing required pursuant to sub-
17 section (a) shall—

18 “(1) be conducted by one or more laboratories
19 certified pursuant to the Environmental Protection
20 Agency’s program for certifying laboratories for
21 analysis of drinking water contaminants; and

22 “(2) include testing for any hazardous sub-
23 stance, pollutant, contaminant, or other factor that
24 the Administrator determines would indicate damage
25 associated with hydraulic fracturing operations.

1 “(e) DATABASE; PUBLIC ACCESSIBILITY.—

2 “(1) DATABASE.—The Administrator shall es-
3 tablish and maintain a database of the results re-
4 ported pursuant to subsection (a)(2).

5 “(2) PUBLIC ACCESSIBILITY.—The Adminis-
6 trator shall make such database publicly accessible
7 on the website of the Environmental Protection
8 Agency.

9 “(3) PUBLIC SEARCHABILITY.—The Adminis-
10 trator shall make such database searchable by ZIP
11 Code, allowing members of the public to easily iden-
12 tify all sites for which reports are submitted pursu-
13 ant to subsection (a)(2).

14 “(f) DEFINITION.—In this section, the term ‘acces-
15 sible underground source of drinking water’ means an un-
16 derground source of drinking water to which the person
17 conducting the hydraulic fracturing operations can reason-
18 ably gain access.”.

19 (c) CONFORMING AMENDMENT.—Section
20 1421(d)(1)(B)(ii) of the Safe Drinking Water Act (42
21 U.S.C. 300h(d)(1)(B)(ii)) is amended by inserting “except
22 as provided in subsection (b)(1)(E) of this section and sec-
23 tion 1421A,” before “the underground injection of fluids
24 or propping agents (other than diesel fuels) pursuant to

1 hydraulic fracturing operations related to oil, gas, or geo-
2 thermal production activities”.

3 **SEC. 624. ADDRESSING HAZARDOUS AIR POLLUTION FROM**
4 **OIL AND GAS SOURCES.**

5 (a) REPEAL OF EXEMPTION FOR AGGREGATION OF
6 EMISSIONS FROM OIL AND GAS SOURCES.—Section
7 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is
8 amended by striking paragraph (4).

9 (b) HYDROGEN SULFIDE AS A HAZARDOUS AIR POL-
10 LUTANT.—The Administrator of the Environmental Pro-
11 tection Agency shall—

12 (1) not later than 180 days after the date of
13 enactment of this Act, issue a final rule adding hy-
14 drogen sulfide to the list of hazardous air pollutants
15 under section 112(b) of the Clean Air Act (42
16 U.S.C. 7412(b)); and

17 (2) not later than 365 days after a final rule
18 under paragraph (1) is issued, revise the list under
19 section 112(c) of such Act (42 U.S.C. 7412(c)) to
20 include categories and subcategories of major
21 sources and area sources of hydrogen sulfide, includ-
22 ing oil and gas wells.

1 **SEC. 625. CLOSING LOOPHOLES AND ENDING ARBITRARY**
2 **AND NEEDLESS EVASION OF REGULATIONS.**

3 (a) IDENTIFICATION OR LISTING, AND REGULATION
4 UNDER SUBTITLE C.—Paragraph (2) of section 3001(b)
5 of the Solid Waste Disposal Act (42 U.S.C. 6921(b)) is
6 amended to read as follows:

7 “(2) Not later than 1 year after the date of enact-
8 ment of the CLEAN Future Act, the Administrator
9 shall—

10 “(A) determine whether drilling fluids, pro-
11 duced waters, and other wastes associated with the
12 exploration, development, or production of crude oil,
13 natural gas, or geothermal energy meet the criteria
14 promulgated under this section for the identification
15 or listing of hazardous waste;

16 “(B) identify or list as hazardous waste any
17 drilling fluids, produced waters, or other wastes as-
18 sociated with the exploration, development, or pro-
19 duction of crude oil, natural gas, or geothermal en-
20 ergy that the Administrator determines, pursuant to
21 subparagraph (A), meet the criteria promulgated
22 under this section for the identification or listing of
23 hazardous waste; and

24 “(C) promulgate regulations under sections
25 3002, 3003, and 3004 for wastes identified or listed
26 as hazardous waste pursuant to subparagraph (B),

1 except that the Administrator is authorized to mod-
2 ify the requirements of such sections to take into ac-
3 count the special characteristics of such wastes so
4 long as such modified requirements protect human
5 health and the environment.”.

6 (b) REGULATION UNDER SUBTITLE D.—Section
7 4010(c) of the Solid Waste Disposal Act (42 U.S.C.
8 6949a(c)) is amended by adding at the end the following
9 new paragraph:

10 “(7) DRILLING FLUIDS, PRODUCED WATERS,
11 AND OTHER WASTES ASSOCIATED WITH THE EXPLO-
12 RATION, DEVELOPMENT, OR PRODUCTION OF CRUDE
13 OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.—Not
14 later than 1 year after the date of enactment of the
15 CLEAN Future Act, the Administrator shall pro-
16 mulgate revisions of the criteria promulgated under
17 section 4004(a) and under section 1008(a)(3) for fa-
18 cilities that may receive drilling fluids, produced
19 waters, or other wastes associated with the explo-
20 ration, development, or production of crude oil, nat-
21 ural gas, or geothermal energy, that are not identi-
22 fied or listed as hazardous waste pursuant to section
23 3001(b)(2). The criteria shall be those necessary to
24 protect human health and the environment and may
25 take into account the practicable capability of such

1 facilities. At a minimum such revisions for facilities
2 potentially receiving such wastes should require
3 ground water monitoring as necessary to detect con-
4 tamination, establish criteria for the acceptable loca-
5 tion of new or existing facilities, and provide for cor-
6 rective action and financial assurance as appro-
7 priate.”.

8 **Subtitle C—Infrastructure To** 9 **Protect Communities**

10 **SEC. 631. CLIMATE IMPACTS FINANCIAL ASSURANCE AND** 11 **USER FEES.**

12 (a) **LIABILITY.**—Section 101(1) of the Comprehen-
13 sive Environmental Response, Compensation, and Liabil-
14 ity Act of 1980 (42 U.S.C. 9601(1)) is amended by insert-
15 ing “and which has no plausible causal connection to cli-
16 mate change and its effects” after “foresight”.

17 (b) **FINANCIAL RESPONSIBILITY.**—Section 108 of the
18 Comprehensive Environmental Response, Compensation,
19 and Liability Act of 1980 (42 U.S.C. 9608) is amended—

20 (1) in subsection (e)(2), by striking “subsection
21 (b)” and inserting “subsection (b) or (e)”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e)(1) Not later than 4 years after the date of enact-
25 ment of the CLEAN Future Act, the Administrator shall

1 promulgate requirements that classes of facilities establish
2 and maintain evidence of financial responsibility con-
3 sistent with the degree and duration of risk associated
4 with impacts of climate change and extreme weather on
5 those facilities, including releases of hazardous substances
6 caused by climate change and extreme weather.

7 “(2) Not later than 2 years after the date of enact-
8 ment of the CLEAN Future Act, the Administrator shall
9 identify those classes of facilities for which requirements
10 will first be developed and publish notice of such identi-
11 fication in the Federal Register. Priority in the develop-
12 ment of such requirements shall be accorded to those
13 classes of facilities, owners, and operators which the Ad-
14 ministrator determines present the highest level of risk of
15 injury because of climate change and extreme weather.

16 “(3) The level of financial responsibility shall be ini-
17 tially established, and, when necessary, adjusted to protect
18 against the level of risk which the Administrator in his
19 discretion believes is appropriate based on the payment ex-
20 perience of the Fund, commercial insurers, courts settle-
21 ments and judgments, and voluntary claims satisfaction.
22 To the maximum extent practicable, the Administrator
23 shall cooperate with and seek the advice of the commercial
24 insurance industry in developing financial responsibility
25 requirements. Financial responsibility may be established

1 by any one, or any combination, of the following: insur-
2 ance, guarantee, surety bond, letter of credit, or qualifica-
3 tion as a self-insurer. In promulgating requirements under
4 this section, the Administrator is authorized to specify pol-
5 icy or other contractual terms, conditions, or defenses
6 which are necessary, or which are unacceptable, in estab-
7 lishing such evidence of financial responsibility in order
8 to effectuate the purposes of this Act.

9 “(4) Regulations promulgated under this subsection
10 shall incrementally impose financial responsibility require-
11 ments as quickly as can reasonably be achieved but in no
12 event more than 4 years after the date of promulgation.
13 Where possible, the level of financial responsibility which
14 the Administrator believes appropriate as a final require-
15 ment shall be achieved through incremental, annual in-
16 creases in the requirements.

17 “(5) Where a facility is owned or operated by more
18 than one person, evidence of financial responsibility cov-
19 ering the facility may be established and maintained by
20 one of the owners or operators, or, in consolidated form,
21 by or on behalf of two or more owners or operators. When
22 evidence of financial responsibility is established in a con-
23 solidated form, the proportional share of each participant
24 shall be shown. The evidence shall be accompanied by a
25 statement authorizing the applicant to act for and in be-

1 half of each participant in submitting and maintaining the
2 evidence of financial responsibility.

3 “(6) The requirements promulgated pursuant to
4 paragraph (1) shall provide to facilities the ability to re-
5 duce the level of financial responsibility required by imple-
6 menting measures that the Administrator determines will
7 reduce the degree and duration of risk associated with the
8 impacts of climate change and extreme weather on those
9 facilities, by reducing the likelihood and magnitude of po-
10 tential releases of hazardous substances caused by climate
11 change and extreme weather.

12 “(7) The requirements promulgated pursuant to
13 paragraph (1) shall provide to facilities the ability to pay
14 a user fee into the Hazardous Substances Trust Fund in
15 lieu of maintaining financial responsibility under this sec-
16 tion. Such user fee shall be set by the Administrator at
17 a level sufficient to address the level of risk identified by
18 the Administrator under paragraph (3).”.

19 **SEC. 632. BROWNFIELDS FUNDING.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
21 104(k)(13) of the Comprehensive Environmental Re-
22 sponse, Compensation, and Liability Act of 1980 (42
23 U.S.C. 9604(k)(13)) is amended to read as follows:

1 “(13) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection—

4 “(A) \$350,000,000 for fiscal year 2022;

5 “(B) \$400,000,000 for fiscal year 2023;

6 “(C) \$450,000,000 for fiscal year 2024;

7 “(D) \$500,000,000 for fiscal year 2025;

8 and

9 “(E) \$550,000,000 for each of fiscal years
10 2026 through 2031.”.

11 (b) STATE RESPONSE PROGRAMS.—Section
12 128(a)(3) of the Comprehensive Environmental Response,
13 Compensation, and Liability Act of 1980 (42 U.S.C.
14 9628(a)(3)) is amended to read as follows:

15 “(3) FUNDING.—There are authorized to be ap-
16 propriated to carry out this subsection—

17 “(A) \$70,000,000 for fiscal year 2022;

18 “(B) \$80,000,000 for fiscal year 2023;

19 “(C) \$90,000,000 for fiscal year 2024;

20 “(D) \$100,000,000 for fiscal year 2025;

21 and

22 “(E) \$110,000,000 for each of fiscal years
23 2026 through 2031.”.

24 **SEC. 633. DRINKING WATER SRF FUNDING.**

25 (a) FUNDING.—

1 (1) STATE REVOLVING LOAN FUNDS.—Section
2 1452(m)(1) of the Safe Drinking Water Act (42
3 U.S.C. 300j–12(m)(1)) is amended—

4 (A) in subparagraph (B), by striking
5 “and”;

6 (B) in subparagraph (C), by striking
7 “2021.” and inserting “2021;” and

8 (C) by adding at the end the following:

9 “(D) \$4,140,000,000 for fiscal year 2022;

10 “(E) \$4,800,000,000 for fiscal year 2023;

11 and

12 “(F) \$5,500,000,000 for each of fiscal
13 years 2024 through 2031.”.

14 (2) INDIAN RESERVATION DRINKING WATER
15 PROGRAM.—Section 2001(d) of America’s Water In-
16 frastructure Act of 2018 (Public Law 115–270) is
17 amended by striking “2022” and inserting “2031”.

18 (3) VOLUNTARY SCHOOL AND CHILD CARE PRO-
19 GRAM LEAD TESTING GRANT PROGRAM.—Section
20 1464(d)(8) of the Safe Drinking Water Act (42
21 U.S.C. 300j–24(d)(8)) is amended by striking “and
22 2021” and inserting “through 2031”.

23 (4) DRINKING WATER FOUNTAIN REPLACE-
24 MENT FOR SCHOOLS.—Section 1465(d) of the Safe

1 Drinking Water Act (42 U.S.C. 300j–25(d)) is
2 amended by striking “2021” and inserting “2031”.

3 (5) GRANTS FOR STATE PROGRAMS.—Section
4 1443(a)(7) of the Safe Drinking Water Act (42
5 U.S.C. 300j–2(a)(7)) is amended by striking “and
6 2021” and inserting “through 2031”.

7 (b) AMERICAN IRON AND STEEL PRODUCTS.—Sec-
8 tion 1452(a)(4)(A) of the Safe Drinking Water Act (42
9 U.S.C. 300j–12(a)(4)(A)) is amended by striking “During
10 fiscal years 2019 through 2023, funds” and inserting
11 “Funds”.

12 **SEC. 634. DRINKING WATER SYSTEM RESILIENCE FUNDING.**

13 Section 1433(g)(6) of the Safe Drinking Water Act
14 (42 U.S.C. 300i–2(g)(6)) is amended—

15 (1) by striking “25,000,000” and inserting
16 “50,000,000”; and

17 (2) by striking “2020 and 2021” and inserting
18 “2022 through 2031”.

19 **SEC. 635. PFAS TREATMENT GRANTS.**

20 (a) ESTABLISHMENT OF PFAS INFRASTRUCTURE
21 GRANT PROGRAM.—Part E of the Safe Drinking Water
22 Act (42 U.S.C. 300j et seq.) is amended by adding at the
23 end the following new section:

1 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
2 **TEMS AFFECTED BY PFAS.**

3 “(a) ESTABLISHMENT.—Not later than 180 days
4 after the date of enactment of this section, the Adminis-
5 trator shall establish a program to award grants to af-
6 fected community water systems to pay for capital costs
7 associated with the implementation of eligible treatment
8 technologies.

9 “(b) APPLICATIONS.—

10 “(1) GUIDANCE.—Not later than 12 months
11 after the date of enactment of this section, the Ad-
12 ministrator shall publish guidance describing the
13 form and timing for community water systems to
14 apply for grants under this section.

15 “(2) REQUIRED INFORMATION.—The Adminis-
16 trator shall require a community water system ap-
17 plying for a grant under this section to submit—

18 “(A) information showing the presence of
19 PFAS in water of the community water system;
20 and

21 “(B) a certification that the treatment
22 technology in use by the community water sys-
23 tem at the time of application is not sufficient
24 to remove all detectable amounts of PFAS.

25 “(c) LIST OF ELIGIBLE TREATMENT TECH-
26 NOLOGIES.—Not later than 150 days after the date of en-

1 actment of this section, and every 2 years thereafter, the
2 Administrator shall publish a list of treatment tech-
3 nologies that the Administrator determines are effective
4 at removing all detectable amounts of PFAS from drink-
5 ing water.

6 “(d) PRIORITY FOR FUNDING.—In awarding grants
7 under this section, the Administrator shall prioritize af-
8 fected community water systems that—

9 “(1) serve a disadvantaged community;

10 “(2) will provide at least a 10-percent cost
11 share for the cost of implementing an eligible treat-
12 ment technology; or

13 “(3) demonstrate the capacity to maintain the
14 eligible treatment technology to be implemented
15 using the grant.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be
18 appropriated to carry out this section not more than
19 \$500,000,000 for each of the fiscal years 2022
20 through 2031.

21 “(2) SPECIAL RULE.—Of the amounts author-
22 ized to be appropriated by paragraph (1),
23 \$25,000,000 are authorized to be appropriated for
24 each of fiscal years 2022 and 2023 for grants under
25 subsection (a) to pay for capital costs associated

1 with the implementation of eligible treatment tech-
2 nologies during the period beginning on October 1,
3 2014, and ending on the date of enactment of this
4 section.

5 “(f) DEFINITIONS.—In this section:

6 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
7 The term ‘affected community water system’ means
8 a community water system that is affected by the
9 presence of PFAS in the water in the community
10 water system.

11 “(2) DISADVANTAGED COMMUNITY.—The term
12 ‘disadvantaged community’ has the meaning given
13 that term in section 1452.

14 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
15 The term ‘eligible treatment technology’ means a
16 treatment technology included on the list published
17 under subsection (c).”.

18 (b) DEFINITION.—

19 Section 1401 of the Safe Drinking Water Act
20 (42 U.S.C. 300f) is amended by adding at the end
21 the following:

22 “(17) PFAS.—The term ‘PFAS’ means a
23 perfluoroalkyl or polyfluoroalkyl substance with at
24 least one fully fluorinated carbon atom.”.

1 **SEC. 636. NATIONAL PRIORITIES LIST CLEANUP.**

2 (a) LIST.—

3 (1) IN GENERAL.—Not later than 6 months
4 after the date of enactment of this section, the Ad-
5 ministrator of the Environmental Protection Agency
6 shall create and publish in the Federal Register a
7 list of each Federal site and facility that is included
8 in the National Priorities List (published pursuant
9 to section 105 of the Comprehensive Environmental
10 Response, Compensation, and Liability Act of 1980
11 (42 U.S.C. 9605)) that is vulnerable to climate
12 change.

13 (2) CONSIDERATIONS.—In creating and pub-
14 lishing the list under paragraph (1), the Adminis-
15 trator of the Environmental Protection Agency shall
16 consider the information provided in the document
17 published by the Office of Solid Waste and Emer-
18 gency Response titled “Climate Change Adaptation
19 Implementation Plan” (June, 2014).

20 (b) CLEANUP.—

21 (1) IN GENERAL.—The President shall direct
22 such Federal agencies that the President determines
23 appropriate to take response actions under the Com-
24 prehensive Environmental Response, Compensation,
25 and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

1 at each site and facility included in the list created
2 and published under subsection (a)(1).

3 (2) DEADLINE.—Any response action taken at
4 a site or facility under paragraph (1) shall be com-
5 pleted by the date that is 10 years after the date of
6 enactment of this section.

7 **SEC. 637. LEAD SERVICE LINE REPLACEMENT.**

8 (a) IN GENERAL.—Section 1452 of the Safe Drink-
9 ing Water Act (42 U.S.C. 300j–12) is amended by adding
10 at the end the following:

11 “(u) LEAD SERVICE LINE REPLACEMENT.—

12 “(1) IN GENERAL.—In addition to the capital-
13 ization grants to eligible States under subsection
14 (a)(1), the Administrator shall offer to enter into
15 agreements with eligible States, Indian Tribes, and
16 the territories described in subsection (j) to make
17 capitalization grants, including letters of credit, to
18 such States, Indian Tribes, and territories under
19 this subsection to fund the replacement of lead serv-
20 ice lines.

21 “(2) ALLOTMENTS.—

22 “(A) STATES.—Funds made available
23 under this subsection shall be allotted and real-
24 lotted to the extent practicable, to States as if

1 allotted or reallocated under subsection (a)(1) as
2 a capitalization grant under such subsection.

3 “(B) INDIAN TRIBES.—The Administrator
4 shall set aside 1½ percent of the amounts
5 made available each fiscal year to carry out this
6 subsection to make grants to Indian Tribes.

7 “(C) OTHER AREAS.—The funds made
8 available under this subsection shall be allotted
9 to territories described in subsection (j) in ac-
10 cordance with such subsection.

11 “(3) PRIORITY.—Each State that has entered
12 into a capitalization agreement pursuant to this sec-
13 tion shall annually prepare a plan that identifies the
14 intended uses of the amounts made available pursu-
15 ant to this subsection, which shall—

16 “(A) comply with the requirements of sub-
17 section (b)(2); and

18 “(B) provide, to the maximum extent prac-
19 ticable, that priority for the use of funds be
20 given to projects that replace lead service lines
21 serving disadvantaged communities and envi-
22 ronmental justice communities.

23 “(4) AMERICAN MADE IRON AND STEEL AND
24 PREVAILING WAGES.—The requirements of para-
25 graphs (4) and (5) of subsection (a) shall apply to

1 any project carried out in whole or in part with
2 funds made available under this subsection.

3 “(5) LIMITATION.—

4 “(A) PROHIBITION ON PARTIAL LINE RE-
5 PLACEMENT.—None of the funds made avail-
6 able under this subsection may be used for par-
7 tial lead service line replacement if, at the con-
8 clusion of the service line replacement, drinking
9 water is delivered to a household, or to a prop-
10 erty under the jurisdiction of a local educational
11 agency, through a publicly or privately owned
12 portion of a lead service line.

13 “(B) NO HOMEOWNER CONTRIBUTION.—

14 Any recipient of funds made available under
15 this subsection shall offer to replace any pri-
16 vately owned portion of the lead service line at
17 no cost to the private owner.

18 “(6) STATE CONTRIBUTION.—Notwithstanding

19 subsection (e), agreements under paragraph (1) shall
20 not require that the State deposit in the State loan
21 fund from State moneys any contribution before re-
22 ceiving funds pursuant to this subsection.

23 “(7) AUTHORIZATION OF APPROPRIATIONS.—

24 “(A) IN GENERAL.—There are authorized
25 to be appropriated to carry out this subsection

1 \$4,500,000,000 for each of fiscal years 2022
2 through 2031. Such sums shall remain available
3 until expended.

4 “(B) ADDITIONAL AMOUNTS.—To the ex-
5 tent amounts authorized to be appropriated
6 under this subsection in any fiscal year are not
7 appropriated in that fiscal year, such amounts
8 are authorized to be appropriated in a subse-
9 quent fiscal year. Such sums shall remain avail-
10 able until expended.

11 “(8) DEFINITIONS.—For purposes of this sub-
12 section:

13 “(A) DISADVANTAGED COMMUNITY.—The
14 term ‘disadvantaged community’ has the mean-
15 ing given such term in subsection (d)(3).

16 “(B) ENVIRONMENTAL JUSTICE COMMU-
17 NITY.—The term ‘environmental justice com-
18 munity’ has the meaning given that term in sec-
19 tion 601 of the CLEAN Future Act.

20 “(C) LEAD SERVICE LINE.—The term
21 ‘lead service line’ means a pipe and its fittings,
22 which are not lead free (as defined in section
23 1417(d)), that connect the drinking water main
24 to the building inlet.”.

1 (b) CONFORMING AMENDMENT.—Section
2 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
3 300j–12(m)(1)) is amended by striking “(a)(2)(G) and
4 (t)” and inserting “(a)(2)(G), (t), and (u)”.

5 **Subtitle D—Climate Public Health**
6 **Protection**

7 **SEC. 641. SENSE OF CONGRESS ON PUBLIC HEALTH AND**
8 **CLIMATE CHANGE.**

9 It is the sense of Congress that—

- 10 (1) climate change is real;
- 11 (2) human activity significantly contributes to
12 climate change;
- 13 (3) climate change negatively impacts health;
- 14 (4) climate change disproportionately impacts
15 communities of color and low-income communities;
16 and
- 17 (5) the Federal Government, in cooperation
18 with international, State, Tribal, and local govern-
19 ments, concerned public, private, and Native Amer-
20 ican organizations, and citizens, should use all prac-
21 ticable means and measures—
- 22 (A) to assist the efforts of public health
23 and health care professionals, first responders,
24 health care systems, States, the District of Co-
25 lumbia, territories, municipalities, and Native

1 American and local communities to incorporate
2 measures to prepare public health and health
3 care systems to respond to the impacts of cli-
4 mate change;

5 (B) to ensure—

6 (i) that the Nation’s public health and
7 health care professionals have sufficient in-
8 formation to prepare for and respond to
9 the adverse health impacts of climate
10 change;

11 (ii) the application of scientific re-
12 search in advancing understanding of—

13 (I) the health impacts of climate
14 change; and

15 (II) strategies to prepare for and
16 respond to the health impacts of cli-
17 mate change;

18 (iii) the identification of communities
19 and populations vulnerable to the health
20 impacts of climate change, including in-
21 fants, children, pregnant women, the elder-
22 ly, individuals with disabilities or pre-
23 existing illnesses, low-income populations,
24 and unhoused individuals, and the develop-
25 ment of strategic response plans to be car-

1 ried out by public health and health care
2 professionals for those communities;

3 (iv) the improvement of health status
4 and health equity through efforts to pre-
5 pare for and respond to climate change;
6 and

7 (v) the inclusion of health impacts in
8 the development of climate change re-
9 sponses;

10 (C) to encourage further research, inter-
11 disciplinary partnership, and collaboration
12 among stakeholders in order to—

13 (i) understand and monitor the health
14 impacts of climate change;

15 (ii) improve public health knowledge
16 and response strategies to climate change;

17 (iii) identify actions and policies that
18 are beneficial to health and that mitigate
19 climate health impacts; and

20 (iv) develop strategies to address
21 water-, food-, and vector-borne infectious
22 diseases and other public health emer-
23 gencies;

1 (D) to enhance preparedness activities, and
2 health care and public health infrastructure, re-
3 lating to climate change and health;

4 (E) to encourage each and every commu-
5 nity to learn about the impacts of climate
6 change on health; and

7 (F) to assist the efforts of developing na-
8 tions to incorporate measures to prepare public
9 health and health care systems to respond to
10 the impacts of climate change.

11 **SEC. 642. RELATIONSHIP TO OTHER LAWS.**

12 Nothing in this subtitle limits the authority provided
13 to or responsibility conferred on any Federal department
14 or agency by any provision of any law (including regula-
15 tions) or authorizes any violation of any provision of any
16 law (including regulations), including any health, energy,
17 environmental, transportation, or any other law or regula-
18 tion.

19 **SEC. 643. NATIONAL STRATEGIC ACTION PLAN AND PRO-**
20 **GRAM.**

21 (a) REQUIREMENT.—

22 (1) IN GENERAL.—The Secretary of Health and
23 Human Services (referred to in this subtitle as the
24 “Secretary”), on the basis of the best available
25 science, and in consultation pursuant to paragraph

1 (2), shall publish a strategic action plan and estab-
2 lish a program to ensure the public health and
3 health care systems are prepared for and can re-
4 spond to the impacts of climate change on health in
5 the United States and other nations.

6 (2) CONSULTATION.—In developing or making
7 any revision to the national strategic action plan and
8 program, the Secretary shall—

9 (A) consult with the Director of the Cen-
10 ters for Disease Control and Prevention, the
11 Administrator of the Environmental Protection
12 Agency, the Director of the National Institutes
13 of Health, the Under Secretary of Commerce
14 for Oceans and Atmosphere, the Administrator
15 of the National Aeronautics and Space Admin-
16 istration, the Director of the Indian Health
17 Service, the Secretary of Defense, the Secretary
18 of State, the Secretary of Veterans Affairs, the
19 Secretary of Agriculture, the Secretary of En-
20 ergy, and the Director of the National Science
21 Foundation, other appropriate Federal agen-
22 cies, Indian Tribes, State and local govern-
23 ments, territories, public health organizations,
24 scientists, representatives of at-risk populations,
25 and other interested stakeholders; and

1 (B) provide opportunity for public input
2 and consultation with Indian Tribes and Native
3 American organizations.

4 (b) ACTIVITIES.—

5 (1) NATIONAL STRATEGIC ACTION PLAN.—Not
6 later than 2 years after the date of enactment of
7 this Act, the Secretary, acting through the Director
8 of the Centers for Disease Control and Prevention,
9 and in collaboration with other Federal agencies as
10 appropriate, shall, on the basis of the best available
11 science, and in consultation with the entities de-
12 scribed in subsection (a)(2), publish a national stra-
13 tegic action plan under paragraph (2) to guide the
14 climate and health program and assist public health
15 and health care professionals in preparing for and
16 responding to the impacts of climate change on pub-
17 lic health in the United States and other nations,
18 particularly developing nations.

19 (2) ASSESSMENT OF HEALTH SYSTEM CAPAC-
20 ITY.—The national strategic action plan shall in-
21 clude an assessment of the health system capacity of
22 the United States to address climate change includ-
23 ing—

1 (A) identifying and prioritizing commu-
2 nities and populations vulnerable to the health
3 impacts of climate change;

4 (B) providing outreach and communication
5 aimed at public health and health care profes-
6 sionals and the public to promote preparedness
7 and response strategies;

8 (C) providing for programs across Federal
9 agencies to advance research related to the im-
10 pacts of climate change on health;

11 (D) identifying and assessing existing pre-
12 paredness and response strategies for the health
13 impacts of climate change;

14 (E) prioritizing critical public health and
15 health care infrastructure projects;

16 (F) providing modeling and forecasting
17 tools of climate change health impacts, includ-
18 ing local impacts where possible;

19 (G) establishing academic and regional
20 centers of excellence;

21 (H) providing technical assistance and sup-
22 port for preparedness and response plans for
23 the health threats of climate change in States,
24 municipalities, territories, Indian Tribes, and
25 developing nations; and

1 (I) developing, improving, integrating, and
2 maintaining domestic and international disease
3 surveillance systems and monitoring capacity to
4 respond to health-related impacts of climate
5 change, including on topics addressing—

6 (i) water-, food-, and vector-borne in-
7 fectionous diseases and climate change;

8 (ii) pulmonary effects, including re-
9 sponses to aeroallergens and toxic expo-
10 sures;

11 (iii) cardiovascular effects, including
12 impacts of temperature extremes;

13 (iv) air pollution health effects, includ-
14 ing heightened sensitivity to air pollution;

15 (v) harmful algal blooms;

16 (vi) mental and behavioral health im-
17 pacts of climate change;

18 (vii) the health of migrants, refugees,
19 displaced persons, and vulnerable commu-
20 nities;

21 (viii) the implications for communities
22 and populations vulnerable to the health
23 effects of climate change, as well as strate-
24 gies for responding to climate change with-
25 in these communities;

1 (ix) Tribal, local, and community-
2 based health interventions for climate-re-
3 lated health impacts;

4 (x) extreme heat and weather events,
5 including drought;

6 (xi) decreased nutritional value of
7 crops; and

8 (xii) disruptions in access to routine
9 and acute medical care.

10 (3) CLIMATE AND HEALTH PROGRAM.—The
11 Secretary, acting through the Director of the Cen-
12 ters for Disease Control and Prevention, and in col-
13 laboration with other Federal agencies, as appro-
14 priate, shall ensure that the climate and health pro-
15 gram established under this section addresses pri-
16 ority health actions including the following:

17 (A) Serve as a credible source of informa-
18 tion on the physical, mental, and behavioral
19 health consequences of climate change for the
20 United States population and globally.

21 (B) Track data on environmental condi-
22 tions, disease risks, and disease occurrence re-
23 lated to climate change.

1 (C) Expand capacity for modeling and
2 forecasting health effects that may be climate-
3 related.

4 (D) Enhance the science base to better un-
5 derstand the relationship between climate
6 change and health outcomes.

7 (E) Identify locations and population
8 groups at greatest risk for specific health
9 threats and effects, such as increased heat
10 stress, degraded air and water quality, food- or
11 water-related infections, vector-borne illnesses,
12 pulmonary and cardiovascular effects, mental
13 and behavioral health effects, and food, water,
14 and nutrient insecurity.

15 (F) Communicate the health-related as-
16 pects of climate change, including risks and as-
17 sociated costs and ways to reduce them, to the
18 public, decision makers, public health profes-
19 sionals, and health care providers.

20 (G) Develop partnerships with other gov-
21 ernment agencies, the private sector, non-
22 governmental organizations, universities, and
23 international organizations to more effectively
24 address domestic and global health aspects of
25 climate change.

1 (H) Provide leadership to State and local
2 governments, community leaders, health care
3 professionals, nongovernmental organizations,
4 environmental justice networks, faith-based
5 communities, the private sector, and the public,
6 domestically and internationally, regarding
7 health protection from climate change effects.

8 (I) Develop and implement preparedness
9 and response plans for health threats such as
10 heat waves, severe weather events, and infec-
11 tious diseases.

12 (J) Provide technical advice and support to
13 State and local health departments, the private
14 sector, and others in developing and imple-
15 menting national and global preparedness meas-
16 ures related to the health effects of climate
17 change.

18 (K) Promote workforce development by
19 helping to ensure the training of a new genera-
20 tion of competent, experienced public health
21 and health care professionals to respond to the
22 health threats posed by climate change.

23 (c) PERIODIC ASSESSMENT AND REVISION.—Not
24 later than 4 years after the date of enactment of this Act,
25 and every 4 years thereafter, the Secretary shall periodi-

1 cally assess, and revise as necessary, the national strategic
2 action plan under subsection (b)(1) and the climate and
3 health program under subsection (b)(1), to reflect new in-
4 formation collected pursuant to the implementation of the
5 national strategic action plan and program and otherwise,
6 including information on—

7 (1) the status of critical environmental health
8 indicators and related human health impacts;

9 (2) the impacts of climate change on public
10 health; and

11 (3) advances in the development of strategies
12 for preparing for and responding to the impacts of
13 climate change on public health.

14 (d) IMPLEMENTATION.—

15 (1) IMPLEMENTATION THROUGH HHS.—The
16 Secretary shall exercise the Secretary’s authority
17 under this Act and other Federal statutes to achieve
18 the goals and measures of the national strategic ac-
19 tion plan and climate and health program.

20 (2) OTHER PUBLIC HEALTH PROGRAMS AND
21 INITIATIVES.—The Secretary and Federal officials of
22 other relevant Federal agencies shall administer
23 public health programs and initiatives authorized by
24 laws other than this Act, subject to the requirements
25 of such laws, in a manner designed to achieve the

1 goals of the national strategic action plan and cli-
2 mate and health program.

3 **SEC. 644. ADVISORY BOARD.**

4 (a) ESTABLISHMENT.—The Secretary shall, pursuant
5 to the Federal Advisory Committee Act (5 U.S.C. App.),
6 establish a permanent science advisory board to be com-
7 prised of not less than 10 and not more than 20 members.

8 (b) APPOINTMENT OF MEMBERS.—The Secretary
9 shall appoint the members of the science advisory board
10 from among individuals who—

11 (1) are recommended by the President of the
12 National Academy of Sciences and the President of
13 the National Academy of Medicine; and

14 (2) have expertise in essential public health and
15 health care services, including those related to vul-
16 nerable populations, climate change, and other rel-
17 evant disciplines.

18 (c) EXPERIENCE.—In appointing the members of the
19 science advisory board, the Secretary shall ensure that the
20 science advisory board includes members with practical or
21 lived experience with relevant issues.

22 (d) FUNCTIONS.—The science advisory board shall—

23 (1) provide scientific and technical advice and
24 recommendations to the Secretary on the domestic
25 and international impacts of climate change on pub-

1 lic health, populations and regions particularly vul-
2 nerable to the effects of climate change, and strate-
3 gies and mechanisms to prepare for and respond to
4 the impacts of climate change on public health; and

5 (2) advise the Secretary regarding the best
6 science available for purposes of issuing the national
7 strategic action plan and conducting the climate and
8 health program.

9 **SEC. 645. CLIMATE CHANGE HEALTH PROTECTION AND**
10 **PROMOTION REPORTS.**

11 (a) IN GENERAL.—The Secretary shall offer to enter
12 into an agreement with the National Academies, under
13 which the National Academies will prepare periodic re-
14 ports to aid public health and health care professionals
15 in preparing for and responding to the adverse health ef-
16 fects of climate change that—

17 (1) review scientific developments on health im-
18 pacts of climate change; and

19 (2) recommend changes to the national stra-
20 tegic action plan and climate and health program.

21 (b) SUBMISSION.—The agreement under subsection
22 (a) shall require a report to be submitted to Congress and
23 the Secretary and made publicly available not later than
24 2 years after the date of enactment of this Act, and every
25 4 years thereafter.

1 **Subtitle E—Public Health Air**
2 **Quality Infrastructure**

3 **SEC. 651. HEALTH EMERGENCY AIR TOXICS MONITORING.**

4 (a) **MONITORING.**—Not later than 365 days after the
5 date of enactment of this Act, the Administrator shall
6 carry out a program to administer or conduct, pursuant
7 to authority provided under the Clean Air Act (42 U.S.C.
8 7401 et seq.), including section 114 of such Act (42
9 U.S.C. 7414), the best available form of fence-line moni-
10 toring of stationary sources of hazardous air pollutants
11 that are on the list developed under subsection (c).

12 (b) **PUBLICATION OF RESULTS.**—The Administrator
13 shall publish and maintain the results of all fence-line mon-
14 itoring conducted under the program under subsection (a)
15 on the website of the Environmental Protection Agency
16 for a period of at least 5 years.

17 (c) **LIST OF SOURCES.**—

18 (1) **DEVELOPMENT.**—The Administrator shall
19 develop a list of stationary sources of hazardous air
20 pollutants that includes—

21 (A) the 25 high-priority facilities listed in
22 Appendix A of the Environmental Protection
23 Agency’s Office of Inspector General Report
24 #20–N–0128 (March 31, 2020); and

1 (B) at least another 25 major sources or
2 synthetic area sources.

3 (2) REQUIREMENTS.—The Administrator may
4 include a stationary source on the list developed
5 under paragraph (1) only if the source—

6 (A) emits at least one of the pollutants de-
7 scribed in paragraph (3);

8 (B) is—

9 (i) located in, or within 3 miles of, a
10 census tract with—

11 (I) a cancer risk of at least 100-
12 in-1 million; or

13 (II) a chronic non-cancer hazard
14 index that is above 1 based on the
15 most recent National Air Toxics As-
16 sessment; or

17 (ii) in a source category with—

18 (I) a cancer risk that is at least
19 50-in-1 million;

20 (II) a total organ-specific hazard
21 index for chronic non-cancer risk that
22 is greater than 1; or

23 (III) an acute risk hazard
24 quotient that is greater than 1; and

25 (C) is—

1 (i) classified in one or more of North
2 American Industry Classification System
3 codes 322, 324, 325; or

4 (ii) required to prepare and implement
5 a risk management plan pursuant to sec-
6 tion 112(r) of the Clean Air Act (42
7 U.S.C. 7412(r)) and had an accidental re-
8 lease required to be reported during the
9 previous 3 years pursuant to section 68.42
10 or 68.195 of title 40 Code of Federal Reg-
11 ulations (as in effect on the date of enact-
12 ment of this Act).

13 (3) POLLUTANTS.—The pollutants described in
14 this paragraph are ethylene oxide, chloroprene, ben-
15 zene, 1,3-butadiene, and formaldehyde.

16 (d) METHODS AND TECHNOLOGIES.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), in carrying out the program under sub-
19 section (a), the Administrator shall—

20 (A) for each stationary source on the list
21 developed under subsection (c)(1), employ, as
22 necessary to monitor the pollutants described in
23 subsection (c)(3) emitted by such stationary
24 source, at least—

1 (i) Method 325A and Method 325B;

2 and

3 (ii) Method TO-15; and

4 (B) for each of the 10 stationary sources
5 on such list that either emit the greatest volume
6 of pollutants described in subsection (c)(3), or
7 cause the greatest health risk as determined by
8 the Administrator based on a residual risk as-
9 sessment performed pursuant to section
10 112(f)(2) of the Clean Air Act (42 U.S.C.
11 7412(f)(2)) or based on the most recent Na-
12 tional Air Toxics Assessment due to such emis-
13 sions individually, as a group, or cumulatively
14 with all hazardous air pollutants emitted by
15 such sources, and for any other stationary
16 source on such list for which application of the
17 methods described in subparagraph (A) alone
18 will not be sufficient to monitor and report any
19 such pollutants that are emitted by such sta-
20 tionary source, employ—

21 (i) optical remote sensing technology
22 to provide real-time measurements of air
23 pollutant concentrations along an open-
24 path; or

1 (ii) other monitoring technology with
2 the ability to provide real-time spatial and
3 temporal data to understand the type and
4 amount of emissions.

5 (2) UPDATES.—

6 (A) METHOD 325A AND METHOD 325B.—If
7 the Administrator determines it necessary to
8 update Method 325A and Method 325B to im-
9 plement this section, the Administrator shall
10 update such Method 325A and Method 325B
11 not later than 180 days after the date of enact-
12 ment of this Act.

13 (B) NEW TEST METHOD.—If the Adminis-
14 trator determines it necessary to approve a new
15 test method to implement this section, the Ad-
16 ministrators shall finalize such a method not
17 later than 1 year after the date of enactment of
18 this Act.

19 (e) REPORT.—Not later than 3 years after the date
20 of enactment of this Act, the Administrator shall report
21 on the results of the program carried out under subsection
22 (a), including—

23 (1) the results of fenceline monitoring imple-
24 mented under the program under subsection (a);

1 (2) any enforcement, regulatory, or permitting
2 actions taken based on such fenceline monitoring;
3 and

4 (3) whether the Administrator proposes to con-
5 tinue fenceline monitoring at any or all of the sta-
6 tionary sources on the list developed under sub-
7 section (c)(1), or to implement fenceline monitoring
8 of any additional stationary sources as determined
9 under subsection (f).

10 (f) DETERMINATION REGARDING ADDITIONAL
11 SOURCES.—Not later than 6 years after the date of enact-
12 ment of this Act, the Administrator shall make a deter-
13 mination, and publish such determination in the Federal
14 Register, on whether to add fenceline monitoring for any
15 stationary sources to—

16 (1) ensure compliance of such stationary
17 sources with existing emission standards under sec-
18 tion 112 of the Clean Air Act (42 U.S.C. 7412);

19 (2) prevent accidental releases; or

20 (3) protect the health of the communities most
21 exposed to the emissions of hazardous air pollutants
22 from such stationary sources to the greatest extent
23 possible.

24 (g) DETERMINATION REGARDING EMISSION FAC-
25 TORS.—Not later than 6 years after the date of enactment

1 of this Act, the Administrator shall complete an evaluation
2 and promulgate a determination whether any existing
3 emission factors must be updated to better reflect or ac-
4 count for the results of fence-line monitoring data collected
5 pursuant to Method 325A or 325B or the program under
6 subsection (a).

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$73,000,000 for fiscal year 2022, to remain available until
10 expended.

11 **SEC. 652. COMMUNITY AIR TOXICS MONITORING.**

12 (a) REGULATIONS.—Not later than one year after the
13 date of enactment of this Act, the Administrator shall pro-
14 mulgate regulations pursuant to section 112(d) of the
15 Clean Air Act (42 U.S.C. 7412(d)) for each source cat-
16 egory described in subsection (b), that—

17 (1) require all sources in such source category
18 to implement the best available form of continuous
19 emissions monitoring and fence-line monitoring to as-
20 sure compliance with the emission standards for haz-
21 ardous air pollutants;

22 (2) for facilities in such source category that
23 are required to submit risk management plans under
24 section 112(r) of the Clean Air Act, to prevent acci-

1 dental releases and provide for effective emergency
2 response;

3 (3) establish a corrective action level at the
4 fenceline for at least the top 3 hazardous air pollut-
5 ants that drive the cancer, chronic non-cancer, or
6 acute risk for the source category; and

7 (4) require a root cause analysis and con-
8 sequences if such corrective action level is exceeded.

