

[DISCUSSION DRAFT]

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

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

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Climate Leadership  
5 and Environmental Action for our Nation’s Future Act”  
6 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 GOAL.**

5           It is hereby declared that it is the national goal for  
6 the United States to achieve a 100 percent clean economy  
7 by not later than 2050.

8       **SEC. 102. FEDERAL AGENCY PLANS.**

9           (a) **PLAN DEVELOPMENT.**—The head of each Federal  
10 agency shall, in accordance with this section, develop a

1 plan for actions to be taken by the Federal agency, con-  
2 sistent with the Federal agency's mission and exclusively  
3 through authorities vested in the Federal agency by provi-  
4 sions of law other than this Act, to achieve, in combination  
5 with the other Federal agencies, the national goal declared  
6 by section 101. Each Federal agency's plan shall include  
7 actions that will—

8 (1) make significant and rapid progress toward  
9 meeting such national goal; and

10 (2) constitute a substantial change from busi-  
11 ness-as-usual policies and practices of such Federal  
12 agency.

13 (b) ACTIONS TO MEET GOALS.—

14 (1) IN GENERAL.—Actions selected by the head  
15 of a Federal agency to include in a plan developed  
16 under subsection (a) may include issuing regula-  
17 tions, providing incentives, carrying out research and  
18 development programs, reducing the greenhouse gas  
19 emissions of such Federal agency itself, and any  
20 other action the head of the Federal agency deter-  
21 mines appropriate to achieve the national goal de-  
22 clared by section 101.

23 (2) SELECTION.—In selecting actions to include  
24 in a plan developed under subsection (a), the head

1 of each Federal agency shall select actions designed  
2 to—

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

10 (B) provide benefits for consumers, small  
11 businesses, farmers and ranchers, and rural  
12 communities;

13 (C) prioritize infrastructure investment  
14 that reduces emissions of greenhouse gases and  
15 other pollutants, creates quality jobs, and  
16 makes communities more resilient to the effects  
17 of climate change;

18 (D) enhance quality job creation and raise  
19 labor standards across the United States econ-  
20 omy, including removing policy barriers to labor  
21 union organizing, protecting labor agreements,  
22 applying prevailing wage, safety and health pro-  
23 tections, domestic content, and other provisions;

24 (E) lead in clean and emerging technology  
25 production and manufacturing across the sup-



1           ply chain and align policies to ensure United  
2           States companies retain their competitive edge  
3           in a clean economy;

4           (F) ensure fairness and equity for workers  
5           and communities affected by the transition to a  
6           100 percent clean economy; and

7           (G) prepare communities for climate  
8           change impacts and risks.

9           (c) PROPOSED PLAN.—

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

15           (2) INTERAGENCY REVIEW.—Not later than 9  
16           months after the date of enactment of this Act, the  
17           head of a Federal agency, after considering public  
18           comments and revising a proposed plan developed  
19           under subsection (a), as appropriate, shall submit  
20           the proposed plan to the Administrator for review  
21           and comment. The Administrator, in consultation  
22           with the Secretary where appropriate, shall—

23           (A) evaluate the sufficiency of each such  
24           proposed plan individually, and in combination  
25           with the proposed plans of other Federal agen-

1           cies, to achieve the national goal declared by  
2           section 101; and

3           (B) provide, not later than 90 days after  
4           receiving the proposed plan of a Federal agen-  
5           cy, written recommendations to such Federal  
6           agency to ensure that the plan is individually,  
7           and in combination with the proposed plans of  
8           other Federal agencies, sufficient to achieve the  
9           national goal declared by section 101 and ad-  
10          vance the objectives listed in subsection (b)(2).

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

14               (1) a plan developed under subsection (a) that  
15               incorporates revisions to the proposed plan, as ap-  
16               propriate, to address the recommendations provided  
17               by the Administrator under subsection (c);

18               (2) the recommendations provided by the Ad-  
19               ministrator under subsection (c); and

20               (3) recommendations of the Federal agency on  
21               additional authority for the Federal agency, if any,  
22               that would be helpful for such Federal agency, in  
23               combination with the other Federal agencies, to  
24               achieve the national goal declared by section 101.