9 (b) SOURCE CATEGORIES.—The source categories de-
10 scribed in this subsection shall include each category or
11 subcategory of major sources or area sources containing—

12 (1) at least one of the stationary sources of
13 hazardous air pollutants that are on the list devel-
14 oped under section 651(c);

15 (2) major sources or area sources identified in
16 the most recent National Emissions Inventory of the
17 Environmental Protection Agency as emitting ethyl-
18 ene oxide, chloroprene, 1,3-butadiene, benzene, or
19 formaldehyde;

20 (3) chemical, petrochemical, or plastics manu-
21 facturing sources or marine vessel loading oper-
22 ations; and

23 (4) any other major sources of fugitive haz-
24 ardous air pollutant emissions for which the Envi-
25 ronmental Protection Agency is subject to a court-

1 ordered or statutory deadline, engaged in a reconsid-
2 eration proceeding, or subject to a court remand to,
3 not later than 2 years after the date of enactment
4 of this Act, review and determine whether to revise
5 the emissions standards that apply to such sources.

6 (c) DETERMINATION OF BEST AVAILABLE FORM OF
7 MONITORING.—The Administrator, in consultation with
8 the Office of Air Quality Planning and Standards, the Of-
9 fice of Enforcement and Compliance Assurance, and the
10 Office of Environmental Justice, shall, for purposes of the
11 regulations promulgated pursuant to subsection (a), deter-
12 mine the best available form of continuous emissions mon-
13 itoring and fence-line monitoring and shall ensure the
14 methods required are at least as stringent as Method
15 325A and Method 325B.

16 (d) METHODS AND TECHNOLOGIES.—For all sta-
17 tionary sources in the source categories under subsection
18 (b), the Administrator shall, in the regulations promul-
19 gated pursuant to subsection (a)—

20 (1) require application, implementation, or em-
21 ployment of—

22 (A) Method TO-15 or optical remote sens-
23 ing technology to provide real-time measure-
24 ments of air pollutant concentrations along an
25 open-path; or

1 (B) other monitoring technology with the
2 ability to provide real-time spatial and temporal
3 data to understand the type and amount of
4 emissions; or

5 (2) provide an explanation of why application of
6 Method TO-15 or the technologies described in
7 paragraph (1) is not necessary—

8 (A) to assure compliance with the emission
9 standards established under the regulations
10 promulgated pursuant to subsections (d) and
11 (f) of section 112 of the Clean Air Act (42
12 U.S.C. 7412), as applicable; or

13 (B) to protect the public health.

14 (e) PRECAUTIONARY APPROACH.—In promulgating
15 the corrective action level for each of the hazardous air
16 pollutants described in subsection (a)(3), the Adminis-
17 trator shall take a precautionary approach to ensure that,
18 if the monitored concentration at the fenceline hits a level
19 that has potential to cause any person to experience im-
20 paired quality of life, become ill, or die from cancer or
21 any other chronic or acute health impairment related to
22 short- or long-term air pollution exposure (including any
23 fetal exposure that begins in utero), that the facility must
24 reduce its emissions to prevent such harm.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$17,500,000 for fiscal year 2022, to remain available until
4 expended.

5 **SEC. 653. CRITERIA POLLUTANT/NAAQS MONITORING NET-**
6 **WORK.**

7 (a) DEPLOYMENT OF NCore MULTIPOLLUTANT
8 MONITORING STATIONS.—The Administrator shall re-
9 quire the deployment of an additional 80 NCore multi-
10 pollutant monitoring stations.

11 (b) DEADLINE.—Not later than 12 months after the
12 date of enactment of this Act, the Administrator shall en-
13 sure all NCore multipollutant monitoring stations required
14 to be deployed under subsection (a) are installed and inte-
15 grated into the air quality monitoring system established
16 pursuant to section 319 of the Clean Air Act (42 U.S.C.
17 7619).

18 (c) MONITORING RESULTS.—Monitoring results from
19 NCore multipollutant stations deployed pursuant to sub-
20 section (a) shall be used for purposes of comparison to
21 national ambient air quality standards, and for such other
22 purposes as the Administrator determines will promote the
23 protection of public health from air pollution.

24 (d) LOCATIONS.—

25 (1) VULNERABLE POPULATIONS.—

1 (A) CENSUS TRACTS.—The Administrator
2 shall ensure that at least 40 of the NCore
3 multipollutant monitoring stations required
4 under subsection (a) are sited in census tracts
5 that each meet one or more of the following cri-
6 teria:

7 (i) The rates of childhood asthma,
8 adult asthma, chronic obstructive pul-
9 monary disease, heart disease, or cancer
10 are higher than the national average for
11 such condition in the census tract.

12 (ii) The percentage of people living
13 below the poverty level, that are above age
14 18 without a high school diploma, or that
15 are unemployed, is higher than the na-
16 tional average in the census tract.

17 (iii) Two or more major sources (as
18 defined in section 501(2) of the Clean Air
19 Act (42 U.S.C. 7661(2))) are located with-
20 in the census tract and adjacent census
21 tracts combined.

22 (iv) COVID–19 death rates are at
23 least 10 percent higher than the national
24 average in the census tract.

1 (v) There is a higher than average
2 population in the census tract of vulnerable
3 or sensitive individuals who may be at
4 greater risk than the general population of
5 adverse health effects from exposure to one
6 or more air pollutants for which national
7 ambient air quality standards have been
8 established pursuant to the Clean Air Act
9 (42 U.S.C. 7401 et seq.), including in-
10 fants, children, pregnant women, workers,
11 the elderly, or individuals living in an envi-
12 ronmental justice community.

13 (B) LIMITATION.—Not more than 1 of the
14 NCore multipollutant monitoring stations de-
15 scribed in subparagraph (A) may be sited with-
16 in the same metropolitan statistical area, mu-
17 nicipality, or county.

18 (2) SITING DETERMINATIONS.—In determining
19 and approving sites for NCore multipollutant moni-
20 toring stations required under subsection (a), the
21 Administrator shall—

22 (A) invite proposals from or on behalf of
23 residents of a community for the siting of such
24 stations in such community;

1 (B) prioritize siting of such stations in
2 census tracts or counties with per capita death
3 rates from COVID–19 that are at least 10 per-
4 cent higher than the national average, as of the
5 date of enactment of this Act or the date of the
6 proposal; and

7 (C) prior to making siting determinations,
8 provide public notice of proposed siting loca-
9 tions and provide an opportunity for public
10 comment for at least 30 days thereafter—

11 (i) in the Federal Register, by email
12 to persons who have requested notice of
13 proposed siting determinations; by news re-
14 lease; and

15 (ii) by posting on the public website of
16 the Environmental Protection Agency.

17 (e) REPORT.—Not later than 12 months after the
18 date of enactment of this Act, the Administrator shall—

19 (1) in coordination with the States, complete an
20 assessment, which includes public input, on the sta-
21 tus of all ambient air quality monitors that are part
22 of Federal, State, or local networks and used for de-
23 termining compliance with national ambient air
24 quality standards to determine whether each such
25 monitor is operational; and

1 (2) report to Congress, and publish on the pub-
2 lic website of the Environmental Protection Agency,
3 a list of all non-operational monitors and an accom-
4 panying schedule and plan to restore all such mon-
5 itors into full operation within one year.

6 (f) FUNDING.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out
9 this section \$61,000,000 for fiscal year 2022, to re-
10 main available until expended.

11 (2) USES.—The Administrator—

12 (A) may use amounts made available to
13 carry this section to—

14 (i) directly to deploy NCore multi-
15 pollutant monitoring stations required
16 under subsection (a); or

17 (ii) make grants under section 105 of
18 the Clean Air Act to State and local gov-
19 ernments for deployment and operation of
20 such NCore multipollutant monitoring sta-
21 tions; and

22 (B) shall use at least 5 percent, but not
23 more than 10 percent, of amounts made avail-
24 able to carry out this section to perform main-
25 tenance and repairs necessary to restore to op-

1 eration to currently non-operational monitors
2 located in nonattainment areas for ozone or
3 PM2.5.

4 **SEC. 654. SENSOR MONITORING.**

5 (a) DEPLOYMENT OF AIR QUALITY SENSORS.—Not
6 later than 6 months after the date of enactment of this
7 Act, the Administrator shall deploy at least 1,000 air qual-
8 ity sensors, that each cost \$2,000 or less, in census tracts
9 or counties with per capita death rates from COVID–19
10 that are at least 10 percent higher than the national aver-
11 age as of the date of enactment of this Act.

12 (b) POLLUTANTS.—Each sensor deployed pursuant
13 to subsection (a) shall measure ozone, PM2.5, or sulfur
14 dioxide. The Administrator shall determine which pollut-
15 ant or pollutants to monitor based on the pollution sources
16 affecting the area in which the sensor is to be deployed.

17 (c) PRIORITY.—The Administrator shall give priority
18 for deployment of sensors pursuant to subsection (a) to
19 census tracts or counties that—

20 (1) lack SLAMS for the pollutant or pollutants
21 that sensors would be deployed to measure;

22 (2) have, or are substantially impacted by, sig-
23 nificant emissions of ozone, PM2.5, or sulfur diox-
24 ide; and

1 (3) are not part of an area designated as non-
2 attainment under the Clean Air Act for the air pol-
3 lutant or pollutants to be monitored.

4 (d) CONTRACTS.—The Administrator shall contract
5 with qualified nonprofit organizations and State and local
6 air pollution control agencies to execute deployment of the
7 monitors in a manner that will ensure representative
8 measurement of ambient air quality, and provide the pub-
9 lic with real-time online access to the data collected.

10 (e) DETERMINATION AND INSTALLATION.—Not later
11 than 6 months after one year of monitoring with sensors
12 deployed pursuant to subsection (a) has been completed,
13 the Administrator shall determine whether data from the
14 sensor or sensors deployed in a census tract or county
15 show air pollution levels during such year reached 98 per-
16 cent of the national ambient air quality standard for any
17 of the air pollutants described in subsection (b), and not
18 later than 6 months after such determination, the Admin-
19 istrator shall ensure that Federal Reference Method mon-
20 itors or Federal Equivalent Method monitors are installed
21 and in operation within the census tract or county for each
22 pollutant that reached or exceeded the 98 percent level.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

1 \$2,500,000 for fiscal year 2022, to remain available until
2 expended.

3 **SEC. 655. ENVIRONMENTAL HEALTH DISPARITIES RE-**
4 **SEARCH GRANT PROGRAMS.**

5 (a) CENTERS OF EXCELLENCE ON ENVIRONMENTAL
6 HEALTH DISPARITIES RESEARCH GRANTS.—The Direc-
7 tor of the National Institutes of Health, in coordination
8 with the National Center for Environmental Research at
9 the Environmental Protection Agency, shall carry out a
10 Centers of Excellence on Environmental Health Dispari-
11 ties Research grant program. Such program shall estab-
12 lish and support no fewer than 10 research centers with
13 5 year awards to—

14 (1) conduct basic and applied research on envi-
15 ronmentally driven health disparities;

16 (2) establish, develop, or expand collaborations
17 with other researchers and organizations involved in
18 environmental health disparities and affected com-
19 munities;

20 (3) disseminate scientific knowledge to other re-
21 searchers and members of affected communities;

22 (4) recruit and mentor investigators to conduct
23 environmental health disparities research, including
24 investigators from health disparities populations;
25 and

1 (5) other activities, as determined by the Direc-
2 tor.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this pro-
5 gram \$15,000,000 for each of fiscal years 2022 through
6 2027.

7 **SEC. 656. DEFINITIONS.**

8 In this subtitle:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Environ-
11 mental Protection Agency.

12 (2) ACCIDENTAL RELEASE.—The term “acci-
13 dental release” has the meaning given such term in
14 section 112(r) of the Clean Air Act (42 U.S.C.
15 7412(r)).

16 (3) AREA SOURCE; EXISTING SOURCE; HAZ-
17 ARDOUS AIR POLLUTANT; MAJOR SOURCE; NEW
18 SOURCE; STATIONARY SOURCE.—Except as otherwise
19 provided, the terms “area source”, “existing
20 source”, “hazardous air pollutant”, “major source”,
21 “new source”, and “stationary source” have the
22 meaning given such terms in section 112(a) of the
23 Clean Air Act (42 U.S.C. 7412(a)).

24 (4) COVID-19.—The term “COVID-19”
25 means the novel coronavirus disease 2019 that is the

1 subject of the declaration of a public health emer-
2 gency by the Secretary of Health and Human Serv-
3 ices pursuant to section 319 of the Public Health
4 Service Act (42 U.S.C. 247d) on January 27, 2020.

5 (5) METHOD 325A.—The term “Method 325A”
6 means the Air Emission Measurement Center pro-
7 mulgated test method titled “Volatile Organic Com-
8 pounds from Fugitive and Area Sources: Sampler
9 Deployment and VOC Sample Collection”.

10 (6) METHOD 325B.—The term “Method 325B”
11 means the Air Emission Measurement Center pro-
12 mulgated test method titled “Volatile Organic Com-
13 pounds from Fugitive and Area Sources: Sampler
14 Preparation and Analysis.”

15 (7) METHOD TO-15.—The term “Method TO-
16 15” means the test method titled “Determination of
17 Volatile Organic Compounds (VOCs) In Air Col-
18 lected In Specially-Prepared Canisters And Analyzed
19 By Gas Chromatography/Mass Spectrometry (GC/
20 MS)” published in Compendium of Methods for the
21 Determination of Toxic Organic Compounds in Am-
22 bient Air, Second Edition.

23 (8) NCORE AND SLAMS.—The terms “NCore”
24 and “SLAMS” have the meaning given such terms
25 in section 58.1 of title 40, Code of Federal Regula-

1 tions (as in effect on the date of enactment of this
2 Act).

3 (9) SYNTHETIC AREA SOURCE.—The term
4 “synthetic area source” has the meaning given “syn-
5 thetic minor HAP source” in section 49.152 of title
6 40, Code of Federal Regulations (or successor regu-
7 lations).

8 **TITLE VII—SUPER POLLUTANTS**
9 **Subtitle A—Methane**

10 **SEC. 701. CONTROLLING METHANE EMISSIONS FROM THE**
11 **OIL AND NATURAL GAS SECTOR.**

12 (a) NATIONAL GOALS.—The goals of this section are
13 to steadily reduce the quantity of United States methane
14 emissions from the oil and natural gas sector such that—

15 (1) in calendar year 2025, the quantity of
16 United States methane emissions from the oil and
17 natural gas sector is at least 65 percent below cal-
18 endar year 2012 emissions; and

19 (2) in calendar year 2030, the quantity of
20 United States methane emissions from the oil and
21 natural gas sector is at least 90 percent below cal-
22 endar year 2012 emissions.

23 (b) REGULATIONS TO MEET THE NATIONAL
24 GOALS.—

1 (1) IN GENERAL.—Using existing authority of
2 the Environmental Protection Agency, the Adminis-
3 trator shall issue regulations pursuant to section
4 111 of the Clean Air Act (42 U.S.C. 7411) to con-
5 trol methane emissions from the oil and natural gas
6 sector to achieve the national goals established in
7 subsection (a).

8 (2) COVERED SOURCES.—The regulations pro-
9 mulgated pursuant to this subsection shall apply to
10 sources of methane from every segment of oil and
11 natural gas systems, including oil and natural gas
12 production, processing, transmission, distribution,
13 and storage.

14 (3) MEETING THE GOAL FOR 2025.—

15 (A) DEADLINE FOR ISSUANCE.—Not later
16 than 18 months after the date of enactment of
17 this Act, and no later than December 31, 2022,
18 the Administrator shall finalize regulations pur-
19 suant to section 111 of the Clean Air Act (42
20 U.S.C. 7411) to achieve the national goal estab-
21 lished in subsection (a)(1).

22 (B) CONTENTS.—The regulations required
23 by subparagraph (A) shall include the following:

24 (i) The regulations shall provide for
25 the establishment, implementation, and en-

1 enforcement of standards of performance for
2 existing sources and guidelines for States.

3 (ii) The regulations shall require
4 States to submit plans in accordance with
5 section 111(d) of the Clean Air Act (42
6 U.S.C. 7411(d)) no later than 30 months
7 after the date of enactment of this Act.

8 (iii) The regulations shall provide for
9 the Administrator to prescribe, not later
10 than 42 months after the date of enact-
11 ment of this Act, a plan in accordance with
12 such section 111(d)—

13 (I) for a State that fails to sub-
14 mit a plan by the deadline specified in
15 clause (ii); or

16 (II) for a State for which the Ad-
17 ministrator disapproves the State
18 plan.

19 (4) MEETING THE GOAL FOR 2030.—

20 (A) IN GENERAL.—Not later than Decem-
21 ber 31, 2023, the Administrator shall finalize
22 regulations pursuant to section 111 of the
23 Clean Air Act (42 U.S.C. 7411) to achieve the
24 national goal established in subsection (a)(2).

1 (B) CONTENTS.—The regulations required
2 by subparagraph (A) shall provide for the es-
3 tablishment, implementation, and enforcement
4 of standards of performance for new sources
5 and existing sources, and guidelines for States,
6 that include requirements for—

7 (i) new and existing natural gas
8 transmission and distribution pipelines to
9 reduce methane emissions by application of
10 the best system of venting and leakage re-
11 duction;

12 (ii) new sources, and existing sources,
13 with equipment that handles liquefied nat-
14 ural gas to reduce methane emissions from
15 that equipment by application of the best
16 system of emission reduction; and

17 (iii) new and existing offshore petro-
18 leum and natural gas production facilities
19 to reduce methane emissions by application
20 of the best system of emission reduction.

21 (c) DEFINITIONS.—In this section:

22 (1) The term “Administrator” means the Ad-
23 ministrator of the Environmental Protection Agency.

1 (2) The term “existing source” means an exist-
2 ing source (as defined in section 111(a) of the Clean
3 Air Act (42 U.S.C. 7411(a))).

4 (3) The term “new source” means a new source
5 (as defined in section 111(a) of the Clean Air Act
6 (42 U.S.C. 7411(a))).

7 (4) The term “standard of performance” has
8 the meaning given to such term in section 111(a) of
9 the Clean Air Act (42 U.S.C. 7411(a)).

10 **SEC. 702. CONTROLLING FLARING.**

11 (a) **REGULATION OF ROUTINE FLARING.**—Using ex-
12 isting authority of the Environmental Protection Agency,
13 the Administrator shall propose no later than December
14 31, 2021, and finalize no later than December 31, 2022—

15 (1) regulations pursuant to section 111(b) of
16 the Clean Air Act (42 U.S.C. 7411(b)) for the estab-
17 lishment, implementation, and enforcement of stand-
18 ards of performance for new sources that prohibit
19 routine flaring of natural gas from such sources; and

20 (2) regulations pursuant to section 111(d) of
21 the Clean Air Act (42 U.S.C. 7411(d)) for the estab-
22 lishment, implementation, and enforcement of stand-
23 ards of performance for sources, and guidelines for
24 States, that require existing sources to—

1 (A) reduce greenhouse gas emissions from
2 routine flaring such that nationwide flaring is
3 reduced by at least 80 percent below 2017 lev-
4 els no later than 2025; and

5 (B) reduce greenhouse gas emissions from
6 routine flaring such that nationwide flaring is
7 reduced by 100 percent below 2017 levels no
8 later than 2028.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “Administrator” means the Ad-
11 ministrator of the Environmental Protection Agency.

12 (2) The term “existing source” means an exist-
13 ing source as defined in section 111(a) of the Clean
14 Air Act (42 U.S.C. 7411(a)).

15 (3) The term “new source” means a new source
16 as defined in section 111(a) of the Clean Air Act (42
17 U.S.C. 7411(a)).

18 (4) The term “routine flaring”—

19 (A) means flaring of natural gas during
20 normal oil and natural gas production oper-
21 ations in the absence of sufficient facilities to
22 reinject the produced gas, utilize it onsite, or
23 dispatch it to a market; and

24 (B) does not include safety flaring.

1 (5) The term “safety flaring” means flaring of
2 natural gas that is required to ensure safe operation
3 of the facility due to some unforeseen condition.

4 **SEC. 703. EMERGING OIL AND NATURAL GAS GREENHOUSE**
5 **GAS EMISSION REDUCTION TECHNOLOGIES**
6 **PROGRAM.**

7 (a) **ESTABLISHMENT.**—As soon as possible after the
8 date of enactment of this Act, the Secretary of Energy
9 (in this section referred to as the “Secretary”) shall estab-
10 lish a technology commercialization program to reduce
11 greenhouse gas emissions from the oil and natural gas sec-
12 tor, and to improve existing technologies and practices to
13 reduce such emissions.

14 (b) **PRIORITY.**—In carrying out the program under
15 subsection (a), the Secretary shall give priority to projects
16 that develop and bring to market approaches to reduce
17 carbon dioxide emissions from natural gas system com-
18 pression, including the use of electrification.

19 (c) **CONDUCT OF PROGRAM.**—In carrying out the
20 program under subsection (a), the Secretary shall carry
21 out science-based activities to pursue—

22 (1) improved efficiency of natural gas pipeline
23 systems, including gas gathering systems and gas
24 transmission systems, in order to reduce compressor

1 fuel consumption in these systems, through improved
2 technology and operational practice; and

3 (2) lowered barriers to electrification of com-
4 pression in pipeline systems.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there is authorized to be appropriated
7 \$10,000,000, to remain available until expended.

8 **SEC. 704. IMPROVING THE NATURAL GAS DISTRIBUTION**
9 **SYSTEM.**

10 (a) PROGRAM.—The Secretary of Energy shall estab-
11 lish a grant program to provide financial assistance to
12 States to offset the incremental rate increases paid by low-
13 income households resulting from the implementation of
14 infrastructure replacement, repair, and maintenance pro-
15 grams that are approved by the rate-setting entity and de-
16 signed to accelerate the necessary replacement, repair, or
17 maintenance of natural gas distribution systems.

18 (b) DATE OF ELIGIBILITY.—Awards may be provided
19 under this section to offset rate increases described in sub-
20 section (a) occurring on or after the date of enactment
21 of this Act.

22 (c) PRIORITIZATION.—The Secretary shall collabo-
23 rate with States to prioritize the distribution of grants
24 made under this section. At a minimum, the Secretary

1 shall consider prioritizing the distribution of grants to
2 States which have—

3 (1) authorized or adopted enhanced infrastruc-
4 ture replacement programs or innovative rate recov-
5 ery mechanisms, such as infrastructure cost trackers
6 and riders, infrastructure base rate surcharges, de-
7 ferred regulatory asset programs, and earnings sta-
8 bility mechanisms; and

9 (2) a viable means for delivering financial as-
10 sistance to low-income households.

11 (d) AUDITING AND REPORTING REQUIREMENTS.—
12 The Secretary shall establish auditing and reporting re-
13 quirements for States with respect to the performance of
14 eligible projects funded pursuant to grants awarded under
15 this section.

16 (e) PREVAILING WAGES.—All laborers and mechanics
17 employed by contractors or subcontractors in the perform-
18 ance of construction, alteration, or repair work assisted,
19 in whole or in part, by a grant under this section shall
20 be paid wages at rates not less than those prevailing on
21 similar construction in the locality as determined by the
22 Secretary of Labor in accordance with subchapter IV of
23 chapter 31 of title 40. With respect to the labor standards
24 in this subsection, the Secretary of Labor shall have the
25 authority and functions set forth in Reorganization Plan

1 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
2 section 3145 of title 40.

3 (f) DEFINITIONS.—In this section:

4 (1) INNOVATIVE RATE RECOVERY MECHA-
5 NISMS.—The term “innovative rate recovery mecha-
6 nisms” means rate structures that allow State public
7 utility commissions to modify tariffs and recover
8 costs of investments in utility replacement incurred
9 between rate cases.

10 (2) LOW-INCOME HOUSEHOLD.—The term
11 “low-income household” means a household that is
12 eligible to receive payments under section 2605(b)(2)
13 of the Low-Income Home Energy Assistance Act of
14 1981 (42 U.S.C. 8624(b)(2)).

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary to carry
17 out this section \$250,000,000 in each of fiscal years 2022
18 through 2031.

19 **SEC. 705. GRANTS FOR COMPOSTING AND ANAEROBIC DI-**
20 **GESTION FOOD WASTE-TO-ENERGY**
21 **PROJECTS.**

22 (a) IN GENERAL.—Subtitle G of the Solid Waste Dis-
23 posal Act (42 U.S.C. 6971 et seq.) is amended by adding
24 at the end the following:

1 the material resulting from any anaerobic
2 digestion food waste-to-energy operation
3 with respect to which the loan or grant is
4 made, in a manner that meets all applica-
5 ble Federal, State, and local laws that pro-
6 tect human health and the environment.

7 “(2) LIMITATION.—A grant under subsection
8 (a) may not be used for an anaerobic digester that
9 uses solely manure as undigested biomass.

10 “(3) PREFERENCE.—The Administrator shall
11 give preference to grants under subsection (a) for
12 anaerobic digesters that use primarily nonedible
13 food, crop waste, or nonedible food and crop waste
14 as undigested biomass.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$100,000,000 for each of fiscal years 2022 through 2031.

18 “(d) STATE DEFINED.—In this section, the term
19 ‘State’ means each State of the United States, the District
20 of Columbia, each territory or possession of the United
21 States, and each federally recognized Indian Tribe.”

22 (b) CLERICAL AMENDMENT.—The table of contents
23 for the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
24 is amended by inserting after the item relating to section
25 7010 the following:

“Sec. 7011. Grants for composting and anaerobic digestion food waste-to-energy projects.”.

1 **Subtitle B—Black Carbon**

2 **SEC. 711. DEFINITIONS.**

3 In this subtitle:

4 (1) The term “Administrator” means the Ad-
5 ministrator of the Environmental Protection Agency.

6 (2) The term “black carbon” means the pri-
7 mary light absorbing aerosols, as defined by the Ad-
8 ministrator, based on the best available science.

9 **SEC. 712. REDUCTION OF BLACK CARBON EMISSIONS.**

10 (a) **BLACK CARBON ABATEMENT REPORT.**—

11 (1) **IN GENERAL.**—Not later than 6 months
12 after the date of enactment of this Act, the Adminis-
13 trator shall, in consultation with other appropriate
14 Federal agencies, submit to Congress a report re-
15 garding black carbon emissions.

16 (2) **CONTENTS.**—The report under paragraph
17 (1) shall include the following:

18 (A) An update of the information that was
19 included in the report submitted to Congress by
20 the Environmental Protection Agency titled
21 “Report to Congress on Black Carbon” (March
22 2012), and a summary of current information
23 and research that identifies—

1 (i) an inventory of the major sources
2 of black carbon emissions in the United
3 States, including—

4 (I) an estimate of the quantity of
5 current and projected future black
6 carbon emissions; and

7 (II) the net climate forcing of
8 such emissions from such sources, in-
9 cluding consideration of co-emissions
10 of other pollutants;

11 (ii) effective and cost-effective control
12 technologies, operations, and strategies for
13 additional domestic black carbon emissions
14 reductions, such as diesel retrofit tech-
15 nologies on existing onroad, nonroad, and
16 stationary engines, programs to address
17 residential cookstoves and heating stoves,
18 programs to address forest and agri-
19 culture-based burning, and programs to
20 address ports, international shipping, and
21 aviation;

22 (iii) potential metrics and approaches
23 for quantifying the climatic effects of black
24 carbon emissions, including the radiative
25 forcing and warming effects of such emis-

1 sions, that may be used to compare the cli-
2 mate benefits of different mitigation strat-
3 egies, including an assessment of the un-
4 certainty in such metrics and approaches;
5 and

6 (iv) the public health and environ-
7 mental benefits associated with additional
8 controls for black carbon emissions.

9 (B) Recommendations regarding—

10 (i) development of additional emis-
11 sions monitoring techniques and capabili-
12 ties, modeling, and other black carbon-re-
13 lated areas of study;

14 (ii) areas of focus for additional study
15 of technologies, operations, and strategies
16 with the greatest potential to reduce emis-
17 sions of black carbon and associated public
18 health, economic, and environmental im-
19 pacts associated with these emissions; and

20 (iii) actions, in addition to those iden-
21 tified by the Administrator pursuant to
22 subsections (b) and (c), that the Federal
23 Government may take to encourage or re-
24 quire reductions in black carbon emissions.

25 (b) DOMESTIC BLACK CARBON MITIGATION.—

1 (1) PROPOSED REGULATIONS OR FINDING.—
2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator, taking into consider-
4 ation the public health and environmental impacts of
5 black carbon emissions, including the effects on
6 global and regional warming, the Arctic, and other
7 snow and ice-covered surfaces, shall propose—

8 (A) a finding that regulations that have
9 been promulgated as of the date of enactment
10 of this Act pursuant to such authorities ade-
11 quately reduce emissions of black carbon by 70
12 percent relative to 2013 levels by 2025; or

13 (B) regulations under the authorities of
14 the Clean Air Act (42 U.S.C. 7401 et seq.) (as
15 such authorities exist as of the date of the en-
16 actment of this Act) to reduce emissions of
17 black carbon by 70 percent relative to 2013 lev-
18 els by 2025.

19 (2) FINAL REGULATIONS OR FINDING.—Not
20 later than 2 years after the date of enactment of
21 this Act, the Administrator shall promulgate—

22 (A) a final finding described in paragraph
23 (1)(A); or

24 (B) final regulations described in para-
25 graph (1)(B).

1 (3) PARTICIPATION BY INDIGENOUS POPU-
2 LATIONS.—The Administrator shall allow indigenous
3 populations in the Arctic and other communities
4 disproportionally affected by black carbon emissions
5 to participate in the regulatory action under this
6 subsection through negotiated rulemaking or an
7 equivalent mechanism.

8 (c) INTERNATIONAL BLACK CARBON MITIGATION
9 ASSISTANCE REPORT.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this section, the Adminis-
12 trator, in coordination with the Secretary of State
13 and other appropriate Federal officials, shall trans-
14 mit a report to the Congress—

15 (A) on the amount, type, and direction of
16 all present United States financial, technical,
17 and related assistance to foreign countries to
18 reduce, mitigate, and otherwise abate black car-
19 bon emissions; and

20 (B) identifying opportunities and rec-
21 ommendations pursuant to paragraph (2).

22 (2) OTHER OPPORTUNITIES.—The report re-
23 quired under this subsection shall identify opportuni-
24 ties and recommendations, including action under
25 existing statutory and regulatory authorities, to

1 achieve significant black carbon emission reductions
2 in foreign countries through technical assistance or
3 other approaches to—

4 (A) promote sustainable solutions to bring
5 clean, efficient, safe, and affordable stoves,
6 fuels, or both stoves and fuels to residents of
7 developing countries that are reliant on solid
8 fuels such as wood, dung, charcoal, coal, or
9 crop residues for home cooking and heating, so
10 as to help reduce the public health, environ-
11 mental, and economic impacts of black carbon
12 emissions from these sources by—

13 (i) identifying key regions for large-
14 scale demonstration efforts, and key part-
15 ners in each such region; and

16 (ii) developing for each such region a
17 large-scale implementation strategy with a
18 goal of collectively reaching 100,000,000
19 homes over 5 years with interventions that
20 will—

21 (I) increase stove efficiency by
22 over 50 percent (or such other goal as
23 determined by the Administrator);

24 (II) reduce emissions of black
25 carbon by over 60 percent (or such

1 other goal as determined by the Ad-
2 ministrator); and

3 (III) reduce the incidence of se-
4 vere pneumonia in children under 5
5 years old by over 30 percent (or such
6 other goal as determined by the Ad-
7 ministrator);

8 (B) make technological improvements to
9 diesel engines and provide greater access to
10 fuels that emit less or no black carbon;

11 (C) reduce unnecessary agricultural or
12 other biomass burning where feasible alter-
13 natives exist;

14 (D) reduce the amount of heavy fuel oil
15 used by ships by switching to alternative fuels
16 or installing technological improvements;

17 (E) reduce unnecessary fossil fuel burning
18 that produces black carbon where feasible alter-
19 natives exist;

20 (F) reduce other sources of black carbon
21 emissions; and

22 (G) improve capacity to achieve greater
23 compliance with existing laws to address black
24 carbon emissions.

1 (3) CONSULTATION WITH ARCTIC COMMUNITIES
2 AND ARCTIC COUNCIL.—The Administrator shall—

3 (A) require that communities most vulner-
4 able to the impacts of black carbon, including
5 Arctic indigenous communities, are consulted
6 throughout the process of developing and trans-
7 mitting the report required by this subsection;
8 and

9 (B) encourage observers of the Arctic
10 Council (including India and China) to adopt
11 mitigation plans consistent with the findings
12 and recommendations of the Arctic Council’s
13 “Framework for Action on Black Carbon and
14 Methane”.

15 **TITLE VIII—ECONOMYWIDE**
16 **POLICIES**

17 **Subtitle A—State Climate Plans**

18 **SEC. 801. STATE CLIMATE PLANS.**

19 The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-
20 ed by adding after title VI the following new title:

21 **“TITLE VII—STATE CLIMATE**
22 **PLANS**

23 **“SEC. 701. DEFINITIONS.**

24 “In this title:

1 “(1) 2030 CARBON DIOXIDE STANDARD.—The
2 term ‘2030 carbon dioxide standard’ means a stand-
3 ard which requires each State to achieve covered
4 emissions of carbon dioxide within such State by
5 January 1, 2031, at a level to be established by the
6 Administrator in consideration of the emission re-
7 ductions needed to achieve the national interim goal
8 declared by section 101(1) of the CLEAN Future
9 Act.

10 “(2) 2040 CARBON DIOXIDE STANDARD.—The
11 term ‘2040 carbon dioxide standard’ means a stand-
12 ard which requires each State to achieve covered
13 emissions of carbon dioxide within such State by
14 January 1, 2041, at a level to be established by the
15 Administrator pursuant to section 705.

16 “(3) 2040 METHANE STANDARD.—The term
17 ‘2040 methane standard’ means a standard which
18 requires each State to achieve covered emissions of
19 methane within such State by January 1, 2041, at
20 a level that is at least 95 percent below such State’s
21 calendar year 2012 emissions of methane.

22 “(4) CARBON DIOXIDE EQUIVALENT.—The
23 term ‘carbon dioxide equivalent’ means, with respect
24 to a greenhouse gas, the quantity of such gas that
25 has a global warming potential equivalent to 1 met-

1 ric ton of carbon dioxide, as determined pursuant to
2 table A–1 of subpart A of part 98 of title 40, Code
3 of Federal Regulations.

4 “(5) COVERED EMISSIONS.—

5 “(A) Subject to subparagraph (B), the
6 term ‘covered emissions’ means carbon dioxide
7 and methane emitted by or attributed to
8 sources in a State.

9 “(B) The term ‘covered emissions’ includes
10 carbon dioxide and methane emissions that are
11 biogenic emissions from agriculture and land-
12 use practices only if such emissions consist of
13 emissions from burning woody biomass to gen-
14 erate electricity either for sale to the grid or for
15 onsite industrial use.

16 “(6) ELECTRIC GENERATING UNIT.—The term
17 ‘electric generating unit’ means a steam generating
18 unit, integrated gasification combined cycle, or sta-
19 tionary combustion turbine that meets the following
20 conditions, as applicable:

21 “(A) Serves a generator or generators con-
22 nected to a utility power distribution system
23 with a nameplate capacity greater than 25 MW-
24 net.

1 “(B) Has a base load rating greater than
2 260 Gigajoules per hour (250 million British
3 Thermal Units per hour) heat input of fossil
4 fuel (either alone or in combination with any
5 other fuel).

6 “(C) Has stationary combustion turbines
7 that are either a combined cycle or combined
8 heat and power combustion turbine.

9 “(7) GREENHOUSE GAS.—The term ‘greenhouse
10 gas’ means each of the following:

11 “(A) Carbon dioxide.

12 “(B) Methane.

13 “(C) Nitrous oxide.

14 “(D) Sulfur hexafluoride.

15 “(E) Hydrofluorocarbons.

16 “(F) Perfluorocarbons.

17 “(G) Any other anthropogenic gas des-
18 ignated as a greenhouse gas by the Adminis-
19 trator or required to be reported under part 98
20 of title 40, Code of Federal Regulations.

21 “(8) NATIONAL CLIMATE STANDARD.—The
22 term ‘national climate standard’ means a standard
23 which requires each State to achieve net-zero cov-
24 ered emissions measured in carbon dioxide equiva-
25 lents within such State, after annual accounting for

1 sources, negative emissions, and sinks of covered
2 emissions consistent with the reporting of emissions
3 required by this title by January 1, 2051.

4 “(9) NEGATIVE EMISSIONS.—The term ‘nega-
5 tive emissions’ means greenhouse gases permanently
6 removed from the atmosphere, other than biogenic
7 removals through land-use and forestry practices.

8 “(10) SINK.—The term ‘sink’ means a reservoir
9 of greenhouse gases removed from the atmosphere
10 through land-use and forestry practices.

11 **“SEC. 702. INVENTORIES.**

12 “(a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of this title, each State shall submit
14 to the Administrator, with respect to the preceding cal-
15 endar year, a comprehensive, accurate inventory of—

16 “(1) covered emissions, measured in metric tons
17 of carbon dioxide equivalent, attributed to the com-
18 bustion of fuels sold within such State during the re-
19 spective calendar year;

20 “(2) actual covered emissions not reported pur-
21 suant to paragraph (1) from all sources emitting at
22 least 25,000 metric tons of carbon dioxide equivalent
23 during the respective calendar year located in such
24 State;

1 “(3) actual covered emissions not reported pur-
2 suant to paragraph (1) or (2) from electric gener-
3 ating units during the respective calendar year lo-
4 cated in such State;

5 “(4) sinks located in such State during the re-
6 spective calendar year, measured in metric tons of
7 carbon dioxide equivalent;

8 “(5) negative emissions located in such State
9 during the respective calendar year, measured in
10 metric tons of carbon dioxide equivalent; and

11 “(6) such other data on sources, negative emis-
12 sions, and sinks of covered emissions that the Ad-
13 ministrator determines necessary to facilitate the im-
14 plementation of this title and the achievement and
15 maintenance of the standards established under this
16 title.

17 “(b) EXISTING DATA.—The States may rely on data
18 reported pursuant to part 98 of title 40, Code of Federal
19 Regulations (or successor regulations), in developing an
20 inventory under this section, as appropriate.

21 “(c) TECHNICAL ASSISTANCE.—The Administrator
22 shall provide technical assistance to the States to aid in
23 compliance with the requirements of this section.

24 “(d) UPDATES.—Not later than June 30 of the third
25 calendar year after the date of enactment of this title, and

1 by June 30 of each year thereafter, each State shall sub-
2 mit an updated inventory under this section to the Admin-
3 istrator for the preceding calendar year.

4 “(e) SINKS.—

5 “(1) METHODOLOGY.—The Administrator shall
6 develop, in accordance with national inventory ac-
7 counting guidelines under the United Nations
8 Framework Convention on Climate Change, a meth-
9 odology to quantify, in metric tons of carbon dioxide
10 equivalent, the greenhouse gases removed from the
11 atmosphere and sequestered in sinks in the States.

12 “(2) PROCESS.—For purposes of paragraph
13 (1), the Administrator—

14 “(A) shall, not later than 5 years after the
15 date of enactment of this title, issue such meth-
16 odology by proposed regulation;

17 “(B) shall, not later than 2 years after
18 issuing such proposed regulation, promulgate
19 such methodology by final regulation; and

20 “(C) may from time to time revise such
21 methodology.

22 “(3) DELAY IN REPORTING REQUIREMENT.—
23 Notwithstanding the deadlines in subsections (a) and
24 (d), the reporting requirement of subsection (a)(4)
25 and subsection (d) with respect to sinks shall not

1 take effect until June 30 of the second calendar year
2 following the promulgation of the final methodology
3 required by paragraph (2)(B).

4 **“SEC. 703. GRANTS FOR PLAN DEVELOPMENT.**

5 “(a) GRANTS.—The Administrator shall make grants
6 to air pollution control agencies to assist with the reason-
7 able costs of developing a State climate plan or plan revi-
8 sion pursuant to this title.

9 “(b) AUTHORIZATION OF APPROPRIATIONS.—To
10 carry out this section, there is authorized to be appro-
11 priated \$200,000,000.

12 **“SEC. 704. CLIMATE PLAN PLANNING PERIODS.**

13 “(a) ADOPTION AND SUBMISSION.—Each State shall
14 adopt and submit to the Administrator a climate plan
15 which—

16 “(1) provides for achieving, by January 1,
17 2051, the national climate standard;

18 “(2) provides for achieving the 2030 carbon di-
19 oxide standard;

20 “(3) provides for achieving the 2040 carbon di-
21 oxide standard; and

22 “(4) provides for achieving the 2040 methane
23 standard.

24 “(b) PLANNING PERIOD.—For purposes of this
25 title—

1 “(1) planning period 1 shall be through cal-
2 endar year 2030;

3 “(2) planning period 2 shall be for calendar
4 years 2031 through 2040; and

5 “(3) planning period 3 shall be for calendar
6 years 2041 through 2050.

7 “(c) SUBMISSION DEADLINES.—Each State shall
8 submit the plan required by subsection (a)—

9 “(1) for planning period 1, not later than 3
10 years after the date of enactment of this title;

11 “(2) for planning period 2, not later than De-
12 cember 31, 2028; and

13 “(3) for planning period 3, not later than De-
14 cember 31, 2038.

15 **“SEC. 705. REGULATIONS.**

16 “(a) IN GENERAL.—The Administrator shall—

17 “(1) not later than 12 months after the date of
18 enactment of this title, promulgate regulations to
19 implement section 702 which may include revisions,
20 as the Administrator determines appropriate, to part
21 98 of title 40, Code of Federal Regulations, to facili-
22 tate the reporting of all emissions relevant or nec-
23 essary to implement this title; and

24 “(2) not later than—

1 “(A) 18 months after the date of enact-
2 ment of this title, promulgate final regulations
3 to carry out this title for planning period 1;

4 “(B) January 1, 2027, revise such final
5 regulations for planning period 2; and

6 “(C) January 1, 2037, revise such final
7 regulations for planning period 3.

8 “(b) MODEL CONTROL STRATEGIES.—The regula-
9 tions required by subsection (a)(2) shall include model
10 control strategies established by the Administrator, after
11 notice and opportunity for comment, that States may
12 choose to adopt in climate plans under section 704, includ-
13 ing—

14 “(1) the climate pollution phaseout control pro-
15 gram under subsection (c);

16 “(2) a performance-based fuels standard under
17 subsection (d);

18 “(3) a carbon removal control strategy under
19 subsection (e);

20 “(4) energy efficiency control strategies under
21 subsection (f);

22 “(5) provisions to adopt and enforce, pursuant
23 to section 177, California’s standards relating to
24 control of emissions from new motor vehicles or new

1 motor vehicle engines, including California’s zero-
2 emissions vehicle regulations; and

3 “(6) any other program which, in the judgment
4 of the Administrator, will facilitate the expeditious
5 progress of the States toward achieving the stand-
6 ards established under this title.

7 “(c) CLIMATE POLLUTION PHASEOUT CONTROL
8 PROGRAM.—The Administrator shall establish a model cli-
9 mate pollution phaseout control program that—

10 “(1) is administered by the Administrator, with
11 decisions on matters such as the limit on the aggre-
12 gated quantity of covered emissions to be determined
13 after the deadline to submit the plan for planning
14 period 1;

15 “(2) addresses covered emissions and covers, at
16 a minimum, all sources that are—

17 “(A) located in a State participating in the
18 model program; and

19 “(B) emitting 25,000 tons or more of car-
20 bon dioxide equivalent per year;

21 “(3) determines the number of allowances avail-
22 able each calendar year, with each allowance author-
23 izing the emission of 1 ton of carbon dioxide equiva-
24 lent;

1 “(4) sets a limit on the aggregated quantity of
2 covered emissions from sources described in para-
3 graph (2) and reduces such limit annually in a man-
4 ner consistent with facilitating achievement of the
5 standards established under this title by the States
6 participating in the model program;

7 “(5) provides optional formulas that States par-
8 ticipating in the model program may choose to use
9 in allocating allowances within the respective State;
10 and

11 “(6) allows States and sources subject to the
12 program which hold an allowance or offset credit to,
13 without restriction, sell, exchange, transfer, hold for
14 compliance, or request that the Administrator retire
15 the allowance or credit.

16 “(d) PERFORMANCE-BASED FUELS STANDARD.—
17 The Administrator shall establish a model performance-
18 based fuels standard—

19 “(1) that is based on the average lifecycle
20 greenhouse gas emissions per unit of energy, of fuels
21 sold or introduced into commerce, as determined by
22 the Administrator after considering the aggregate
23 quantity of greenhouse gas emissions (including di-
24 rect emissions and significant indirect emissions,
25 such as significant emissions from land-use changes)

1 related to the full fuel life cycle, including all stages
2 of fuel and feedstock production and distribution,
3 from feedstock generation or extraction through the
4 distribution and delivery to, and use of, the finished
5 fuel by the ultimate consumer;

6 “(2) that covers fuels including, at a minimum,
7 transportation fuels;

8 “(3) whose objective is to reduce the greenhouse
9 gas emissions intensity of covered fuels to facilitate
10 achieving the standards established under this title;

11 “(4) that requires each fuel provider to dem-
12 onstrate compliance with the standard;

13 “(5) that provides for the generation of credits
14 for fuels produced or imported that achieve lower
15 greenhouse gas emissions intensity than is required
16 by the performance-based fuel standard and allows
17 for banking and trading such credits; and

18 “(6) that determines the appropriate amount of
19 credits and appropriate conditions, if any, on the
20 timing of disbursement, duration, trading, and use
21 of credits.

22 “(e) CARBON REMOVAL CONTROL STRATEGY.—

23 “(1) IN GENERAL.—The Administrator, in con-
24 sultation with the Secretary of Agriculture and the
25 Secretary of Energy, as appropriate, shall establish

1 a model carbon removal control strategy to facilitate
2 practices and activities that result in net-negative
3 greenhouse gas emissions through natural and tech-
4 nological solutions.

5 “(2) PRACTICES AND ACTIVITIES.—The model
6 strategy under paragraph (1)—

7 “(A) shall limit creditable projects to those
8 that reduce, avoid, or sequester greenhouse gas
9 emissions through practices proven to be effec-
10 tive; and

11 “(B) may include—

12 “(i) agricultural, grassland, and
13 rangeland management;

14 “(ii) forestry and land use activities;

15 “(iii) manure management and dis-
16 posal;

17 “(iv) wastewater and landfill manage-
18 ment;

19 “(v) direct air capture of greenhouse
20 gas emissions and sequestration; and

21 “(vi) carbon dioxide capture and se-
22 questration.

23 “(3) METHODOLOGIES AND PROTOCOLS.—To
24 ensure the environmental integrity of the model pro-
25 gram under paragraph (1), the Administrator shall

1 include methodologies and protocols for, with respect
2 to greenhouse gas reductions—

3 “(A) quantification, including for aggre-
4 gated projects;

5 “(B) verification;

6 “(C) reporting;

7 “(D) record-keeping;

8 “(E) audits; and

9 “(F) mitigation of leakage.

10 “(4) PREFERENCE.—The model program under
11 paragraph (1) shall require that greenhouse gas re-
12 ductions are additional and permanent.

13 “(f) ENERGY EFFICIENCY CONTROL STRATEGIES.—
14 The Administrator, in consultation with the Secretary of
15 Energy, shall establish model strategies for carbon dioxide
16 mitigation using energy efficiency for participating States
17 to facilitate demand-side energy management to reduce
18 energy use from electricity and fuels used for space and
19 water heating for industrial, commercial, and residential
20 consumers, which may include—

21 “(1) an energy efficiency resource standard;

22 “(2) a demand response program, including
23 time-based rates or other forms of financial incen-
24 tives and direct load control programs;

1 “(3) adoption and enforcement of energy- and
2 water-savings model building codes;

3 “(4) programs to promote energy efficient ret-
4 rofits of existing buildings;

5 “(5) incentives, rebates, and other financing op-
6 tions for adoption of cost-effective energy savings
7 technologies, including ENERGY STAR products,
8 with provisions to ensure that low-income commu-
9 nities can access these incentives, rebates, and other
10 financing options;

11 “(6) programs to promote cost-effective fuel-
12 switching of residential and commercial building
13 space heating and water heating loads;

14 “(7) programs to support adoption and certifi-
15 cation to ISO 50001 (or any successor standard) or
16 a comparable energy management system; and

17 “(8) practices to measure, verify, and report en-
18 ergy savings achieved.

19 “(g) SUBSEQUENT PLANNING PERIODS.—

20 “(1) IN GENERAL.—The requirements of the
21 regulations under subsection (a)(2) that apply to
22 planning period 1 shall continue to apply to subse-
23 quent planning periods, as applicable.

24 “(2) PLANNING PERIOD 2.—

1 “(A) TARGETS.—The regulations under
2 subsection (a)(2) for planning period 2 shall in-
3 clude—

4 “(i) requirements for maintenance of
5 the 2030 carbon dioxide standard;

6 “(ii) establishment of, and require-
7 ments and guidance relevant to, the 2040
8 carbon dioxide standard; and

9 “(iii) requirements and guidance rel-
10 evant to the 2040 methane standard.

11 “(B) CONSIDERATIONS FOR 2040 CARBON
12 DIOXIDE STANDARD.—In determining the 2040
13 carbon dioxide standard, the Administrator
14 shall take into consideration—

15 “(i) the best available science on the
16 needed pace of reducing greenhouse gas
17 emissions to limit global warming to 1.5°
18 Celsius;

19 “(ii) the international commitments
20 by the United States to address climate
21 change, so as to ensure that such standard
22 is, at a minimum, consistent with such
23 commitments;

24 “(iii) the degree of progress consid-
25 ered necessary by calendar year 2040 to

1 maximize the likelihood that there is an
2 economically and technically feasible path
3 forward from such date to achieve the na-
4 tional climate standard; and

5 “(iv) the projected emissions reduc-
6 tions from every State’s plan under this
7 title and projected emissions reductions
8 from all other enforceable domestic green-
9 house gas reduction measures.

10 “(3) PLANNING PERIOD 3.—The regulations
11 under subsection (a)(2) for planning period 3 shall
12 include—

13 “(A) requirements for maintenance of the
14 2040 carbon dioxide standard and the 2040
15 methane standard; and

16 “(B) such other provisions as the Adminis-
17 trator determines necessary for the achievement
18 of the national climate standard.

19 “(h) RULEMAKINGS.—In exercising any requirement
20 or authority in this title to act by regulation, the Adminis-
21 trator shall comply with the requirements of section
22 307(d).

23 “(i) GUIDELINES, INTERPRETATIONS, AND INFORMA-
24 TION.—In order to facilitate submission by the States of
25 adequate and approvable plans consistent with the applica-

1 ble requirements of this title, the Administrator shall, as
2 appropriate and from time to time, issue written guide-
3 lines, interpretations, and information to the States which
4 shall be available to the public.

5 **“SEC. 706. STATE CLIMATE PLAN CONTENTS.**

6 “(a) **REQUIRED CONTENTS.**—Each climate plan or
7 revision thereto submitted by a State under this title shall
8 be adopted by the State after reasonable notice and public
9 hearing. Each such climate plan shall—

10 “(1) include enforceable emission limitations
11 and other control measures, means, or techniques
12 (including economic incentives such as fees, market-
13 able permits, and auctions of emissions rights), as
14 well as schedules and timetables for compliance, as
15 may be necessary or appropriate to meet the applica-
16 ble requirements of this title;

17 “(2) provide for establishment and operation of
18 appropriate devices, methods, systems, and proce-
19 dures necessary to—

20 “(A) monitor, compile, and analyze data on
21 covered emissions, negative emissions, and
22 sinks; and

23 “(B) upon request, make such data avail-
24 able to the Administrator;

1 “(3) include a program to provide for the en-
2 forcement of the emission limitations and other con-
3 trol measures, means, or techniques described in
4 paragraph (1);

5 “(4) provide necessary assurances that—

6 “(A) the State (or, except where the Ad-
7 ministrator determines inappropriate, the gen-
8 eral purpose local government or governments,
9 or a regional agency designated by the State or
10 general purpose local government or govern-
11 ments)—

12 “(i) will have adequate personnel,
13 funding, and authority under State law to
14 carry out such climate plan; and

15 “(ii) is not prohibited by any Federal
16 or State law from carrying out such cli-
17 mate plan or any portion thereof;

18 “(B) the State will apply the requirements
19 of section 128 to any board or body that ap-
20 proves permits or enforcement orders under this
21 title; and

22 “(C) where the State relies on a local or
23 regional government, agency, or instrumentality
24 for the implementation of any plan provision,

1 the State will be responsible for ensuring ade-
2 quate implementation of such plan provision;

3 “(5) require, as may be prescribed by the Ad-
4 ministrator—

5 “(A) the installation, maintenance, and re-
6 placement of equipment, and the implementa-
7 tion of other necessary steps, by owners or op-
8 erators of stationary sources to monitor emis-
9 sions from sources of covered emissions;

10 “(B) periodic reports on the nature and
11 amounts of emissions and emissions-related
12 data from such sources; and

13 “(C) correlation of such reports by the
14 State with the standards established pursuant
15 to this title, which reports shall be available on
16 the internet for public inspection;

17 “(6) provide for revision of such climate plan—

18 “(A) from time to time as may be nec-
19 essary to take account of revisions of the stand-
20 ards established under this title or the avail-
21 ability of improved or more expeditious methods
22 of achieving such standards; and

23 “(B) whenever the Administrator finds on
24 the basis of information available to the Admin-
25 istrator that the climate plan is substantially

1 inadequate to achieve any of the standards es-
2 tablished under this title or to otherwise comply
3 with any additional requirements established
4 under this title; and

5 “(7) provide for consultation and participation
6 by local political subdivisions affected by the climate
7 plan.

8 “(b) JUST AND EQUITABLE TRANSITION.—

9 “(1) IN GENERAL.—A State climate plan under
10 this title shall contain a just and equitable transition
11 element that addresses how the State will—

12 “(A) improve public health, resilience, and
13 environmental outcomes, especially for rural
14 communities, low-income communities, commu-
15 nities of color, indigenous communities,
16 deindustrialized communities, and climate-im-
17 pacted communities that are or are likely to be
18 disproportionately affected by climate change or
19 other pollution; and

20 “(B) ensure fairness and equity for work-
21 ers and communities affected by the implemen-
22 tation of this title.

23 “(2) DEFINITIONS.—In this subsection—

24 “(A) the terms ‘community of color’, ‘in-
25 digenous community’, and ‘low-income commu-

1 nity’ have the meaning given such terms in sec-
2 tion 601 of the CLEAN Future Act; and

3 “(B) the term ‘climate-impacted commu-
4 nities’ has the meaning given such term in sec-
5 tion 1621 of the Energy Policy Act of 2005.

6 “(c) CONTINGENCY MEASURES.—A State climate
7 plan under this title shall provide for the implementation
8 of specific measures that—

9 “(1) will apply if the State fails to timely
10 achieve an applicable standard under this title; and

11 “(2) will apply by operation of the plan without
12 further action by the State or the Administrator.

13 **“SEC. 707. EPA ACTION ON PLAN SUBMISSIONS.**

14 “(a) COMPLETENESS OF PLAN SUBMISSIONS.—

15 “(1) COMPLETENESS CRITERIA.—Not later
16 than 18 months after the date of the enactment of
17 this title, the Administrator shall promulgate min-
18 imum criteria that any State climate plan or plan
19 revision submitted under this title must meet before
20 the Administrator is required to act on such submis-
21 sion. The criteria shall be limited to the information
22 necessary to enable the Administrator to determine
23 whether the submission complies with this title.

24 “(2) COMPLETENESS FINDING.—Not later than
25 60 days after the Administrator’s receipt of a State

1 climate plan or plan revision under this title, the Ad-
2 ministrator shall determine whether the minimum
3 criteria promulgated pursuant to paragraph (1) have
4 been met. If the Administrator fails to determine
5 whether a State climate plan or plan revision sub-
6 mitted under this title meets such minimum criteria
7 by the date that is 6 months after receipt of the sub-
8 mission, such plan or plan revision is deemed to
9 meet such minimum criteria.

10 “(3) EFFECT OF FINDING OF INCOMPLETE-
11 NESS.—Where the Administrator determines under
12 paragraph (2) that a plan or plan revision (or part
13 thereof) submitted under this title does not meet the
14 minimum criteria promulgated pursuant to para-
15 graph (1), the Administrator shall treat such plan or
16 plan revision (or, in the Administrator’s discretion,
17 part thereof) as having not been submitted.

18 “(b) DEADLINE FOR ACTION.—Not later than 12
19 months after a determination by the Administrator (or a
20 determination deemed by operation of law) under sub-
21 section (a) that a State has submitted a plan or plan revi-
22 sion (or, in the Administrator’s discretion, part thereof)
23 that meets the minimum criteria promulgated pursuant to
24 subsection (a), the Administrator shall act on the submis-
25 sion in accordance with subsection (c).

1 “(c) FULL AND PARTIAL APPROVAL AND DIS-
2 APPROVAL.—In the case of any submission of a plan or
3 plan revision on which the Administrator is required to
4 act under subsection (b), the Administrator—

5 “(1) shall approve such plan or plan revision as
6 a whole if it meets all of the applicable requirements
7 of this title;

8 “(2) if a portion of the plan or plan revision
9 meets all the applicable requirements of this title,
10 may approve the plan or plan revision in part and
11 disapprove the plan or plan revision in part; and

12 “(3) shall not treat the plan revision as meeting
13 the requirements of this title until the Administrator
14 approves the entire plan revision as complying with
15 the applicable requirements of this title.

16 “(d) CALLS FOR PLAN REVISIONS.—

17 “(1) IN GENERAL.—Whenever the Adminis-
18 trator finds that the applicable climate plan for any
19 State is substantially inadequate to achieve any ap-
20 plicable standard established under this title or to
21 maintain the national climate standard, or to other-
22 wise comply with any requirement of this title, the
23 Administrator shall require the State to revise the
24 plan as necessary to correct all such inadequacies.

1 “(2) NOTIFICATION.—The Administrator shall
2 notify the State of such inadequacies, and may es-
3 tablish reasonable deadlines (not to exceed 12
4 months after the date of such notice) for the submis-
5 sion of such plan revisions.

6 “(3) PUBLIC AVAILABILITY.—Such findings and
7 notice shall be public.

8 “(e) PLAN REVISIONS.—The Administrator shall not
9 approve a revision of a climate plan if the revision would
10 interfere with—

11 “(1) any applicable requirement concerning
12 achievement of a standard established under this
13 title; or

14 “(2) any other applicable requirement of this
15 title.

16 “(f) CORRECTIONS.—Whenever the Administrator
17 determines that the approval or disapproval of any plan
18 or plan revision (or part thereof) under this section was
19 in error, the Administrator may in the same manner as
20 the approval or disapproval, revise such action as appro-
21 priate without requiring any further submission from the
22 State. Such determination and the basis thereof shall be
23 provided to the State and public.

24 “(g) PLAN REVISIONS REQUIRED IN RESPONSE TO
25 FINDING OF PLAN INADEQUACY.—Any plan revision that

1 is required to be submitted in response to a finding by
2 the Administrator pursuant to subsection (d) shall correct
3 the plan inadequacy (or inadequacies) specified by the Ad-
4 ministrator and meet all other applicable plan require-
5 ments of this title.

6 “(h) REPORTS.—The Administrator may require a
7 State to submit reports relating to emissions reductions,
8 vehicle miles traveled, congestion levels, and any other in-
9 formation the Administrator determines necessary to as-
10 sess the development, effectiveness, need for revision, or
11 implementation of any plan or plan revision required
12 under this title.

13 “(i) COMPREHENSIVE DOCUMENT.—Not later than 5
14 years after the date of enactment of this title, and every
15 3 years thereafter, the Administrator shall assemble and
16 publish a comprehensive document for each State setting
17 forth all requirements of the applicable climate plan for
18 such State and shall publish notice in the Federal Register
19 of the availability of each such document.

20 “(j) INDIAN TRIBES.—If an Indian tribe submits a
21 climate plan under this title to the Administrator pursuant
22 to section 301(d), the Administrator shall review the plan
23 in accordance with the provisions of this section for review
24 of a State plan, except as otherwise provided by a regula-
25 tion consistent with the requirements of this title promul-

1 gated pursuant to section 301(d)(2). When such plan be-
2 comes effective in accordance with the regulations promul-
3 gated under section 301(d), the plan shall become applica-
4 ble to all areas (except as expressly provided otherwise in
5 the plan) located within the exterior boundaries of the res-
6 ervation, notwithstanding the issuance of any patent and
7 including rights-of-way running through the reservation.

8 **“SEC. 708. METROPOLITAN PLANNING AND TRANSPOR-**
9 **TATION CONSEQUENCES.**

10 “(a) IN GENERAL.—Subsections (c) and (d) of sec-
11 tion 176 shall apply with respect to a climate plan under
12 section 704 to the same extent and in the same manner
13 as such subsections apply with respect to an implementa-
14 tion plan under section 110.

15 “(b) REFERENCES.—In applying subsection (a) of
16 this section, references in subsection (c) or (d) of section
17 176 to national ambient air quality standards shall be
18 treated as references to the standards established under
19 this title.

20 **“SEC. 709. JOINT PLANNING.**

21 “(a) IN GENERAL.—Two or more States may jointly
22 submit climate plans or components thereof to achieve the
23 standards established under this title—

24 “(1) for all of the submitting States; or

1 “(2) for specific economic sectors in the submit-
2 ting States.

3 “(b) EVALUATION OF JOINT SUBMISSIONS.—The
4 Administrator shall treat States that submit climate plans
5 or components jointly pursuant to subsection (a) as a sin-
6 gle jurisdiction when—

7 “(1) evaluating the adequacy of the joint plan
8 or component under this title; and

9 “(2) determining under section 711 whether the
10 States have achieved the applicable standards estab-
11 lished under this title.

12 **“SEC. 710. MAINTENANCE PLANS.**

13 “(a) PLAN REVISION.—Each State that submits to
14 the Administrator a request for designation as having
15 achieved the national climate standard shall submit a revi-
16 sion to the State climate plan for maintaining the national
17 climate standard for at least 10 years after such designa-
18 tion.

19 “(b) SUBSEQUENT PLAN REVISION.—Not later than
20 8 years after the Administrator designates a State as
21 achieving the national climate standard, the State shall
22 submit to the Administrator an additional revision to the
23 State climate plan for maintaining the national climate
24 standard for 10 years after the expiration of the 10-year
25 period referred to in subsection (a).

1 “(c) **ADDITIONAL MEASURES.**—Each plan revision
2 submitted under this section shall include in the revision
3 such additional measures, if any, as may be necessary to
4 ensure maintenance of the national climate standard.

5 “(d) **CONTINGENCY PROVISIONS.**—Each plan revision submitted under this section shall—

7 “(1) contain such contingency provisions as the
8 Administrator determines necessary to ensure that
9 the State will promptly correct any violation of the
10 national climate standard which occurs after the
11 designation under section 711 of the State as achieving
12 such standard; and

13 “(2) include in such contingency provisions a
14 requirement that the State will implement all measures
15 with respect to the control of covered emissions
16 which were contained in the State climate plan before
17 such designation.

18 **“SEC. 711. ACHIEVEMENT OF STANDARDS.**

19 “(a) **DETERMINATION.**—

20 “(1) **IN GENERAL.**—As expeditiously as practicable after any date by which a State is required
21 to achieve a standard established under this title,
22 but not later than 12 months after such date, the
23 Administrator shall determine whether each State
24 achieved the applicable standard by that date.
25

1 “(2) REVISION.—The Administrator may revise
2 or supplement a determination under paragraph (1)
3 at any time based on more complete information or
4 analysis concerning the State’s inventory under sec-
5 tion 702.

6 “(b) DESIGNATION.—The Administrator may, upon
7 request by a State, designate the State as having achieved
8 a standard established under this title, if—

9 “(1) the Administrator determines under sub-
10 section (a) that the State has achieved the applicable
11 standard;

12 “(2) the Administrator has fully approved the
13 climate plan required by this title for the State;

14 “(3) the Administrator determines that reduc-
15 tion in covered emissions is due to permanent and
16 enforceable reductions in emissions resulting from
17 implementation of the climate plan and applicable
18 Federal laws or regulations and other permanent
19 and enforceable reductions;

20 “(4) if applicable, the Administrator has fully
21 approved under section 710 a revision by the State
22 to a climate plan for maintaining the national cli-
23 mate standard; and

24 “(5) the State has met all requirements applica-
25 ble under this title.

1 “(c) ACCOUNTING.—The Administrator shall promul-
2 gate regulations setting forth the manner by which the
3 Administrator will determine under subsection (a) whether
4 a State has achieved a standard established under this
5 title. Such regulations shall provide that the Administrator
6 shall account for offsets possessed and submitted by a
7 State for purposes of demonstrating achievement of the
8 national climate standard. In determining whether a State
9 has achieved the national climate standard, the Adminis-
10 trator shall account for negative emissions and sinks.

11 **“SEC. 712. NOTICE OF FAILURE TO ACHIEVE A STANDARD.**

12 “Not later than 30 days after making a determina-
13 tion under section 711 that a State has failed to timely
14 achieve a standard established under this title, the Admin-
15 istrator shall publish a notice in the Federal Register con-
16 taining such determination.

17 **“SEC. 713. CONSEQUENCES FOR FAILURE TO ACHIEVE**
18 **STANDARDS.**

19 “(a) IN GENERAL.—A State shall submit a revision
20 to its climate plan in accordance with this section not later
21 than 1 year after—

22 “(1) the Administrator publishes a notice under
23 section 712 of a determination that such State has
24 failed to timely achieve a standard established under
25 this title; or

1 “(2) such State submits an inventory under sec-
2 tion 702 demonstrating that it has failed to timely
3 achieve a standard established under this title, irre-
4 spective of whether the Administrator has published
5 a notice of such failure under section 712.

6 “(b) FAILURE TO ACHIEVE 2030 CARBON DIOXIDE
7 STANDARD.—

8 “(1) REQUIRED REVISION.—If a State fails to
9 timely achieve the 2030 carbon dioxide standard as
10 described in subsection (a), the State shall submit a
11 plan revision to its State climate plan that—

12 “(A) provides for achieving the 2030 car-
13 bon dioxide standard;

14 “(B) provides for, from the date of such
15 submission until achieving the 2030 carbon di-
16 oxide standard, an annual reduction in covered
17 emissions within the State of not less than 5
18 percent of the amount of such emissions as re-
19 ported in the calendar year 2030 inventory sub-
20 mitted by the State; and

21 “(C) ensures that the revised plan requires
22 that—

23 “(i) a permit must be obtained for the
24 construction and operation of any new or
25 modified source of covered emissions in the

1 State that emits 25,000 tons or more per
2 year of carbon dioxide equivalent;

3 “(ii) the owner or operator of—

4 “(I) such a modified source must
5 offset its increased covered emissions
6 attributable to such each such modi-
7 fication by obtaining emissions reduc-
8 tions from the same source or other
9 sources in the same State on a 2-to-
10 1 ratio of emissions reductions to in-
11 creased covered emissions by tonnage;
12 and

13 “(II) such a new source must off-
14 set its covered emissions by obtaining
15 emissions reductions from the same
16 source or other sources in the same
17 State on a 2-to-1 ratio of emissions
18 reductions to covered emissions by
19 tonnage;

20 “(iii) such covered emissions reduc-
21 tions must be, by the time a new or modi-
22 fied source described in clause (i) com-
23 mences operation, in effect and enforce-
24 able;

1 “(iv) emissions reductions required
2 under any Federal or State law other than
3 this title are not creditable as emissions re-
4 ductions for purposes of the offset require-
5 ment under this paragraph; and

6 “(v) any emissions reductions required
7 pursuant to this paragraph as a pre-
8 condition of the issuance of a permit are
9 federally enforceable before such permit
10 may be issued.

11 “(2) CESSATION.—The requirements of this
12 subsection cease to apply with respect to a State de-
13 scribed in paragraph (1) once such State has—

14 “(A) achieved the 2030 carbon dioxide
15 standard and received a designation of such
16 achievement under section 711; and

17 “(B) obtained the Administrator’s approval
18 of a climate plan for the State for planning pe-
19 riod 2, including a satisfactory demonstration
20 that the plan will result in achieving the 2040
21 carbon dioxide standard.

22 “(c) FAILURE TO ACHIEVE 2040 CARBON DIOXIDE
23 STANDARD.—

24 “(1) REQUIRED REVISION.—If a State fails to
25 timely achieve the 2040 carbon dioxide standard as

1 described in subsection (a), the State shall submit a
2 plan revision for the applicable State climate plan
3 that—

4 “(A) provides for achievement of the 2040
5 carbon dioxide standard;

6 “(B) provides for, from the date of such
7 submission until achievement of the 2040 car-
8 bon dioxide standard, an annual reduction in
9 covered emissions within the State of not less
10 than 10 percent of the amount of such emis-
11 sions as reported in the calendar year 2040 in-
12 ventory submitted by the State; and

13 “(C) ensures that the revised plan includes
14 each requirement listed in subsection (b)(1)(C),
15 except that the reference to any 2-to-1 ratio in
16 such subsection shall be treated as a reference
17 to a 3-to-1 ratio for purposes of this subsection.

18 “(2) CESSATION.—The requirements of this
19 subsection cease to apply with respect to a State de-
20 scribed in paragraph (1) once such State has—

21 “(A) achieved the 2040 carbon dioxide
22 standard and received a designation of such
23 achievement under section 711; and

24 “(B) obtained the Administrator’s approval
25 of the climate plan for the State for planning

1 period 3, including a satisfactory demonstration
2 that the plan will result in achieving the na-
3 tional climate standard.

4 “(d) FAILURE TO ACHIEVE 2040 METHANE STAND-
5 ARD.—

6 “(1) REQUIRED REVISION.—If a State fails to
7 timely achieve the 2040 methane standard as de-
8 scribed in subsection (a), the State shall submit a
9 plan revision for the applicable State climate plan
10 that—

11 “(A) provides for achievement of the 2040
12 methane standard; and

13 “(B) provides for, from the date of such
14 submission until achievement of the 2040 meth-
15 ane standard, an annual reduction in covered
16 emissions of methane within the State of not
17 less than 5 percent of the amount of such emis-
18 sions as reported in the calendar year 2040 in-
19 ventory submitted by the State.

20 “(2) CESSATION.—The requirements of this
21 subsection cease to apply with respect to a State de-
22 scribed in paragraph (1) once such State has—

23 “(A) achieved the 2040 methane standard
24 and received a designation of such achievement
25 under section 711; and

1 “(B) obtained the Administrator’s approval
2 of the climate plan for the State for planning
3 period 3, including a satisfactory demonstration
4 that the plan will result in achieving the na-
5 tional climate standard.

6 “(e) FAILURE TO ACHIEVE NATIONAL CLIMATE
7 STANDARD.—If a State fails to timely achieve the national
8 climate standard as described in subsection (a), the State
9 shall submit a plan revision for the applicable State cli-
10 mate plan that—

11 “(1) provides for achievement of the national
12 climate standard; and

13 “(2) provides for, from the date of such submis-
14 sion until achievement of the national climate stand-
15 ard, an annual reduction in covered emissions within
16 the State of not less than 10 percent of the amount
17 of such emissions as reported in the calendar year
18 2050 inventory submitted by the State.

19 “(f) MEASURES TO INCLUDE.—A plan revision re-
20 quired by this section shall include such additional meas-
21 ures as the Administrator may reasonably by regulation
22 prescribe, including measures that can be feasibly imple-
23 mented in the State in light of technological achievability,
24 costs, and any non-air quality and other air quality-related
25 health and environmental impacts.

1 **“SEC. 714. RACE TO NET-ZERO GRANT PROGRAM.**

2 “(a) ESTABLISHMENT.—Not later than 12 months
3 after the date of enactment of this title, the Administrator
4 shall establish a grant program to be known as the Race
5 to Net-Zero Grant Program.

6 “(b) DISTRIBUTION.—Sources that paid a carbon fee
7 under section 715 for the current or preceding fiscal year
8 may apply for and receive funds under the grant program
9 established under subsection (a) in order to facilitate the
10 achievement of the standards under this title through the
11 reduction of covered emissions, through the following ac-
12 tivities:

13 “(1) Any project that the Administrator deter-
14 mines will directly reduce covered emissions at the
15 source receiving the grant, including any such
16 project for improving energy efficiency.

17 “(2) Implementation of the practices and activi-
18 ties included in the carbon removal model control
19 strategy under section 705(e).

20 “(3) Implementation of zero-emissions trans-
21 portation technology development and deployment
22 strategies, including deployment of—

23 “(A) zero-emission vehicles, including light-
24 , medium-, and heavy-duty vehicles; and

25 “(B) distribution and delivery infrastruc-
26 ture to support zero-emissions vehicle charging

1 and refueling, including improvements to elec-
2 trical grid infrastructure.

3 “(4) Electrification of residential and commer-
4 cial energy uses that results in the reduced demand
5 for natural gas, heating oil, gasoline, diesel fuel, or
6 propane.

7 “(5) Emissions reductions from industrial
8 sources.

9 “(6) Reduction, capture, and use of landfill gas.

10 “(c) ACTION BY GRANTEES.—A source that receives
11 funds under this section shall maintain such records on
12 the use of such funds, including evidence of compliance
13 with the provisions of this section, as the Administrator
14 may require.

15 “(d) GUIDELINES AND CRITERIA.—The Adminis-
16 trator may issue such guidelines and criteria for the grant
17 program under this section as the Administrator deter-
18 mines to be appropriate.

19 “(e) DAVIS-BACON.—Notwithstanding any other pro-
20 vision of law and in a manner consistent with other provi-
21 sions in this section, to receive funding under this section,
22 a source shall provide reasonable assurances that all labor-
23 ers and mechanics employed by contractors and sub-
24 contractors on projects funded directly by or assisted in
25 whole or in part by and through the Federal Government

1 pursuant to this section, will be paid wages at rates not
2 less than those prevailing on projects of a character simi-
3 lar in the locality as determined by the Secretary of Labor
4 in accordance with subchapter IV of chapter 31 of title
5 40, United States Code. With respect to the labor stand-
6 ards specified in this subsection, the Secretary of Labor
7 shall have the authority and functions set forth in Reorga-
8 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5
9 U.S.C. App.) and section 3145 of title 40, United States
10 Code.

11 **“SEC. 715. FEDERAL BACKSTOP CARBON FEE.**

12 “(a) APPLICATION.—

13 “(1) STATES IN WHICH FEE APPLIES.—A car-
14 bon fee under this section shall only be assessed and
15 collected with respect to covered emissions in—

16 “(A) a State that does not submit a cli-
17 mate plan or plan revision required under this
18 title by the applicable deadline; and

19 “(B) a State for which the Administrator
20 disapproves, in whole or in part, the climate
21 plan or any plan revision required under this
22 title.

23 “(2) TIMING.—A carbon fee under this section
24 shall be assessed and collected—

1 “(A) with respect to a State described in
2 paragraph (1)(A), beginning 180 days after the
3 applicable deadline described in such para-
4 graph; and

5 “(B) with respect to a State described in
6 paragraph (1)(B), beginning 180 days after
7 publication of the notice of disapproval.

8 “(b) CARBON FEE.—Subject to subsection (a), the
9 Administrator shall annually assess and collect a carbon
10 fee from—

11 “(1) each terminal used for bulk storage of, and
12 each distributor of, fuels that are described in sec-
13 tion 702(a)(1), as determined by the Administrator,
14 based on the amount of covered emissions attrib-
15 utable to the combustion of such fuels sold or trans-
16 ferred by the terminal or distributor for delivery in
17 each State in which the fee is being assessed; and

18 “(2) each source of covered emissions that is
19 described in paragraph (2) or (3) of section 702(a)
20 based on the amount of covered emissions attrib-
21 utable to such source in the inventory submitted
22 pursuant to section 702 by a State in which the fee
23 is being assessed.

24 “(c) AMOUNT OF THE CARBON FEE.—Not later than
25 90 days after a triggering event described in subsection

1 (a)(1) occurs with respect to a State, the Administrator
2 shall set the amount of a carbon fee to be collected under
3 subsection (b). Such amount shall be equal to—

4 “(1) the number of metric tons of covered emis-
5 sions, measured in carbon dioxide equivalent that
6 are attributable, as described in subsection (b), to
7 the terminal used for bulk storage of fuels, dis-
8 tributor of fuels, or source of covered emissions;
9 multiplied by

10 “(2) a dollar amount which modeling predicts
11 with a high degree of confidence will reduce covered
12 emissions in the State so as to put the State on a
13 trajectory to timely achieve the standards estab-
14 lished under this title.

15 “(d) EXEMPTION AND REFUND.—The Administrator
16 shall—

17 “(1) ensure a carbon fee under this section is
18 not assessed and collected with respect to any non-
19 emitting use within the State in which the fee is
20 being assessed; and

21 “(2) provide for the refund of any carbon fee
22 paid under this section with respect to a nonemitting
23 use within the State in which the fee is being as-
24 sessed.

1 “(e) AVAILABILITY.—All carbon fees collected under
2 this section shall be available for, and used solely to fund,
3 the program under section 714, without further appropria-
4 tion and without fiscal year limitation.

5 **“SEC. 716. RULE OF CONSTRUCTION.**

6 “Nothing in this title affects the authorities and obli-
7 gations of the Administrator and the States under other
8 titles of this Act to reduce greenhouse gas emissions that
9 contribute to air pollution which may reasonably be antici-
10 pated to endanger public health or welfare in the United
11 States or other nations.”.

12 **Subtitle B—Clean Energy and**
13 **Sustainability Accelerator**

14 **SEC. 811. CLEAN ENERGY AND SUSTAINABILITY ACCEL-**
15 **ERATOR.**

16 Title XVI of the Energy Policy Act of 2005 (Public
17 Law 109–58, as amended) is amended by adding at the
18 end the following new subtitle:

19 **“Subtitle C—Clean Energy and**
20 **Sustainability Accelerator**

21 **“SEC. 1621. DEFINITIONS.**

22 “In this subtitle:

23 “(1) ACCELERATOR.—The term ‘Accelerator’
24 means the Clean Energy and Sustainability Accel-
25 erator established under section 1622.

1 “(2) BOARD.—The term ‘Board’ means the
2 Board of Directors of the Accelerator.

3 “(3) CHIEF EXECUTIVE OFFICER.—The term
4 ‘chief executive officer’ means the chief executive of-
5 ficer of the Accelerator.

6 “(4) CLIMATE-IMPACTED COMMUNITIES.—The
7 term ‘climate-impacted communities’ includes—

8 “(A) communities of color, which include
9 any geographically distinct area the population
10 of color of which is higher than the average
11 population of color of the State in which the
12 community is located;

13 “(B) communities that are already or are
14 likely to be the first communities to feel the di-
15 rect negative effects of climate change;

16 “(C) distressed neighborhoods, dem-
17 onstrated by indicators of need, including pov-
18 erty, childhood obesity rates, academic failure,
19 and rates of juvenile delinquency, adjudication,
20 or incarceration;

21 “(D) low-income communities, defined as
22 any census block group in which 30 percent or
23 more of the population are individuals with low
24 income;

1 “(E) low-income households, defined as a
2 household with annual income equal to, or less
3 than, the greater of—

4 “(i) an amount equal to 80 percent of
5 the median income of the area in which the
6 household is located, as reported by the
7 Department of Housing and Urban Devel-
8 opment; and

9 “(ii) 200 percent of the Federal pov-
10 erty line;

11 “(F) Tribal communities;

12 “(G) persistent poverty counties, defined
13 as any county that has had a poverty rate of 20
14 percent or more for the past 30 years as meas-
15 ured by the 2000, 2010, and 2020 decennial
16 censuses;

17 “(H) communities disproportionately af-
18 fected by environmental pollution and other
19 hazards that can lead to negative public health
20 effects; and

21 “(I) communities that are economically re-
22 liant on fossil fuel-based industries.

23 “(5) CLIMATE RESILIENT INFRASTRUCTURE.—

24 The term ‘climate resilient infrastructure’ means

1 any project that builds or enhances infrastructure so
2 that such infrastructure—

3 “(A) is planned, designed, and operated in
4 a way that anticipates, prepares for, and adapts
5 to changing climate conditions; and

6 “(B) can withstand, respond to, and re-
7 cover rapidly from disruptions caused by these
8 climate conditions.

9 “(6) ELECTRIFICATION.—The term ‘electrifica-
10 tion’ means the installation, construction, or use of
11 end-use electric technology that replaces existing fos-
12 sil-fuel-based technology.

13 “(7) ENERGY EFFICIENCY.—The term ‘energy
14 efficiency’ means any project, technology, function,
15 or measure that results in the reduction of energy
16 use required to achieve the same level of service or
17 output prior to the application of such project, tech-
18 nology, function, or measure, or substantially re-
19 duces greenhouse gas emissions relative to emissions
20 that would have occurred prior to the application of
21 such project, technology, function, or measure.

22 “(8) FUEL SWITCHING.—The term ‘fuel switch-
23 ing’ means any project that replaces a fossil-fuel-
24 based heating system with an electric-powered sys-
25 tem or one powered by biomass-generated heat.

1 “(9) GREEN BANK.—The term ‘green bank’
2 means a dedicated public or nonprofit specialized fi-
3 nance entity that—

4 “(A) is designed to drive private capital
5 into market gaps for low- and zero-emission
6 goods and services;

7 “(B) uses finance tools to mitigate climate
8 change;

9 “(C) does not take deposits;

10 “(D) is funded by government, public, pri-
11 vate, or charitable contributions; and

12 “(E) invests or finances projects—

13 “(i) alone; or

14 “(ii) in conjunction with other inves-
15 tors.

16 “(10) QUALIFIED PROJECTS.—The term ‘quali-
17 fied projects’ means the following kinds of tech-
18 nologies and activities that are eligible for financing
19 and investment from the Clean Energy and Sustain-
20 ability Accelerator, either directly or through State,
21 Territorial, and local green banks funded by the
22 Clean Energy and Sustainability Accelerator:

23 “(A) Renewable energy generation, includ-
24 ing the following:

25 “(i) Solar.

1 “(ii) Wind.

2 “(iii) Geothermal.

3 “(iv) Hydropower.

4 “(v) Ocean and hydrokinetic.

5 “(vi) Fuel cell.

6 “(B) Building energy efficiency, fuel
7 switching, and electrification.

8 “(C) Industrial decarbonization.

9 “(D) Grid technology such as trans-
10 mission, distribution, and storage to support
11 clean energy distribution, including smart-grid
12 applications.

13 “(E) Agriculture and forestry projects that
14 reduce net greenhouse gas emissions.

15 “(F) Clean transportation, including the
16 following:

17 “(i) Battery electric vehicles.

18 “(ii) Plug-in hybrid electric vehicles.

19 “(iii) Hydrogen vehicles.

20 “(iv) Other zero-emissions fueled vehi-
21 cles.

22 “(v) Related vehicle charging and
23 fueling infrastructure.

24 “(G) Climate resilient infrastructure.

1 “(H) Any other key areas identified by the
2 Board as consistent with the mandate of the
3 Accelerator as described in section 1623.

4 “(11) RENEWABLE ENERGY GENERATION.—
5 The term ‘renewable energy generation’ means elec-
6 tricity created by sources that are continually replen-
7 ished by nature, such as the sun, wind, and water.

8 **“SEC. 1622. ESTABLISHMENT.**

9 “(a) IN GENERAL.—Not later than 1 year after the
10 date of enactment of this subtitle, there shall be estab-
11 lished a nonprofit corporation to be known as the Clean
12 Energy and Sustainability Accelerator.

13 “(b) LIMITATION.—The Accelerator shall not be an
14 agency or instrumentality of the Federal Government.

15 “(c) FULL FAITH AND CREDIT.—The full faith and
16 credit of the United States shall not extend to the Accel-
17 erator.

18 “(d) NONPROFIT STATUS.—The Accelerator shall
19 maintain its status as an organization exempt from tax-
20 ation under the Internal Revenue Code of 1986 (26 U.S.C.
21 1 et seq.).

22 **“SEC. 1623. MANDATE.**

23 “The Accelerator shall make the United States a
24 world leader in combating the causes and effects of climate
25 change through the rapid deployment of mature tech-

1 nologies and scaling of new technologies by maximizing
2 the reduction of emissions in the United States for every
3 dollar deployed by the Accelerator, including by—

4 “(1) providing financing support for invest-
5 ments in the United States in low- and zero-emis-
6 sions technologies and processes in order to rapidly
7 accelerate market penetration;

8 “(2) catalyzing and mobilizing private capital
9 through Federal investment and supporting a more
10 robust marketplace for clean technologies, while
11 avoiding competition with private investment;

12 “(3) enabling climate-impacted communities to
13 benefit from and afford projects and investments
14 that reduce emissions;

15 “(4) providing support for workers and commu-
16 nities impacted by the transition to a low-carbon
17 economy;

18 “(5) supporting the creation of green banks
19 within the United States where green banks do not
20 exist; and

21 “(6) causing the rapid transition to a clean en-
22 ergy economy without raising energy costs to end
23 users and seeking to lower costs where possible.

1 **“SEC. 1624. FINANCE AND INVESTMENT DIVISION.**

2 “(a) IN GENERAL.—There shall be within the Accel-
3 erator a finance and investment division, which shall be
4 responsible for—

5 “(1) the Accelerator’s greenhouse gas emissions
6 mitigation efforts by directly financing qualifying
7 projects or doing so indirectly by providing capital to
8 State, Territorial, and local green banks;

9 “(2) originating, evaluating, underwriting, and
10 closing the Accelerator’s financing and investment
11 transactions in qualified projects;

12 “(3) partnering with private capital providers
13 and capital markets to attract coinvestment from
14 private banks, investors, and others in order to drive
15 new investment into underpenetrated markets, to in-
16 crease the efficiency of private capital markets with
17 respect to investing in greenhouse gas reduction
18 projects, and to increase total investment caused by
19 the Accelerator;

20 “(4) managing the Accelerator’s portfolio of as-
21 sets to ensure performance and monitor risk;

22 “(5) ensuring appropriate debt and risk mitiga-
23 tion products are offered; and

24 “(6) overseeing prudent, noncontrolling equity
25 investments.

1 “(b) PRODUCTS AND INVESTMENT TYPES.—The fi-
2 nance and investment division of the Accelerator may pro-
3 vide capital to qualified projects in the form of—

4 “(1) senior, mezzanine, and subordinated debt;

5 “(2) credit enhancements including loan loss re-
6 serves and loan guarantees;

7 “(3) aggregation and warehousing;

8 “(4) equity capital; and

9 “(5) any other financial product approved by
10 the Board.

11 “(c) STATE, TERRITORIAL, AND LOCAL GREEN
12 BANK CAPITALIZATION.—The finance and investment di-
13 vision of the Accelerator shall make capital available to
14 State, Territorial, and local green banks to enable such
15 banks to finance qualifying projects in their markets that
16 are better served by a locally based entity, rather than
17 through direct investment by the Accelerator.

18 “(d) INVESTMENT COMMITTEE.—The debt, risk miti-
19 gation, and equity investments made by the Accelerator
20 shall be—

21 “(1) approved by the investment committee of
22 the Board; and

23 “(2) consistent with an investment policy that
24 has been established by the investment committee of

1 the Board in consultation with the risk management
2 committee of the Board.