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

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

10 (g) REVISIONS.—Not less frequently than every 24  
11 months after the head of a Federal agency submits to  
12 Congress the Federal agency’s plan under subsection (d),  
13 the head of such Federal agency, in consultation with the  
14 Administrator, shall review and revise the plan to ensure  
15 it is sufficient to achieve, in combination with the plans  
16 of the other Federal agencies, the national goal declared  
17 by section 101. The head of each Federal agency shall in-  
18 clude the conclusion of each such review and any revised  
19 plan resulting from such review in the next annual report  
20 required under subsection (h).

21 (h) ANNUAL REPORT.—Not later than March 31 of  
22 the calendar year after the calendar year in which each  
23 Federal agency is required to submit to Congress a plan  
24 under subsection (d), and not later than March 31 of each  
25 year thereafter, the head of each Federal agency shall

1 issue a public report on the plan of such Federal agency  
2 (including any revisions to such plan), actions taken by  
3 the Federal agency pursuant to such plan, and the effects  
4 of such actions, during the preceding calendar year.

5 **SEC. 103. ACCOUNTABILITY.**

6 (a) EPA REVIEW AND REPORTS.—The Adminis-  
7 trator shall—

8 (1) monitor the overall progress of the United  
9 States in reducing greenhouse gas emissions and to-  
10 ward achieving the national goal declared by section  
11 101; and

12 (2) not later than September 30 of the calendar  
13 year after the calendar year in which each Federal  
14 agency is required to submit to Congress a plan  
15 under section 102(d), and not later than September  
16 30 of each year thereafter, submit to Congress and  
17 publish a report on such progress that includes—

18 (A) a review of how such greenhouse gas  
19 emissions reductions relate to the international  
20 commitments of the United States; and

21 (B) recommendations developed under sub-  
22 section (b).

23 (b) RECOMMENDATIONS.—The Administrator shall  
24 include—

1 (1) in each annual report submitted under sub-  
2 section (a), as appropriate, after consulting with the  
3 Secretary and considering any recommendations of  
4 the Advisory Committee, recommendations regarding  
5 the rate of progress of the United States toward  
6 achieving the national goal declared by section 101;  
7 and

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

10 **SEC. 104. CLEAN ECONOMY FEDERAL ADVISORY COM-**  
11 **MITTEE.**

12 (a) ESTABLISHMENT.—Not later than 3 months after  
13 the date of enactment of this Act, the Administrator  
14 shall—

15 (1) establish an advisory committee, to be  
16 known as the Clean Economy Federal Advisory  
17 Committee, to make recommendations described in  
18 subsection (c); and

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

22 (A) 2 members who are State officials  
23 from different States, including at least 1 offi-  
24 cial from a State that has adopted greenhouse  
25 gas reduction targets.

1 (B) 2 members who are local government  
2 officials from different States than the States  
3 represented by the members appointed pursuant  
4 to subparagraph (A), including—

5 (i) 1 official from a city or county  
6 that has adopted greenhouse gas reduction  
7 targets; and

8 (ii) 1 official from a city or county  
9 that is impacted by the transition away  
10 from fossil energy.

11 (C) 1 member who represents an environ-  
12 mental nonprofit organization with expertise in  
13 mitigation of greenhouse gas emissions.

14 (D) 2 members who are members of envi-  
15 ronmental justice organizations representing en-  
16 vironmental justice communities.

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

20 (F) 2 members who are representatives of  
21 Tribal communities, including—

22 (i) 1 member from a community im-  
23 pacted by pollution from the fossil fuel in-  
24 dustry; and

1 (ii) 1 member from a community im-  
2 pacted by the transition away from fossil  
3 energy.

4 (G) 2 members who are members of the  
5 National Academy of Sciences and have exper-  
6 tise in climate science.

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

9 (i) 1 member from a utility sector  
10 union;

11 (ii) 1 member from a transportation  
12 sector union;

13 (iii) 1 member from a manufacturing  
14 union; and

15 (iv) 1 member from a building trades  
16 union.

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

20 (J) 2 members of the agriculture industry,  
21 including 1 member who is a farmer or rancher  
22 and 1 member who represents an organization  
23 that represents family farms.

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

4 (L) 2 members from the manufacturing  
5 sector, including at least 1 member who is from  
6 a business that has committed to net-zero  
7 greenhouse gas emissions.

8 (M) 2 members from the commercial and  
9 residential building sector, including at least 1  
10 member who is from a business that has com-  
11 mitted to improving energy efficiency in com-  
12 mercial or residential buildings.

13 (N) 1 member with expertise in public  
14 health.