3 **“SEC. 1625. START-UP DIVISION.**

4 “There shall be within the Accelerator a Start-up Di-
5 vision, which shall be responsible for providing technical
6 assistance and start-up funding to States and other polit-
7 ical subdivisions that do not have green banks to establish
8 green banks in those States and political subdivisions, in-
9 cluding by working with relevant stakeholders in those
10 States and political subdivisions.

11 **“SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRA-
12 STRUCTURE FINANCING PROGRAM.**

13 “Not later than 1 year after the date of establishment
14 of the Accelerator, the Accelerator shall explore the estab-
15 lishment of a program to provide low- and zero-interest
16 loans, up to 30 years in length, to any school, metropolitan
17 planning organization, or nonprofit organization seeking
18 financing for the acquisition of zero-emissions vehicle
19 fleets or associated infrastructure to support zero-emis-
20 sions vehicle fleets.

21 **“SEC. 1627. PROJECT PRIORITIZATION AND REQUIRE-
22 MENTS.**

23 “(a) EMISSIONS REDUCTION MANDATE.—In invest-
24 ing in projects that mitigate greenhouse gas emissions, the
25 Accelerator shall maximize the reduction of emissions in

1 the United States for every dollar deployed by the Accel-
2 erator.

3 “(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—

4 “(1) IN GENERAL.—In order to address envi-
5 ronmental justice needs, the Accelerator shall, as ap-
6 plicable, prioritize the provision of program benefits
7 and investment activity that are expected to directly
8 or indirectly result in the deployment of projects to
9 serve, as a matter of official policy, climate-impacted
10 communities.

11 “(2) MINIMUM PERCENTAGE.—The Accelerator
12 shall ensure that over the 30-year period of its char-
13 ter 40 percent of its investment activity is directed
14 to serve climate-impacted communities.

15 “(c) CONSUMER PROTECTION.—

16 “(1) PRIORITIZATION.—Consistent with the
17 mandate under section 1623 to maximize the reduc-
18 tion of emissions in the United States for every dol-
19 lar deployed by the Accelerator, the Accelerator shall
20 prioritize qualified projects according to benefits
21 conferred on consumers and affected communities.

22 “(2) CONSUMER CREDIT PROTECTION.—The
23 Accelerator shall ensure that any residential energy
24 efficiency or distributed clean energy project in
25 which the Accelerator invests directly or indirectly

1 complies with the requirements of the Consumer
2 Credit Protection Act (15 U.S.C. 1601 et seq.), in-
3 cluding, in the case of a financial product that is a
4 residential mortgage loan, any requirements of title
5 I of that Act relating to residential mortgage loans
6 (including any regulations promulgated by the Bu-
7 reau of Consumer Financial Protection under sec-
8 tion 129C(b)(3)(C) of that Act (15 U.S.C.
9 1639e(b)(3)(C))).

10 “(d) LABOR.—

11 “(1) IN GENERAL.—The Accelerator shall en-
12 sure that laborers and mechanics employed by con-
13 tractors and subcontractors in construction work fi-
14 nanced directly by the Accelerator will be paid wages
15 not less than those prevailing on similar construction
16 in the locality, as determined by the Secretary of
17 Labor under sections 3141 through 3144, 3146, and
18 3147 of title 40, United States Code.

19 “(2) PROJECT LABOR AGREEMENT.—The Accel-
20 erator shall ensure that projects financed directly by
21 the Accelerator with total capital costs of
22 \$100,000,000 or greater utilize a project labor
23 agreement.

1 **“SEC. 1628. EXPLORATION OF ACCELERATED CLEAN EN-**
2 **ERGY TRANSITION PROGRAM.**

3 “Not later than 1 year after the date on which the
4 Accelerator is established, the Board shall explore the es-
5 tablishment of an accelerated clean energy transition pro-
6 gram—

7 “(1) to expedite the transition within the power
8 sector to zero-emissions power generation facilities
9 or assets; and

10 “(2) to simultaneously invest in local economic
11 development in communities affected by this transi-
12 tion away from carbon-intensive facilities or assets.

13 **“SEC. 1629. BOARD OF DIRECTORS.**

14 “(a) IN GENERAL.—The Accelerator shall operate
15 under the direction of a Board of Directors, which shall
16 be composed of 7 members.

17 “(b) INITIAL COMPOSITION AND TERMS.—

18 “(1) SELECTION.—The initial members of the
19 Board shall be selected as follows:

20 “(A) APPOINTED MEMBERS.—Three mem-
21 bers shall be appointed by the President, with
22 the advice and consent of the Senate, of whom
23 no more than two shall belong to the same po-
24 litical party.

25 “(B) ELECTED MEMBERS.—Four members
26 shall be elected unanimously by the 3 members

1 appointed and confirmed pursuant to subpara-
2 graph (A).

3 “(2) TERMS.—The terms of the initial members
4 of the Board shall be as follows:

5 “(A) The 3 members appointed and con-
6 firmed under paragraph (1)(A) shall have initial
7 5-year terms.

8 “(B) Of the 4 members elected under
9 paragraph (1)(B), 2 shall have initial 3-year
10 terms, and 2 shall have initial 4-year terms.

11 “(c) SUBSEQUENT COMPOSITION AND TERMS.—

12 “(1) SELECTION.—Except for the selection of
13 the initial members of the Board for their initial
14 terms under subsection (b), the members of the
15 Board shall be elected by the members of the Board.

16 “(2) DISQUALIFICATION.—A member of the
17 Board shall be disqualified from voting for any posi-
18 tion on the Board for which such member is a can-
19 didate.

20 “(3) TERMS.—All members elected pursuant to
21 paragraph (1) shall have a term of 5 years.

22 “(d) QUALIFICATIONS.—The members of the Board
23 shall collectively have expertise in—

1 “(1) the fields of clean energy, electric utilities,
2 industrial decarbonization, clean transportation, re-
3 siliency, and agriculture and forestry practices;

4 “(2) climate change science;

5 “(3) finance and investments; and

6 “(4) environmental justice and matters related
7 to the energy and environmental needs of climate-
8 impacted communities.

9 “(e) RESTRICTION ON MEMBERSHIP.—No officer or
10 employee of the Federal or any other level of government
11 may be appointed or elected as a member of the Board.

12 “(f) QUORUM.—Five members of the Board shall
13 constitute a quorum.

14 “(g) BYLAWS.—

15 “(1) IN GENERAL.—The Board shall adopt, and
16 may amend, such bylaws as are necessary for the
17 proper management and functioning of the Accel-
18 erator.

19 “(2) OFFICERS.—In the bylaws described in
20 paragraph (1), the Board shall—

21 “(A) designate the officers of the Accel-
22 erator; and

23 “(B) prescribe the duties of those officers.

24 “(h) VACANCIES.—Any vacancy on the Board shall
25 be filled through election by the Board.

1 “(i) INTERIM APPOINTMENTS.—A member elected to
2 fill a vacancy occurring before the expiration of the term
3 for which the predecessor of that member was appointed
4 or elected shall serve for the remainder of the term for
5 which the predecessor of that member was appointed or
6 elected.

7 “(j) REAPPOINTMENT.—A member of the Board may
8 be elected for not more than 1 additional term of service
9 as a member of the Board.

10 “(k) CONTINUATION OF SERVICE.—A member of the
11 Board whose term has expired may continue to serve on
12 the Board until the date on which a successor member
13 is elected.

14 “(l) CHIEF EXECUTIVE OFFICER.—The Board shall
15 appoint a chief executive officer who shall be responsible
16 for—

17 “(1) hiring employees of the Accelerator;

18 “(2) establishing the 2 divisions of the Accel-
19 erator described in sections 1624 and 1625; and

20 “(3) performing any other tasks necessary for
21 the day-to-day operations of the Accelerator.

22 “(m) ADVISORY COMMITTEE.—

23 “(1) ESTABLISHMENT.—The Accelerator shall
24 establish an advisory committee (in this subsection
25 referred to as the ‘advisory committee’), which shall

1 be composed of not more than 13 members ap-
2 pointed by the Board on the recommendation of the
3 president of the Accelerator.

4 “(2) MEMBERS.—Members of the advisory com-
5 mittee shall be broadly representative of interests
6 concerned with the environment, production, com-
7 merce, finance, agriculture, forestry, labor, services,
8 and State Government. Of such members—

9 “(A) not fewer than 3 shall be representa-
10 tives of the small business community;

11 “(B) not fewer than 2 shall be representa-
12 tives of the labor community, except that no 2
13 members may be from the same labor union;

14 “(C) not fewer than 2 shall be representa-
15 tives of the environmental nongovernmental or-
16 ganization community, except that no 2 mem-
17 bers may be from the same environmental orga-
18 nization;

19 “(D) not fewer than 2 shall be representa-
20 tives of the environmental justice nongovern-
21 mental organization community, except that no
22 2 members may be from the same environ-
23 mental organization;

24 “(E) not fewer than 2 shall be representa-
25 tives of the consumer protection and fair lend-

1 ing community, except that no 2 members may
2 be from the same consumer protection or fair
3 lending organization; and

4 “(F) not fewer than 2 shall be representa-
5 tives of the financial services industry with
6 knowledge of and experience in financing trans-
7 actions for clean energy and other sustainable
8 infrastructure assets.

9 “(3) MEETINGS.—The advisory committee shall
10 meet not less frequently than once each quarter.

11 “(4) DUTIES.—The advisory committee shall—

12 “(A) advise the Accelerator on the pro-
13 grams undertaken by the Accelerator; and

14 “(B) submit to the Congress an annual re-
15 port with comments from the advisory com-
16 mittee on the extent to which the Accelerator is
17 meeting the mandate described in section 1623,
18 including any suggestions for improvement.

19 “(n) CHIEF RISK OFFICER.—

20 “(1) APPOINTMENT.—Subject to the approval
21 of the Board, the chief executive officer shall appoint
22 a chief risk officer from among individuals with ex-
23 perience at a senior level in financial risk manage-
24 ment, who—

1 “(A) shall report directly to the Board;
2 and

3 “(B) shall be removable only by a majority
4 vote of the Board.

5 “(2) DUTIES.—The chief risk officer, in coordi-
6 nation with the risk management and audit commit-
7 tees established under section 1632, shall develop,
8 implement, and manage a comprehensive process for
9 identifying, assessing, monitoring, and limiting risks
10 to the Accelerator, including the overall portfolio di-
11 versification of the Accelerator.

12 **“SEC. 1630. ADMINISTRATION.**

13 “(a) CAPITALIZATION.—

14 “(1) IN GENERAL.—To the extent and in the
15 amounts provided in advance in appropriations Acts,
16 the Secretary of Energy shall transfer to the Accel-
17 erator—

18 “(A) \$50,000,000,000 on the date on
19 which the Accelerator is established under sec-
20 tion 1622; and

21 “(B) \$10,000,000,000 on October 1 of
22 each of the 5 fiscal years following that date.

23 “(2) AUTHORIZATION OF APPROPRIATIONS.—
24 For purposes of the transfers under paragraph (1),
25 there are authorized to be appropriated—

1 “(A) \$50,000,000,000 for the fiscal year in
2 which the Accelerator is established under sec-
3 tion 1622; and

4 “(B) \$10,000,000,000 for each of the 5
5 succeeding fiscal years.

6 “(b) CHARTER.—The Accelerator shall establish a
7 charter, the term of which shall be 30 years.

8 “(c) USE OF FUNDS AND RECYCLING.—To the ex-
9 tent and in the amounts provided in advance in appropria-
10 tions Acts, the Accelerator—

11 “(1) may use funds transferred pursuant to
12 subsection (a)(1) to carry out this subtitle, including
13 for operating expenses; and

14 “(2) shall retain and manage all repayments
15 and other revenue received under this subtitle from
16 financing fees, interest, repaid loans, and other types
17 of funding to carry out this subtitle, including for—

18 “(A) operating expenses; and

19 “(B) recycling such payments and other
20 revenue for future lending and capital deploy-
21 ment in accordance with this subtitle.

22 “(d) REPORT.—The Accelerator shall submit on a
23 quarterly basis to the relevant committees of Congress a
24 report that describes the financial activities, emissions re-

1 ductions, and private capital mobilization metrics of the
2 Accelerator for the previous quarter.

3 “(e) RESTRICTION.—The Accelerator shall not accept
4 deposits.

5 “(f) COMMITTEES.—The Board shall establish com-
6 mittees and subcommittees, including—

7 “(1) an investment committee; and

8 “(2) in accordance with section 1631—

9 “(A) a risk management committee; and

10 “(B) an audit committee.

11 **“SEC. 1631. ESTABLISHMENT OF RISK MANAGEMENT COM-**
12 **MITTEE AND AUDIT COMMITTEE.**

13 “(a) IN GENERAL.—To assist the Board in fulfilling
14 the duties and responsibilities of the Board under this sub-
15 title, the Board shall establish a risk management com-
16 mittee and an audit committee.

17 “(b) DUTIES AND RESPONSIBILITIES OF RISK MAN-
18 AGEMENT COMMITTEE.—Subject to the direction of the
19 Board, the risk management committee established under
20 subsection (a) shall establish policies for and have over-
21 sight responsibility for—

22 “(1) formulating the risk management policies
23 of the operations of the Accelerator;

1 “(2) reviewing and providing guidance on oper-
2 ation of the global risk management framework of
3 the Accelerator;

4 “(3) developing policies for—

5 “(A) investment;

6 “(B) enterprise risk management;

7 “(C) monitoring; and

8 “(D) management of strategic,
9 reputational, regulatory, operational, develop-
10 mental, environmental, social, and financial
11 risks; and

12 “(4) developing the risk profile of the Accel-
13 erator, including—

14 “(A) a risk management and compliance
15 framework; and

16 “(B) a governance structure to support
17 that framework.

18 “(c) DUTIES AND RESPONSIBILITIES OF AUDIT COM-
19 MITTEE.—Subject to the direction of the Board, the audit
20 committee established under subsection (a) shall have
21 oversight responsibility for—

22 “(1) the integrity of—

23 “(A) the financial reporting of the Accel-
24 erator; and

1 “(B) the systems of internal controls re-
2 garding finance and accounting;

3 “(2) the integrity of the financial statements of
4 the Accelerator;

5 “(3) the performance of the internal audit func-
6 tion of the Accelerator; and

7 “(4) compliance with the legal and regulatory
8 requirements related to the finances of the Accel-
9 erator.

10 **“SEC. 1632. OVERSIGHT.**

11 “(a) EXTERNAL OVERSIGHT.—The inspector general
12 of the Department of Energy shall have oversight respon-
13 sibilities over the Accelerator.

14 “(b) REPORTS AND AUDIT.—

15 “(1) ANNUAL REPORT.—The Accelerator shall
16 publish an annual report which shall be transmitted
17 by the Accelerator to the President and the Con-
18 gress.

19 “(2) ANNUAL AUDIT OF ACCOUNTS.—The ac-
20 counts of the Accelerator shall be audited annually.
21 Such audits shall be conducted in accordance with
22 generally accepted auditing standards by inde-
23 pendent certified public accountants who are cer-
24 tified by a regulatory authority of the jurisdiction in
25 which the audit is undertaken.

1 “(3) ADDITIONAL AUDITS.—In addition to the
2 annual audits under paragraph (2), the financial
3 transactions of the Accelerator for any fiscal year
4 during which Federal funds are available to finance
5 any portion of its operations may be audited by the
6 Government Accountability Office in accordance with
7 such rules and regulations as may be prescribed by
8 the Comptroller General of the United States.”.

9 **Subtitle C—Clean Energy**
10 **Workforce**

11 **PART 1—OFFICE OF ECONOMIC IMPACT,**
12 **DIVERSITY, AND EMPLOYMENT**

13 **SEC. 821. NAME OF OFFICE.**

14 (a) IN GENERAL.—Section 211 of the Department of
15 Energy Organization Act (42 U.S.C. 7141) is amended—

16 (1) in the section heading, by striking “MINOR-
17 ITY ECONOMIC IMPACT” and inserting “ECONOMIC
18 IMPACT, DIVERSITY, AND EMPLOYMENT”; and

19 (2) in subsection (a), by striking “Office of Mi-
20 nority Economic Impact” and inserting “Office of
21 Economic Impact, Diversity, and Employment”.

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents for the Department of Energy Organization Act is
24 amended by amending the item relating to section 211 to
25 read as follows:

“Sec. 211. Office of Economic Impact, Diversity, and Employment.”.

1 **SEC. 822. ENERGY WORKFORCE DEVELOPMENT PRO-**
2 **GRAMS.**

3 Section 211 of the Department of Energy Organiza-
4 tion Act (42 U.S.C. 7141) is amended—

5 (1) by redesignating subsections (f) and (g) as
6 subsections (g) and (h), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) The Secretary, acting through the Director, shall
10 establish and carry out the programs described in sections
11 824 and 825 of the CLEAN Future Act.”.

12 **SEC. 823. AUTHORIZATION.**

13 Subsection (h) of section 211 of the Department of
14 Energy Organization Act (42 U.S.C. 7141), as redesignig-
15 nated by section 822 of this subtitle, is amended by strik-
16 ing “not to exceed \$3,000,000 for fiscal year 1979, not
17 to exceed \$5,000,000 for fiscal year 1980, and not to ex-
18 ceed \$6,000,000 for fiscal year 1981. Of the amounts so
19 appropriated each fiscal year, not less than 50 percent
20 shall be available for purposes of financial assistance
21 under subsection (e).” and inserting “\$100,000,000 for
22 each of fiscal years 2022 through 2031.”.

23 **PART 2—ENERGY WORKFORCE DEVELOPMENT**

24 **SEC. 824. ENERGY WORKFORCE DEVELOPMENT.**

25 (a) IN GENERAL.—Subject to the availability of ap-
26 propriations for such purpose, the Secretary, acting

1 through the Director of the Office of Economic Impact,
2 Diversity, and Employment, shall establish and carry out
3 a comprehensive, nationwide program to improve edu-
4 cation and training for jobs in energy-related industries
5 in order to increase the number of skilled workers trained
6 for such jobs.

7 (b) DIRECT ASSISTANCE.—

8 (1) IN GENERAL.—In carrying out the program
9 established under subsection (a), the Secretary may
10 provide—

11 (A) financial assistance awards, technical
12 assistance, and other assistance the Secretary
13 determines appropriate, to educational institu-
14 tions and covered organizations and programs,
15 including those serving unemployed energy
16 workers; and

17 (B) internships, fellowships, traineeships,
18 and apprenticeships at the Department of En-
19 ergy, including at the Department of Energy
20 national laboratories.

21 (2) DISTRIBUTION.—Subject to subsection (c),
22 the Secretary shall distribute assistance described in
23 paragraph (1) in a manner proportional to the needs
24 of energy-related industries and demand for jobs in

1 energy-related industries, consistent with informa-
2 tion developed under subsection (e).

3 (c) PRIORITY.—In carrying out the program estab-
4 lished under subsection (a), the Secretary shall—

5 (1) prioritize the education and training of indi-
6 viduals from underrepresented communities for jobs
7 in energy-related industries, including in providing
8 internships, fellowships, traineeships, apprentice-
9 ships, and employment at the Department of En-
10 ergy, including at the Department of Energy na-
11 tional laboratories; and

12 (2) in providing research grants and technical
13 assistance to educational institutions, give priority to
14 minority-serving institutions.

15 (d) COLLABORATION AND OUTREACH.—In carrying
16 out the program established under subsection (a), the Sec-
17 retary shall—

18 (1) collaborate with—

19 (A) to the maximum extent possible, State
20 workforce development boards, to maximize pro-
21 gram efficiency;

22 (B) educational institutions and covered
23 organizations and programs;

24 (C) energy-related industries and covered
25 organizations and programs to increase the op-

1 opportunities for, and enrollment of, students and
2 other candidates, including students of minor-
3 ity-serving institutions and unemployed energy
4 workers, to participate in industry internships,
5 fellowships, traineeships, and apprenticeships;
6 and

7 (D) Federal-State Regional Commissions,
8 including the Appalachia Regional Commission,
9 the Delta Regional Authority, the Denali Com-
10 mission, the Northern Border Regional Com-
11 mission, the Northern Great Plains Regional
12 Commission, and the Southeast Crescent Re-
13 gional Commission; and

14 (2) conduct outreach activities to—

15 (A) encourage individuals from underrep-
16 resented communities and unemployed energy
17 workers to enter into the STEM fields; and

18 (B) encourage and foster collaboration,
19 mentorships, and partnerships among energy-
20 related industries, and covered organizations
21 and programs, that provide effective training
22 programs for jobs in energy-related industries
23 and educational institutions that seek to estab-
24 lish these types of programs in order to share

1 best practices and approaches that best suit
2 local, State, and national needs.

3 (e) CLEARINGHOUSE.—

4 (1) ESTABLISHMENT.—In carrying out the pro-
5 gram established under subsection (a), the Sec-
6 retary, in collaboration with the Commissioner of the
7 Bureau of Labor Statistics, the Secretary of Com-
8 merce, the Director of the Bureau of the Census,
9 and energy-related industries, shall establish a clear-
10 inghouse to—

11 (A) develop, maintain, and update informa-
12 tion and other resources, by State and by re-
13 gion, on—

14 (i) training programs for jobs in en-
15 ergy-related industries; and

16 (ii) the current and future workforce
17 needs of energy-related industries, and job
18 opportunities in such energy-related indus-
19 tries, including identification of jobs in en-
20 ergy-related industries for which there is
21 the greatest demand; and

22 (B) act as a resource for educational insti-
23 tutions and covered organizations and programs
24 that would like to develop and implement train-
25 ing programs for such jobs.

1 (2) REPORT.—The Secretary shall annually
2 publish a report on the information and other re-
3 sources developed, maintained, and updated on the
4 clearinghouse established under paragraph (1).

5 (f) GUIDELINES TO DEVELOP SKILLS FOR AN EN-
6 ERGY INDUSTRY WORKFORCE.—

7 (1) IN GENERAL.—In carrying out the program
8 established under subsection (a), the Secretary, in
9 collaboration with the Secretary of Education, the
10 Secretary of Commerce, the Secretary of Labor, and
11 the National Science Foundation, shall develop vol-
12 untary guidelines or best practices for educational
13 institutions to help provide students with the skills
14 necessary for jobs in energy-related industries, in-
15 cluding jobs in—

16 (A) the energy efficiency industry, includ-
17 ing jobs in energy efficiency (including architec-
18 ture, design, and construction of new energy ef-
19 ficient buildings), conservation, weatherization,
20 retrofitting, inspecting, auditing, and software
21 development;

22 (B) the renewable energy industry, includ-
23 ing jobs in the development, engineering, manu-
24 facturing, and production of energy from re-

1 newable energy sources (such as solar, hydro-
2 power, wind, and geothermal energy);

3 (C) the community energy resiliency indus-
4 try, including jobs in the installation of rooftop
5 solar, in battery storage, and in microgrid tech-
6 nologies;

7 (D) the fuel cell and hydrogen energy in-
8 dustry;

9 (E) the advanced automotive technology
10 industry, including jobs relating to electric vehi-
11 cle batteries, connectivity and automation, and
12 advanced combustion engines;

13 (F) the manufacturing industry, including
14 jobs as operations technicians, in operations
15 and design in additive manufacturing, 3-D
16 printing, and advanced composites and ad-
17 vanced aluminum and other metal alloys, and in
18 industrial energy efficiency management sys-
19 tems, including power electronics, and other in-
20 novative technologies;

21 (G) the chemical manufacturing industry,
22 including jobs in construction (such as welders,
23 pipefitters, and tool and die makers), as instru-
24 ment and electrical technicians, machinists,
25 chemical process operators, engineers, quality

1 and safety professionals, and reliability engi-
2 neers;

3 (H) the utility industry, including jobs in
4 smart grid technology, cybersecurity manage-
5 ment, and the generation, transmission, and
6 distribution of electricity and natural gas, such
7 as electricians and utility dispatchers, techni-
8 cians, operators, lineworkers, engineers, sci-
9 entists, and information technology specialists;

10 (I) the alternative fuels industry, including
11 jobs in biofuel and bioproducts development and
12 production;

13 (J) the pipeline industry, including jobs in
14 pipeline construction and maintenance and jobs
15 as engineers and technical advisors;

16 (K) the nuclear energy industry, including
17 jobs as scientists, engineers, technicians, mathe-
18 maticians, and security personnel;

19 (L) the oil and gas industry, including jobs
20 as scientists, engineers, technicians, mathemati-
21 cians, petrochemical engineers, and geologists;
22 and

23 (M) the coal industry, including jobs as
24 coal miners, engineers, developers and manufac-
25 turers of state-of-the-art coal facilities, tech-

1 nology vendors, coal transportation workers and
2 operators, and mining equipment vendors.

3 (2) INPUT.—The Secretary shall solicit input
4 from energy-related industries in developing guide-
5 lines or best practices under paragraph (1).

6 (3) ENERGY EFFICIENCY AND CONSERVATION
7 INITIATIVES.—The guidelines or best practices devel-
8 oped under paragraph (1) shall include grade-spe-
9 cific guidelines for elementary schools and secondary
10 schools for teaching energy efficiency technology, ar-
11 chitecture, design, and construction of new energy-
12 efficient buildings and building energy retrofits,
13 manufacturing efficiency technology, community en-
14 ergy resiliency, and conservation initiatives.

15 (4) STEM EDUCATION.—The guidelines or best
16 practices developed under paragraph (1) shall pro-
17 mote STEM education in educational institutions as
18 it relates to job opportunities in energy-related in-
19 dustries listed under such paragraph.

20 (5) PROHIBITION.—Nothing in this subsection
21 shall be construed to authorize the Secretary or any
22 other officer or employee of the Federal Government
23 to require or coerce a State, local educational agen-
24 cy, or educational institution to adopt or carry out

1 the guidelines or best practices developed under
2 paragraph (1).

3 (g) CONSOLIDATION.—To the extent practicable, the
4 Secretary shall, to avoid duplication of efforts, carry out
5 the Equity in Energy Initiative of the Department of En-
6 ergy, the Minority Educational Institution Student Part-
7 nership Program of the Department of Energy, and any
8 other program of the Department of Energy that the Sec-
9 retary determines appropriate, through the program es-
10 tablished under subsection (a).

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$20,000,000 for each of fiscal years 2022 through 2031.

14 **SEC. 825. ENERGY WORKFORCE GRANT PROGRAM.**

15 (a) PROGRAM.—

16 (1) ESTABLISHMENT.—Subject to the avail-
17 ability of appropriations for such purpose, the Sec-
18 retary, acting through the Director of the Office of
19 Economic Impact, Diversity, and Employment, shall
20 establish and carry out a program to provide grants
21 to eligible entities to pay the eligible wages of, or eli-
22 gible stipends for, individuals during the time period
23 that such individuals are receiving training to work
24 for an eligible business.

1 (2) GUIDELINES.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary, in
3 consultation with eligible businesses, shall establish
4 guidelines that identify—

5 (A) criteria for wages and stipends to meet
6 to be eligible for purposes of the program estab-
7 lished pursuant to paragraph (1); and

8 (B) training that is eligible for purposes of
9 the program established pursuant to paragraph
10 (1).

11 (b) ELIGIBILITY.—For purposes of this section:

12 (1) ELIGIBLE BUSINESS.—The term “eligible
13 business” means a business that provides services
14 related to—

15 (A) renewable electric energy generation,
16 including solar, wind, geothermal, hydropower,
17 and other renewable electric energy generation
18 technologies;

19 (B) energy efficiency, including energy-effi-
20 cient lighting, heating, ventilation, and air con-
21 ditioning, air source heat pumps, advanced
22 building materials, insulation and air sealing,
23 and other high-efficiency products and services,
24 including auditing and inspection, architecture,

1 design, and construction of new energy efficient
2 buildings and building energy retrofits;

3 (C) grid modernization or energy storage,
4 including smart grid, microgrid and other dis-
5 tributed energy solutions, demand response
6 management, and home energy management
7 technology;

8 (D) advanced fossil energy technology, in-
9 cluding—

10 (i) advanced resource development;

11 (ii) carbon capture, storage, and use;

12 (iii) low-carbon power systems;

13 (iv) efficiency improvements that sub-
14 stantially reduce emissions; and

15 (v) direct air capture;

16 (E) nuclear energy, including research, de-
17 velopment, demonstration, and commercial ap-
18 plication relating to nuclear energy;

19 (F) cybersecurity for the energy sector, in-
20 cluding infrastructure, emergency planning, co-
21 ordination, response, and restoration;

22 (G) alternative fuels, including biofuel and
23 bioproduct development and production;

24 (H) advanced automotive technology, in-
25 cluding electric vehicle batteries, connectivity

1 and automation, and advanced combustion en-
2 gines; or

3 (I) fuel cell and hybrid fuel cell generation.

4 (2) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means—

6 (A) an eligible business; or

7 (B) a labor organization, nonprofit organi-
8 zation, or qualified youth or conservation corps,
9 that provides training to individuals to work for
10 an eligible business, or works on behalf of any
11 such eligible business.

12 (3) ELIGIBLE STIPEND.—The term “eligible sti-
13 pend” means a stipend that meets the criteria iden-
14 tified pursuant to the guidelines established under
15 subsection (a)(2).

16 (4) ELIGIBLE WAGES.—The term “eligible
17 wages” means wages that meet the criteria identified
18 pursuant to the guidelines established under sub-
19 section (a)(2).

20 (c) USE OF GRANTS.—

21 (1) ELIGIBLE WAGES.—An eligible business
22 with—

23 (A) 20 or fewer employees may use a grant
24 provided under the program established under
25 subsection (a) to pay up to—

1 (i) 45 percent of an employee's eligi-
2 ble wages for the duration of the applicable
3 training for such employee, if the training
4 is provided by the eligible business; and

5 (ii) 90 percent of an employee's eligi-
6 ble wages for the duration of the applicable
7 training for such employee, if the training
8 is provided by an entity other than the eli-
9 gible business;

10 (B) 21 to 99 employees may use a grant
11 provided under the program established under
12 subsection (a) to pay up to—

13 (i) 37.5 percent of an employee's eligi-
14 ble wages for the duration of the applicable
15 training for such employee, if the training
16 is provided by the eligible business; and

17 (ii) 75 percent of an employee's eligi-
18 ble wages for the duration of the applicable
19 training for such employee, if the training
20 is provided by an entity other than the eli-
21 gible business; and

22 (C) 100 employees or more may use a
23 grant provided under the program established
24 under subsection (a) to pay up to—

1 (i) 25 percent of an employee's eligi-
2 ble wages for the duration of the applicable
3 training for such employee, if the training
4 is provided by the eligible business; and

5 (ii) 50 percent of an employee's eligi-
6 ble wages for the duration of the applicable
7 training for such employee, if the training
8 is provided by an entity other than the eli-
9 gible business.

10 (2) STIPEND.—An eligible entity may use a
11 grant provided under the program established under
12 subsection (a) to pay up to 100 percent of an eligi-
13 ble stipend for an individual for the duration of the
14 applicable training for such individual.

15 (d) PRIORITY FOR TARGETED COMMUNITIES.—In
16 providing grants under the program established under
17 subsection (a), the Secretary shall give priority to an eligi-
18 ble entity that—

19 (1) recruits or trains individuals who are—

20 (A) from the community that the eligible
21 entity serves; and

22 (B)(i) from underrepresented communities;

23 or

24 (ii) unemployed energy workers; and

1 (2) will provide individuals receiving training
2 with the opportunity to obtain or retain employment
3 at an eligible business.

4 (e) LIMIT.—An eligible entity may not receive more
5 than \$100,000 under the program established under sub-
6 section (a) per fiscal year.

7 (f) REPORT.—The Secretary shall submit to Con-
8 gress, annually for each year the program established
9 under subsection (a) is carried out, a report on such pro-
10 gram, including—

11 (1) an assessment of such program for the pre-
12 vious year, including the number of jobs filled by in-
13 dividuals trained pursuant to such program; and

14 (2) recommendations on how to improve such
15 program.

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section
18 \$70,000,000 for each of fiscal years 2022 through 2031.

19 **SEC. 826. DEFINITIONS.**

20 In this subtitle:

21 (1) APPRENTICESHIP.—The term “apprentice-
22 ship” means an apprenticeship registered under the
23 Act of August 16, 1937 (commonly known as the
24 “National Apprenticeship Act”; 50 Stat. 664, chap-
25 ter 663; 29 U.S.C. 50 et seq.).

1 (2) COVERED ORGANIZATIONS AND PRO-
2 GRAMS.—The term “covered organizations and pro-
3 grams” means local workforce development boards,
4 State workforce development boards, nonprofit orga-
5 nizations, qualified youth or conservation corps,
6 labor organizations, pre-apprenticeship programs,
7 and apprenticeship programs.

8 (3) EDUCATIONAL INSTITUTION.—The term
9 “educational institution” means an elementary
10 school, secondary school, or institution of higher
11 education.

12 (4) ELEMENTARY SCHOOL AND SECONDARY
13 SCHOOL.—The terms “elementary school” and “sec-
14 ondary school” have the meanings given such terms
15 in section 8101 of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 7801).

17 (5) ENERGY-RELATED INDUSTRY.—The term
18 “energy-related industry” includes the energy effi-
19 ciency industry, renewable energy industry, commu-
20 nity energy resiliency industry, fuel cell and hydro-
21 gen energy industry, advanced automotive tech-
22 nology industry, chemical manufacturing industry,
23 electric utility industry, gas utility industry, alter-
24 native fuels industry, pipeline industry, nuclear en-

1 energy industry, oil and gas industry, and coal indus-
2 try.

3 (6) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given such term in section 102 of the High-
6 er Education Act of 1965 (20 U.S.C. 1002), except
7 that such term does not include institutions de-
8 scribed in subparagraph (A) or (C) of subsection
9 (a)(1) of such section 102.

10 (7) JOBS IN ENERGY-RELATED INDUSTRIES.—
11 The term “jobs in energy-related industries” in-
12 cludes manufacturing, engineering, construction, and
13 retrofitting jobs in energy-related industries.

14 (8) LABOR ORGANIZATION.—The term “labor
15 organization” has the meaning given such term in
16 section 2 of the National Labor Relations Act (29
17 U.S.C. 152).

18 (9) LOCAL WORKFORCE DEVELOPMENT
19 BOARD.—The term “local workforce development
20 board” means a local board, as defined in section 3
21 of the Workforce Innovation and Opportunity Act
22 (29 U.S.C. 3102).

23 (10) MINORITY-SERVING INSTITUTION.—The
24 term “minority-serving institution” means an insti-

1 tution of higher education that is of one of the fol-
2 lowing:

3 (A) A Hispanic-serving institution (as de-
4 fined in section 502(a) of the Higher Education
5 Act of 1965 (20 U.S.C. 1101a(a))).

6 (B) A Tribal College or University (as de-
7 fined in section 316(b) of the Higher Education
8 Act of 1965 (20 U.S.C. 1059c(b))).

9 (C) An Alaska Native-serving institution
10 (as defined in section 317(b) of the Higher
11 Education Act of 1965 (20 U.S.C. 1059d(b))).

12 (D) A Native Hawaiian-serving institution
13 (as defined in section 317(b) of the Higher
14 Education Act of 1965 (20 U.S.C. 1059d(b))).

15 (E) A Predominantly Black Institution (as
16 defined in section 318(b) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1059e(b))).

18 (F) A Native American-serving nontribal
19 institution (as defined in section 319(b) of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1059f(b))).

22 (G) An Asian American and Native Amer-
23 ican Pacific Islander-serving institution (as de-
24 fined in section 320(b) of the Higher Education
25 Act of 1965 (20 U.S.C. 1059g(b))).

1 (H) A part B institution (as defined in
2 section 322 of the Higher Education Act of
3 1965 (20 U.S.C. 1061)).

4 (11) PRE-APPRENTICESHIP PROGRAM.—The
5 term “pre-apprenticeship program”—

6 (A) means a program or set of strategies
7 that is designed to prepare individuals to enter
8 and succeed in an apprenticeship program; and

9 (B) includes training and training cur-
10 riculum aligned with apprenticeship and indus-
11 try standards to teach participants necessary
12 industry-related skills and competencies.

13 (12) QUALIFIED YOUTH OR CONSERVATION
14 CORPS.—The term “qualified youth or conservation
15 corps” has the meaning given such term in section
16 203(11) of the Public Lands Corps Act of 1993 (16
17 U.S.C. 1722(11)).

18 (13) SECRETARY.—The term “Secretary”
19 means the Secretary of Energy.

20 (14) STATE WORKFORCE DEVELOPMENT
21 BOARD.—The term “State workforce development
22 board” means a State board, as defined in section
23 3 of the Workforce Innovation and Opportunity Act
24 (29 U.S.C. 3102).

1 mation on current and projected climate-related impacts
2 on national security interests and to inform the develop-
3 ment of national security doctrine, policies, and plans.

4 (b) FUNCTIONS.—The Working Group, in close col-
5 laboration with the United States Global Change Research
6 Program, shall—

7 (1) identify the U.S. national security priorities
8 that are within the scope of the mission of the
9 Working Group;

10 (2) develop recommendations for requirements
11 for climate and social science data and intelligence
12 analyses, as appropriate, that support national secu-
13 rity interests;

14 (3) catalog climate science data, intelligence
15 analyses, and other products and programs that sup-
16 port or should be considered in the development of
17 national security doctrine, policy, and plans, includ-
18 ing—

19 (A) climate and social science data reposi-
20 tories and analytical platforms;

21 (B) climate modeling, simulation, and pro-
22 jection capabilities; and

23 (C) information-sharing tools and re-
24 sources supporting climate risk analyses and as-
25 sessments, such as the Climate Data Initiative,

1 the Climate Resilience Toolkit, the Global
2 Change Information System, and the National
3 Climate Assessment;

4 (4) identify information and program gaps that
5 limit consideration of climate change-related impacts
6 in developing national security doctrine, policies, and
7 plans and provide descriptions of these gaps to Fed-
8 eral science agencies and the United States intel-
9 ligence community to inform future research require-
10 ments and priorities, including collection priorities
11 on climate data, models, simulations, and projec-
12 tions;

13 (5) facilitate the production and exchange of
14 climate data and information with relevant stake-
15 holders, including the United States intelligence
16 community, and private sector partners, as appro-
17 priate;

18 (6) produce, as appropriate, and make available
19 science-informed intelligence assessments to agencies
20 having responsibilities in the development of national
21 security doctrine, policies, and plans in order to
22 identify climate change-related impacts and
23 prioritize actions related thereto;

24 (7) establish, by consensus, guidance for Work-
25 ing Group members on coordinating, sharing, and

1 exchanging climate science data among the mem-
2 bers, and with the National Science and Technology
3 Council;

4 (8) provide a venue for enhancing the under-
5 standing of the links between climate change-related
6 impacts and national security interests and dis-
7 cussing the opportunities for climate mitigation and
8 adaptation activities to address national security
9 issues;

10 (9) work to improve the Federal Government's
11 capability and capacity to characterize greenhouse
12 gas sources and sinks accurately at subcontinental
13 scales;

14 (10) recommend research guidelines, in coordi-
15 nation with the National Science and Technology
16 Council, concerning the Federal Government's abil-
17 ity to detect climate intervention activities;

18 (11) develop, by consensus, guidance for Work-
19 ing Group members on building climate resilience in
20 countries vulnerable to climate change-related im-
21 pacts;

22 (12) take into account defined requirements
23 and current capabilities described in paragraphs (2)
24 and (3) of this subsection to facilitate the consider-

1 ation of climate change-related impacts into national
2 security doctrine, policies, and plans;

3 (13) have classified and unclassified capabili-
4 ties, as required and appropriate, to consolidate and
5 make available climate change-related impact infor-
6 mation, intelligence analyses, and assessments for
7 access and use by Working Group member agencies;

8 (14) identify the most current information on
9 regional, country, and geographic areas most vulner-
10 able to current and projected impacts of climate var-
11 iability in the near term, midterm, and long term (as
12 defined in section 834), in order to support assess-
13 ments of national security implications of climate
14 change, and identify areas most vulnerable to these
15 impacts during these timeframes;

16 (15) develop recommendations for the Secretary
17 of State to help ensure that the work of United
18 States embassies, including their planning processes,
19 is informed by relevant climate change-related anal-
20 yses; and

21 (16) coordinate on the development of quan-
22 titative models, predictive mapping products, and
23 forecasts to anticipate the various pathways through
24 which climate change may affect public health as an
25 issue of national security.

1 (c) MEMBERSHIP.—

2 (1) IN GENERAL.—The members of the Work-
3 ing Group shall include the following officials and
4 representatives (or their designees):

5 (A) The National Security Advisor.

6 (B) The Director of the Office of Science
7 and Technology Policy.

8 (C) The representatives, appointed by the
9 National Security Advisor and the Director of
10 the Office of Science and Technology Policy
11 (acting jointly), at the Assistant Secretary or
12 equivalent level, of—

13 (i) the Department of State;

14 (ii) the Department of the Treasury;

15 (iii) the Department of Defense;

16 (iv) the Department of Justice;

17 (v) the Department of the Interior;

18 (vi) the Department of Agriculture;

19 (vii) the Department of Commerce;

20 (viii) the Department of Health and
21 Human Services;

22 (ix) the Department of Transpor-
23 tation;

24 (x) the Department of Energy;

1 (xi) the Department of Homeland Se-
2 curity;

3 (xii) the United States Agency for
4 International Development;

5 (xiii) the Environmental Protection
6 Agency;

7 (xiv) the National Aeronautics and
8 Space Administration;

9 (xv) the Office of the Director of Na-
10 tional Intelligence;

11 (xvi) the U.S. Mission to the United
12 Nations;

13 (xvii) the Office of Management and
14 Budget;

15 (xviii) the Council on Environmental
16 Quality;

17 (xix) the Millennium Challenge Cor-
18 poration; and

19 (xx) any other agency or office as des-
20 ignated by the co-chairs.

21 (2) CO-CHAIRS.—The National Security Advisor
22 and the Director of the Office of Science and Tech-
23 nology Policy, or their designees, shall co-chair the
24 Working Group.

1 (d) ACTION PLAN.—Not later than 90 days after the
2 date of enactment of this Act, the Working Group shall,
3 by consensus, develop an action plan, that—

4 (1) identifies specific steps that are required to
5 perform its functions;

6 (2) includes specific objectives, milestones,
7 timelines, and identification of agencies responsible
8 for completion of all actions described therein;

9 (3) includes recommendations to inform the de-
10 velopment of agency implementation plans, as de-
11 scribed in section 833; and

12 (4) shall be submitted to the co-chairs and the
13 appropriate congressional committees, including—

14 (A) the House Committee on Oversight
15 and Reform;

16 (B) the Senate Committee on Homeland
17 Security and Governmental Affairs;

18 (C) the Senate Committee on Armed Serv-
19 ices;

20 (D) the House Committee on Armed Serv-
21 ices;

22 (E) the House Committee on Natural Re-
23 sources;

24 (F) the Senate Committee on Environment
25 and Public Works; and

1 (G) the House Committee on Energy and
2 Commerce.

3 **SEC. 833. FEDERAL AGENCY IMPLEMENTATION PLAN.**

4 (a) IN GENERAL.—Not later than 150 days after the
5 date of enactment of this Act, the departments and agen-
6 cies listed in section 832(c) shall each develop an appro-
7 priate implementation plan supporting the policy described
8 in section 831. Such implementation plans may be classi-
9 fied, as required, to meet specific agency requirements.

10 (b) CONTENTS OF IMPLEMENTATION PLANS.—Im-
11 plementation plans shall consider for inclusion a descrip-
12 tion of how the respective departments and agencies will
13 accomplish the following:

14 (1) Identifying, sustaining, and strengthening
15 climate-related data repositories, tools, and modeling
16 products that inform climate change-related impacts
17 on national security.

18 (2) Identifying climate change-related risks to
19 departments and agency missions, and risks that
20 may be caused by departments and agency policies,
21 programs, and actions concerning international de-
22 velopment objectives, fragility, and regional stability.

23 (3) Pursuing departments and agency adapta-
24 tion strategies and methods that address climate

1 change-related impacts on national security and
2 homeland defense.

3 (4) Identifying and implementing climate
4 change-related information-sharing opportunities
5 and arrangements through international develop-
6 ment activities, military-to-military engagements,
7 and government-to-government climate-related data
8 exchanges.

9 (5) Identifying economic considerations arising
10 from the impacts of climate change globally and the
11 resulting specific impacts on national security, in-
12 cluding macroeconomic analyses and data-sharing
13 mechanisms.

14 (6) Identifying the potential impact of climate
15 change on human mobility, including migration and
16 displacement, and the resulting impacts on national
17 security.

18 (7) Identifying climate change-related impacts
19 on global water, food security, and nutrition and the
20 resulting impacts on national security, and recom-
21 mending actions to mitigate these impacts.

22 (8) Identifying climate change-related global
23 health security concerns affecting humans, animals,
24 and plants, and developing options to address them.

1 (9) Developing a department or agency-specific
2 approach to address climate-related hazards and
3 threats to national security.

4 (10) Determining and acting on climate change-
5 related threats to infrastructure at the asset, sys-
6 tem, and regional level and acting to strengthen the
7 safety, security, and resilience of infrastructure crit-
8 ical to national security.

9 (11) Incorporating climate change-related im-
10 pact information and considerations into department
11 and agency technical and executive education and
12 training programs.

13 (c) REPORTS.—Federal agencies shall update their
14 implementation plans required by this section not less
15 than annually.

16 **SEC. 834. DEFINITIONS.**

17 In this subtitle:

18 (1) ADAPTATION.—The term “adaptation” re-
19 fers to the adjustment in natural or human systems
20 in anticipation of or in response to a changing envi-
21 ronment in a way that effectively uses beneficial op-
22 portunities or reduces negative effects.

23 (2) CLIMATE.—The term “climate” refers to
24 the prevailing meteorological conditions over a pe-
25 riod of several decades, including the typical fre-

1 quency and duration of extreme storms, heat waves,
2 precipitation, droughts, cloudiness, winds, ocean
3 temperatures, and other events that a region is like-
4 ly to encounter.

5 (3) CLIMATE CHANGE.—The term “climate
6 change” refers to detectable changes in one or more
7 climate system components over multiple decades,
8 including—

9 (A) changes in the average temperature of
10 the atmosphere or ocean;

11 (B) changes in regional precipitation,
12 winds, and cloudiness; and

13 (C) changes in the severity or duration of
14 extreme weather, including droughts, floods,
15 and storms.

16 (4) CLIMATE MODELING.—The term “climate
17 modeling” refers to the mathematical representation
18 of the set of interdependent components of the cli-
19 mate system, including the atmosphere and ocean,
20 cryosphere, ecology, land use, natural greenhouse
21 gas emissions, and anthropogenic greenhouse emis-
22 sions.

23 (5) FRAGILITY.—The term “fragility” refers to
24 a condition that results from a dysfunctional rela-
25 tionship between state and society and the extent to

1 which that relationship fails to produce policy out-
2 comes that are considered effective or legitimate.

3 (6) GLOBAL HEALTH SECURITY.—The term
4 “global health security”—

5 (A) refers to activities required, both
6 proactive and reactive, to minimize vulnerability
7 to acute public health events that endanger the
8 collective health of populations living across
9 geographical regions and international bound-
10 aries; and

11 (B) includes the efforts of the Global
12 Health Security Agenda to establish capacity to
13 prevent, detect, and respond to disease threats,
14 whether naturally occurring, deliberate, or acci-
15 dental.

16 (7) INTELLIGENCE COMMUNITY.—The term
17 “intelligence community” has the meaning given to
18 that term in section 3(4) of the National Security
19 Act of 1947 (50 U.S.C. 3003(4)).

20 (8) NATIONAL SECURITY.—The term “National
21 security” refers to the protection of the Nation and
22 its people and interests.

23 (9) NEAR TERM, MIDTERM, AND LONG TERM.—
24 The terms “near term”, “midterm”, and “long

1 term” mean current to 10 years, 10 to 30 years, and
2 more than 30 years, respectively.

3 (10) RESILIENCE.—The term “resilience” re-
4 fers to the ability—

5 (A) to anticipate, prepare for, and adapt to
6 changing conditions; and

7 (B) to withstand, respond to, and recover
8 rapidly from disruptions.

9 (11) WORKING GROUP.—The term “Working
10 Group” means the Climate and National Security
11 Working Group established pursuant to section
12 832(a).

13 **Subtitle E—Ensuring Just and** 14 **Equitable Climate Action**

15 **SEC. 841. WORKER PROTECTIONS.**

16 (a) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
17 TURED GOODS.—(1) None of the funds appropriated or
18 otherwise made available by this Act may be used for a
19 project for the construction, alteration, maintenance, or
20 repair of a public building or public work unless all of the
21 iron, steel, and manufactured goods used in the project
22 are produced in the United States.

23 (2) Paragraph (1) shall not apply in any case or cat-
24 egory of cases in which the head of the Federal depart-
25 ment or agency involved finds that—

1 (A) applying paragraph (1) would be incon-
2 sistent with the public interest;

3 (B) iron, steel, and the relevant manufactured
4 goods are not produced in the United States in suffi-
5 cient and reasonably available quantities and of a
6 satisfactory quality; or

7 (C) inclusion of iron, steel, and manufactured
8 goods produced in the United States will increase
9 the cost of the overall project by more than 25 per-
10 cent.

11 (3) If the head of a Federal department or agency
12 determines that it is necessary to waive the application
13 of paragraph (1) based on a finding under paragraph (2),
14 the head of the department or agency shall publish in the
15 Federal Register a detailed written justification as to why
16 the provision is being waived.

17 (4) This section shall be applied in a manner con-
18 sistent with United States obligations under international
19 agreements.

20 (b) DAVIS-BACON.—Notwithstanding any other pro-
21 vision of law and in a manner consistent with other provi-
22 sions in this Act, all laborers and mechanics employed by
23 contractors and subcontractors on projects funded directly
24 by or assisted in whole or in part by and through the Fed-
25 eral Government pursuant to this Act shall be paid wages

1 at rates not less than those prevailing on projects of a
2 character similar in the locality as determined by the Sec-
3 retary of Labor in accordance with subchapter IV of chap-
4 ter 31 of title 40, United States Code. With respect to
5 the labor standards specified in this section, the Secretary
6 of Labor shall have the authority and functions set forth
7 in Reorganization Plan Numbered 14 of 1950 (64 Stat.
8 1267; 5 U.S.C. App.) and section 3145 of title 40, United
9 States Code.

10 (c) PROJECT LABOR AGREEMENTS.—(1) In award-
11 ing any contract in implementing this Act, a Federal de-
12 partment or agency may, on a project-by-project basis, re-
13 quire the use of a project labor agreement by a contractor
14 where use of such an agreement will—

15 (A) advance the Federal Government's interest
16 in achieving economy and efficiency in Federal pro-
17 curement, producing labor-management stability,
18 and ensuring compliance with laws and regulations
19 governing safety and health, equal employment op-
20 portunity, labor and employment standards, and
21 other matters; and

22 (B) be consistent with law.

23 (2) If a Federal department or agency determines
24 under paragraph (1) that the use of a project labor agree-
25 ment will satisfy the criteria in subparagraphs (A) and

1 (B) of that paragraph, the department or agency may, if
2 appropriate, require that every contractor or subcon-
3 tractor on the project agree, for that project, to negotiate
4 or become a party to a project labor agreement with one
5 or more appropriate labor organizations.

6 (3) In this section, the term “project labor agree-
7 ment” means a prehire collective bargaining agreement
8 with one or more labor organizations that establishes the
9 terms and conditions of employment for a specific con-
10 struction project and is an agreement described in section
11 8(f) of the National Labor Relations Act (29 U.S.C.
12 158(f)).

13 **SEC. 842. FUNDING FOR ENVIRONMENTAL JUSTICE COM-**
14 **MUNITIES.**

15 The President shall ensure that not less than 40 per-
16 cent of funds made available pursuant to this Act are used
17 to support activities that directly benefit environmental
18 justice communities.

19 **Subtitle F—Climate Risk**
20 **Disclosures**

21 **SEC. 851. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) climate change poses a significant and in-
24 creasing threat to the growth and stability of the
25 economy of the United States;

1 (2) many sectors of the economy of the United
2 States and many American businesses are exposed
3 to climate-related risk, which may include exposure
4 to—

5 (A) the physical impacts of climate change,
6 including the rise of the average global tem-
7 perature, accelerating sea-level rise,
8 desertification, ocean acidification, intensifica-
9 tion of storms, increase in heavy precipitation,
10 more frequent and intense temperature ex-
11 tremes, more severe droughts, and longer wild-
12 fire seasons;

13 (B) the economic disruptions and security
14 threats that result from the physical impacts
15 described in subparagraph (A), including con-
16 flicts over scarce resources, conditions condu-
17 cive to violent extremism, the spread of infec-
18 tious diseases, and forced migration;

19 (C) the transition impacts that result as
20 the global economy transitions to a clean and
21 renewable energy, low-emissions economy, in-
22 cluding financial impacts as climate change fos-
23 sil fuel assets becoming stranded and it be-
24 comes uneconomic for companies to develop fos-
25 sil fuel assets as policymakers act to limit the

1 worst impacts of climate change by keeping the
2 rise in average global temperature to 1.5 de-
3 grees Celsius above pre-industrial levels; and

4 (D) actions by Federal, State, Tribal, and
5 local governments to limit the worst effects of
6 climate change by enacting policies that keep
7 the global average surface temperature rise to
8 1.5 degrees Celsius above pre-industrial levels;

9 (3) assessing the potential impact of climate-re-
10 lated risks on national and international financial
11 systems is an urgent concern;

12 (4) companies have a duty to disclose financial
13 risks that climate change presents to their investors,
14 lenders, and insurers;

15 (5) the Securities and Exchange Commission
16 has a duty to promote a risk-informed securities
17 market that is worthy of the trust of the public as
18 families invest for their futures;

19 (6) investors, lenders, and insurers are increas-
20 ingly demanding climate risk information that is
21 consistent, comparable, reliable, and clear;

22 (7) including standardized, material climate
23 change risk and opportunity disclosure that is useful
24 for decision makers in annual reports to the Securi-
25 ties and Exchange Commission will increase trans-

1 parency with respect to risk accumulation and expo-
2 sure in financial markets;

3 (8) requiring companies to disclose climate-re-
4 lated risk exposure and risk management strategies
5 will encourage a smoother transition to a clean and
6 renewable energy, low-emissions economy and guide
7 capital allocation to mitigate, and adapt to, the ef-
8 fects of climate change and limit damages associated
9 with climate-related events and disasters; and

10 (9) a critical component in fighting climate
11 change is a transparent accounting of the risks that
12 climate change presents and the implications of con-
13 tinued inaction with respect to climate change.

14 **SEC. 852. DISCLOSURES RELATING TO CLIMATE CHANGE.**

15 Section 13 of the Securities Exchange Act of 1934
16 (15 U.S.C. 78m) is amended by adding at the end the
17 following:

18 “(s) DISCLOSURES RELATING TO CLIMATE
19 CHANGE.—

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

21 “(A) 1.5 DEGREE SCENARIO.—The term
22 ‘1.5 degree scenario’ means a scenario that
23 aligns with greenhouse gas emissions pathways
24 that aim for limiting global warming to 1.5 de-
25 grees Celsius above pre-industrial levels.

1 “(B) APPROPRIATE CLIMATE PRIN-
2 CIPALS.—The term ‘appropriate climate prin-
3 cipals’ means—

4 “(i) the Administrator of the Environ-
5 mental Protection Agency;

6 “(ii) the Administrator of the Na-
7 tional Oceanic and Atmospheric Adminis-
8 tration;

9 “(iii) the Director of the Office of
10 Management and Budget;

11 “(iv) the Secretary of the Interior;

12 “(v) the Secretary of Energy; and

13 “(vi) the head of any other Federal
14 agency, as determined appropriate by the
15 Commission.

16 “(C) BASELINE SCENARIO.—The term
17 ‘baseline scenario’ means a widely recognized
18 analysis scenario in which levels of greenhouse
19 gas emissions, as of the date on which the anal-
20 ysis is performed, continue to grow, resulting in
21 an increase in the global average temperature
22 of 1.5 degrees Celsius or more above pre-indus-
23 trial levels.

24 “(D) CARBON DIOXIDE EQUIVALENT.—
25 The term ‘carbon dioxide equivalent’ means the

1 number of metric tons of carbon dioxide emis-
2 sions with the same global warming potential as
3 one metric ton of another greenhouse gas, as
4 determined under table A-1 of subpart A of
5 part 98 of title 40, Code of Federal Regula-
6 tions, as in effect on the date of enactment of
7 this subsection.

8 “(E) CLIMATE CHANGE.—The term ‘cli-
9 mate change’ means a change of climate that
10 is—

11 “(i) attributed directly or indirectly to
12 human activity that alters the composition
13 of the global atmosphere; and

14 “(ii) in addition to natural climate
15 variability observed over comparable time
16 periods.

17 “(F) COMMERCIAL DEVELOPMENT OF FOS-
18 SIL FUELS.—The term ‘commercial develop-
19 ment of fossil fuels’ includes—

20 “(i) exploration, extraction, proc-
21 essing, exporting, transporting, refining,
22 and any other significant action with re-
23 spect to oil, natural gas, coal, or any by-
24 product thereof or any other solid or liquid

1 hydrocarbons that are commercially pro-
2 duced; or

3 “(ii) acquiring a license for any activ-
4 ity described in clause (i).

5 “(G) COVERED ISSUER.—The term ‘cov-
6 ered issuer’ means an issuer that is required to
7 file an annual report under subsection (a) or
8 section 15(d).

9 “(H) DIRECT AND INDIRECT GREENHOUSE
10 GAS EMISSIONS.—The term ‘direct and indirect
11 greenhouse gas emissions’ includes, with respect
12 to a covered issuer—

13 “(i) all direct greenhouse gas emis-
14 sions released by the covered issuer;

15 “(ii) all indirect greenhouse gas emis-
16 sions with respect to electricity, heat, or
17 steam purchased by the covered issuer;

18 “(iii) significant indirect emissions,
19 other than the emissions described in
20 clause (ii), emitted in the value chain of
21 the covered issuer; and

22 “(iv) all indirect greenhouse gas emis-
23 sions that are attributable to assets owned
24 or managed, including assets that are par-

1 tially owned or managed, by the covered
2 issuer.

3 “(I) FOSSIL FUEL RESERVES.—The term
4 ‘fossil fuel reserves’ has the meaning given the
5 term ‘reserves’ under the final rule of the Com-
6 mission titled ‘Modernization of Oil and Gas
7 Reporting’ (74 Fed. Reg. 2158; published Jan-
8 uary 14, 2009).

9 “(J) GREENHOUSE GAS.—The term
10 ‘greenhouse gas’—

11 “(i) means carbon dioxide,
12 hydrofluorocarbons, methane, nitrous
13 oxide, perfluorocarbons, sulfur
14 hexafluoride, nitrogen trifluoride, and
15 chlorofluorocarbons;

16 “(ii) includes any other
17 anthropogenically emitted gas that the Ad-
18 ministrator of the Environmental Protec-
19 tion Agency determines, after notice and
20 comment, to contribute to climate change;
21 and

22 “(iii) includes any other
23 anthropogenically emitted gas that the
24 Intergovernmental Panel on Climate

1 Change determines to contribute to climate
2 change.

3 “(K) GREENHOUSE GAS EMISSIONS.—The
4 term ‘greenhouse gas emissions’ means the
5 emissions of greenhouse gas, expressed in terms
6 of metric tons of carbon dioxide equivalent.

7 “(L) PHYSICAL RISKS.—The term ‘phys-
8 ical risks’ means financial risks to long-lived
9 fixed assets, locations, operations, or value
10 chains that result from exposure to physical cli-
11 mate-related effects, including—

12 “(i) increased average global tempera-
13 tures and increased frequency of tempera-
14 ture extremes;

15 “(ii) increased severity and frequency
16 of extreme weather events;

17 “(iii) increased flooding;

18 “(iv) sea level rise;

19 “(v) ocean acidification;

20 “(vi) increased frequency of wildfires;

21 “(vii) decreased arability of farmland;

22 “(viii) decreased availability of fresh
23 water; and

24 “(ix) any other financial risks to long-
25 lived fixed assets, locations, operations, or

1 value chains determined appropriate by the
2 Commission, in consultation with appro-
3 priate climate principals.

4 “(M) SOCIAL COST OF CARBON.—The term
5 ‘social cost of carbon’ means the social cost of
6 carbon, as described in the technical support
7 document entitled ‘Technical Support Docu-
8 ment: Technical Update of the Social Cost of
9 Carbon for Regulatory Impact Analysis Under
10 Executive Order 12866’, published by the Inter-
11 agency Working Group on Social Cost of Green-
12 house Gases, United States Government, in Au-
13 gust 2016 or any successor or substantially re-
14 lated estimate of the monetized damages associ-
15 ated with an incremental increase in carbon di-
16 oxide emissions in a given year.

17 “(N) TRANSITION RISKS.—The term ‘tran-
18 sition risks’ means financial risks that are at-
19 tributable to climate change mitigation and ad-
20 aptation, including efforts to reduce greenhouse
21 gas emissions and strengthen resilience to the
22 impacts of climate change, including—

23 “(i) costs relating to—

24 “(I) international treaties and
25 agreements;

1 “(II) Federal, State, and local
2 policy;

3 “(III) new technologies;

4 “(IV) changing markets;

5 “(V) reputational impacts rel-
6 evant to changing consumer behavior;

7 and

8 “(VI) litigation; and

9 “(ii) assets that may lose value or be-
10 come stranded due to any of the costs de-
11 scribed in subclauses (I) through (VI) of
12 clause (i).

13 “(O) VALUE CHAIN.—The term ‘value
14 chain’—

15 “(i) means the total lifecycle of a
16 product or service, both before and after
17 production of the product or service, as ap-
18 plicable; and

19 “(ii) may include the sourcing of ma-
20 terials, production, transportation, and dis-
21 posal with respect to the product or service
22 described in clause (i).

23 “(2) FINDINGS.—Congress finds that—

24 “(A) short-, medium-, and long-term finan-
25 cial and economic risks and opportunities relat-

1 ing to climate change, and the national and
2 global reduction of greenhouse gas emissions,
3 constitute information that issuers—

4 “(i) may reasonably expect to affect
5 shareholder decision making; and

6 “(ii) should regularly identify, evalu-
7 ate, and disclose; and

8 “(B) the disclosure of information de-
9 scribed in paragraph (1) should—

10 “(i) identify, and evaluate—

11 “(I) material physical and transi-
12 tion risks posed by climate change;
13 and

14 “(II) the potential financial im-
15 pact of such risks;

16 “(ii) detail any implications such risks
17 have on corporate strategy;

18 “(iii) detail any board-level oversight
19 of material climate related risks and op-
20 portunities;

21 “(iv) allow for intra- and cross-indus-
22 try comparison, to the extent practicable,
23 of climate-related risk exposure through
24 the inclusion of standardized industry-spe-
25 cific and sector-specific disclosure metrics,

1 as identified by the Commission, in con-
2 sultation with the appropriate climate prin-
3 cipals;

4 “(v) allow for tracking of performance
5 over time with respect to mitigating cli-
6 mate risk exposure; and

7 “(vi) incorporate a price on green-
8 house gas emissions in financial analyses
9 that reflects, at minimum, the social cost
10 of carbon that is attributable to issuers.

11 “(3) DISCLOSURE.—Each covered issuer, in any
12 annual report filed by the covered issuer under sub-
13 section (a) or section 15(d), shall, in accordance
14 with any rules issued by the Commission pursuant
15 to this subsection, include in each such report infor-
16 mation regarding—

17 “(A) the identification of, the evaluation of
18 potential financial impacts of, and any risk-
19 management strategies relating to—

20 “(i) physical risks posed to the cov-
21 ered issuer by climate change; and

22 “(ii) transition risks posed to the cov-
23 ered issuer by climate change;

24 “(B) a description of any established cor-
25 porate governance processes and structures to

1 identify, assess, and manage climate-related
2 risks;

3 “(C) a description of specific actions that
4 the covered issuer is taking to mitigate identi-
5 fied risks;

6 “(D) a description of the resilience of any
7 strategy the covered issuer has for addressing
8 climate risks when differing climate scenarios
9 are taken into consideration; and

10 “(E) a description of how climate risk is
11 incorporated into the overall risk management
12 strategy of the covered issuer.

13 “(4) RULE OF CONSTRUCTION.—Nothing in
14 paragraph (3) may be construed as precluding a cov-
15 ered issuer from including, in an annual report sub-
16 mitted under subsection (a) or section 15(d), any in-
17 formation not explicitly referenced in such para-
18 graph.

19 “(5) RULEMAKING.—The Commission, in con-
20 sultation with the appropriate climate principals,
21 shall, not later than 2 years after the date of the en-
22 actment of this subsection, issue rules with respect
23 to the information that a covered issuer is required
24 to disclose pursuant to this subsection and such
25 rules shall—

1 “(A) establish climate-related risk disclo-
2 sure rules, which shall—

3 “(i) be, to the extent practicable, spe-
4 cialized for industries within specific sec-
5 tors of the economy, which shall include—

6 “(I) the sectors of finance, insur-
7 ance, transportation, electric power,
8 mining, and non-renewable energy;
9 and

10 “(II) any other sector determined
11 appropriate by the Commission, in
12 consultation with the appropriate cli-
13 mate principals;

14 “(ii) include reporting standards for
15 estimating and disclosing direct and indi-
16 rect greenhouse gas emissions by a covered
17 issuer, and any affiliates of the covered
18 issuer, which shall—

19 “(I) disaggregate, to the extent
20 practicable, total emissions of each
21 specified greenhouse gas by the cov-
22 ered issuer; and

23 “(II) include greenhouse gas
24 emissions by the covered issuer during
25 the period covered by the disclosure;

1 “(iii) include reporting standards for
2 disclosing, with respect to a covered
3 issuer—

4 “(I) the total amount of fossil
5 fuel-related assets owned or managed
6 by the covered issuer; and

7 “(II) the percentage of fossil
8 fuel-related assets as a percentage of
9 total assets owned or managed by the
10 covered issuer;

11 “(iv) specify requirements for, and the
12 disclosure of, input parameters, assump-
13 tions, and analytical choices to be used in
14 climate scenario analyses required under
15 subparagraph (B)(i), including—

16 “(I) present value discount rates;
17 and

18 “(II) time frames to consider, in-
19 cluding 5-, 10-, and 20-year time
20 frames; and

21 “(v) include reporting standards and
22 guidance with respect to the information
23 required under subparagraph (B)(iii);

1 “(B) require that a covered issuer, with re-
2 spect to a disclosure required under this sub-
3 section—

4 “(i) incorporate into such disclosure—

5 “(I) quantitative analysis to sup-
6 port any qualitative statement made
7 by the covered issuer;

8 “(II) the rules established under
9 subparagraph (A);

10 “(III) industry-specific metrics
11 that comply with the requirements
12 under subparagraph (A)(i);

13 “(IV) specific risk management
14 actions that the covered issuer is tak-
15 ing to address identified risks;

16 “(V) a discussion of the short-,
17 medium-, and long-term resilience of
18 any risk management strategy, and
19 the evolution of applicable risk
20 metrics, of the covered issuer under
21 each scenario described in clause (ii);
22 and

23 “(VI) the total cost attributable
24 to the direct and indirect greenhouse
25 gas emissions of the covered issuer,

1 using, at minimum, the social cost of
2 carbon;

3 “(ii) consider, when preparing any
4 qualitative or quantitative risk analysis
5 statement contained in the disclosure—

6 “(I) a baseline scenario that in-
7 cludes physical impacts of climate
8 change;

9 “(II) a 1.5 degrees scenario; and

10 “(III) any additional climate
11 analysis scenario considered appro-
12 priate by the Commission, in consulta-
13 tion with the appropriate climate prin-
14 cipals;

15 “(iii) if the covered issuer engages in
16 the commercial development of fossil fuels,
17 include in the disclosure—

18 “(I) an estimate of the total and
19 a disaggregated amount of direct and
20 indirect greenhouse gas emissions of
21 the covered issuer that are attrib-
22 utable to—

23 “(aa) combustion;

24 “(bb) flared hydrocarbons;

25 “(cc) process emissions;

1 “(dd) directly vented emis-
2 sions;
3 “(ee) fugitive emissions or
4 leaks; and
5 “(ff) land use changes;
6 “(II) a description of—
7 “(aa) the sensitivity of fossil
8 fuel reserve levels to future price
9 projection scenarios that incor-
10 porate the social cost of carbon;
11 “(bb) the percentage of the
12 reserves of the covered issuer
13 that will be developed under the
14 scenarios established in clause
15 (ii), as well as a forecast for the
16 development prospects of each re-
17 serve under the scenarios estab-
18 lished in clause (ii);
19 “(cc) the potential amount
20 of direct and indirect greenhouse
21 gas emissions that are embedded
22 in proved and probable reserves,
23 with each such calculation pre-
24 sented as a total and in sub-

1 divided categories by the type of
2 reserve;

3 “(dd) the methodology of
4 the covered issuer for detecting
5 and mitigating fugitive methane
6 emissions, which shall include the
7 frequency with which applicable
8 assets of the covered issuer are
9 observed for methane leaks, the
10 processes and technology that the
11 covered issuer uses to detect
12 methane leaks, the percentage of
13 assets of the covered issuer that
14 the covered issuer inspects under
15 that methodology, and quan-
16 titative and time-bound reduction
17 goals of the issuer with respect to
18 methane leaks;

19 “(ee) the amount of water
20 that the covered issuer withdraws
21 from freshwater sources for use
22 and consumption in operations of
23 the covered issuer; and

24 “(ff) the percentage of the
25 water described in item (ee) that

1 comes from regions of water
2 stress or that face wastewater
3 management challenges; and

4 “(III) any other information that
5 the Commission determines is—

6 “(aa) necessary;

7 “(bb) appropriate to safe-
8 guard the public interest; or

9 “(cc) directed at ensuring
10 that investors are informed in ac-
11 cordance with the findings de-
12 scribed in paragraph (2);

13 “(C) with respect to a disclosure required
14 under section 13(s) of the Securities Exchange
15 Act of 1934, require that a covered issuer in-
16 clude in such disclosure any other information,
17 or use any climate-related or greenhouse gas
18 emissions metric, that the Commission, in con-
19 sultation with the appropriate climate prin-
20 cipals, determines is—

21 “(i) necessary;

22 “(ii) appropriate to safeguard the
23 public interest; or

1 “(iii) directed at ensuring that inves-
2 tors are informed in accordance with the
3 findings described in paragraph (2); and

4 “(D) with respect to a disclosure required
5 under section 13(s) of the Securities Exchange
6 Act of 1934, establish how and where the re-
7 quired disclosures shall be addressed in the cov-
8 ered issuer’s annual financial filing.

9 “(6) FORMATTING.—The Commission shall re-
10 quire issuers to disclose information in an interactive
11 data format and shall develop standards for such
12 format, which shall include electronic tags for infor-
13 mation that the Commission determines is—

14 “(A) necessary;

15 “(B) appropriate to safeguard the public
16 interest; or

17 “(C) directed at ensuring that investors
18 are informed in accordance with the findings
19 described in paragraph (2).

20 “(7) PERIODIC UPDATE OF RULES.—The Com-
21 mission shall periodically update the rules issued
22 under this subsection.

23 “(8) COMPILATION OF INFORMATION DIS-
24 CLOSED.—The Commission shall, to the maximum
25 extent practicable make a compilation of the infor-

1 mation disclosed by issuers under this subsection
2 publicly available on the website of the Commission
3 and update such compilation at least once each year.

4 “(9) REPORTS.—

5 “(A) REPORT TO CONGRESS.—The Com-
6 mission shall—

7 “(i) conduct an annual assessment re-
8 garding the compliance of covered issuers
9 with the requirements of this subsection;

10 “(ii) submit to the appropriate con-
11 gressional committees a report that con-
12 tains the results of each assessment con-
13 ducted under clause (i); and

14 “(iii) make each report submitted
15 under clause (ii) accessible to the public.

16 “(B) GAO REPORT.—The Comptroller
17 General of the United States shall periodically
18 evaluate, and report to the appropriate congres-
19 sional committees on, the effectiveness of the
20 Commission in carrying out and enforcing this
21 subsection.”.

22 **SEC. 853. BACKSTOP.**

23 If, 2 years after the date of the enactment of this
24 Act, the Securities and Exchange Commission has not
25 issued the rules required under section 13(s) of the Securi-

1 ties Exchange Act of 1934, and until such rules are issued,
2 a covered issuer (as defined in such section 13(s)) shall
3 be deemed in compliance with such section 13(s) if disclo-
4 sures set forth in the annual report of such issuer satisfy
5 the recommendations of the Task Force on Climate-re-
6 lated Financial Disclosures of the Financial Stability
7 Board as reported in June, 2017, or any successor report,
8 and as supplemented or adjusted by such rules, guidance,
9 or other comments from the Securities and Exchange
10 Commission.

11 **TITLE IX—WASTE REDUCTION**

12 **Subtitle A—Clean Air**

13 **SEC. 901. DEFINITIONS.**

14 In this subtitle:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) COVERED FACILITY.—The term “covered
19 facility” means—

20 (A) an industrial facility that transforms
21 natural gas liquids into ethylene and propylene
22 for later conversion into plastic polymers;

23 (B) a plastic polymerization or polymer
24 production facility; and

1 (C) an industrial facility that repolymerizes
2 plastic polymers into chemical feedstocks for
3 use in new products or as fuel.

4 (3) COVERED PRODUCT.—The term “covered
5 product” means—

6 (A) ethylene;

7 (B) propylene;

8 (C) polyethylene in any form (including
9 pellets, resin, nurdle, powder, and flakes);

10 (D) polypropylene in any form (including
11 pellets, resin, nurdle, powder, and flakes);

12 (E) polyvinyl chloride in any form (includ-
13 ing pellets, resin, nurdle, powder, and flakes);
14 and

15 (F) other plastic polymer raw materials in
16 any form (including pellets, resin, nurdle, pow-
17 der, and flakes).

18 (4) ENVIRONMENTAL JUSTICE.—The term “en-
19 vironmental justice” has the meaning given that
20 term in section 601.

21 (5) FENCELINE MONITORING.—The term
22 “fenceline monitoring” means continuous, real-time
23 monitoring of ambient air quality around the entire
24 perimeter of a facility.

1 (6) FRONTLINE COMMUNITY.—The term
2 “frontline community” means an environmental jus-
3 tice community (as defined in section 601) located
4 near a covered facility.

5 (7) TEMPORARY PAUSE PERIOD.—The term
6 “temporary pause period” means the period—

7 (A) beginning on the date of enactment of
8 this Act; and

9 (B) ending on the date that is the first
10 date on which all regulations required under
11 section 902(c) are in effect.

12 (8) ZERO-EMISSIONS ENERGY.—The term
13 “zero-emissions energy” means energy that is pro-
14 duced without emitting any greenhouse gas.

15 **SEC. 902. CLEAN AIR.**

16 (a) TEMPORARY PAUSE.—During the temporary
17 pause period, notwithstanding any other provision of
18 law—

19 (1) the Administrator shall not issue a new per-
20 mit for a covered facility under the Clean Air Act
21 (42 U.S.C. 7401 et seq.); and

22 (2) the Administrator shall object in writing
23 under subsections (b) and (c) of section 505 of the
24 Clean Air Act (42 U.S.C. 7661d), as applicable, to
25 any new permit for a covered facility issued under

1 the Clean Air Act (42 U.S.C. 7401 et seq.) by a
2 State or local government pursuant to delegated au-
3 thority.

4 (b) STUDY.—

5 (1) IN GENERAL.—

6 (A) AGREEMENT.—The Administrator
7 shall offer to enter into an agreement with the
8 National Academy of Sciences and the National
9 Institutes of Health to conduct a study of—

10 (i) the existing and planned expansion
11 of the industry of the producers of covered
12 products, including the entire supply chain,
13 end uses, disposal fate, and lifecycle im-
14 pacts of covered products;

15 (ii) the environmental justice and pol-
16 lution impacts of covered facilities and the
17 products of covered facilities;

18 (iii) the existing standard technologies
19 and practices of covered facilities with re-
20 spect to the discharge and emission of pol-
21 lutants into the environment; and

22 (iv) the best available technologies
23 and practices that reduce or eliminate the
24 environmental justice and pollution im-

1 pacts of covered facilities and the products
2 of covered facilities.

3 (B) FAILURE TO ENTER AGREEMENT.—If
4 the Administrator fails to enter into an agree-
5 ment described in subparagraph (A), the Ad-
6 ministrator shall conduct the study described in
7 such subparagraph.

8 (2) REQUIREMENTS.—The study under para-
9 graph (1) shall—

10 (A) consider—

11 (i) the direct, indirect, and cumulative
12 environmental impacts of the industries of
13 covered facilities to date; and

14 (ii) the impacts of the planned expan-
15 sion of those industries, including local, re-
16 gional, national, and international air,
17 water, waste, climate change, public health,
18 and environmental justice impacts of those
19 industries; and

20 (B) recommend technologies, standards,
21 and practices to remediate or eliminate the
22 local, regional, national, and international air,
23 water, waste, climate change, public health, and
24 environmental justice impacts of covered facili-
25 ties and the industries of covered facilities.

1 (3) REPORT.—Not later than 18 months after
2 the date of enactment of this Act, the Administrator
3 shall submit to Congress a report describing the re-
4 sults of the study under paragraph (1).

5 (c) CONTROLLING AIR POLLUTION.—

6 (1) NEW SOURCE PERFORMANCE STAND-
7 ARDS.—

8 (A) REGULATION.—Not later than 3 years
9 after the date of enactment of this Act, the Ad-
10 ministrator shall finalize regulations pursuant
11 to section 111 of the Clean Air Act (42 U.S.C.
12 7411) to limit emissions of greenhouse gases
13 and other air pollutants from covered facilities.

14 (B) NEW SOURCES.—The regulation re-
15 quired by subparagraph (A) shall provide for
16 the establishment, implementation, and enforce-
17 ment of standards of performance limiting
18 emissions of greenhouse gases and other air
19 pollutants under section 111(b) of the Clean
20 Air Act (42 U.S.C. 7411(b)) for emissions from
21 new, reconstructed, and modified covered facili-
22 ties that are new sources (as defined in section
23 111(a) of such Act (42 U.S.C. 7411(a))).

1 (C) STANDARDS OF PERFORMANCE.—The
2 standards of performance required by subpara-
3 graph (B) shall—

4 (i) require the application of the best
5 system of emission reduction to include the
6 use of zero-emissions energy sources, ex-
7 cept to the extent that waste gases are re-
8 cycled; and

9 (ii) include necessary conditions and
10 procedures for the Administrator to deter-
11 mine that certain activities at covered fa-
12 cilities require the use of non-zero-emis-
13 sions energy sources.

14 (D) DESIGNATION AS CATEGORY OF STA-
15 TIONARY SOURCES.—The regulation required by
16 subparagraph (A) shall designate ethylene, pro-
17 pylene, polyethylene, and polypropylene produc-
18 tion facilities as a category of stationary
19 sources under section 111(b)(1)(A) of the Clean
20 Air Act (42 U.S.C. 7411(b)(1)(A)).

21 (E) PROTECTION OF FRONTLINE COMMU-
22 NITIES.—The regulation required by subpara-
23 graph (A) shall include such updates to existing
24 standards of performance under section 111 of
25 the Clean Air Act (42 U.S.C. 7411) as the Ad-

1 administrator determines to be necessary, ac-
2 counting for technological advances, to ensure
3 the protection of the health and welfare of
4 frontline communities. Such updates shall in-
5 clude—

6 (i) with respect to, at covered facili-
7 ties, storage vessels containing liquid with
8 a vapor pressure of equal to or more than
9 5 millimeters of mercury under actual stor-
10 age conditions, ensuring that owners or op-
11 erators of such storage vessels use an in-
12 ternal floating or fixed roof tank connected
13 to a volatile organic compound control de-
14 vice;

15 (ii) with respect to elevated or ground-
16 level flaring at covered facilities, updating
17 standards to ensure that—

18 (I) such flaring is permitted only
19 when necessary for safety reasons;
20 and

21 (II) such standards are, without
22 exception, continuously applied;

23 (iii) with respect to synthetic organic
24 chemical manufacturing industry (com-

1 monly referred to as “SOCMI”) equipment
2 used at covered facilities—

3 (I) ensuring that owners and op-
4 erators of such equipment, wherever
5 possible, use process units and compo-
6 nents with a leak-less or seal-less de-
7 sign;

8 (II) ensuring that owners and op-
9 erators of such equipment use optical
10 gas imaging to identify leaks on a
11 quarterly basis;

12 (III) prohibiting the use of open-
13 ended valves or lines except for safety
14 reasons;

15 (IV) lowering the threshold for
16 “no detectable emissions” to mean an
17 instrument reading of less than 50
18 parts per million above background
19 concentrations; and

20 (V) defining a leak as any instru-
21 ment reading above the standard de-
22 scribed in subclause (IV);

23 (iv) with respect to natural gas-fired
24 steam boilers at covered facilities, ensuring

1 that such boilers may burn only gaseous
2 fuels, not solid or liquid fuels; and

3 (v) with respect to air emissions moni-
4 toring at covered facilities, requiring—

5 (I) accurate and continuous emis-
6 sions monitoring of criteria air pollut-
7 ants subject to a standard issued
8 under section 109 of the Clean Air
9 Act (42 U.S.C. 7409) for all combus-
10 tion devices except non-enclosed
11 flares;

12 (II) fenceline monitoring for the
13 pollutants listed in subclause (I) and
14 other relevant air pollutants; and

15 (III) accurate and continuous
16 recordkeeping when monitoring de-
17 scribed in subclauses (I) and (II) is
18 required and making such records
19 publicly available.

20 (2) NATIONAL EMISSION STANDARDS FOR HAZ-
21 ARDOUS AIR POLLUTANTS.—

22 (A) REGULATION.—Not later than 3 years
23 after the date of enactment of this Act, the Ad-
24 ministrators shall finalize regulations pursuant
25 to section 112 of the Clean Air Act (42 U.S.C.

1 7412) to further limit emissions of hazardous
2 air pollutants (as defined in section 112(a) of
3 the Clean Air Act (42 U.S.C. 7412(a)) from
4 covered facilities and benzene waste operations.

5 (B) MAXIMUM ACHIEVABLE CONTROL
6 TECHNOLOGY STANDARDS.—The regulations re-
7 quired by subparagraph (A) shall provide for
8 the establishment, implementation, and enforce-
9 ment of updated maximum achievable control
10 technology standards for covered facilities and
11 benzene waste operations. Such standards
12 shall—

13 (i) at a minimum, prohibit, for any
14 hazardous air pollutant, an instrument
15 reading of 50 or more parts per million
16 above background concentrations;

17 (ii) define a leak of a hazardous air
18 pollutant as any instrument reading above
19 the standard described in clause (i); and

20 (iii) include necessary conditions and
21 procedures for the Administrator to deter-
22 mine whether covered facilities and ben-
23 zene waste operations exhibit any such
24 leaks.

1 (C) PROTECTION OF FRONTLINE COMMU-
2 NITIES.—The regulation required by subpara-
3 graph (A) shall include such updates to existing
4 requirements under section 112 of the Clean
5 Air Act (42 U.S.C. 7412) as the Administrator
6 determines to be necessary, accounting for tech-
7 nological advances, to ensure the protection of
8 the health and welfare of frontline communities.
9 Such updates shall include—

10 (i) disallowing the use of alternative
11 means of emission limitation for the pur-
12 pose of reducing benzene emissions; and

13 (ii) updating standards for covered fa-
14 cilities and benzene waste operations in ac-
15 cordance with subparagraph (B)(ii).

16 **SEC. 903. ENVIRONMENTAL JUSTICE.**

17 (a) IN GENERAL.—The Administrator shall by rule
18 ensure that—

19 (1) any proposed permit to be issued under the
20 Clean Air Act (42 U.S.C. 7401 et seq.) with respect
21 to a covered facility by the Administrator, or by a
22 State or local agency to which the Administrator has
23 delegated authority to issue such permit, is accom-
24 panied by an environmental justice assessment
25 that—

1 (A) assesses the direct and disparate eco-
2 nomic, environmental, and public health im-
3 pacts of the proposed permit on frontline com-
4 munities; and

5 (B) proposes changes or alterations to the
6 proposed permit that would, to the maximum
7 extent practicable, eliminate or mitigate the im-
8 pacts described in subparagraph (A);

9 (2) one or more public meetings is held in
10 frontline communities prior to the beginning of the
11 public comment period for the proposed permit;

12 (3) technical assistance is provided to residents
13 of frontline communities seeking to participate in
14 the public comment period for the proposed permit,
15 either from—

16 (A) the Environmental Protection Agency;

17 or

18 (B) expert sources chosen by residents of
19 frontline communities;

20 (4) each proposed permit and environmental
21 justice assessment described in paragraph (1) is de-
22 livered to applicable frontline communities at the be-
23 ginning of the public comment period for the pro-
24 posed permit, which shall include notification
25 through—

1 (A) direct means; and

2 (B) publications likely to be obtained by
3 residents of the frontline community;

4 (5) the Administrator or the State or local
5 agency described in paragraph (1), as applicable,
6 shall not approve the proposed permit unless—

7 (A) changes or alterations have been incor-
8 porated into the proposed permit that, to the
9 maximum extent practicable, eliminate or miti-
10 gate the environmental justice impacts de-
11 scribed in paragraph (1)(A); and

12 (B) the changes or alterations described in
13 subparagraph (A) have been developed with
14 input from residents or representatives of the
15 frontline community in which the covered facil-
16 ity to which the proposed permit would apply is
17 located or seeks to locate; and

18 (6) the approval of the proposed permit is con-
19 ditioned on the covered facility providing comprehen-
20 sive fence-line monitoring and response strategies
21 that fully protect public health and safety and the
22 environment in frontline communities.

23 (b) INPUT.—In promulgating a rule to carry out sub-
24 section (a), including any revision to such rule, the Admin-
25 istrator shall solicit input from—

1 (1) residents of frontline communities; and

2 (2) representatives of frontline communities.

3 (c) FINAL RULE.—Not later than 3 years after the
4 date of enactment of this Act, the Administrator shall pro-
5 mulgate a final rule to carry out subsection (a).

6 **Subtitle B—Product Standards and**
7 **Producer Responsibility**

8 **SEC. 911. PRODUCT STANDARDS AND PRODUCER RESPON-**
9 **SIBILITY.**

10 (a) IN GENERAL.—The Solid Waste Disposal Act (42
11 U.S.C. 6901 et seq.) is amended by adding at the end
12 the following:

13 **“Subtitle K—Product Standards**
14 **and Producer Responsibility**

15 **“SEC. 12001. DEFINITIONS.**

16 “In this subtitle:

17 “(1) BEVERAGE.—

18 “(A) IN GENERAL.—The term ‘beverage’
19 means any drinkable liquid intended for human
20 oral consumption that is—

21 “(i) water;

22 “(ii) flavored, soda, mineral, or coco-
23 nut water;

1 “(iii) beer, wine, liquor, hard cider,
2 hard seltzer, a wine cooler, or a malt bev-
3 erage;

4 “(iv) a carbonated soft drink;

5 “(v) tea;

6 “(vi) coffee;

7 “(vii) fruit juice;

8 “(viii) dairy or plant-based milk;

9 “(ix) kombucha;

10 “(x) an energy or sports drink;

11 “(xi) a yogurt drink;

12 “(xii) a probiotic drink; or

13 “(xiii) any other drinkable liquid de-
14 termined to be appropriate by the Adminis-
15 trator.