15 (O) 1 member who is a young person who  
16 is associated with a climate and environmental  
17 organization.

18 (b) ORGANIZATION; TERMINATION.—

19 (1) SUBCOMMITTEES.—The Advisory Com-  
20 mittee may, as the Advisory Committee determines  
21 appropriate, establish subcommittees to provide ad-  
22 vice to the full Advisory Committee on matters with-  
23 in the respective subcommittee's area of expertise.  
24 At a minimum, the Advisory Committee shall con-  
25 sider establishing subcommittees on—



- 1 (A) environmental justice;
- 2 (B) climate justice;
- 3 (C) fairness and equity for workers; and
- 4 (D) the transition of communities depend-
- 5 ent upon fossil fuels.

6 (2) MEETINGS.—The Advisory Committee shall

7 meet not less frequently than 3 times in the first

8 year after it is established, and at least annually

9 thereafter.

10 (3) TERMS.—A member of the Advisory Com-

11 mittee shall be appointed for a term of 2 years and

12 the Administrator may reappoint members for no

13 more than 3 consecutive terms.

14 (4) VACANCIES.—Any vacancy in the Advisory

15 Committee shall be filled by the Administrator in the

16 same manner as the original appointment and not

17 later than 180 days after the occurrence of the va-

18 cancy.

19 (5) CHAIR.—The Advisory Committee shall ap-

20 point a chair from among the members of the Advi-

21 sory Committee by a majority of those voting, if a

22 quorum is present.

23 (6) QUORUM.—A two-thirds majority of mem-

24 bers of the full Advisory Committee shall constitute

25 a quorum.

1           (7) APPLICABILITY OF FACA.—The Advisory  
2           Committee shall be subject to the Federal Advisory  
3           Committee Act (5 U.S.C. App.).

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

6           (c) RECOMMENDATIONS.—

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

15          (2) ANNUAL REVIEW.—Not later than June 30  
16          of the calendar year after the calendar year in which  
17          each Federal agency is required to submit to Con-  
18          gress a plan under section 102(d), and not later  
19          than June 30 of each year thereafter, and upon the  
20          request of the Administrator, the Advisory Com-  
21          mittee may provide recommendations for the Admin-  
22          istrator to consider in developing recommendations  
23          to include in the annual report required under sec-  
24          tion 103.

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

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

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

16           (1) the best available science on the needed  
17 pace of reducing greenhouse gas emissions to limit  
18 global warming to 1.5° Celsius;

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

23           (3) the degree of progress considered necessary  
24 by a given date to maximize the likelihood that there  
25 is an economically and technically feasible path for-

1 ward from such date to achieve the national goal de-  
2 clared by section 101.

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

7 **SEC. 106. DEFINITIONS.**

8 For purposes of this subtitle:

9 (1) ADVISORY COMMITTEE.—The term “Advi-  
10 sory Committee” means the Clean Economy Federal  
11 Advisory Committee established pursuant to section  
12 104.

13 (2) ADMINISTRATOR.—The term “Adminis-  
14 trator” means the Administrator of the Environ-  
15 mental Protection Agency.

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

19 (4) GREENHOUSE GAS.—The term “greenhouse  
20 gas” means the heat-trapping gases for which the  
21 anthropogenic emissions are estimated and reported  
22 in the most recently issued “Inventory of U.S.  
23 Greenhouse Gas Emissions and Sinks” prepared an-  
24 nually by the Environmental Protection Agency in  
25 accordance with the commitments of the United

1 States under the United Nations Framework Con-  
2 vention on Climate Change.

3 (5) 100 PERCENT CLEAN ECONOMY.—The term  
4 “100 percent clean economy” means, with respect to  
5 the United States, economywide, net-zero greenhouse  
6 gas emissions, or negative greenhouse gas emissions,  
7 after annual accounting for sources and sinks of an-  
8 thropogenic greenhouse gas emissions consistent  
9 with the coverage of emissions reported by the  
10 United States under the United Nations Framework  
11 Convention on Climate Change.

12 (6) SECRETARY.—The term “Secretary” means  
13 the Secretary of Energy.

## 14 **Subtitle B—National Academy of** 15 **Sciences Review**

### 16 **SEC. 111. NATIONAL ACADEMY OF SCIENCES REVIEW.**

17 (a) IN GENERAL.—The Administrator of the Envi-  
18 ronmental Protection Agency shall seek to enter into an  
19 agreement with the National Academy of Sciences under  
20 which the Academy agrees to—

21 (1) conduct a study on matters concerning the  
22 national goal of achieving net-zero greenhouse gas  
23 emissions by 2050;

24 (2) not later than 3 years after the date of  
25 entry into such agreement, complete such study and

1 submit to the Congress and the Administrator a re-  
2 port on the results of such study that includes—

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

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

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

9 (A) the effectiveness of the metrics and  
10 method recommended in the report pursuant to  
11 subparagraphs (A) and (B) of paragraph (2) in  
12 evaluating progress toward reaching such goal;  
13 and

14 (B) the implementation by the Environ-  
15 mental Protection Agency of such metrics and  
16 method, and of other recommendations in such  
17 report.

18 (b) **TIMING OF AGREEMENT.**—The Administrator  
19 shall seek to enter into the agreement described in sub-  
20 section (a) not later than 180 days after the date of enact-  
21 ment of this Act.

22 (c) **REQUIREMENTS.**—The study and report pursuant  
23 to paragraphs (1) and (2) of subsection (a) shall—

- 1           (1) provide comprehensive metrics to measure  
2           lifecycle greenhouse gas emissions by sector and,  
3           where appropriate, major subsector, including—
- 4                   (A) industry;
  - 5                   (B) electricity and heat production;
  - 6                   (C) transportation;
  - 7                   (D) buildings;
  - 8                   (E) agriculture, forestry, and other land  
9           use; and
  - 10                  (F) other sectors or major subsectors se-  
11           lected by the Academy;
- 12           (2) provide methodologies, inputs, measure-  
13           ments, techniques, and equations to calculate  
14           lifecycle greenhouse gas emissions for each sector for  
15           which metrics are provided pursuant to paragraph  
16           (1) and, as the Academy deems appropriate, each  
17           major subsector for which such metrics are provided;
- 18           (3) identify limitations when evaluating and se-  
19           lecting metrics to calculate lifecycle greenhouse gas  
20           emissions, and any challenges relevant to calculating  
21           lifecycle greenhouse gas emissions;
- 22           (4) review and synthesize relevant existing as-  
23           sessments of lifecycle greenhouse gas emissions for  
24           each sector for which metrics are provided pursuant  
25           to paragraph (1) and, as the Academy deems appro-

1        appropriate, each major subsector for which such metrics  
2        are provided, including assessments produced by—

3                (A) the Intergovernmental Panel on Cli-  
4                mate Change;

5                (B) nongovernmental entities, nonprofit or-  
6                ganizations, and academic institutions;

7                (C) private actors;

8                (D) domestic and international government  
9                actors; and

10               (E) other international organizations;

11               (5) assess existing metrics and methodologies  
12               for accounting for negative emissions and sinks; and

13               (6) provide a methodology to use lifecycle  
14               greenhouse gas emissions metrics to determine  
15               sector- and major subsector-specific progress toward  
16               the national goal, including balancing emission  
17               sources, negative emissions, and sinks.

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

21               (1) improve scientific understanding key to as-  
22               sessing progress toward and success in achieving the  
23               national goal of net-zero greenhouse gas emissions  
24               by 2050;



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

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

5           (e) DEFINITIONS.—In this section:

6           (1) The term “Academy” means the National  
7           Academy of Sciences.

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

10          (3) The term “lifecycle greenhouse gas emis-  
11          sions” means the aggregate quantity of greenhouse  
12          gas emissions (including direct emissions and signifi-  
13          cant indirect emissions such as significant emissions  
14          from land-use changes), as determined by the Acad-  
15          emy over the full lifecycle of the respective green-  
16          house gases, across all stages of a given sector or  
17          major subsector’s supply chain, where the mass val-  
18          ues for all greenhouse gases are adjusted to account  
19          for their relative global warming potential and resi-  
20          dence time.

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

1           (5) The term “sinks” means a reservoir of  
2 greenhouse gases removed from the atmosphere  
3 through land-use and forestry practices, consistent  
4 with the United Nations Framework Convention on  
5 Climate Change (UNFCCC) national inventory ac-  
6 counting guidelines.