16 “(B) EXCLUSIONS.—The term ‘beverage’
17 does not include—

18 “(i) a product marketed as a liquid
19 meal replacement with caloric and nutri-
20 tional value intended to replace a regular
21 meal;

22 “(ii) infant formula;

23 “(iii) a drug regulated under the Fed-
24 eral Food, Drug, and Cosmetic Act (21
25 U.S.C. 301 et seq.);

1 “(iv) any other beverage that is ex-
2 empted by a rule of the Administrator.

3 “(2) BEVERAGE CONTAINER.—

4 “(A) IN GENERAL.—The term ‘beverage
5 container’ means an individual and sealed glass,
6 metal, or plastic bottle, can, or jar that—

7 “(i) contains a beverage; and

8 “(ii) the volume of which is not more
9 than 3 liters.

10 “(B) EXCLUSION.—The term ‘beverage
11 container’ does not include a carton, foil pouch,
12 drink box, or metal container that requires a
13 tool to be opened in order to be recycled.

14 “(3) COMPOSTABLE.—

15 “(A) IN GENERAL.—The term
16 ‘compostable’ means, with respect to a covered
17 product, that the covered product—

18 “(i)(I) meets the ASTM International
19 standard specification for compostable
20 products numbered D6400 or D6868—

21 “(aa) as in effect on the date of
22 enactment of this subtitle; or

23 “(bb) as revised after the date of
24 enactment of this subtitle, if the revi-

1 sion is approved by the Administrator;

2 and

3 “(II) is labeled to reflect that the cov-
4 ered product meets a standard described in
5 subclause (I);

6 “(ii) is certified as a compostable
7 product by an independent party that is
8 approved by the Administrator; or

9 “(iii) comprises only—

10 “(I) wood without any coatings,
11 additives, or toxic substances; or

12 “(II) natural or biodegradable
13 fiber without any coatings, additives,
14 or toxic substances.

15 “(B) EXCLUSION.—The term
16 ‘compostable’ shall not apply to paper.

17 “(4) COVERED PRODUCT.—

18 “(A) IN GENERAL.—The term ‘covered
19 product’ means, regardless of recyclability,
20 compostability, or material type—

21 “(i) packaging;

22 “(ii) a food service product;

23 “(iii) paper; and

1 “(iv) any other consumer product that
2 is designed to be disposed of, recycled, or
3 otherwise discarded after a single use.

4 “(B) EXCLUSION.—The term ‘covered
5 product’ does not include a beverage container.

6 “(5) DISTRIBUTOR.—The term ‘distributor’
7 means an entity that engages in the sale of a cov-
8 ered product or beverage in a beverage container to
9 a retailer, including any manufacturer who engages
10 in such sale.

11 “(6) FOOD SERVICE PRODUCT.—The term ‘food
12 service product’ means an item intended to deliver a
13 food product, regardless of the recyclability or
14 compostability of the item, including—

15 “(A) a utensil;

16 “(B) a straw;

17 “(C) a drink cup;

18 “(D) a drink lid;

19 “(E) a food package;

20 “(F) a food container;

21 “(G) a plate;

22 “(H) a bowl;

23 “(I) a meat tray; and

24 “(J) a food wrap.

1 “(7) IMPORTER.—The term ‘importer’ means
2 any retailer or manufacturer who directly imports a
3 covered product or beverage in a beverage container
4 into the United States.

5 “(8) MANUFACTURER.—The term ‘manufac-
6 turer’ means an entity bottling, canning, or other-
7 wise filling a covered product or beverage container
8 for sale to a distributor, importer, or retailer.

9 “(9) PACKAGING.—

10 “(A) IN GENERAL.—The term ‘packaging’
11 means—

12 “(i) any package or container, regard-
13 less of recyclability or compostability; and

14 “(ii) any part of a package or con-
15 tainer, regardless of recyclability or
16 compostability, that includes material that
17 is used for the containment, protection,
18 handling, delivery, and presentation of
19 goods that are sold, offered for sale, or dis-
20 tributed to consumers in the United
21 States, including through an internet
22 transaction.

23 “(B) INCLUSIONS.—The term ‘packaging’
24 includes—

1 “(i) a package or container intended
2 for the consumer market;

3 “(ii) a package or container designed
4 and intended to be used or filled at the
5 point of sale, such as carry-out bags, bulk
6 good bags, and home delivery food service
7 packaging;

8 “(iii) a secondary package or con-
9 tainer used to group products for multiunit
10 sale;

11 “(iv) a tertiary package or container
12 used for transportation or distribution di-
13 rectly to a consumer; and

14 “(v) ancillary elements hung or at-
15 tached to a product and performing a
16 packaging function.

17 “(C) EXCLUSION.—The term ‘packaging’
18 does not include a package or container de-
19 signed to store or protect a product, without
20 being opened or tampered with, for more than
21 5 years.

22 “(10) PAPER.—

23 “(A) IN GENERAL.—The term ‘paper’
24 means paper that is sold, offered for sale, deliv-

1 ered, or distributed to a consumer or business
2 in the United States.

3 “(B) INCLUSIONS.—The term ‘paper’ in-
4 cludes—

5 “(i) newsprint and inserts;

6 “(ii) magazines and catalogs;

7 “(iii) promotional or advertising paper
8 mail;

9 “(iv) paper meant for packaging;

10 “(v) office paper; and

11 “(vi) telephone or other similar direc-
12 tories.

13 “(C) EXCLUSIONS.—The term ‘paper’ does
14 not include—

15 “(i) a paper product that, due to the
16 intended use of the paper product, could
17 become unsafe or unsanitary to recycle; or

18 “(ii) a bound soft-cover or hard-cover
19 book.

20 “(11) RECYCLABLE.—The term ‘recyclable’
21 means, with respect to a covered product or beverage
22 container, that—

23 “(A) the covered product or beverage con-
24 tainer is economically and technically possible
25 to recycle;

1 “(B) United States processing capacity is
2 in operation to recycle, with the geographical
3 distribution of the capacity aligned with the
4 population of geographical regions of the
5 United States, of the total quantity of the cov-
6 ered product or beverage container produced in
7 the United States—

8 “(i) for each of calendar years 2022
9 through 2026, not less than 25 percent;

10 “(ii) for each of calendar years 2027
11 through 2031, not less than 35 percent;

12 “(iii) for each of calendar years 2032
13 through 2036, not less than 50 percent;

14 and

15 “(iv) for calendar year 2037 and each
16 calendar year thereafter, not less than 60
17 percent; and

18 “(C) the consumer that uses the covered
19 product or beverage container is not required to
20 remove an attached component of the covered
21 product or beverage container, such as a shrink
22 sleeve, label, or filter, before the covered prod-
23 uct or beverage container can be recycled.

24 “(12) RECYCLE; RECYCLING.—

1 “(A) IN GENERAL.—The terms ‘recycle’ or
2 ‘recycling’ mean the series of activities by which
3 a covered product or beverage container is—

4 “(i) collected, sorted, and processed;

5 and

6 “(ii)(I) converted into a raw material
7 with minimal loss of material quality; or

8 “(II) used in the production of a new
9 product, including one that is identical to
10 the original product.

11 “(B) EXCLUSION.—The terms ‘recycle’ or
12 ‘recycling’ do not include—

13 “(i) the method of sorting, processing,
14 and aggregating materials from solid waste
15 that does not preserve the original material
16 quality, and, as a result, produces aggre-
17 gated material that is no longer usable for
18 its initial purpose or product and can only
19 be repurposed for use in a product of lower
20 quality and lower market value (commonly
21 referred to as ‘downcycling’);

22 “(ii) the use of waste—

23 “(I) as a fuel or fuel substitute;

24 “(II) for energy production;

1 “(III) for alternate operating
2 cover at a landfill; or

3 “(IV) within the footprint of a
4 landfill; or

5 “(iii) the conversion of waste into al-
6 ternative products, such as chemicals, feed-
7 stocks, fuels, and energy, through—

8 “(I) pyrolysis;

9 “(II) hydrolysis;

10 “(III) methanolysis;

11 “(IV) gasification;

12 “(V) enzymatic breakdown; or

13 “(VI) a similar technology, as de-
14 termined by the Administrator.

15 “(13) RESTAURANT.—

16 “(A) IN GENERAL.—The term ‘restaurant’
17 means an establishment the primary business of
18 which is the preparation of food or beverage—

19 “(i) for consumption by the public;

20 “(ii) in a form or quantity that is
21 consumable immediately at the establish-
22 ment, whether or not the food or beverage
23 is consumed within the confines of the
24 place where the food or beverage is pre-
25 pared; or

1 “(iii) for take-out.

2 “(B) INCLUSION.—The term ‘restaurant’
3 includes a fast food establishment.

4 “(14) RETAILER.—The term ‘retailer’ means
5 an entity that—

6 “(A) engages in the sale of a covered prod-
7 uct or beverage in a beverage container to a
8 consumer;

9 “(B) provides a covered product or bev-
10 erage in a beverage container to another entity
11 in commerce, including provision free of charge,
12 such as at a workplace or event; or

13 “(C) is an owner or operator of a vending
14 machine or similar means who engages in the
15 sale or provision described in (A) or (B)
16 through such vending machine or similar
17 means.

18 “(15) REUSABLE.—The term ‘reusable’ means,
19 with respect to a covered product or beverage con-
20 tainer, that the covered product or beverage con-
21 tainer is physically capable of being reused repeat-
22 edly without degrading the quality or functionality of
23 the good.

24 “(16) TOXIC SUBSTANCE.—

1 “(A) IN GENERAL.—The term ‘toxic sub-
2 stance’ means any substance, mixture, or com-
3 pound that—

4 “(i) may cause personal injury or dis-
5 ease to humans through ingestion, inhala-
6 tion, or absorption through any body sur-
7 face; and

8 “(ii) satisfies one or more of the fol-
9 lowing conditions:

10 “(I) The substance, mixture, or
11 compound is subject to reporting re-
12 quirements under—

13 “(aa) the Emergency Plan-
14 ning and Community Right-To-
15 Know Act of 1986 (42 U.S.C.
16 11001 et seq.);

17 “(bb) the Comprehensive
18 Environmental Response, Com-
19 pensation, and Liability Act of
20 1980 (42 U.S.C. 9601 et seq.);
21 or

22 “(cc) section 112(r) of the
23 Clean Air Act (42 U.S.C.
24 7412(r)).

1 “(II) Testing has produced evi-
2 dence recognized by the National In-
3 stitute for Occupational Safety and
4 Health or the Environmental Protec-
5 tion Agency that the substance, mix-
6 ture, or compound poses acute or
7 chronic health hazards.

8 “(III) The Administrator or the
9 Secretary of Health and Human Serv-
10 ices has issued a public health advi-
11 sory for the substance, mixture, or
12 compound.

13 “(IV) Exposure to the substance,
14 mixture, or compound is shown by ex-
15 pert testimony recognized by the En-
16 vironmental Protection Agency to in-
17 crease the risk of developing a latent
18 disease.

19 “(V) The substance, mixture, or
20 compound is a perfluoroalkyl or
21 polyfluoroalkyl substance.

22 “(B) EXCLUSIONS.—The term ‘toxic sub-
23 stance’ does not include—

24 “(i) a pesticide applied—

1 “(I) in accordance with Federal,
2 State, and local laws (including regu-
3 lations); and

4 “(II) in accordance with the in-
5 structions of the manufacturer of the
6 pesticide; or

7 “(ii) ammunition, a component of am-
8 munition, a firearm, an air rifle, discharge
9 of a firearm or an air rifle, hunting or
10 fishing equipment, or a component of
11 hunting or fishing equipment.

12 “(17) UTENSIL.—

13 “(A) IN GENERAL.—The term ‘utensil’
14 means a product designed to be used by a con-
15 sumer to facilitate the consumption of a food or
16 beverage.

17 “(B) INCLUSIONS.—The term ‘utensil’ in-
18 cludes a knife, a fork, a spoon, a spork, a cock-
19 tail pick, a chopstick, a splash stick, and a stir-
20 rer.

21 **“SEC. 12002. RECYCLED CONTENT STANDARDS.**

22 “(a) PLASTIC BEVERAGE CONTAINERS.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 the Administrator shall require each manufacturer

1 of plastic beverage containers to make the plastic
2 beverage containers—

3 “(A) by 2025, of 25 percent post-consumer
4 recycled content from United States sources;

5 “(B) by 2030, of 30 percent post-consumer
6 recycled content from United States sources;

7 “(C) by 2035, of 50 percent post-consumer
8 recycled content from United States sources;

9 “(D) by 2040, of 80 percent post-consumer
10 recycled content from United States sources;
11 and

12 “(E) by such dates thereafter as the Ad-
13 ministrator shall establish, such percentages of
14 post-consumer recycled content from United
15 States sources as the Administrator determines
16 by a rule to be appropriate.

17 “(2) ADJUSTMENT.—After consideration of the
18 results of the study under subsection (b)(1), the Ad-
19 ministrator may issue regulations to modify one or
20 more of the percentages described in subparagraphs
21 (A) through (D) of paragraph (1).

22 “(b) OTHER COVERED PRODUCTS AND BEVERAGE
23 CONTAINERS.—

24 “(1) STUDY.—The Administrator, in coordina-
25 tion with the Director of the National Institute of

1 Standards and Technology, the Commissioner of
2 Food and Drugs, and the head of any other relevant
3 Federal agency, shall carry out a study to determine
4 the technical and safe minimum post-consumer recy-
5 cled content requirements for covered products and
6 beverage containers, including beverage containers
7 composed of glass, aluminum, and other materials.

8 “(2) REPORT.—

9 “(A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this subtitle, the
11 Administrator shall submit to Congress a report
12 describing the results of the study under para-
13 graph (1), including—

14 “(i) an estimate of the current and
15 projected consumption of covered products
16 and use of beverage containers in the
17 United States;

18 “(ii) an estimate of current and pro-
19 jected future recycling rates of covered
20 products and beverage containers in the
21 United States;

22 “(iii) an assessment of techniques and
23 recommendations to minimize the creation
24 of new materials for covered products and
25 beverage containers; and

1 “(iv) an assessment of—

2 “(I) post-consumer recycled con-
3 tent standards for covered products
4 and beverage containers that are tech-
5 nologically feasible; and

6 “(II) the impact of the standards
7 described in subclause (I) on recycling
8 rates of covered products and bev-
9 erage containers.

10 “(B) PUBLICATION.—On submission of the
11 report under subparagraph (A) to Congress, the
12 Administrator shall publish in the Federal Reg-
13 ister for public comment—

14 “(i) the report; and

15 “(ii) a description of the actions the
16 Administrator intends to take during the
17 1-year period after the date of publication
18 in the Federal Register to establish min-
19 imum post-consumer recycled content
20 standards for covered products and bev-
21 erage containers.

22 “(3) MINIMUM STANDARDS.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the Administrator publishes the report
25 under paragraph (2)(B), the Administrator

1 shall establish minimum post-consumer recycled
2 content standards for covered products and bev-
3 erage containers.

4 “(B) REQUIREMENT.—The standards es-
5 tablished under subparagraph (A) shall increase
6 the percentage by which covered products and
7 beverage containers shall be composed of post-
8 consumer recycled content over a time period
9 established by the Administrator.

10 **“SEC. 12003. DESIGNING FOR THE ENVIRONMENT.**

11 “(a) IN GENERAL.—The Administrator shall require
12 each manufacturer of a covered product or beverage con-
13 tainer to design the covered products and beverage con-
14 tainers to minimize the environmental and health impacts
15 of the covered products and beverage containers.

16 “(b) REQUIREMENTS.—In designing a covered prod-
17 uct or beverage container in accordance with subsection
18 (a), to minimize the impacts of extraction, manufacture,
19 use, and end-of-life management, a manufacturer shall
20 consider—

21 “(1) eliminating or reducing the quantity of
22 material used;

23 “(2) eliminating toxic substances;

24 “(3) designing for reuse, refill, and lifespan ex-
25 tension;

1 “(4) incorporating recycled materials;

2 “(5) designing to reduce environmental impacts
3 across the lifecycle of a product;

4 “(6) incorporating sustainably and renewably
5 sourced material;

6 “(7) optimizing material to use the minimum
7 quantity of packaging necessary to effectively deliver
8 a product without damage or spoilage;

9 “(8) degradability of materials in cold-water en-
10 vironments; and

11 “(9) improving recyclability and compostability.

12 **“SEC. 12004. PRODUCT LABELING.**

13 “(a) IN GENERAL.—A manufacturer shall include la-
14 bels on covered products and beverage containers that—

15 “(1) are easy to read;

16 “(2) indicate that the covered product or bev-
17 erage container is—

18 “(A) recyclable;

19 “(B) not recyclable;

20 “(C) compostable; or

21 “(D) reusable;

22 “(3) in the case of a covered product or bev-
23 erage container that is not recyclable, does not in-
24 clude the universal chasing arrows recycling symbol
25 or any other similar symbol that would lead a con-

1 sumer to believe that the item should be sorted for
2 recycling;

3 “(4) in the case of a plastic bag that is not
4 compostable, is not tinted green or brown;

5 “(5) in the case of a compostable bag, is tinted
6 green or brown and includes information identifying
7 the entity designated by the Administrator that has
8 certified that the product is compostable; and

9 “(6) in the case of a covered product or bev-
10 erage container that is compostable, includes a green
11 or brown stripe or similar marking to identify that
12 the item is compostable.

13 “(b) STANDARDIZED LABELS.—The Administrator
14 shall establish or approve a standardized label for each
15 category of covered product and beverage container to be
16 used by manufacturers under subsection (a).

17 “(c) REQUIREMENT.—A label described in subsection
18 (a), including a shrink sleeve—

19 “(1) shall be compatible with the intended
20 method of discard for the covered product or bev-
21 erage container; and

22 “(2) shall not require removal by consumers in
23 order to be discarded in the intended method.

24 “(d) COMPATIBILITY.—The Administrator shall en-
25 courage label manufacturers, in coordination with the sup-

1 ply chains of those manufacturers, including substrate
2 suppliers, converters, and ink suppliers, to work with the
3 recycling industry to address label recycling compatibility
4 challenges.

5 “(e) WET WIPES.—With respect to the label de-
6 scribed in subsection (a) for a wet wipe product—

7 “(1) in the case of a wet wipe product sold in
8 the United States that is intended to be disposed of
9 in the solid waste stream, the label shall include—

10 “(A) on the front of the package near the
11 dispensing point, the statement ‘Do Not Flush’;
12 and

13 “(B) in high contrast font and color, a ‘Do
14 Not Flush’ moniker and symbol that is other-
15 wise in accordance with the voluntary guidelines
16 for labeling practices of the nonwoven fabrics
17 industry contained in the Code of Practice of
18 the Association of the Nonwoven Fabrics Indus-
19 try and the European Disposables and
20 Nonwovens Association, entitled ‘Commu-
21 nicating Appropriate Disposal Pathways for
22 Nonwoven Wipes to Protect Wastewater Sys-
23 tems’, second edition, as published in April
24 2017;

1 “(2) in the case of a wet wipe product sold in
2 the United States that is capable of being, or in-
3 tended to be, disposed of in a sewer or septic system
4 the label may include the statement ‘flushable’,
5 ‘sewer and septic safe’, or other statement that the
6 product is intended to be disposed of in a sewer or
7 septic system if the product—

8 “(A) meets the performance standards for
9 dispersibility in a sewer system or septic system
10 established by the International Water Services
11 Flushability Group (as in effect on the date of
12 enactment of this subtitle); and

13 “(B) does not contain chemicals or addi-
14 tives harmful to the public wastewater infra-
15 structure; and

16 “(3) in the case of a wet wipe product that is
17 composed of plastic or other synthetic material, in-
18 cluding regenerated cellulosic fibers—

19 “(A) the label, marketing claims, or other
20 advertisements for the product may not identify
21 the product as ‘flushable’, ‘sewer and septic
22 safe’, or otherwise intended to be disposed of in
23 a sewer or septic system; and

1 “(1) use a national standardized methodology
2 of colors, images, format, and terminology, including
3 to address diverse ethnic populations;

4 “(2) be placed on recycling and composting re-
5 ceptacles in public spaces; and

6 “(3) communicate to users of those recycling
7 and composting receptacles—

8 “(A) the specific recyclables and
9 compostables accepted locally; and

10 “(B) the specific rules of sorting for local
11 recycling and composting systems.

12 “(c) DEVELOPMENT OF LABELS.—

13 “(1) IN GENERAL.—Manufacturers in the
14 United States shall, in accordance with the guide-
15 lines published under subsection (b), work with
16 State and local governments, as applicable, to use
17 the national standardized labeling system to develop
18 labels for use on recycling and composting recep-
19 tacles in public spaces.

20 “(2) SIMPLE AND DETAILED VERSIONS.—In de-
21 veloping labels under paragraph (1), manufacturers
22 shall develop—

23 “(A) a simple version of the label for use
24 on recycling and composting receptacles used in
25 public spaces, which shall communicate general

1 guidance on local recycling and composting re-
2 quirements; and

3 “(B) a detailed version of the label for use
4 on recycling and composting receptacles used as
5 part of a residential recycling and composting
6 program, taking into consideration the com-
7 plexity of the packaging and products disposed
8 of by single family dwellings and multifamily
9 dwellings and facilities.

10 “(d) DISTRIBUTION OF LABELS.—

11 “(1) SIMPLE VERSION.—

12 “(A) IN GENERAL.—Manufacturers and,
13 as applicable, distributors shall work with State
14 and local governments, as applicable, to dis-
15 tribute the simple version of the label developed
16 under subsection (c)(2)(A) to each customer
17 that owns or operates a public space within the
18 jurisdiction of the relevant State or local gov-
19 ernment.

20 “(B) QUANTITY.—The quantity of labels
21 distributed to an owner or operator of a public
22 space under subparagraph (A) shall be reason-
23 ably sufficient to ensure that a label may be
24 placed on each recycling and composting recep-
25 tacle in that public space.

1 “(C) **ADDITIONAL LABELS.**—If the quan-
2 tity of labels distributed under subparagraph
3 (B) is insufficient, manufacturers and, as appli-
4 cable, distributors shall make available to own-
5 ers and operators described in subparagraph
6 (A) additional labels to purchase or download.

7 “(D) **REQUIREMENT OF OWNERS AND OP-**
8 **ERATORS.**—An owner or operator of a public
9 space that receives labels under subparagraph
10 (A) shall display the labels on the recycling and
11 composting receptacles in that public space.

12 “(2) **DETAILED VERSION.**—An owner or oper-
13 ator, including any municipal or private entity, that
14 services a residential recycling and composting pro-
15 gram shall display a detailed standardized label de-
16 veloped under subsection (c)(2)(B) on each recycling
17 and composting receptacle used by the residential re-
18 cycling and composting program.

19 “(e) **GROUPS.**—Manufacturers and, as applicable,
20 distributors may form organizations to act on their behalf
21 to comply with subsections (c) and (d).

22 **“SEC. 12006. RECYCLING AND COMPOSTING COLLECTION.**

23 “The Administrator, in consultation with manufac-
24 turers, distributors, State and local governments, and af-
25 fected stakeholders, shall issue guidance to standardize—

1 “(1) recycling and composting collection across
2 communities and States; and

3 “(2) reporting to the Administrator of rates of
4 recycling, composting, and other forms of waste
5 management across communities and States.

6 **“SEC. 12007. PROTECTION OF LOCAL GOVERNMENTS.**

7 “Nothing in this subtitle preempts any State or local
8 law in effect on or after the date of enactment of this sub-
9 title that—

10 “(1) requires beverage containers or other cov-
11 ered products to be made of a greater percentage of
12 post-consumer recycled content than required under
13 section 12002; or

14 “(2) in any other way exceeds the requirements
15 of this subtitle.

16 **“SEC. 12008. ANNUAL ASSESSMENT OF PLASTIC WASTE.**

17 “(a) IN GENERAL.—The Administrator shall conduct
18 an annual study on the origins, quantity, and composition
19 of plastic waste in the municipal solid waste system.

20 “(b) CONTENTS.—In carrying out subsection (a), the
21 Administrator shall assess—

22 “(1) the primary origins of plastic waste that
23 enters the municipal solid waste system, including
24 from residential, commercial, or other sources;

1 “(2) the quantity of plastic waste that enters
2 the municipal solid waste system, including by prod-
3 uct category;

4 “(3) the quantity of plastic waste recycled,
5 composted, combusted with or without energy recov-
6 ery, or landfilled, including by product category; and

7 “(4) any other relevant metrics that the Admin-
8 istrator determines to be appropriate.

9 “(c) CONSULTATION.—The Administrator may con-
10 sult with relevant stakeholders in conducting the study
11 under this section, including representatives of—

12 “(1) public and private sector recycling,
13 composting, and solid waste management industries,
14 including collection providers;

15 “(2) recyclers, composters, collection providers,
16 and other solid waste management industries;

17 “(3) industry groups or associations;

18 “(4) any other relevant stakeholder group in-
19 volved in the management, transport, or disposal of
20 plastic waste that the Administrator determines to
21 be appropriate.

22 “(d) REPORT.—Not later than 1 year after the date
23 of enactment of this subtitle, and annually thereafter, the
24 Administrator shall submit to Congress, and make pub-
25 licly available on the website of the Environmental Protec-

1 tion Agency, a report containing the results of the annual
2 study conducted under this section.

3 **“Subtitle L—Beverage Container**
4 **Collection**

5 **“SEC. 13001. DEFINITIONS.**

6 “In this subtitle:

7 “(1) AREA.—When used in the context of space
8 occupied by a retailer, the term ‘area’ means—

9 “(A) the number of square feet of the
10 building or portion of the building leased or
11 owned by the retailer; and

12 “(B) only includes retail space if—

13 “(i) the retail space is less than 5,000
14 square feet;

15 “(ii) the retail space occupies less
16 than 50 percent of the leased or owned
17 space where retail operations are located;
18 and

19 “(iii) the nonretail space is used in
20 whole or in part for the manufacturing of
21 beverages.

22 “(2) BEVERAGE.—The term ‘beverage’ has the
23 meaning given that term in section 12001.

1 “(3) BEVERAGE CONTAINER.—The term ‘bev-
2 verage container’ has the meaning given that term in
3 section 12001.

4 “(4) BEVERAGE DISTRIBUTOR.—The term ‘bev-
5 verage distributor’ means an entity that engages in
6 the sale of a beverage in a beverage container to a
7 retailer, including any manufacturer who engages in
8 such sale.

9 “(5) BEVERAGE IMPORTER.—The term ‘bev-
10 verage importer’ means any retailer or manufacturer
11 who directly imports a beverage in a beverage con-
12 tainer into the United States.

13 “(6) BEVERAGE MANUFACTURER.—The term
14 ‘beverage manufacturer’ means an entity bottling,
15 canning, or otherwise filling a beverage container for
16 sale to a distributor, importer, or retailer.

17 “(7) BEVERAGE RETAILER.—The term ‘bev-
18 verage retailer’ means an entity that—

19 “(A) engages in the sale of a beverage in
20 a beverage container to a consumer;

21 “(B) provides a beverage in a beverage
22 container to another entity in commerce, includ-
23 ing provision free of charge, such as at a work-
24 place or event; or

1 “(C) is an owner or operator of a vending
2 machine or similar means who engages in the
3 sale or provision described in (A) or (B)
4 through such vending machine or similar
5 means.

6 “(8) CATEGORY OF BEVERAGE.—The term ‘cat-
7 egory of beverage’ means one of the following cat-
8 egories of beverage in a beverage container:

9 “(A) Water.

10 “(B) Carbonated soft drinks.

11 “(C) All other non-alcoholic beverages (ex-
12 cluding infant formula, liquid meal replace-
13 ments, and any other product excluded from the
14 definition of a beverage).

15 “(D) Alcoholic beverages.

16 “(E) Beverages containing marijuana or
17 hemp.

18 “(9) CONVENIENCE ZONE.—The term ‘conven-
19 ience zone’ means a convenience zone specified by
20 the Administrator under section 13002(e)(1)(A).

21 “(10) RECOVERY RATE.—The term ‘recovery
22 rate’ means the quantity of beverage containers col-
23 lected divided by the quantity of beverage containers
24 produced, expressed as a percentage.

1 “(11) REDEMPTION CENTER.—The term ‘re-
2 redemption center’ means a redemption center de-
3 scribed in section 13002(d).

4 “(12) RETURN RATE.—The term ‘return rate’
5 means the number of beverage containers returned
6 for the refund value in accordance with section
7 13003(e) during a calendar year and the number of
8 beverage containers that carry a refund value sold
9 during that calendar year, calculated separately.

10 **“SEC. 13002. BEVERAGE CONTAINER RECOVERY PRO-**
11 **GRAMS.**

12 “(a) IN GENERAL.—Subject to subsection (b), not
13 later than 5 years after the date of enactment of this sub-
14 title—

15 “(1) every beverage container sold or offered
16 for sale by a retailer shall clearly indicate by em-
17 bossing, a stamp, a label, or other method securely
18 affixed to the beverage container, the refund value
19 of the container;

20 “(2) each retailer shall pay distributors the re-
21 fund value for each beverage container delivered;

22 “(3) on the sale of each beverage container by
23 a retailer, the retailer may collect a refund value in
24 accordance with section 13003(e);

1 “(4) on return of the beverage container to a
2 retailer or a redemption center by a person, the re-
3 tailer or redemption center, as applicable, shall
4 repay a refund value to the person;

5 “(5) retailers that are participating in a re-
6 demption center in accordance with subsection (d)
7 shall collectively pay not less than 50 percent of the
8 cost of operating the redemption center, which
9 amount shall be apportioned among the retailers
10 based on the total volume of beverage containers
11 sold by each retailer;

12 “(6) a distributor that is a member of a dis-
13 tributor cooperative under subsection (c) shall re-
14 trieve containers from retailers or redemption cen-
15 ters and pay refunds through the distributor cooper-
16 ative in accordance with that subsection;

17 “(7) a distributor that is not a member of a
18 distributor cooperative under subsection (c) shall—

19 “(A) in a timely manner and consistent
20 with commercial best practices, collect beverage
21 containers that—

22 “(i) the distributor distributes to a re-
23 tailer; and

1 “(ii) the retailer or an applicable re-
2 demption center has collected from con-
3 sumers; and

4 “(B) on receipt of each beverage container
5 under subparagraph (A), pay the retailer or the
6 redemption center, as applicable, the refund
7 value; and

8 “(8) by June 1 of each calendar year, a dis-
9 tributor or importer shall provide to the Adminis-
10 trator a report that lists the beverage container re-
11 turn data for the previous calendar year of the dis-
12 tributor or importer, calculated separately for glass,
13 metal, and plastic beverage containers.

14 “(b) EXCEPTION FOR STATES WITH EXISTING PRO-
15 GRAMS.—

16 “(1) IN GENERAL.—A State that has in effect
17 a beverage container recovery program the require-
18 ments of which are substantially similar to, or more
19 stringent than, the requirements of this section may
20 submit to the Administrator a request to waive the
21 applicability of this section in that State.

22 “(2) REQUIREMENT.—The Administrator may
23 approve a waiver under paragraph (1) if the State
24 demonstrates that the beverage container recovery

1 rate for the program in that State is more than 75
2 percent.

3 “(c) DISTRIBUTOR COOPERATIVES.—

4 “(1) IN GENERAL.—The Administrator may ap-
5 prove the formation of a distributor cooperative by
6 2 or more distributors or importers for the purposes
7 of—

8 “(A) collecting the refund value of bev-
9 erage containers specified from distributors or
10 importers and refunding to retailers the amount
11 the retailers paid for the refund value of empty
12 beverage containers;

13 “(B) paying the refund value for beverage
14 containers redeemed; and

15 “(C) processing beverage containers.

16 “(2) APPLICATIONS.—

17 “(A) IN GENERAL.—Applications to be-
18 come a distributor cooperative described in
19 paragraph (1) shall be submitted to the Admin-
20 istrator.

21 “(B) CONTENTS.—An application under
22 subparagraph (A) shall include—

23 “(i) evidence of consultation with
24 stakeholders prior to submitting the appli-
25 cation for approval;

1 “(ii) assurances that—

2 “(I) the distributor cooperative
3 will provide an opportunity for stake-
4 holder input in the implementation
5 and operation of the activities de-
6 scribed in paragraph (1);

7 “(II) distributors will pay the
8 costs of collecting and managing bev-
9 erage containers;

10 “(III) reasonable and free con-
11 sumer access to collection facilities or
12 collection services will be provided;

13 “(IV) the distributor cooperative
14 will make consumers aware of—

15 “(aa) the activities described
16 in paragraph (1);

17 “(bb) the location of collec-
18 tion facilities or the availability
19 of collection services; and

20 “(cc) how to manage bev-
21 erage containers in a safe man-
22 ner;

23 “(V) the distributor cooperative
24 will have the ability to track the re-
25 turn rate, the management of costs

1 incurred by the program, and the
2 management of environmental impacts
3 of the program; and

4 “*(VI)* the distributor cooperative
5 will have a dispute resolution proce-
6 dure for disputes that arise during
7 implementation of the activities under
8 paragraph (1); and

9 “*(iii)* such other information as the
10 Administrator may require.

11 “*(3)* *CONSIDERATIONS.*—In deciding whether to
12 approve an application under paragraph (2), the Ad-
13 ministrators may consider any of the following:

14 “*(A)* The population and geographical area
15 of the markets in which the distributor coopera-
16 tive operates.

17 “*(B)* The quantity of beverage containers
18 that distributors expect will be used in a com-
19 mercial enterprise, sold, offered for sale, or dis-
20 tributed each year.

21 “*(C)* The quantity of beverage containers
22 that the distributor cooperative expects to col-
23 lect each year.

1 “(D) The size of the population intended
2 to be served by collection facilities or collection
3 services of the distributor cooperative.

4 “(E) The provision of convenient options
5 for the collection of beverage containers in
6 urban centers and small, isolated communities,
7 and for persons with disabilities or who have no
8 access to transportation.

9 “(F) The manner, kind, and quantity of
10 advertising and consumer education planned by
11 the distributor to inform consumers of—

12 “(i) the location and operation of col-
13 lection facilities;

14 “(ii) the availability of collection serv-
15 ices; and

16 “(iii) the environmental and economic
17 benefits of participating in the activities
18 under paragraph (1).

19 “(G) The methods of beverage container
20 collection, storage, transportation, and manage-
21 ment.

22 “(H) Distributor cooperatives in the same
23 geographical area.

1 “(I) The structure of financial and oper-
2 ational cooperation with 2 or more distributors
3 or importers.

4 “(4) REQUIREMENTS.—A distributor coopera-
5 tive under paragraph (1) shall—

6 “(A) outline a plan to achieve, or to be ca-
7 pable of achieving by a reasonable date, which
8 shall be not later than 2 years after the date of
9 enactment of this subtitle—

10 “(i) a 75 percent recovery rate or any
11 performance measures, performance re-
12 quirements, or targets established by the
13 Administrator; and

14 “(ii) any performance measures, per-
15 formance requirements, or targets in the
16 plan; and

17 “(B) submit the plan described in subpara-
18 graph (A) and such additional documentation
19 as the Administrator determines to be necessary
20 with each report provided to the Administrator
21 under paragraph (9).

22 “(5) COMPLIANCE.—

23 “(A) IN GENERAL.—Not later than 2 years
24 after the date of enactment of this subtitle,
25 each distributor and distributor cooperative

1 shall achieve the applicable target recovery
2 rates established under paragraph (4)(A)(i).

3 “(B) NONCOMPLIANCE.—If a distributor
4 or distributor cooperative does not achieve an
5 applicable target recovery rate in accordance
6 with subparagraph (A), the distributor or dis-
7 tributor cooperative shall—

8 “(i) submit to the Administrator a
9 plan to achieve the applicable target recov-
10 ery rate; and

11 “(ii) forfeit to the Administrator the
12 amount of any unredeemed beverage con-
13 tainer deposits received by the distributor
14 or distributor cooperative.

15 “(C) USE OF FORFEITED AMOUNTS.—The
16 Administrator shall use amounts forfeited under
17 subparagraph (B)(ii) for marketing and out-
18 reach relating to the program under this sub-
19 title.

20 “(6) MULTIPLE ORGANIZATIONS.—A distributor
21 may participate in more than 1 distributor coopera-
22 tive only if each distributor cooperative is established
23 for a different category of beverage containers or ge-
24 ographic area.

25 “(7) PARTICIPATION FEES.—

1 “(A) IN GENERAL.—A distributor coopera-
2 tive may charge each distributor fees for mem-
3 bership that include, with respect to a dis-
4 tributor, the costs of collecting or cleaning up
5 the beverage containers of the distributor.

6 “(B) CONSIDERATIONS.—In determining
7 the costs of collection and cleanup described in
8 subparagraph (A), the distributor cooperative
9 shall take into account—

10 “(i) the cost to properly manage the
11 applicable category of beverage container
12 waste; and

13 “(ii) the environmental benefits of
14 beverage containers that—

15 “(I) are specifically designed to
16 be reusable or refillable; and

17 “(II) have a high reuse or refill
18 rate.

19 “(8) REVOCATION.—The Administrator may re-
20 voke the approval of a distributor cooperative for
21 continued or persistent noncompliance with the re-
22 quirements of this subtitle.

23 “(9) REPORTS.—Not later than July 1 of each
24 calendar year, a distributor cooperative shall provide
25 to the Administrator a report that lists, in aggregate

1 form for all distributors and importers that partici-
2 pate in the distributor cooperative, the fee structure,
3 and the beverage container return data for the pre-
4 vious calendar year, calculated separately for glass,
5 metal, and plastic beverage containers.

6 “(d) REDEMPTION CENTERS.—

7 “(1) IN GENERAL.—The Administrator shall
8 approve a redemption center if the Administrator de-
9 termines that the redemption center will provide a
10 convenient service to consumers for the return of
11 empty beverage containers.

12 “(2) REQUIREMENTS.—A redemption center
13 shall—

14 “(A) be staffed and open—

15 “(i) each day; and

16 “(ii) not less than 10 hours each day;

17 “(B) accept—

18 “(i) any beverage container; and

19 “(ii) not less than 350 beverage con-
20 tainers per person per day;

21 “(C) provide—

22 “(i) hand counts by staff of the facil-
23 ity;

24 “(ii) a drop door for consumers who
25 are bottle drop account holders to drop off

1 bags of beverage containers for staff of the
2 facility to count for a fee; or

3 “(iii) any other convenient means of
4 receiving beverage containers, as deter-
5 mined by the Administrator; and

6 “(D) be sited in a conveniently accessible
7 commercial zone, unless the Administrator de-
8 termines that another location provides sub-
9 stantially equivalent service for consumers.

10 “(3) FACTORS.—In determining whether to ap-
11 prove a redemption center under paragraph (1), the
12 Administrator shall consider—

13 “(A)(i) the location of the redemption cen-
14 ter; and

15 “(ii) if the redemption center is not located
16 in a commercial zone, whether the location will
17 have similar return convenience for consumers
18 as a commercial zone location;

19 “(B) the category of beverage containers
20 accepted at the redemption center;

21 “(C) retailers occupying 5,000 or more
22 square feet within a redemption center zone
23 that will be served by the redemption center
24 and the distance of the retailers from the re-
25 demption center;

1 “(D) retailers occupying 5,000 or more
2 square feet within a redemption center zone
3 that will not be served by the redemption center
4 and the distance of the retailers from the re-
5 demption center;

6 “(E) days and hours of operation of the
7 redemption center;

8 “(F) parking facilities serving the redemp-
9 tion center;

10 “(G) evidence showing that the redemption
11 center meets all applicable local ordinances and
12 zoning requirements;

13 “(H) the limitation, if any, on the number
14 of beverage containers per person per day that
15 the redemption center will accept;

16 “(I) 1 or more payment methods offered
17 by the redemption center for redeemed beverage
18 containers;

19 “(J) the projected volume of beverage con-
20 tainer returns at the redemption center as com-
21 pared to the actual returns at the retailers to
22 be served by the redemption center;

23 “(K) a description of how consumers will
24 be notified of the location, services, and service
25 hours of the redemption center; and

1 “(L) any other relevant factor that the Ad-
2 ministrator determines to be fundamental to
3 the operation of a redemption center.

4 “(4) APPLICATIONS.—

5 “(A) IN GENERAL.—Any person desiring
6 approval of a redemption center shall submit an
7 application to the Administrator.

8 “(B) CONTENTS.—An application under
9 subparagraph (A) shall include—

10 “(i) the name and address of each
11 person to be responsible for the establish-
12 ment and operation of the redemption cen-
13 ter;

14 “(ii) the exact location and mailing
15 address of the redemption center;

16 “(iii) the category of beverage con-
17 tainers that will be accepted at the re-
18 demption center;

19 “(iv) the names and addresses of the
20 retailers occupying 5,000 or more square
21 feet within a redemption center zone that
22 will be served by the redemption center;

23 “(v) the names and addresses of the
24 retailers occupying 5,000 or more square
25 feet within a redemption center zone that

1 will not be served by the redemption cen-
2 ter;

3 “(vi) the distances from the redemp-
4 tion center to the retailers occupying 5,000
5 or more square feet within a redemption
6 center zone that will be served;

7 “(vii) the distances from the redemp-
8 tion center to retailers occupying 5,000 or
9 more square feet within a redemption cen-
10 ter zone that will not be served;

11 “(viii) the days and hours of operation
12 of the redemption center;

13 “(ix) a description of parking facilities
14 to serve the redemption center;

15 “(x) evidence showing that a redemp-
16 tion center meets the zoning requirements
17 and other applicable State and local ordi-
18 nances of the regulating jurisdiction;

19 “(xi) the limitation, if any, on the
20 number of beverage containers per person
21 per day that will be accepted at the re-
22 demption center;

23 “(xii) the 1 or more payment methods
24 for redeemed beverage containers;

1 “(xiii) the projected volume of bev-
2 erage container returns at the redemption
3 center as compared to the actual returns
4 at the retailers to be served by the redemp-
5 tion center;

6 “(xiv) a description of how consumers
7 will be notified of the location, services,
8 and service hours of the redemption center;
9 and

10 “(xv) such additional information as
11 the Administrator may require.

12 “(5) ANNUAL REGISTRATION.—

13 “(A) IN GENERAL.—The 1 or more per-
14 sons responsible for the operation of a redemp-
15 tion center approved by the Administrator
16 under paragraph (1) shall register the redemp-
17 tion center with the Administrator and pay the
18 fee determined by the Administrator not later
19 than July 1 of each calendar year, which reg-
20 istration shall be in effect for the next calendar
21 year.

22 “(B) CONTENTS.—A registration under
23 subparagraph (A)—

24 “(i) shall be on a form provided by
25 the Administrator; and

1 “(ii) shall contain, at a minimum—

2 “(I) a list and exact address of
3 each redemption center that the per-
4 son is responsible for operating during
5 the next calendar year;

6 “(II) the fee for each redemption
7 center that the person is responsible
8 for operating during the next calendar
9 year; and

10 “(III) such additional informa-
11 tion as may be required by the Ad-
12 ministrator.

13 “(C) WITHDRAWAL OF APPROVAL.—

14 “(i) IN GENERAL.—The Administrator
15 shall withdraw approval of a redemption
16 center if a person responsible for operating
17 the redemption center fails to submit the
18 required information or pay the required
19 fee by July 1 of each calendar year in ac-
20 cordance with subparagraph (A).