7                           **TITLE II—POWER**  
8                           **Subtitle A—Federal Clean**  
9                           **Electricity Standard**

10 **SEC. 201. PURPOSE.**

11           The purpose of this subtitle is to stimulate clean en-  
12 ergy innovation and deployment sufficient to allow the  
13 United States to achieve a net-zero emission electricity  
14 sector no later than 2050 at the lowest cost to electric  
15 energy consumers.

16 **SEC. 202. DEFINITIONS.**

17           In this subtitle:

18           (1) **AFFILIATE.**—The term “affiliate” has the  
19 meaning given such term in section 1262 of the En-  
20 ergy Policy Act of 2005 (42 U.S.C. 16451).

21           (2) **ASSOCIATE COMPANY.**—The term “associate  
22 company” has the meaning given such term in sec-  
23 tion 1262 of the Energy Policy Act of 2005 (42  
24 U.S.C. 16451).

1           (3) BEHIND-THE-METER GENERATION.—The  
2 term “behind-the-meter generation” means the gen-  
3 eration of electric energy using a system that oper-  
4 ates on the customer side of the applicable utility  
5 meter.

6           (4) CARBON DIOXIDE EQUIVALENT.—The term  
7 “carbon dioxide equivalent” means the number of  
8 metric tons of carbon dioxide emissions with the  
9 same global warming potential over a 20-year period  
10 as 1 metric ton of another greenhouse gas, including  
11 the effects of climate-carbon feedbacks for both car-  
12 bon dioxide and the other greenhouse gas, as deter-  
13 mined in accordance with the Fifth Assessment Re-  
14 port of the Intergovernmental Panel on Climate  
15 Change. For methane from fossil natural gas  
16 sources, the global warming potential shall include  
17 the effect of carbon dioxide from methane oxidation  
18 in the atmosphere.

19           (5) CARBON INTENSITY.—The term “carbon in-  
20 tensity” means the carbon dioxide equivalent emis-  
21 sions associated with the generation of 1 megawatt-  
22 hour of electric energy, as determined by the Sec-  
23 retary under section 205.

1           (6) CLEAN ENERGY CREDIT.—The term “clean  
2 energy credit” means a credit issued pursuant to  
3 section 204.

4           (7) ELECTRIC CONSUMER.—The term “electric  
5 consumer” has the meaning given such term in sec-  
6 tion 3 of the Public Utility Regulatory Policies Act  
7 of 1978 (16 U.S.C. 2602).

8           (8) GENERATING UNIT.—The term “generating  
9 unit” means a unit or system of units that—

10                   (A) generates not fewer than 5 megawatt-  
11 hours of electric energy per calendar year;

12                   (B) (i) delivers electric energy to the grid;  
13 or

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

16                           (I) delivers electric energy to the grid;  
17 or

18                           (II) generates electric energy that is  
19 consumed onsite for a useful purpose; and

20                   (C) generates energy that is consumed in  
21 the United States.

22           (9) GENERATOR.—The term “generator”  
23 means the owner or operator of a generating unit.

24           (10) GREENHOUSE GAS.—The term “green-  
25 house gas” means each of the following:

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

1 thermal energy is consumed for a useful pur-  
2 pose;

3 (B) produces at least—

4 (i) 20 percent of the useful energy of  
5 the system in the form of electric energy;  
6 and

7 (ii) 20 percent of the useful energy of  
8 the system in the form of useful thermal  
9 energy;

10 (C) to the extent that the system uses bio-  
11 mass, uses only qualified renewable biomass;  
12 and

13 (D) operates with an energy efficiency per-  
14 centage, as determined in accordance with sec-  
15 tion 48(c)(3)(C)(i) of the Internal Revenue  
16 Code of 1986, of greater than 50 percent.

17 (12) QUALIFIED ENERGY.—The term “qualified  
18 energy” means electric energy that is generated  
19 by—

20 (A) a generating unit with an annual car-  
21 bon intensity lower than 0.82; or

22 (B) a qualified combined heat and power  
23 system;

24 (C) a qualified waste-to-energy unit; or

25 (D) a facility that—

- 1 (i) captures the carbon dioxide from—
- 2 (I) a generating unit at the facil-
- 3 ity, resulting in an annual carbon in-
- 4 tensity for the facility that is lower
- 5 than 0.82;
- 6 (II) the waste stream of another
- 7 facility; or
- 8 (III) the atmosphere directly; and
- 9 (ii) permanently prevents the release
- 10 of the captured carbon dioxide into the at-
- 11 mosphere.