21 “(ii) CESSATION OF OPERATIONS.—
22 On withdraw of approval of a redemption
23 center under clause (i), the redemption
24 center shall cease all operations until the
25 person responsible for operating the re-

1 redemption center submits the required in-
2 formation or required fee to the Adminis-
3 trator.

4 “(6) STANDARDS OF CLEANLINESS FOR RE-
5 DEMPTION CENTERS.—All persons responsible for
6 the establishment and operation of the redemption
7 center shall at all times use commercially reasonable
8 practices to keep the redemption center premises, in-
9 cluding the parking facilities serving the redemption
10 center, in accordance with applicable law, in good re-
11 pair, painted, clean, well-lighted, free of litter and
12 trash, and free of rodents, vermin, infestations of in-
13 sects, and their harborages or breeding places.

14 “(e) RETAILERS WITHIN CONVENIENCE ZONES.—

15 “(1) IN GENERAL.—

16 “(A) IN GENERAL.—For each redemption
17 center, the Administrator shall specify not less
18 than 1 and not more than 2 convenience zones.

19 “(B) DETERMINATION.—The area of each
20 convenience zone shall be an area surrounding
21 the redemption center that is based, to the
22 maximum extent practicable, on the proposal
23 submitted as part of an application for approval
24 of a redemption center under subsection (d)(1).

1 “(C) GUIDELINES.—The Administrator
2 shall establish guidelines for determining the
3 surface area sizes of convenience zones.

4 “(D) LOCATION.—If the Administrator
5 specifies a second convenience zone for a re-
6 demption center under subparagraph (A), any
7 point along the interior border of the second
8 convenience zone shall be not closer to the re-
9 demption center than the exterior border of the
10 first convenience zone.

11 “(2) ELIGIBILITY.—Any retailer doing business
12 within a convenience zone that occupies a space of
13 not less than 5,000 square feet in a single area may
14 participate in, be served by, and be charged the cost
15 of participation in the redemption center in accord-
16 ance with subsection (a)(5).

17 “(3) PARTICIPATING RETAILERS.—

18 “(A) FIRST CONVENIENCE ZONE.—A re-
19 tailer described in paragraph (2) within the
20 first convenience zone that participates in, is
21 served by, and pays the cost of participation in
22 the redemption center may refuse to accept and
23 to pay the refund value of empty beverage con-
24 tainers.

1 “(B) SECOND CONVENIENCE ZONE.—A re-
2 tailer described in paragraph (2) within the sec-
3 ond convenience zone, if any, that participates
4 in, is served by, and pays the cost of participa-
5 tion in the redemption center may refuse to ac-
6 cept and to pay the refund value of more than
7 24 individual empty beverage containers re-
8 turned by any 1 person during any 1 day.

9 “(4) SMALL RETAILERS.—Any retailer doing
10 business within a convenience zone that occupies a
11 space of less than 5,000 square feet in a single area
12 may refuse to accept and to pay the refund value of
13 more than 24 individual empty beverage containers
14 returned by any 1 person during any 1 day.

15 “(5) NONPARTICIPATING RETAILERS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), any retailer doing business
18 within a convenience zone that occupies a space
19 of not less than 5,000 square feet in a single
20 area and does not participate in and is not
21 served by a redemption center—

22 “(i) may refuse to accept and to pay
23 the refund value of more than 350 indi-
24 vidual empty beverage containers returned
25 by any 1 person during any 1 day; and

1 “(ii) shall, beginning on the date on
2 which the redemption center begins accept-
3 ing beverage containers—

4 “(I) provide services equivalent to
5 the services provided by the redemp-
6 tion center, including hand counting
7 and drop off service;

8 “(II) post in each area where
9 beverage containers are received a
10 clearly visible and legible sign that
11 contains the list of services that shall
12 be provided by the retailer under this
13 subparagraph; and

14 “(III) provide not less than the
15 greater of—

16 “(aa) 2 automated reverse
17 vending machines capable of
18 processing metal, plastic, and
19 glass beverage containers; and

20 “(bb) 1 automated reverse
21 vending machine described in
22 item (aa) for each 500,000 bev-
23 erage containers sold by the re-
24 tailer in the previous calendar
25 year.

1 “(B) EXCEPTION.—

2 “(i) IN GENERAL.—Subject to clause
3 (ii), subparagraph (A) shall not apply to a
4 retailer described in that subparagraph
5 that sold fewer than 100,000 beverage con-
6 tainers during the previous calendar year.

7 “(ii) SUBMISSION.—To be eligible for
8 an exemption under clause (i), a retailer
9 shall submit to the Administrator an appli-
10 cation describing the number of beverage
11 containers sold by the retailer during the
12 previous calendar year.

13 **“SEC. 13003. ACCEPTANCE AND RETRIEVAL REQUIRE-**
14 **MENTS.**

15 “(a) IN GENERAL.—Except as provided in subsection
16 (c)—

17 “(1) a retailer or redemption center may not—

18 “(A) refuse to accept from any person any
19 beverage container described in subsection (b);
20 or

21 “(B) refuse to pay in cash the refund value
22 of a returned beverage container; and

23 “(2) a distributor may not refuse to retrieve
24 from a retailer or redemption center any beverage
25 container that—

1 “(A) has been returned to the retailer or
2 redemption center in accordance with this sub-
3 title; and

4 “(B) is of the category of beverage con-
5 tainer, brand of beverage container, and size of
6 beverage container distributed by the dis-
7 tributor.

8 “(b) BEVERAGE CONTAINER REQUIREMENTS.—To
9 be eligible for a refund under this subtitle, a beverage con-
10 tainer—

11 “(1) in the case of a refund provided by a re-
12 tailer, shall be the category of beverage sold by the
13 retailer; and

14 “(2) shall not—

15 “(A) visibly contain or be contaminated by
16 a substance other than water, residue of the
17 original contents, or ordinary dust; or

18 “(B) be damaged to the extent that the
19 brand appearing on the container cannot be
20 identified.

21 “(c) REFUSAL.—

22 “(1) IN GENERAL.—A retailer or redemption
23 center may refuse to accept from a person a bev-
24 erage container if—

1 “(A) the retailer or redemption center has
2 reasonable grounds to believe that—

3 “(i) the beverage container was ob-
4 tained from or through a distributor with-
5 out paying the refund value; or

6 “(ii) the beverage container has al-
7 ready been redeemed, such as through a
8 reverse vending process; or

9 “(B) in the case of a retailer that is not
10 within a convenience zone—

11 “(i) the beverage container exceeds an
12 applicable limitation described in para-
13 graph (2); and

14 “(ii) the retailer posts a clearly visible
15 and legible sign describing the applicable
16 limitation described in paragraph (2).

17 “(2) LIMITATIONS.—A retailer described in
18 paragraph (1)(B) may refuse to accept under that
19 paragraph—

20 “(A) more than 144 individual beverage
21 containers returned by any 1 person during any
22 1 day, if the retailer occupies a space of 5,000
23 or more square feet in a single area;

24 “(B) more than 50 individual beverage
25 containers returned by any 1 person during any

1 1 day, if the retailer occupies a space of less
2 than 5,000 square feet in a single area; or

3 “(C) a beverage container if the retailer
4 has not offered that category of beverage con-
5 tainer for sale within the 180-day period pre-
6 ceding the attempted return.

7 “(d) NOTICE.—Any requirements established under
8 subsections (b) and (c) shall be posted in each area where
9 beverage containers are received on a clearly visible and
10 legible sign.

11 “(e) REFUND VALUE.—The refund value for a bev-
12 erage container shall be not less than 10 cents for each
13 beverage container.

14 **“SEC. 13004. ADMINISTRATION.**

15 “(a) IN GENERAL.—The Administrator shall ensure
16 that—

17 “(1) consumers are able to return redeemable
18 beverage containers to retailers or redemption cen-
19 ters; and

20 “(2) redemption centers and retailers are able
21 to return beverage containers to distributors and
22 distributor cooperatives.

23 “(b) REGULATIONS.—

24 “(1) IN GENERAL.—Not later than 2 years
25 after the date of enactment of this subtitle, the Ad-

1 administrator shall promulgate regulations to carry out
2 this subtitle.

3 “(2) REVIEW REQUIRED.—In promulgating or
4 revising regulations pursuant to paragraph (1), the
5 Administrator shall—

6 “(A) review the minimum refund value es-
7 tablished under section 13003(e) not less fre-
8 quently than once every 5 years; and

9 “(B) revise that value as the Administrator
10 determines to be appropriate.

11 “(c) ACCOUNTING.—

12 “(1) IN GENERAL.—Not later than August 1 of
13 each calendar year, using the beverage container re-
14 turn data provided in section 13002(a)(8), the Ad-
15 ministrator shall—

16 “(A) calculate for the previous calendar
17 year the percentage of beverage containers re-
18 turned for the refund value specified by mate-
19 rial type; and

20 “(B) post the percentages on the website
21 of the Environmental Protection Agency.

22 “(2) REQUIREMENTS.—The Administrator shall
23 calculate return data under paragraph (1)—

24 “(A) for each distributor cooperative;

1 “(B) for each distributor or importer that
2 does not participate in a distributor cooperative;
3 and

4 “(C) for all distributors and importers.

5 “(d) NONDISCLOSURE.—

6 “(1) IN GENERAL.—Except for the percentages
7 described in subsection (c), in a proceeding for a vio-
8 lation of subsection (f), or as provided in paragraph
9 (2), the Administrator may not disclose any informa-
10 tion provided by a distributor, an importer, or a dis-
11 tributor cooperative under section 13002(a)(8).

12 “(2) EXCEPTION.—The Administrator may re-
13 lease aggregate data of information described in
14 paragraph (1) in such a manner that does not reveal
15 the sales of any individual distributor.

16 “(e) AUDIT.—

17 “(1) IN GENERAL.—Not later than 180 days
18 after the date on which the Administrator receives a
19 report required under section 13002(a)(8), the Ad-
20 ministrator may review or audit the records of, as
21 applicable, each reporting distributor cooperative or
22 each reporting distributor or importer that does not
23 participate in a distributor cooperative.

24 “(2) INDEPENDENT AUDIT.—If in the course of
25 a review described in paragraph (1) the Adminis-

1 trator determines that an audit of a distributor co-
2 operative, distributor, or importer is necessary, the
3 Administrator shall require the distributor coopera-
4 tive, distributor, or importer to retain an inde-
5 pendent financial audit firm to determine the accu-
6 racy of information contained in the report required
7 under section 13002(a)(8).

8 “(3) COSTS.—The distributor cooperative, dis-
9 tributor, or importer that is the subject of review
10 under this subsection shall pay the costs of an audit
11 under paragraph (2).

12 “(4) LIMITATION.—An audit under paragraph
13 (2) shall be limited to the records described in sec-
14 tion 13002(a)(8).

15 “(f) ENFORCEMENT.—

16 “(1) PROHIBITION.—It shall be unlawful for
17 any person that is a distributor, distributor coopera-
18 tive, manufacturer, importer, retailer, or redemption
19 center—

20 “(A) to sell, use, import into the United
21 States, or distribute any beverage container in
22 commerce except in compliance with this sub-
23 title; or

24 “(B) to fail to comply with this subtitle.

1 “(2) CIVIL PENALTY.—Any person that violates
2 paragraph (1) shall be subject to a fine in the
3 amount of \$500 for each violation.

4 “(3) SEPARATE VIOLATIONS.—Each day on
5 which a person violates paragraph (1) shall be con-
6 sidered a separate violation.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 for the Solid Waste Disposal Act (Public Law 89–272; 79
9 Stat. 997) is amended by inserting after the item relating
10 to section 11011 the following:

 “Subtitle K—Product Standards and Producer Responsibility

- “Sec. 12001. Definitions.
- “Sec. 12002. Recycled content standards.
- “Sec. 12003. Designing for the environment.
- “Sec. 12004. Product labeling.
- “Sec. 12005. Recycling and composting receptacle labeling.
- “Sec. 12006. Recycling and composting collection.
- “Sec. 12007. Protection of local governments.
- “Sec. 12008. Annual assessment of plastic waste.

 “Subtitle L—Beverage Container Collection

- “Sec. 13001. Definitions.
- “Sec. 13002. Beverage container recovery programs.
- “Sec. 13003. Acceptance and retrieval requirements.
- “Sec. 13004. Administration.”.

11 **SEC. 912. FEDERAL PROCUREMENT.**

12 Section 6002 of the Solid Waste Disposal Act (42
13 U.S.C. 6962) is amended—

14 (1) in subsection (e), in the matter preceding
15 paragraph (1), by striking “and from time to time,
16 revise” and inserting “review not less frequently
17 than once every 5 years, and, if appropriate, revise,
18 in consultation with recyclers and manufacturers of

1 products containing recovered material, not later
2 than 2 years after the completion of the initial re-
3 view after the date of enactment of the CLEAN Fu-
4 ture Act and thereafter, as appropriate”; and

5 (2) by adding at the end the following:

6 “(j) CONSULTATION AND PROVISION OF INFORMA-
7 TION BY ADMINISTRATOR.—The Administrator shall—

8 “(1) consult with each procuring agency, in-
9 cluding contractors of the procuring agency, to clar-
10 ify the responsibilities of the procuring agency under
11 this section; and

12 “(2) provide to each procuring agency informa-
13 tion on the requirements under this section and the
14 responsibilities of the procuring agency under this
15 section.

16 “(k) REPORTS.—The Administrator, in consultation
17 with the Administrator of General Services, shall submit
18 to Congress an annual report describing—

19 “(1) the quantity of federally procured products
20 containing recovered material listed in the guidelines
21 under subsection (e); and

22 “(2) with respect to the products described in
23 paragraph (1), the percentage of recovered material
24 in each product.”.

1 **SEC. 913. TASK FORCE ON EXTENDED PRODUCER RESPON-**
2 **SIBILITY.**

3 (a) ESTABLISHMENT.—Not later than 60 days after
4 the date of enactment of this subtitle, the Administrator
5 of the Environmental Protection Agency shall establish a
6 task force to develop recommendations on the design of
7 a national extended producer responsibility system for cov-
8 ered products and beverage containers in the marketplace.

9 (b) MEMBERSHIP.—The task force shall be com-
10 prised of representatives from—

11 (1) States, cities, and counties, including—

12 (A) small, medium, and large areas; and

13 (B) urban and rural areas;

14 (2) Indian Tribes;

15 (3) product and packaging manufacturers, dis-
16 tributors, and retailers;

17 (4) public and private sector recycling,
18 composting, and solid waste management industries;

19 (5) collection and cleanup service providers;

20 (6) retail or service establishments, such as re-
21 tail stores, grocery stores, restaurants, hotels, and
22 motels;

23 (7) environmental, scientific, and advocacy or-
24 ganizations;

25 (8) public place, freshwater, and marine litter
26 prevention and cleanup programs;

1 (9) disability advocacy organizations;

2 (10) any other Federal agency or office within
3 the Executive Branch that the Administrator deter-
4 mines to be appropriate; and

5 (11) any other relevant stakeholder group that
6 the Administrator determines to be appropriate.

7 (c) FUNCTIONS.—The task force shall—

8 (1) identify, evaluate, and propose design cri-
9 teria for a national extended producer responsibility
10 system that covers the lifecycle management of cov-
11 ered products and beverage containers, in addition
12 to any other product categories that the Adminis-
13 trator determines appropriate;

14 (2) develop detailed recommendations on the
15 structure of a national extended producer responsi-
16 bility system, including—

17 (A) the scope of regulation;

18 (B) identification of regulated entities;

19 (C) how regulated entities may coordinate,
20 including through Organizations, to fulfill their
21 obligations under a national extended producer
22 responsibility system;

23 (D) the financial and logistical obligations
24 of regulated entities;

1 (E) the relationship between regulated en-
2 tities and units of Federal, State, and local gov-
3 ernment; and

4 (F) any other design criteria that the Ad-
5 ministrators determines to be appropriate; and

6 (3) in developing recommendations under para-
7 graph (2), incorporate any findings reported to the
8 task force pursuant to subsection (d)(3).

9 (d) RESEARCH GRANTS.—

10 (1) PROGRAM ESTABLISHMENT.—Not later
11 than 60 days after the establishment of the task
12 force under subsection (a), the Administrator shall
13 establish a program to award grants to eligible enti-
14 ties to study and provide recommendations on the
15 design of a national extended producer responsibility
16 system for covered products and beverage con-
17 tainers, in accordance with subsection (c)(2).

18 (2) ELIGIBLE ENTITIES.—For purposes of this
19 subsection, eligible entities are—

20 (A) academic institutions;

21 (B) nonprofit and research organizations;

22 and

23 (C) any other organization that the Ad-
24 ministrators determines to be appropriate.

1 (3) REQUIREMENT.—Each eligible entity that
2 receives a grant under this subsection shall, not later
3 than 180 days after receiving such grant, report its
4 findings to the task force established under sub-
5 section (a).

6 (e) REPORT.—Not later than 1 year after the estab-
7 lishment of the task force under subsection (a), the task
8 force shall provide recommendations on the design of a
9 national extended producer responsibility system devel-
10 oped under subsection (a)(2) to—

11 (1) the Administrator;

12 (2) the Committee on Energy and Commerce of
13 the House of Representatives; and

14 (3) the Committee on Environment and Public
15 Works of the Senate.

16 (f) DEFINITIONS.—

17 (1) IN GENERAL.—In this section, the terms
18 used have the meanings given those terms in section
19 12001 of the Solid Waste Disposal Act (as added by
20 this subtitle).

21 (2) EXTENDED PRODUCER RESPONSIBILITY.—

22 The term “extended producer responsibility” means
23 a system, strategy, or regulatory framework in which
24 the producers of certain products or materials as-
25 sume responsibility, including both financial and

1 physical responsibility, for the collection, treatment,
2 and disposal of such products or materials at the
3 end of their useful lifetime.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$5,000,000 for fiscal year 2022, to remain available until
7 expended.

8 **SEC. 914. NATIONAL ACADEMY OF SCIENCES REVIEW.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Administrator shall seek
11 to enter into an agreement with the National Academy of
12 Sciences under which the National Academy of Sciences
13 shall agree to conduct a study on single-use products (as
14 defined in section 921) and bans on such products, in ac-
15 cordance with the requirements of subsections (b) and (c).

16 (b) REQUIREMENTS.—The study required under sub-
17 section (a) shall assess—

18 (1) best practices for mitigating the negative
19 environmental effects associated with the disposal of
20 single-use products;

21 (2) potential measures to improve the recovery
22 and safe disposal of single-use products;

23 (3) the environmental, economic, and any other
24 applicable effects of existing single-use product bans
25 in the United States and in other countries;

1 (4) the efficacy of existing single-use product
2 bans in the United States and in other countries on
3 achieving their intended outcomes, including reduc-
4 ing waste;

5 (5) the effects of producing and distributing re-
6 usable products, which may be used as replacements
7 for single-use products, on energy demand, air qual-
8 ity, and any other relevant environmental matters;

9 (6) recommendations for designing and imple-
10 menting policies that limit or ban single-use prod-
11 ucts; and

12 (7) any other relevant matters determined to be
13 appropriate by the Administrator.

14 (c) RECOMMENDATIONS.—Not later than 2 years
15 after the date on which the Administrator enters into an
16 agreement with the National Academy of Sciences under
17 subsection (a), the National Academy of Sciences shall
18 submit to Congress and the Administrator a report on the
19 results of such study.

20 **Subtitle C—Zero-Waste Grants**

21 **SEC. 921. DEFINITIONS.**

22 Except as otherwise provided, in this subtitle:

23 (1) ADAPTIVE MANAGEMENT PRACTICE.—The
24 term “adaptive management practice” means, with
25 respect to use of a grant under this subtitle, the in-

1 tegration of project design, management, and moni-
2 toring to identify the impacts and outcomes of such
3 use of a grant as they arise for purposes of adjust-
4 ing behaviors to improve outcomes.

5 (2) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (3) DOMESTICALLY OWNED AND OPERATED.—
9 The term “domestically owned and operated” means,
10 with respect to a business—

11 (A) the headquarters of such a business is
12 located within the United States; and

13 (B) the primary operations of such a busi-
14 ness are carried out in the United States.

15 (4) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a single unit of State, local, or Tribal
18 government;

19 (B) a partnership of multiple units of
20 State, local, or Tribal government;

21 (C) one or more units of State, local, or
22 Tribal government in coordination with for-
23 profit or nonprofit organizations; or

24 (D) one or more nonprofit organizations.

1 (5) EMBODIED ENERGY.—The term “embodied
2 energy” means energy that was used to create a
3 product or material.

4 (6) ENVIRONMENTAL JUSTICE COMMUNITY.—
5 The term “environmental justice community” has
6 the meaning given that term in section 601.

7 (7) LIVING WAGE.—The term “living wage”
8 means the minimum income necessary to allow a
9 person working 40 hours per week to afford the cost
10 of housing, food, and other material necessities.

11 (8) ORGANICS RECYCLING.—The term
12 “organics recycling” means the biological process by
13 which organic material—

14 (A) is biologically converted to compost
15 that is not harmful to humans, plants, or ani-
16 mals; and

17 (B) is treated in a specialized facility de-
18 signed to recycle organic material.

19 (9) RECYCLE; RECYCLING.—The terms “recy-
20 cle” and “recycling” have the meanings given those
21 terms in section 12001 of the Solid Waste Disposal
22 Act (as added by this title).

23 (10) REUSE.—The term “reuse”—

24 (A) means—

1 (i) using a product, packaging, or ma-
2 terial more than once for the same or a
3 new function without requiring additional
4 processing;

5 (ii) repairing a product, packaging, or
6 material in such a way that extends its
7 useful lifetime;

8 (iii) sharing or renting a product,
9 packaging, or material in such a way that
10 extends its useful lifetime; or

11 (iv) selling or donating a product,
12 packaging, or material in such a way that
13 extends its useful lifetime; and

14 (B) does not include incineration.

15 (11) SINGLE-USE PRODUCT.—The term “single-
16 use product”—

17 (A) means a consumer product that is de-
18 signed to be disposed of, recycled, or otherwise
19 discarded after a single use; and

20 (B) does not include—

21 (i) medical equipment, devices, or
22 other products determined by the Sec-
23 retary of Health and Human Services to
24 necessarily be made of plastic for the pro-
25 tection of public health;

1 (ii) a personal hygiene product that,
2 due to the intended use of the product,
3 could become unsafe or unsanitary to recycle,
4 such as a diaper; and

5 (iii) packaging that is—

6 (I) for any product described in
7 subparagraph (A); or

8 (II) used for the shipment of
9 hazardous materials that is prohibited
10 from being composed of used materials
11 under section 178.509 or
12 178.522 of title 49, Code of Federal
13 Regulations (as in effect on the date
14 of enactment of this subtitle).

15 (12) SOURCE REDUCTION.—

16 (A) IN GENERAL.—The term “source re-
17 duction” means an activity or process that re-
18 duces the generation of waste at its source, be-
19 fore it can enter into commerce or the environ-
20 ment.

21 (B) INCLUSIONS.—The term “source re-
22 duction” includes—

23 (i) the redesign of products or mate-
24 rials such that they can be reused, rather
25 than disposed of;

1 (ii) the design and manufacture of
2 products or materials with minimal pack-
3 aging intended for disposal;

4 (iii) an activity or process that re-
5 duces the amount of waste generated dur-
6 ing a manufacturing process;

7 (iv) an activity or process that reduces
8 or eliminates the use of materials that are
9 not able to be recycled without degrading
10 the quality of the material; and

11 (v) any other activity or process that
12 reduces the weight, volume, or toxicity of
13 products or materials.

14 (C) EXCLUSION.—The term “source reduc-
15 tion” does not include an activity or process
16 used after a product or material has become
17 waste, such as incineration.

18 (13) SOURCE SEPARATION.—The term “source
19 separation”—

20 (A) means the separation of solid waste by
21 material or commodity type prior to collection,
22 such as separation into recyclable and non-recy-
23 clable materials or by recyclable commodity;
24 and

1 (B) does not require the use of tech-
2 nologies that sort mixed municipal solid waste
3 into recyclable and non-recyclable materials.

4 (14) WASTE PREVENTION.—The term “waste
5 prevention” means any method to reduce the
6 amount of materials disposed of in landfills or incin-
7 erated, including reuse and recycling.

8 (15) ZERO-EMISSIONS VEHICLE.—The term
9 “zero-emissions vehicle” means a vehicle that pro-
10 duces zero emissions of—

11 (A) greenhouse gases;

12 (B) criteria pollutants; and

13 (C) hazardous air pollutants.

14 (16) ZERO-WASTE.—The term “zero-waste”
15 means the conservation of all resources by means of
16 responsible production, consumption, reuse, and re-
17 covery of products, packaging, and materials with-
18 out—

19 (A) burning or otherwise destroying em-
20 bodied energy; and

21 (B) a discharge to land, water, or air that
22 results in adverse human health or environ-
23 mental effects.

24 (17) ZERO-WASTE PRACTICE.—The term “zero-
25 waste practice” means a practice used to help

1 achieve zero-waste, including the use of source re-
2 duction.

3 **SEC. 922. GRANTS FOR ZERO-WASTE PROJECTS.**

4 (a) IN GENERAL.—The Administrator shall establish
5 and carry out a program to award grants, on a competitive
6 basis, to eligible entities to carry out projects described
7 in subsection (b).

8 (b) GRANT USE.—

9 (1) ORGANICS RECYCLING INFRASTRUCTURE.—

10 (A) IN GENERAL.—An eligible entity re-
11 ceiving a grant under this section may use such
12 grant to carry out a project to construct, ex-
13 pand, or modernize infrastructure required for
14 organics recycling, including any facility, ma-
15 chinery, or equipment required for the collection
16 and processing of organic material on a city-
17 wide or county-wide scale.

18 (B) REQUIREMENTS.—Each project car-
19 ried out under this paragraph shall result in in-
20 creased capacity—

21 (i) to collect and process residential
22 and commercial organic material, including
23 through source separation of organic mate-
24 rial; and

1 (ii) to generate environmentally bene-
2 ficial byproducts, such as compost with
3 added nutritional content.

4 (C) MIXED-WASTE COMPOSTING.—A grant
5 received under this paragraph may not be used
6 to support the collection or processing of mixed-
7 waste composting.

8 (2) ELECTRONIC WASTE RECYCLING.—

9 (A) IN GENERAL.—An eligible entity re-
10 ceiving a grant under this section may use such
11 grant to carry out a project that enables the re-
12 cycling or reuse of electronic devices at the end
13 of their useful lifetime, including—

14 (i) constructing, expanding, or mod-
15 ernizing infrastructure and technology;

16 (ii) research and development; and

17 (iii) product refurbishment.

18 (B) REQUIREMENTS.—A project carried
19 out under this paragraph—

20 (i) may not include an electronic
21 waste buy-back program—

22 (I) that provides compensation
23 for used electronics; and

1 (II) under which such compensa-
2 tion may be applied as a credit toward
3 the purchase of new electronics; and

4 (ii) shall be carried out by an eligible
5 entity that is certified to recycle electronics
6 by an organization that is accredited by—

7 (I) the National Accreditation
8 Board of the American National
9 Standards Institute;

10 (II) the American Society of
11 Quality; or

12 (III) another accrediting body de-
13 termined appropriate by the Adminis-
14 trator.

15 (3) SOURCE REDUCTION.—

16 (A) IN GENERAL.—An eligible entity re-
17 ceiving a grant under this section may use such
18 grant to carry out a project relating to source
19 reduction, which such project may include, in
20 accordance with subparagraph (B), carrying out
21 product or manufacturing redesign or redevelop-
22 ment to reduce byproducts, packaging, and
23 other outputs.

1 (B) REDESIGN AND REDEVELOPMENT.—

2 An eligible entity may only carry out a project
3 described in subparagraph (A)(ii) if—

4 (i) the applicable manufacturer—

5 (I) is domestically owned and op-
6 erated; and

7 (II) pays a living wage; and

8 (ii) the redesign or redevelopment
9 does not result in—

10 (I) higher toxicity of the product
11 or byproducts;

12 (II) more complicated
13 recyclability of the product or byprod-
14 ucts; or

15 (III) increased volume of byprod-
16 ucts compared with the original prac-
17 tice.

18 (4) MARKET DEVELOPMENT.—

19 (A) IN GENERAL.—An eligible entity re-
20 ceiving a grant under this section may use such
21 grant to carry out a project that—

22 (i) creates market demand for source
23 reduction, sorted recyclable commodities,
24 goods made of sorted recyclable commod-
25 ities, or refurbished goods; and

1 (ii) as applicable, encourages or en-
2 ables investment in domestically owned and
3 operated manufacturing capacity with re-
4 spect to the list in clause (i).

5 (B) REQUIREMENTS.—Each project car-
6 ried out under this section—

7 (i) shall target easily or commonly re-
8 cycled materials which are disproportion-
9 ately disposed of in landfills or incinerated;

10 (ii) shall reduce the volume, weight, or
11 toxicity of waste and waste byproducts;
12 and

13 (iii) may not conflict with—

14 (I) minimum-content laws, such
15 as post-consumer recycled content re-
16 quirements;

17 (II) beverage container deposits;

18 (III) programs funded through
19 retail fees for specific products or
20 classes of products that use such fees
21 to collect, treat, or recycle such prod-
22 ucts; or

23 (IV) any applicable recycled
24 product procurement laws and ex-
25 panded sustainable government pur-

1 chasing requirements, as identified by
2 the Administrator.

3 (5) ZERO-EMISSIONS COLLECTION VEHICLES.—

4 An eligible entity receiving a grant under this sec-
5 tion may use such grant to carry out a project to
6 purchase, operate, and maintain zero-emissions vehi-
7 cles used to collect material for recycling or organics
8 recycling.

9 **SEC. 923. GRANTS FOR LANDFILL DIVERSION.**

10 (a) IN GENERAL.—The Administrator shall establish
11 and carry out a program to award grants, on a competitive
12 basis, to eligible entities to develop and implement new
13 requirements, as described in subsection (b), that reduce
14 the amount of waste disposed of in landfills.

15 (b) GRANT USE.—

16 (1) TIPPING FEES.—An eligible entity receiving
17 a grant under this section may use such grant to de-
18 velop and implement zero-waste practices that are
19 accompanied by permanent increases in tipping,
20 gate, or disposal fees imposed on the disposal of
21 waste at landfills.

22 (2) CURBSIDE COMPOSTING COLLECTION.—An
23 eligible entity receiving a grant under this section
24 may use such grant to support the implementation
25 of State programs that mandate the availability of

1 curbside collection of material for organics recycling
2 for all single-family and multifamily residential
3 households.

4 (3) LANDFILL DIVERSION.—An eligible entity
5 receiving a grant under this section may use such
6 grant to support the implementation of statewide re-
7 quirements that prohibit organic waste from being
8 sent to landfills.

9 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
10 tion, the term “eligible entity” means a single unit of
11 State government or a relevant State agency.

12 **SEC. 924. GRANT APPLICATIONS.**

13 (a) APPLICATION.—

14 (1) CRITERIA FOR ALL APPLICANTS.—To be eli-
15 gible to receive a grant under this subtitle, an eligi-
16 ble entity shall submit to the Administrator an ap-
17 plication at such time and in such form as the Ad-
18 ministrator requires, which shall include dem-
19 onstrating that the eligible entity—

20 (A) has set specific source reduction or
21 waste prevention targets; and

22 (B) will carry out a project that meets the
23 applicable project requirements under section
24 922(b) or 923(b).

1 (2) ADDITIONAL APPLICATION CRITERIA FOR
2 NONPROFIT ORGANIZATION.—In the case of an ap-
3 plication from an eligible entity that is a nonprofit
4 organization, the application shall include—

5 (A) a letter of support for the proposed
6 project from—

7 (i) a local unit of government; or

8 (ii) another nonprofit organization

9 that—

10 (I) has a demonstrated history of
11 undertaking work in the geographic
12 region where the proposed project is
13 to take place; and

14 (II) is not involved in the project
15 being proposed; and

16 (B) any other information the Adminis-
17 trator may require.

18 (b) PRIORITY FACTORS.—In awarding grants under
19 this subtitle, the Administrator shall give priority to any
20 eligible entity that—

21 (1) with respect to an eligible entity that is a
22 State or unit of local government, has statutorily
23 committed to implementing one or more zero-waste
24 practices;

1 (2) demonstrates how use of such grant could
2 lead to the creation of new jobs that pay a living
3 wage and are, to the greatest extent practicable, of-
4 fered to individuals who experience barriers to em-
5 ployment, as determined by the Administrator;

6 (3) will use such grant to carry out source re-
7 duction or waste prevention in schools;

8 (4) will use such grant to employ an adaptive
9 management practice to identify, prevent, or address
10 any negative environmental consequences of a
11 project proposed to be carried out with a grant
12 under this subtitle;

13 (5) has a demonstrated need for additional in-
14 vestment in infrastructure or other resources to
15 achieve source reduction and waste prevention tar-
16 gets set by the local unit of government that is re-
17 sponsible for waste management and recycling in the
18 geographic area;

19 (6) will use such grant to develop an innovative
20 or new technology or strategy for source reduction
21 and waste prevention;

22 (7) demonstrates how receiving the grant will
23 encourage further investment in source reduction
24 and waste prevention activities; or

1 (8) will incorporate multi-stakeholder involve-
2 ment, including nonprofit, commercial, and public
3 sector partners, in carrying out a project using such
4 grant.

5 (c) REQUIREMENT.—Of the amount made available
6 pursuant to section 927(a), not less than 75 percent shall
7 be allocated to projects that serve, or are located in, envi-
8 ronmental justice communities.

9 **SEC. 925. REPORTING.**

10 Each eligible entity that receives a grant under this
11 subtitle shall submit to the Administrator a report, at such
12 time and in such form as the Administrator may require,
13 on the results of the project carried out with such grant,
14 and such report shall include any relevant data requested
15 by the Administrator for purposes of tracking the effec-
16 tiveness of the programs established under section 922(a)
17 and 923(b).

18 **SEC. 926. ANNUAL CONFERENCE.**

19 In each of calendar years 2022 through 2030, the
20 Administrator shall convene an annual conference to pro-
21 vide an opportunity for eligible entities and other relevant
22 stakeholders to share their experience and expertise in im-
23 plementing zero-waste practices.

1 **SEC. 927. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GRANTS FOR ZERO-WASTE PROJECTS.—There is
3 authorized to be appropriated to carry out section 922
4 \$150,000,000 for each of fiscal years 2022 through 2031,
5 to remain available until expended.

6 (b) GRANTS FOR LANDFILL DIVERSION.—There is
7 authorized to be appropriated to carry out section 923
8 \$250,000,000 for the period of fiscal years 2022 through
9 2031, to remain available until expended.

10 **Subtitle D—Education and**
11 **Outreach**

12 **SEC. 931. DEFINITION OF ADMINISTRATOR.**

13 In this subtitle, the term “Administrator” means the
14 Administrator of the Environmental Protection Agency.

15 **SEC. 932. CONSUMER RECYCLING EDUCATION AND OUT-**
16 **REACH GRANT PROGRAM.**

17 (a) IN GENERAL.—The Administrator shall establish
18 a program (referred to in this section as the “grant pro-
19 gram”) to award competitive grants to eligible entities to
20 improve the effectiveness of residential and community re-
21 cycling programs through public education and outreach.

22 (b) CRITERIA.—The Administrator shall award
23 grants under the grant program for projects that, by using
24 one or more eligible activities described in subsection (e)—

25 (1) inform the public about residential or com-
26 munity recycling programs;

1 (2) provide information about the recycled ma-
2 terials that are accepted as part of a residential or
3 community recycling program that provides for the
4 separate collection of residential solid waste from re-
5 cycled material; and

6 (3) increase collection rates and decrease con-
7 tamination in residential and community recycling
8 programs.

9 (c) ELIGIBLE ENTITIES.—

10 (1) IN GENERAL.—An entity that is eligible to
11 receive a grant under the grant program is—

12 (A) a State;

13 (B) a unit of local government;

14 (C) a Tribal government;

15 (D) a nonprofit organization; or

16 (E) a public-private partnership.

17 (2) COORDINATION OF ACTIVITIES.—Two or
18 more entities described in paragraph (1) may receive
19 a grant under the grant program to coordinate the
20 provision of information to residents that may access
21 two or more residential recycling programs, includ-
22 ing programs that accept different recycled mate-
23 rials, to provide to the residents information regard-
24 ing differences among those residential recycling
25 programs.

1 (d) REQUIREMENT.—

2 (1) IN GENERAL.—To receive a grant under the
3 grant program, an eligible entity shall demonstrate
4 to the Administrator that the grant funds will be
5 used to encourage the collection of recycled materials
6 that are sold to an existing or developing market.

7 (2) BUSINESS PLANS AND FINANCIAL DATA.—

8 (A) IN GENERAL.—An eligible entity may
9 make a demonstration under paragraph (1)
10 through the submission to the Administrator of
11 appropriate business plans and financial data.

12 (B) CONFIDENTIALITY.—The Adminis-
13 trator shall treat any business plans or financial
14 data received under subparagraph (A) as con-
15 fidential information.

16 (e) ELIGIBLE ACTIVITIES.—An eligible entity that re-
17 ceives a grant under the grant program may use the grant
18 funds for activities including—

19 (1) public service announcements;

20 (2) a door-to-door education and outreach cam-
21 paign;

22 (3) social media and digital outreach;

23 (4) an advertising campaign on recycling aware-
24 ness;

25 (5) the development and dissemination of—

1 (A) a toolkit for a municipal and commer-
2 cial recycling program;

3 (B) information on the importance of qual-
4 ity in the recycling stream;

5 (C) information on the economic and envi-
6 ronmental benefits of recycling; and

7 (D) information on what happens to mate-
8 rials after the materials are placed into a resi-
9 dential or community recycling program;

10 (6) businesses recycling outreach;

11 (7) bin, cart, and other receptacle labeling and
12 signs; and

13 (8) such other activities that the Administrator
14 determines are appropriate to carry out the purposes
15 of this section.

16 (f) PROHIBITION ON USE OF FUNDS.—No funds may
17 be awarded under the grant program for a residential re-
18 cycling program that—

19 (1) does not provide for the separate collection
20 of residential solid waste (as defined in section
21 246.101 of title 40, Code of Federal Regulations (as
22 in effect on the date of enactment of this Act)) from
23 recycled material (as defined in that section), unless
24 the funds are used to promote a transition to a sys-
25 tem that separately collects recycled materials; or

1 (2) promotes the establishment of, or conver-
2 sion to, a residential collection system that does not
3 provide for the separate collection of residential solid
4 waste from recycled material (as those terms are de-
5 fined under paragraph (1)).

6 (g) MODEL RECYCLING PROGRAM TOOLKIT.—

7 (1) IN GENERAL.—In carrying out the grant
8 program, the Administrator, in consultation with
9 other relevant Federal agencies, States, Indian
10 Tribes, units of local government, nonprofit organi-
11 zations, and the private sector, shall develop a model
12 recycling program toolkit for States, Indian Tribes,
13 and units of local government that includes, at a
14 minimum—

15 (A) a standardized set of terms and exam-
16 ples that may be used to describe materials that
17 are accepted by a residential recycling program;

18 (B) information that the Administrator de-
19 termines can be widely applied across residen-
20 tial recycling programs, taking into consider-
21 ation the differences in recycled materials ac-
22 cepted by residential recycling programs;

23 (C) educational principles on best practices
24 for the collection and processing of recycled ma-
25 terials;

1 (D) a community self-assessment guide to
2 identify gaps in existing recycling programs;

3 (E) training modules that enable States
4 and nonprofit organizations to provide technical
5 assistance to units of local government;

6 (F) access to consumer educational mate-
7 rials that States, Indian Tribes, and units of
8 local government can adapt and use in recycling
9 programs; and

10 (G) a guide to measure the effectiveness of
11 a grant received under the grant program, in-
12 cluding standardized measurements for recy-
13 cling rates and decreases in contamination.

14 (2) REQUIREMENT.—In developing the stand-
15 ardized set of terms and examples under paragraph
16 (1)(A), the Administrator may not establish any re-
17 quirements for—

18 (A) what materials shall be accepted by a
19 residential recycling program; or

20 (B) the labeling of products.

21 (h) SCHOOL CURRICULUM.—The Administrator shall
22 provide assistance to the educational community, includ-
23 ing nonprofit organizations, such as an organization the
24 science, technology, engineering, and mathematics pro-
25 gram of which incorporates recycling, to promote the in-

1 troduction of recycling principles and best practices into
2 public school curricula.

3 (i) REPORTS.—

4 (1) TO THE ADMINISTRATOR.—Not earlier than
5 180 days, and not later than 2 years, after the date
6 on which a grant under the grant program is award-
7 ed to an eligible entity, the eligible entity shall sub-
8 mit to the Administrator a report describing, by
9 using the guide developed under subsection
10 (g)(1)(G)—

11 (A) the change in volume of recycled mate-
12 rial collected through the activities funded with
13 the grant;

14 (B) the change in participation rate of the
15 recycling program funded with the grant;

16 (C) the reduction of contamination in the
17 recycling stream as a result of the activities
18 funded with the grant; and

19 (D) such other information as the Admin-
20 istrator determines to be appropriate.

21 (2) TO CONGRESS.—The Administrator shall
22 submit to Congress an annual report describing—

23 (A) the effectiveness of residential recy-
24 cling programs awarded funds under the grant
25 program, including statistics comparing the

1 quantity and quality of recycled materials col-
2 lected by those programs, as described in the
3 reports submitted to the Administrator under
4 paragraph (1); and

5 (B) recommendations on additional actions
6 to improve residential recycling.

7 **SEC. 933. ELECTRONIC WASTE EDUCATION AND AWARE-**
8 **NESS.**

9 (a) IN GENERAL.—The Administrator, in consulta-
10 tion with the Secretary of Energy, shall establish a pro-
11 gram to improve consumer education and awareness re-
12 lated to the safe disposal and recycling of batteries and
13 other forms of electronic waste.

14 (b) CONTENT.—The program established under sub-
15 section (a) shall seek to educate consumers on—

16 (1) the energy and environmental impacts asso-
17 ciated with the disposal of batteries and other forms
18 of electronic waste;

19 (2) the benefits of safe disposal of batteries and
20 other forms of electronic waste; and

21 (3) how to safely dispose of various types of
22 batteries and other forms of electronic waste at the
23 end of their useful lifetime.

24 (c) DATABASE.—The Administrator shall establish a
25 public database, available on the Environmental Protec-

1 tion Agency’s website, that allows consumers to locate
2 nearby disposal facilities for batteries and other forms of
3 electronic waste at the end of their useful lifetime.

4 **SEC. 934. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to the Administrator to carry out this subtitle
7 \$15,000,000 for each of fiscal years 2022 through 2031.

8 (b) REQUIREMENT.—Of the amount made available
9 under subsection (a) for a fiscal year, not less than 10
10 percent shall be allocated to low-income communities (as
11 defined in section 601).

12 **Subtitle E—Critical Minerals**

13 **SEC. 941. DEFINITIONS.**

14 In this subtitle:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the Environ-
17 mental Protection Agency.

18 (2) BATTERY.—The term “battery” means a
19 battery that is—

20 (A) rechargeable; and

21 (B) comprised of electrochemical cells, in-
22 cluding lithium-ion cells and other chemistries.

23 (3) BATTERY COLLECTION POINT.—The term
24 “battery collection point” means a retail or other

1 service provider equipped to collect used batteries for
2 safe disposal.

3 (4) ELECTRONIC WASTE.—The term “electronic
4 waste” means consumer or commercial electronic
5 equipment that is disposed of at the end of its useful
6 lifetime.