12 (13) QUALIFIED GENERATION.—

13 (A) IN GENERAL.—The term “qualified

14 generation” means the number of megawatt-

15 hours of electric energy that a generator gen-

16 erates using a generating unit and—

- 17 (i) sells; or
- 18 (ii) consumes onsite for a useful pur-
- 19 pose.

20 (B) AFFILIATE SALES.—For purposes of

21 calculating the quantity of electric energy sold

22 by a retail electricity supplier under this para-

23 graph, the quantity of electric energy sold—

- 24 (i) by an affiliate of the retail elec-
- 25 tricity supplier, or an associate company of

1 the retail electricity supplier, to an electric  
2 consumer (other than to a lessee or tenant  
3 of the affiliate or associate company) shall  
4 be treated as sold by the retail electricity  
5 supplier; and

6 (ii) by such retail electricity supplier  
7 to an affiliate, lessee, or tenant of the re-  
8 tail electricity supplier shall not be consid-  
9 ered to be a sale to an electric consumer.

10 (14) QUALIFIED LOW-CARBON FUEL.—

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

13 (i) is produced through any process  
14 that significantly limits or avoids green-  
15 house gas emissions; and

16 (ii) does not release any greenhouse  
17 gas during combustion.

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

20 (A)—

21 (i) ammonia; and

22 (ii) hydrogen.

23 (15) QUALIFIED RENEWABLE BIOMASS.—

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



- 1 (i) any crop byproduct or crop residue  
2 harvested from actively managed or fallow  
3 agricultural land that was cleared before  
4 January 1, 2019, if the harvesting of the  
5 residue does not lead to a net decline in  
6 soil organic matter for the applicable land;
- 7 (ii) any cellulose, hemicellulose, or  
8 lignin that is derived from a plant that is  
9 planted for the purpose of being used to  
10 produce energy on land that was, as of  
11 January 1, 2019—
- 12 (I) cropland, including fallow  
13 land or other land with a cropping  
14 history;
- 15 (II) a brownfield site (as defined  
16 in section 101(39) of the Comprehen-  
17 sive Environmental Response, Com-  
18 pensation, and Liability Act of 1980  
19 (42 U.S.C. 9601(39))); or
- 20 (III) an abandoned mine site;
- 21 (iii) nonhazardous algal or other  
22 microcrop matter; and
- 23 (iv) waste that is—

1 (I) methane captured from a  
2 landfill, an animal production facility,  
3 or a sewage treatment operation;

4 (II) nonhazardous landscape or  
5 right-of-way trimmings (but not in-  
6 cluding recyclable postconsumer waste  
7 paper, painted, treated, or pressurized  
8 wood, wood contaminated with plastic,  
9 or metals);

10 (III) tree tops, limbs, and other  
11 material removed from trees that are  
12 harvested for use in markets other  
13 than energy markets;

14 (IV) vegetative matter removed  
15 from an area located not more than  
16 200 yards from a building, residence,  
17 or campground for the purpose of  
18 hazardous fuels management;

19 (V) any byproduct of a wood or  
20 paper mill operation, including lignin  
21 in spent pulping liquors;

22 (VI) plant material removed for  
23 the purposes of invasive or noxious  
24 plant species control; or

1 (VII) downed wood from extreme  
2 weather events.

3 (B) EXCLUSION OF INVASIVE SPECIES.—

4 Except as provided in subparagraph (A)(vi), the  
5 term “qualified renewable biomass” does not in-  
6 clude any matter that the Secretary of Agri-  
7 culture, in consultation with other Federal or  
8 State departments and agencies the Secretary  
9 determines appropriate, determines is derived  
10 from—

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

12 or

13 (ii) a species or varieties of plants  
14 that are potentially invasive.

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

18 (A) from the combustion of—

19 (i) postrecycled municipal solid waste;

20 (ii) gas produced from the gasification  
21 or pyrolyzation of postrecycled municipal  
22 solid waste;

23 (iii) biogas;

24 (iv) landfill methane;

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

3 (vi) food waste;

4 (vii) paper products that are not com-  
5 monly recyclable, vegetation, tree trim-  
6 mings, and solid-wood yard waste, pallets,  
7 railroad ties, crates, and manufacturing  
8 and construction debris, if diverted from or  
9 separated from other waste out of a munic-  
10 ipal waste stream; or

11 (viii) any byproduct of a wood or  
12 paper mill operation, including lignin in  
13 spent pulping liquors; and

14 (B) at a facility that the Secretary has cer-  
15 tified, within the past 3 years, is in compliance  
16 with all applicable Federal and State environ-  
17 mental permits.