7 (5) EXTENDED PRODUCER RESPONSIBILITY.—
8 The term “extended producer responsibility” means
9 a system, strategy, or regulatory framework in which
10 the producers of certain products or materials as-
11 sume responsibility, including both financial and
12 physical responsibility, for the collection, treatment,
13 and disposal of such products or materials at the
14 end of their useful lifetime.

15 (6) MUNICIPAL SOLID WASTE LANDFILL.—The
16 term “municipal solid waste landfill” means a dis-
17 crete area of land or excavation that receives house-
18 hold and other nonhazardous waste.

19 (7) SECRETARY.—The term “Secretary” means
20 the Secretary of Energy.

21 (8) STATE.—The term “State” means a State,
22 the District of Columbia, the Commonwealth of
23 Puerto Rico, Guam, American Samoa, the Common-
24 wealth of the Northern Mariana Islands, the United

1 States Virgin Islands, and any other territory or
2 possession of the United States.

3 **SEC. 942. GRANTS FOR BATTERY COLLECTION, RECYCLING,**
4 **AND REPROCESSING.**

5 (a) STATE AND LOCAL PROGRAMS.—

6 (1) IN GENERAL.—The Secretary shall establish
7 a program under which the Secretary shall award
8 grants, on a competitive basis, to States and units
9 of local government to assist in the establishment or
10 enhancement of programs that address the collection
11 (commonly referred to as “take-back”), recycling, re-
12 processing, and proper disposal of batteries at the
13 end of their useful lifetime.

14 (2) NON-FEDERAL COST SHARE.—The Sec-
15 retary may not provide to a State or unit of local
16 government a grant under this subsection in an
17 amount that is greater than 50 percent of the cost
18 of a project described in paragraph (1).

19 (3) REPORT.—Not later than 2 years after the
20 date of enactment of this Act, and annually there-
21 after, the Secretary shall submit to Congress a re-
22 port that describes the number of programs estab-
23 lished or enhanced, an estimate of jobs created, and
24 the quantity of material collected as a result of the
25 grants awarded under paragraph (1).

1 (b) RETAILERS AS COLLECTION POINTS.—

2 (1) IN GENERAL.—The Secretary shall award
3 grants, on a competitive basis, to retailers that sell
4 batteries to establish, implement, or improve systems
5 for the collection, recycling, and proper disposal of
6 batteries at the end of their useful lifetimes, in order
7 to serve as battery collection points.

8 (2) FREE COLLECTION.—The system described
9 in paragraph (1) shall include collection of used bat-
10 teries at no cost to members of the public who use
11 the system.

12 (3) REPORT.—Not later than 2 years after the
13 date of enactment of this Act, and annually there-
14 after, the Secretary shall submit to Congress a re-
15 port that describes the number of battery collection
16 points established, implemented, or improved and
17 the quantity of material collected as a result of the
18 grants awarded under paragraph (1).

19 **SEC. 943. BEST PRACTICES FOR COLLECTION OF BAT-**
20 **TERIES.**

21 (a) IN GENERAL.—The Administrator shall develop
22 best practices for the collection of batteries that may be
23 cost-effectively implemented by States and units of local
24 government.

1 (b) COORDINATION.—The Administrator shall de-
2 velop best practices under subsection (a) in coordination
3 with State and local leaders and relevant stakeholders, in-
4 cluding—

5 (1) battery manufacturers, suppliers, and dis-
6 tributors;

7 (2) retailers that serve as battery collection
8 points;

9 (3) solid waste management industries; and

10 (4) any other relevant stakeholders that the Ad-
11 ministrator determines to be appropriate.

12 (c) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to Congress, and make publicly available on the website
15 of the Environmental Protection Agency, a report describ-
16 ing the best practices developed under this section.

17 **SEC. 944. VOLUNTARY LABELING PROGRAM.**

18 (a) IN GENERAL.—The Secretary, in consultation
19 with the Administrator, shall establish a program to im-
20 prove the labeling of batteries through voluntary meas-
21 ures.

22 (b) MEASURES.—The program established in sub-
23 section (a) shall seek to improve battery labeling to—

1 (1) enable consumers to properly and more eas-
2 ily recycle or dispose batteries at the end of their
3 useful lifetime;

4 (2) educate consumers on safety considerations
5 associated with the recycling and proper disposal of
6 batteries; and

7 (3) provide consumers with information needed
8 to more easily locate where to recycle or dispose bat-
9 teries at the end of their useful lifetime.

10 (c) COORDINATION.—The Secretary shall operate the
11 program established in subsection (a) in coordination with
12 relevant stakeholders, including—

13 (1) battery manufacturers, suppliers, and dis-
14 tributors;

15 (2) retailers that serve as battery collection
16 points;

17 (3) solid waste management industries; and

18 (4) any other relevant stakeholder that the Sec-
19 retary or Administrator determines to be appro-
20 priate.

21 **SEC. 945. TASK FORCE ON BATTERY PRODUCER RESPONSIB-**
22 **BILITY.**

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of enactment of this Act, the Secretary, in consulta-
25 tion with the Administrator, shall establish a task force

1 to develop recommendations on the design of an extended
2 producer responsibility system for batteries.

3 (b) FUNCTIONS.—The task force shall established in
4 subsection (a) shall—

5 (1) identify, evaluate, and propose design cri-
6 teria for an extended producer responsibility system
7 that covers the lifecycle management of batteries;

8 (2) consider product design, collection models,
9 and the transportation of collected materials;

10 (3) develop detailed recommendations on the
11 structure of an extended producer responsibility pro-
12 gram for batteries, including—

13 (A) the scope of regulation;

14 (B) identification of regulated entities;

15 (C) strategies for implementation and en-
16 forcement;

17 (D) the relationship between regulated en-
18 tities and units of State and local government;

19 and

20 (E) any other relevant matter that the
21 Secretary determines to be appropriate.

22 (c) MEMBERSHIP.—The task force established in
23 subsection (a) shall be comprised of representatives
24 from—

25 (1) States and units of local government;

1 (2) battery producers, retailers, recyclers, and
2 refiners;

3 (3) public and private sector recycling,
4 composting, and solid waste management industries;

5 (4) any other Federal agency or office within
6 the Executive Branch that the Secretary or Adminis-
7 trator determines to be appropriate; and

8 (5) any other relevant stakeholder group that
9 the Secretary or Administrator determines to be ap-
10 propriate.

11 (d) REPORT.—Not later than 1 year after the estab-
12 lishment of the task force in subsection (a), the task force
13 shall submit to Congress and make publicly available on
14 the websites of the Department of Energy and the Envi-
15 ronmental Protection Agency a report on the design of an
16 extended producer responsibility system for batteries
17 based on its findings.

18 **SEC. 946. TASK FORCE ON WIND AND SOLAR RECYCLING.**

19 (a) IN GENERAL.—Not later than 60 days after the
20 date of enactment of this Act, the Secretary, in consulta-
21 tion with the Administrator, shall convene a task force to
22 improve the recovery, recycling, and reuse of key compo-
23 nents of wind and solar energy technologies.

24 (b) STUDY.—The task force shall established in sub-
25 section (a) shall—

1 (1) identify, assess, and propose design criteria
2 for strategies that—

3 (A) reduce the amount of waste created
4 when wind and solar energy technologies reach
5 the end of their useful lifetimes;

6 (B) prevent such waste from being dis-
7 posed of in landfills; and

8 (C) reduce demand for extraction of raw
9 materials used in wind and solar technologies;

10 (2) consider both voluntary and mandatory
11 measures as potential strategies;

12 (3) assess the environmental implications, cost-
13 effectiveness, and any other metrics relevant to such
14 strategies, as determined to be appropriate by the
15 Secretary, Administrator, or members of the task
16 force; and

17 (4) propose detailed recommendations on poli-
18 cies needed to support such strategies.

19 (c) MEMBERSHIP.—The task force convened under
20 subsection (a) shall include—

21 (1) wind and solar energy technology manufac-
22 turers, suppliers, and developers;

23 (2) representatives from the recycling and solid
24 waste management industries;

1 (3) experts in solid waste management, includ-
2 ing from academia, nonprofit organizations, and in-
3 dustry associations;

4 (4) States and local governments; and

5 (5) other relevant stakeholders, as determined
6 appropriate by the Secretary and the Administrator.

7 (d) REPORT.—Not later than 1 year after the date
8 on which the Secretary convenes the task force under sub-
9 section (a), the Secretary shall submit to Congress, and
10 make publicly available on the website of the Department
11 of Energy, a report that describes the findings of the study
12 conducted under subsection (b).

13 **SEC. 947. STUDIES ON DISPOSAL AND RECYCLING.**

14 (a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall conduct
16 a separate study on each of the following:

17 (1) REDUCING DISPOSAL OF ELECTRONIC
18 WASTE IN LANDFILLS.—Strategies for reducing and
19 preventing the disposal of electronic waste in munic-
20 ipal solid waste landfills, including through both vol-
21 untary and mandatory measures.

22 (2) DEPOSIT PROGRAM FOR CRITICAL MIN-
23 ERALS.—The feasibility of establishing, and the pro-
24 posed design of, a Federal program modeled on bev-
25 erage container deposit programs in the United

1 States that creates a financial incentive for critical
2 mineral suppliers to recover and recycle critical min-
3 erals (as listed in 83 Fed. Reg. 23295) for use in
4 new products.

5 (3) RECYCLER CERTIFICATION.—The feasibility
6 of establishing, and the proposed design of, a Fed-
7 eral program to—

8 (A) create Federal standards, or use
9 standards developed by a non-Federal entity,
10 for the certification of critical mineral recycling
11 companies for purposes of ensuring safety, envi-
12 ronmental stewardship, and other relevant as-
13 pects of operations; and

14 (B) certify critical mineral recycling com-
15 panies based on such standards.

16 (b) CONTENT.—Each study described in subsection
17 (a) shall identify and evaluate, with respect to the subject
18 matter of each study—

19 (1) as applicable, any relevant program carried
20 out by a State or an industry in the United States;

21 (2) as applicable, best practices for program de-
22 sign based on any relevant program carried out by
23 a State or an industry in the United States;

24 (3) key program design considerations for es-
25 tablishing Federal programs;

1 (4) the potential environmental effects of the
2 measures described in paragraphs (1) through (3) of
3 subsection (a);

4 (5) the cost-effectiveness of such measures; and

5 (6) any other considerations the Secretary de-
6 termines to be appropriate.

7 (c) REPORTS.—Following the completion of each
8 study required under this section, the Secretary shall sub-
9 mit to Congress a separate report for each study that—

10 (1) describe the results of each study; and

11 (2) provides recommendations on policy design
12 for each matter considered under the applicable
13 study.

14 **SEC. 948. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to carry out
16 this subtitle \$35,000,000 for each of fiscal years 2022
17 through 2031.

18 **TITLE X—WORKER AND**
19 **COMMUNITY TRANSITION**

20 **SEC. 1001. DEFINITIONS.**

21 In this title:

22 (1) ADVERSELY AFFECTED COMMUNITY.—The
23 term “adversely affected community” means a unit
24 of local government or an Indian Tribe (or a polit-
25 ical subdivision thereof) that has been, or is at risk

1 to be, significantly disrupted by the Nation’s transi-
2 tion to net-zero greenhouse gas emissions through
3 the loss of a significant portion of locally generated
4 tax revenue or employment due to the closure, or
5 risk of closure, of an impacted employer within its
6 jurisdiction.

7 (2) ADVERSELY AFFECTED WORKER.—The
8 term “adversely affected worker” means an indi-
9 vidual who has been, or is at risk to be, totally sepa-
10 rated or partially separated from employment by an
11 impacted employer.

12 (3) DIRECTOR.—The term “Director” means
13 the Director of the Office of Energy and Economic
14 Transition.

15 (4) IMPACTED EMPLOYER.—The term “im-
16 pacted employer” means a private entity that is pri-
17 marily engaged in business related to—

18 (A) the extraction of fossil fuels;

19 (B) the refinement of fossil fuels;

20 (C) the generation of electricity from fossil
21 fuels;

22 (D) the production of energy-intensive in-
23 dustrial products;

24 (E) the manufacture of light-, medium-,
25 and heavy-duty vehicles that utilize an internal

1 combustion engine and other component parts
2 for such vehicles;

3 (F) the construction, operation, and main-
4 tenance of infrastructure to deliver fossil fuels
5 for domestic use; or

6 (G) other industries significantly disrupted
7 by the Nation’s transition to net-zero green-
8 house gas emissions, as determined by the Di-
9 rector, in consultation with the Administrator
10 of the Environmental Protection Agency and
11 the Secretary.

12 (5) PARTIAL SEPARATION.—The terms “partial
13 separation” and “partially separated” mean, with
14 respect to an individual who has not been totally
15 separated from employment, that—

16 (A) the number of hours of work for such
17 individual has been reduced by an impacted em-
18 ployer to 80 percent or less of the average num-
19 ber of hours per week such individual worked
20 per week prior to any separation from employ-
21 ment; and

22 (B) the wages for such individual have
23 been reduced by an impacted employer to 80
24 percent or less of the average wages per week

1 while employed by the impacted employer prior
2 to any separation.

3 (6) SECRETARY.—The term “Secretary” means
4 the Secretary of Energy.

5 (7) TOTAL SEPARATION.—The terms “total
6 separation” and “totally separated” mean the layoff
7 or severance of an individual from employment by an
8 impacted employer.

9 **SEC. 1002. ENERGY AND ECONOMIC TRANSITION IMPACT**
10 **STUDIES.**

11 (a) IN GENERAL.—The Secretary shall seek to enter
12 into an agreement with the National Academy of Sciences
13 under which the Academy agrees to conduct studies on
14 matters concerning the potential impacts of achieving net-
15 zero greenhouse gas emissions on workers and commu-
16 nities dependent on employment related to fossil fuels as
17 follows:

18 (1) Not later than 1 year after the date of
19 entry into such agreement, the Academy shall com-
20 plete a study focused on communities that have ex-
21 perienced an energy-related transition within the
22 previous 10 years, including communities that were
23 dependent on coal, and submit to the Congress and
24 the Secretary a report on the results of such study.

1 (2) Not later than 3 years after the date of
2 entry into such agreement, the Academy shall com-
3 plete a study focused on communities and industries
4 not covered in the study under paragraph (1) that
5 are likely to experience an energy-related transition
6 should the United States achieve net-zero green-
7 house gas emissions by 2050, and submit to the
8 Congress and the Secretary a report on the results
9 of such study.

10 (b) **TIMING OF AGREEMENT.**—The Secretary shall
11 seek to enter into the agreement described in subsection
12 (a) not later than 180 days after the date of the enactment
13 of this Act.

14 (c) **REQUIREMENTS.**—The study and report under
15 paragraph (1) of subsection (a), with respect to commu-
16 nities described in such paragraph, and the study and re-
17 port under paragraph (2) of subsection (a), with respect
18 to communities described in such paragraph, shall—

19 (1) assess current and foreseeable trends in
20 worker and community disruptions associated with
21 the Nation’s transition to achieving net-zero green-
22 house gas emissions, and the effects of such trends
23 on the social, economic, and other requirements of
24 the Nation;

1 (2) identify types of occupations related to fos-
2 sil fuels that may be impacted by the Nation’s tran-
3 sition to achieving net-zero greenhouse gas emis-
4 sions, including—

5 (A) occupations involved with—

6 (i) the extraction of fossil fuels;

7 (ii) the refinement of fossil fuels;

8 (iii) the generation of electricity from
9 fossil fuels;

10 (iv) the production of energy-intensive
11 industrial products;

12 (v) the manufacture of light-, me-
13 dium-, and heavy-duty vehicles that utilize
14 an internal combustion engine and other
15 component parts for such vehicles; and

16 (vi) the construction, operation, and
17 maintenance of infrastructure to deliver
18 fossil fuels for domestic use; and

19 (B) for each type of occupation identified
20 under subparagraph (A), estimates of—

21 (i) the number of employees serving in
22 each type of occupation;

23 (ii) the locations of employees for each
24 type of occupation;

1 (iii) the average wages and benefits of
2 employees for each type of occupation; and

3 (iv) the average age of employees for
4 each type of occupation, including an esti-
5 mate of the number of employees 55 years
6 of age or older;

7 (3) assess impacts and potential impacts associ-
8 ated with the Nation's transition to achieving net-
9 zero greenhouse gas emissions on workers in the
10 types of occupations identified under paragraph (2);

11 (4) identify skills, including professional certifi-
12 cations, typically associated with each type of occu-
13 pation identified under paragraph (2) and potential
14 occupations utilizing the same or similar skills in in-
15 dustries not impacted by the Nation's transition to
16 achieving net-zero greenhouse gas emissions, includ-
17 ing an estimate of average wages and benefits for
18 each such potential occupation;

19 (5) identify the ages and locations of, and exist-
20 ing debt burdens, including debt burdens resulting
21 from Department of Agriculture Rural Utilities
22 Service loans, related to existing fossil fuel-powered
23 electricity generating units;

24 (6) identify—

1 (A) municipal and county governments
2 that derive—

3 (i) more than 25 percent of locally
4 generated tax revenue or employment with-
5 in the jurisdiction of the government from
6 industries employing workers in types of
7 occupations identified under paragraph
8 (2); and

9 (ii) more than 50 percent of locally
10 generated tax revenue or employment with-
11 in that jurisdiction from such industries;
12 and

13 (B) and assess the status and condition of
14 communities already affected by the transition
15 to achieving net-zero greenhouse gas emissions,
16 that have lost significant locally generated tax
17 revenue or employment within the past 10
18 years;

19 (7) assess economic development and alter-
20 native employment opportunities in communities
21 identified in paragraph (6), including an assessment
22 of existing educational, workforce development, and
23 infrastructure assets, including transportation, en-
24 ergy, and digital infrastructure, near identified com-
25 munities;

1 (8) identify commonly occurring municipal and
2 county government services and programs funded by
3 locally generated tax revenues in communities identi-
4 fied in paragraph (6), including—

5 (A) education;

6 (B) public safety, including police and fire
7 departments;

8 (C) health care;

9 (D) infrastructure; and

10 (E) workforce development; and

11 (9) identify potential strategies, consistent with
12 achieving net-zero greenhouse gas emissions, to
13 avoid future disruptions among businesses and work-
14 ers, including strategies to reskill workers to fill jobs
15 in emerging and growing industries.

16 (d) RECOMMENDATIONS.—The studies and reports
17 under subsection (a) shall identify actions that could be
18 taken regarding worker and community transition to net-
19 zero greenhouse gas emissions, including—

20 (1) compensation packages for employees in
21 types of occupations identified under subsection
22 (c)(2), including—

23 (A) transition adjustment assistance, po-
24 tentially including support for wages, pension,
25 health care, and other benefits; and

1 (B) enabling early retirement for such em-
2 ployees over the age of 55;

3 (2) training and further education for employ-
4 ees in occupations identified under subsection (c)(2),
5 potentially including job placement and relocation
6 assistance;

7 (3) economic development and diversification of
8 communities identified under subsection (c)(6), in-
9 cluding employment and development opportunities
10 associated with environmental remediation;

11 (4) financial assistance packages for commu-
12 nities identified in subsection (c)(6) to provide tem-
13 porary replacement of lost locally generated tax rev-
14 enue; and

15 (5) recommendations for remedying deficiencies
16 of existing programs and activities identified in sub-
17 section (c), which may include recommendations for
18 Federal legislation and Executive action.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated such sums as are necessary
21 to carry out this section.

22 **SEC. 1003. OFFICE OF ENERGY AND ECONOMIC TRANSI-**
23 **TION.**

24 (a) ESTABLISHMENT.—There is established in the
25 Executive Office of the President an Office of Energy and

1 Economic Transition. The Office shall be led by a Director
2 who shall be appointed by the President, to serve at the
3 pleasure of the President, by and with the advice and con-
4 sent of the Senate.

5 (b) DIRECTOR QUALIFICATIONS.—The Director shall
6 be a person who, as a result of training, experience, and
7 attainments, is exceptionally well qualified to—

8 (1) appraise programs and activities of the Fed-
9 eral Government in light of the challenges posed to
10 adversely affected workers and adversely affected
11 communities;

12 (2) be conscious of and responsive to the sci-
13 entific, economic, social, cultural, and pollution re-
14 duction needs and interests of the Nation; and

15 (3) formulate and recommend national policies
16 to assist workers and communities disrupted in the
17 Nation’s transition to achieving net-zero greenhouse
18 gas emissions.

19 (c) COMPENSATION FOR DIRECTOR.—The annual
20 rate of pay for the Director shall be fixed by the President
21 at a rate that may not exceed the annual rate of pay for
22 level II of the Executive Schedule.

23 (d) DUTIES OF DIRECTOR.—The Director shall assist
24 and advise the President on policies and programs of the

1 Federal Government affecting the Nation's transition to
2 achieving net-zero greenhouse gas emissions by—

3 (1) administering the programs and activities
4 under this title;

5 (2) assisting and advising the President in the
6 preparation of the Worker and Community Transi-
7 tion Report required under subsection (g);

8 (3) reviewing and appraising the various pro-
9 grams and activities of the Federal Government re-
10 lated to adversely affected workers and economic de-
11 velopment and diversification of adversely affected
12 communities, and making recommendations to the
13 President with respect to such programs and activi-
14 ties;

15 (4) coordinating relevant programs and activi-
16 ties among the relevant Federal departments and
17 agencies through the Interagency Energy and Eco-
18 nomic Transition Task Force convened pursuant to
19 section 1004;

20 (5) coordinating across Federal departments,
21 agencies, and other initiatives to align energy-related
22 transition strategies with other national economic
23 development strategies, including national manufac-
24 turing, infrastructure, and environmental remedi-
25 ation strategies;

1 (6) in accordance with section 1005, being re-
2 responsive to and coordinating with the Stakeholder
3 Advisory Committee established under such section;

4 (7) creating and maintaining a website to serve
5 as an information clearinghouse containing informa-
6 tion on relevant programs and activities from rel-
7 evant departments and agencies across the Federal
8 Government to increase awareness of Federal pro-
9 grams, grants, loans, loan guarantees, and other as-
10 sistance and resources the Director determines may
11 assist economic development and diversification ac-
12 tivities in adversely affected communities and sup-
13 port adversely affected workers;

14 (8) providing assistance to adversely affected
15 communities, including technical and financial as-
16 sistance, and support for capacity building and plan-
17 ning capabilities by adversely affected communities
18 and community-based leaders of such communities,
19 including assistance provided pursuant to section
20 1006 or through community-based transition hubs
21 pursuant to section 1007;

22 (9) collecting, collating, analyzing, and inter-
23 preting data and information on adversely affected
24 workers and economic development and diversifica-
25 tion of adversely affected communities; and

1 (10) implementing grant programs or other
2 forms of financial and technical assistance to sup-
3 port adversely affected workers and the economic de-
4 velopment and diversification of adversely affected
5 communities as required by this title or after deter-
6 mining no such similar program or assistance is
7 being provided by a Federal agency.

8 (e) EMPLOYMENT OF PERSONNEL, EXPERTS, AND
9 CONSULTANTS.—The Office may employ such officers and
10 employees as may be necessary to carry out its duties
11 under this title. In addition, the Office may employ and
12 fix the compensation of such experts and consultants as
13 may be necessary for carrying out such duties, in accord-
14 ance with section 3109 of title 5, United States Code.

15 (f) REIMBURSEMENTS.—The Office may accept reim-
16 bursements from any private nonprofit organization or
17 from any department, agency, or instrumentality of the
18 Federal Government, any State, or local government, for
19 the reasonable travel expenses incurred by the Director
20 or an employee of the Office in connection with attendance
21 at any conference, seminar, or similar meeting conducted
22 for the benefit of the Office.

23 (g) REPORT TO CONGRESS.—Beginning in 2023, the
24 President shall transmit to Congress a report, to be known

1 as the Worker and Community Transition Report, not less
2 than once every 2 years, which shall set forth—

3 (1) the status and condition of workers and
4 communities disrupted in the Nation's transition to
5 achieving net-zero greenhouse gas emissions, with an
6 emphasis on economic development and diversifica-
7 tion activities in adversely affected communities;

8 (2) current and foreseeable trends in worker
9 and community disruptions associated with the Na-
10 tion's transition to achieving net-zero greenhouse
11 gas emissions, and the effects of such trends on the
12 social, economic, and other requirements of the Na-
13 tion;

14 (3) a review of the programs and activities (in-
15 cluding regulatory activities) of the Federal Govern-
16 ment, State, Tribal, and local governments, and non-
17 governmental entities or individuals that serve ad-
18 versely affected communities;

19 (4) recommendations for remedying deficiencies
20 of existing programs and activities described in
21 paragraph (3), which may include recommendations
22 for new programs and activities and legislation to
23 authorize such programs; and

24 (5) the expenditures of the Office in support of
25 programs and activities authorized under this title.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as are necessary.

4 **SEC. 1004. INTERAGENCY ENERGY AND ECONOMIC TRANSI-**
5 **TION TASK FORCE.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Director shall convene
8 regularly a task force, to be known as the Interagency En-
9 ergy and Economic Transition Task Force, to enhance the
10 coordination of relevant programs and activities intended
11 to support adversely affected workers and adversely af-
12 fected communities, with an emphasis on economic devel-
13 opment and diversification activities in adversely affected
14 communities.

15 (b) COMPOSITION.—The Task Force shall be com-
16 prised of the following (or a designee):

17 (1) The Secretary of Energy.

18 (2) The Secretary of Labor.

19 (3) The Secretary of Commerce.

20 (4) The Secretary of Agriculture.

21 (5) The Secretary of Health and Human Serv-
22 ices.

23 (6) The Secretary of Housing and Urban Devel-
24 opment.

25 (7) The Secretary of the Interior.

1 (8) The Secretary of Transportation.

2 (9) The Secretary of the Treasury.

3 (10) The Secretary of Education.

4 (11) The Administrator of the Environmental
5 Protection Agency.

6 (12) The Administrator of the Small Business
7 Administration.

8 (13) The Director of the Office of Management
9 and Budget.

10 (14) The Chair of the Council on Environ-
11 mental Quality.

12 (15) The Chairman of the Appalachian Re-
13 gional Commission.

14 (16) Such other Federal officials as determined
15 appropriate by the Director.

16 (c) FUNCTIONS.—The Task Force shall—

17 (1) report to the President through the Direc-
18 tor;

19 (2) seek to enhance coordination and implemen-
20 tation of programs and activities related to the du-
21 ties of the Office of Energy and Economic Transi-
22 tion in order to ensure that the administration of
23 programs, activities, and policies across Federal de-
24 partments and agencies are carried out in a con-
25 sistent and complementary manner;

1 (3) utilize, to the fullest extent possible, the
2 services, facilities and information (including statis-
3 tical information) of public and private agencies and
4 organizations, and individuals, in order that duplica-
5 tion of effort and expense may be avoided; and

6 (4) identify, based in part on recommendations
7 from the Stakeholder Advisory Committee estab-
8 lished under section 1005 and the public, opportuni-
9 ties to improve support for adversely affected work-
10 ers and adversely affected communities for relevant
11 Federal departments and agencies to take into con-
12 sideration and address.

13 (d) PUBLIC PARTICIPATION.—The Task Force
14 shall—

15 (1) hold public meetings or otherwise solicit
16 public participation for the purposes of developing
17 and coordinating policies and programs of the Fed-
18 eral Government related to adversely affected work-
19 ers and adversely affected communities in the Na-
20 tion’s transition to achieving net-zero greenhouse
21 gas emissions; and

22 (2) publish a summary of any comments and
23 recommendations provided pursuant to paragraph
24 (1).

1 **SEC. 1005. STAKEHOLDER ADVISORY COMMITTEE.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Director shall establish
4 a committee, to be known as the Stakeholder Advisory
5 Committee, to consult with representatives of adversely af-
6 fected communities, adversely affected workers, industry,
7 labor unions, economic development experts, State, local,
8 and Tribal governments, and other organizations and indi-
9 viduals, as determined appropriate by the Director, to ad-
10 dress the needs of workers and communities affected by
11 the Nation’s energy transition to net-zero greenhouse gas
12 emissions.

13 (b) MEMBERSHIP.—The Stakeholder Advisory Com-
14 mittee shall be comprised of members who have knowledge
15 of, or experience relating to, workers and communities ad-
16 versely affected by the Nation’s energy transition to net-
17 zero greenhouse gas emissions, with an emphasis on eco-
18 nomic development and diversification activities in ad-
19 versely affected communities, and shall include—

20 (1) representatives from labor unions, including
21 at least one representative from—

- 22 (A) the mining sector;
23 (B) the electricity generation sector;
24 (C) the manufacturing sector; and
25 (D) the transportation sector;

1 (2) community leaders from adversely affected
2 communities, including community leaders from
3 Tribal and indigenous communities;

4 (3) representatives from State, Tribal, and local
5 governments;

6 (4) experts in economic development;

7 (5) experts in workforce development;

8 (6) representatives from nongovernmental orga-
9 nizations, including environmental organizations;
10 and

11 (7) representatives from the private sector.

12 (c) RESPONSIBILITIES.—The Stakeholder Advisory
13 Committee shall provide independent advice and rec-
14 ommendations to the Director with respect to issues relat-
15 ing to the duties of the Office of Energy and Economic
16 Transition, including—

17 (1) improving participation, cooperation, and
18 communication between the Office and adversely af-
19 fected communities;

20 (2) recommending lessons learned and best
21 practices from communities, regions, and countries
22 that have gone through, are going through, or are
23 planning for an energy-related economic transition;

24 (3) supporting community-based public meet-
25 ings, as described in subsection (f);

1 (4) soliciting and receiving feedback from com-
2 munity-based transition hubs receiving grants pursu-
3 ant to section 1007; and

4 (5) producing a report within 2 years of estab-
5 lishment, and every 2 years thereafter, and make
6 recommendations, including actions that could be
7 taken under executive authority and new legislation.

8 (d) RECOMMENDATIONS FROM THE STAKEHOLDER
9 ADVISORY COMMITTEE.—The Director shall provide a
10 written response to each recommendation submitted in a
11 report under subsection (c) to the Director by the Stake-
12 holder Advisory Committee by not later than 180 days
13 after the date of submission of such report.

14 (e) COMMITTEE MEETINGS.—

15 (1) IN GENERAL.—The Stakeholder Advisory
16 Committee shall meet not less frequently than 3
17 times each calendar year.

18 (2) OPEN TO PUBLIC.—Each meeting of the
19 Stakeholder Advisory Committee shall be held open
20 to the public.

21 (3) DUTIES OF THE DIRECTOR.—The Director
22 (or a designee) shall—

23 (A) be present at each meeting of the
24 Stakeholder Advisory Committee;

1 (B) ensure that each meeting is conducted
2 in accordance with an agenda approved in ad-
3 vance by the Director;

4 (C) provide an opportunity for interested
5 persons—

6 (i) to file comments before or after
7 each meeting of the Stakeholder Advisory
8 Committee; or

9 (ii) to make statements at such a
10 meeting, to the extent that time permits;
11 and

12 (D) ensure that a high-level representative
13 from each department and agency from the
14 Interagency Energy and Economic Transition
15 Task Force convened pursuant to section 1004
16 are invited to, and encouraged to attend, each
17 meeting of the Stakeholder Advisory Com-
18 mittee.

19 (f) PUBLIC MEETINGS.—

20 (1) IN GENERAL.—Not later than 2 years after
21 the date of enactment of this Act, and each year
22 thereafter, the Director, in coordination with the
23 Stakeholder Advisory Committee, shall hold public
24 meetings to gather input with respect to the duties

1 of the Office of Energy and Economic Transition
2 and implementation of this title.

3 (2) OUTREACH TO ADVERSELY AFFECTED COM-
4 MUNITIES.—The Director, in advance of the meet-
5 ings described in subsection (a), shall hold meetings
6 in multiple adversely affected communities to pro-
7 vide meaningful community involvement opportuni-
8 ties.

9 (3) COORDINATION WITH COMMUNITY-BASED
10 TRANSITION HUBS.—The Director, in advance of the
11 meetings described in subsection (a), shall coordi-
12 nate and solicit comments from entities receiving
13 grants under section 1007.

14 (g) TRAVEL EXPENSES.—A member of the Stake-
15 holder Advisory Committee may be allowed travel ex-
16 penses, including per diem in lieu of subsistence, at such
17 rate as the Director determines to be appropriate while
18 away from the home or regular place of business of the
19 member in the performance of the duties of the Stake-
20 holder Advisory Committee, including participation in a
21 public meeting pursuant to subsection (f).

22 (h) DURATION.—The Stakeholder Advisory Com-
23 mittee shall remain in existence unless otherwise provided
24 by law.

1 **SEC. 1006. ASSISTANCE FOR ADVERSELY AFFECTED COM-**
2 **MUNITIES.**

3 (a) IN GENERAL.—The Director shall establish a pro-
4 gram to provide assistance to eligible local government en-
5 tities, including making payments to temporarily replace
6 eligible local revenues of such entities.

7 (b) REQUIREMENTS.—In implementing the program
8 in subsection (a), the Director shall—

9 (1) identify problems of counties, regions, met-
10ropolitan areas, Tribal governments, and commu-
11nities that result from the cessation of operations by
12impacted employers;

13 (2) use and maintain a uniform socioeconomic
14impact analysis;

15 (3) apply consistent policies, practices, and pro-
16cedures in the administration of Federal programs
17that are used to assist counties, Tribal governments,
18regions, metropolitan areas, communities, and busi-
19nesses;

20 (4) encourage effective Federal, State, Tribal,
21county, regional, metropolitan, and community co-
22operation and involvement of public interest groups,
23labor organizations, and private sector organizations
24in community adjustment activities;

25 (5) serve as a clearinghouse to exchange infor-
26mation among Federal, State, county, Tribal, re-

1 regional, metropolitan, and community officials in-
2 volved in community adjustment activities. Such in-
3 formation may include reports, studies, best prac-
4 tices, technical information, and sources of public
5 and private financing; and

6 (6) support planning activities of counties,
7 Tribal governments, regions, metropolitan areas, and
8 communities to promote diversification of local
9 economies.

10 (c) COMMUNITY ADJUSTMENTS TO ELIGIBLE LOCAL
11 GOVERNMENT ENTITIES.—The Director shall make an-
12 nual payments under this section to eligible local govern-
13 ment entities to replace eligible local revenues due to the
14 cessation of operations by impacted employers located
15 within the jurisdiction of such local government entities.

16 (d) ORDER OF PAYMENT.—The date of submission
17 of an eligible local government entity's application for as-
18 sistance shall establish the order in which assistance is
19 paid to program applicants, except that in no event shall
20 assistance be paid to a local government entity until such
21 time that an impacted employer has been closed. Any local
22 government entity seeking assistance under this section
23 shall submit an affidavit to the Director that an impacted
24 employer has ceased operating and an estimation of eligi-
25 ble local revenues. After receipt of such an affidavit under

1 this subsection, the Director shall confirm such informa-
2 tion.

3 (e) CONDITIONS ON PAYMENTS AND ASSISTANCE.—

4 An eligible local government entity shall—

5 (1) be eligible for not more than one payment
6 each fiscal year under this section; and

7 (2) not receive payments under this section for
8 more than 8 fiscal years.

9 (f) DETERMINATION OF PAYMENT AMOUNT.—The
10 amount of a payment under this section shall be deter-
11 mined by the Director based on the eligible local revenues
12 from one or more impacted employer to an eligible local
13 government entity equal to—

14 (1) 90 percent of eligible local revenues in the
15 first and second years;

16 (2) 75 percent of eligible local revenues in the
17 third and fourth years;

18 (3) 50 percent of eligible local revenues in the
19 fifth and sixth years; and

20 (4) 25 percent of eligible local revenues in the
21 seventh and eighth years.

22 (g) ADJUSTMENT OF PAYMENT AMOUNTS.—Not-
23 withstanding subsection (f), if the Director determines
24 that the total amount of payments to eligible local govern-
25 ment entities in any year would exceed the amount of

1 funding made available to carry out this section for that
2 year, the Director may reduce each eligible local govern-
3 ment entity's payment on a pro rata basis.

4 (h) REPORT TO THE DIRECTOR.—An eligible local
5 government entity receiving payment under this section
6 shall be required to submit an annual report to the Direc-
7 tor explaining the use of payments, including a description
8 of funding used for—

9 (1) infrastructure;

10 (2) telecommunications;

11 (3) education;

12 (4) health care;

13 (5) public safety, including police, fire, emer-
14 gency response, or other community support serv-
15 ices;

16 (6) drinking water and wastewater services;

17 (7) economic development and diversification;

18 (8) employment training, counseling, and place-
19 ment services for dislocated workers; and

20 (9) counseling and other social services for dis-
21 located workers.

22 (i) COMMUNITY ADJUSTMENTS, ECONOMIC DEVEL-
23 OPMENT, AND ECONOMIC DIVERSIFICATION PLANNING.—

24 The Director may make grants and supplement other Fed-
25 eral funds in order to assist a county, municipality, school

1 district, special district, or Tribal government in planning
2 for community adjustments, economic development, and
3 economic diversification even if such entity is not currently
4 eligible for assistance under this section if the Director
5 determines that there exists a reasonable likelihood that
6 such entity may become eligible in the future.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary for carrying out this section.

10 (k) DEFINITIONS.—In this section:

11 (1) ELIGIBLE LOCAL GOVERNMENT ENTITY.—

12 The term “eligible local government entity” means a
13 county, municipality, school district, special district,
14 or Tribal government that has one or more impacted
15 employer located within the jurisdiction of such enti-
16 ty that has ceased operations within the two years
17 prior to submitting an application to the Director,
18 resulting in at least a 25 percent reduction in total
19 revenues from the real property tax collections, roy-
20 alties, lease payments, transaction privilege taxes
21 and sales taxes, or payments in lieu of taxes owed
22 to such entity.

23 (2) ELIGIBLE LOCAL REVENUES.—The term

24 “eligible local revenues” means the amount of real
25 property taxes, royalty or lease payments, trans-

1 action privilege taxes and sales taxes, and payments
2 in lieu of taxes owed by one or more impacted em-
3 ployers to a county, municipality, school district,
4 special district, or Tribal government, based on the
5 average annual amount owed by such an impacted
6 employer for the 3 years prior to the cessation of op-
7 erations by such impacted employer.

8 **SEC. 1007. COMMUNITY-BASED TRANSITION HUB PROGRAM.**

9 (a) IN GENERAL.—The Director shall establish a pro-
10 gram to award grants to entities described in subsection
11 (b), to be known as Community-Based Transition Hubs,
12 to carry out the activities described in subsection (d).

13 (b) ELIGIBILITY.—To be eligible to receive a grant
14 under subsection (a), an entity shall demonstrate to the
15 Director that the entity—

16 (1) has existing relationships, or could readily
17 establish relationships, with local employers and em-
18 ployees, local county, municipal, and Tribal govern-
19 ments, local and regional economic development and
20 planning organizations, workforce development, edu-
21 cational, and job training resources, economic devel-
22 opment organizations, community organizations that
23 provide social services, and other organizations de-
24 termined appropriate by the Director;

1 (2) is capable of carrying out the duties de-
2 scribed in subsection (d);

3 (3) can meet the standards described in sub-
4 section (e); and

5 (4) can provide information consistent with the
6 standards developed under subsection (f).

7 (c) PRIORITY.—In awarding grants under this sec-
8 tion, the Director shall prioritize grants to entities located
9 in communities that—

10 (1) receive assistance under section 1006; or

11 (2) the Director determines there is a reason-
12 able likelihood may receive assistance under section
13 1006 within 5 years.

14 (d) DUTIES.—An entity that receives a grant under
15 this section shall—

16 (1) coordinate with the Office of Energy and
17 Economic Transition and relevant Federal depart-
18 ments and agencies regarding the latest information,
19 financial and technical assistance opportunities, and
20 best practices to support workers and communities
21 adversely affected by the Nation’s energy transition
22 to net-zero greenhouse gas emissions;

23 (2) provide capacity-building support and tech-
24 nical assistance, including grant writing assistance,
25 to local leaders and organizations, including elected

1 leaders, community leaders, business owners, and
2 labor leaders, to facilitate community-driven plan-
3 ning processes and on-going program development
4 and implementation related to assistance to dis-
5 placed workers and economic development and diver-
6 sification;

7 (3) advise communities that apply for assist-
8 ance under this title or under other Federal and
9 State programs, including providing guidance on the
10 procedures and deadlines for applying or petitioning
11 for such assistance;

12 (4) conduct public education activities, includ-
13 ing outreach to adversely affected workers with re-
14 spect to services and assistance available through
15 local, State, and Federal programs;

16 (5) provide information related to, and when
17 appropriate, facilitate enrollment in—

18 (A) training, employment counseling, em-
19 ployment opportunities, and placement services
20 for adversely affected workers, available in local
21 and regional areas, including information on
22 how to apply for such training and services;

23 (B) training programs and other services
24 provided by a State pursuant to title I of the
25 Workforce Investment Act of 1998 (29 U.S.C.

1 2801 et seq.) and available in local and regional
2 areas, including information on how to apply
3 for such training;

4 (C) educational opportunities and informa-
5 tion related financial aid, including referring
6 workers to educational opportunity centers de-
7 scribed in section 402F of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1070a–16),
9 where applicable;

10 (D) short-term prevocational services, in-
11 cluding development of learning skills, commu-
12 nications skills, interviewing skills, personal
13 maintenance skills, and professional conduct to
14 prepare individuals for employment or training;
15 and

16 (E) support services in local and regional
17 areas, including services related to childcare,
18 personal counseling (including substance abuse
19 treatment, suicide prevention, and mental
20 health care), family counseling, bankruptcy and
21 financial counseling, transportation, dependent
22 care, housing assistance, and need-related pay-
23 ments;

24 (6) provide individual employment counseling
25 for adversely affected workers, including develop-

1 ment of an individual employment plan to identify
2 employment goals and objectives, and appropriate
3 training to achieve those goals and objectives, or in-
4 formation to obtain such counseling in local and re-
5 gional areas;

6 (7) provide employment statistics information,
7 including the provision of accurate information relat-
8 ing to local, regional, and national labor market
9 areas, including—

10 (A) job vacancy listings in such labor mar-
11 ket areas;

12 (B) information on jobs skills necessary to
13 obtain jobs identified in job vacancy listings de-
14 scribed in subparagraph (A);

15 (C) information relating to local occupa-
16 tions that are in demand and earnings potential
17 of such occupations; and

18 (D) skills requirements for local occupa-
19 tions described in subparagraph (C); and

20 (8) provide information in a manner that is cul-
21 turally and linguistically appropriate to the needs of
22 the population being served.

23 (e) STANDARDS.—The Director shall establish stand-
24 ards for grant recipients under this section, including pro-
25 visions to ensure that any entity that receives a grant is

1 qualified to engage in the activities described in this sec-
2 tion.

3 (f) FAIR AND IMPARTIAL INFORMATION AND SERV-
4 ICES.—The Director, in consultation with States, Tribal
5 governments, and relevant Federal agencies, shall develop
6 standards to ensure that information made available by
7 grant recipients under this section is accurate and shall
8 provide such entities with relevant information and tech-
9 nical assistance to enable grant recipients under this sec-
10 tion to better perform the duties in subsection (d).

11 (g) LIMITATIONS ON GRANTS.—

12 (1) PERIOD.—In carrying out this section, the
13 Director shall ensure that the total period of a grant
14 does not exceed 6 years.

15 (2) AMOUNT.—In carrying out this section, the
16 Director shall ensure that the total amount awarded
17 to an entity during the total period of the grant does
18 not exceed \$12,000,000.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated such sums as are necessary
21 for carrying out this section.

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