18 (17) RETAIL ELECTRICITY SUPPLIER.—

19 (A) IN GENERAL.—The term “retail elec-  
20 tricity supplier”, as determined for each cal-  
21 endar year, means an entity in the United  
22 States that sold not fewer than 20 megawatt-  
23 hours of electric energy to electric consumers  
24 for purposes other than resale during the pre-  
25 ceding calendar year.

1 (B) INCLUSIONS AND LIMITATIONS.—For  
2 purposes of making a determination under sub-  
3 paragraph (A) with respect to an entity—

4 (i) any sale of electric energy made by  
5 an affiliate of the entity to an electric con-  
6 sumer (other than to a lessee or tenant of  
7 the affiliate) for purposes other than resale  
8 may be considered to be a sale made by  
9 the entity; and

10 (ii) any sale of electric energy made  
11 by the entity to an affiliate, lessee, or ten-  
12 ant of the entity shall not be considered to  
13 be a sale to an electric consumer.

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

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

20 (20) STATE.—The term “State” has the mean-  
21 ing given such term in section 3(15) of the Public  
22 Utility Regulatory Policies Act of 1978 (16 U.S.C.  
23 2602(15)).

24 **SEC. 203. CLEAN ENERGY REQUIREMENT.**

25 (a) CLEAN ENERGY REQUIREMENT.—

1           (1) SUBMISSION.—Except as otherwise provided  
2           in this section, effective beginning with calendar  
3           year 2022, for each calendar year, not later than  
4           June 1 of the following calendar year, each retail  
5           electricity supplier shall submit to the Secretary a  
6           quantity of clean energy credits that is equal to—

7                   (A) for each of calendar years 2022 and  
8                   2023, the quantity of clean energy credits de-  
9                   termined under paragraph (2) for the retail  
10                  electricity supplier for such calendar year; and

11                  (B) for each of calendar years 2024  
12                  through 2050, the average of the quantity of  
13                  clean energy credits determined under para-  
14                  graph (2) for the retail electricity supplier for  
15                  such calendar year and the two prior calendar  
16                  years.

17           (2) DETERMINATION.—For each calendar year,  
18           the Secretary shall determine a quantity of clean en-  
19           ergy credits for a retail electricity supplier that is  
20           equal to the product obtained by multiplying—

21                   (A) the total quantity of electric energy, in  
22                   megawatt-hours, consumed by electric con-  
23                   sumers of the retail electricity supplier during  
24                   the calendar year, that is provided by the retail  
25                   electricity supplier or by a behind-the-meter

1 generation system, as reported under subsection  
2 (b); by

3 (B) the minimum percentage of qualified  
4 energy for the calendar year.

5 (3) DEFINITIONS.—In this subsection:

6 (A) ANNUAL PERCENTAGE INCREASE.—

7 The term “annual percentage increase” means,  
8 with respect to a retail electricity supplier, the  
9 product obtained by multiplying—

10 (i) the difference between 100 percent  
11 and the baseline qualified energy percent-  
12 age; by

13 (ii)  $\frac{1}{28}$ .

14 (B) BASELINE QUALIFIED ENERGY PER-  
15 CENTAGE.—

16 (i) IN GENERAL.—The term “baseline  
17 qualified energy percentage” means, with  
18 respect to a retail electricity supplier the  
19 average percentage of the electric energy  
20 consumed by all electric consumers of the  
21 retail electricity supplier that is qualified  
22 energy during calendar years 2017, 2018,  
23 and 2019.

24 (ii) QUALIFIED ENERGY CALCULA-  
25 TION.—In determining the baseline quali-

1           fied energy percentage, the Secretary shall  
2           calculate the number of megawatt-hours of  
3           qualified energy consumed by electric con-  
4           sumers in the same manner that the quan-  
5           tity of clean energy credits issued for the  
6           applicable type of qualified energy is deter-  
7           mined under section 205.

8           (C) MINIMUM PERCENTAGE OF QUALIFIED  
9           ENERGY.—The term “minimum percentage of  
10          qualified energy” means, with respect to a retail  
11          electricity supplier—

12                 (i) for calendar year 2022, the base-  
13                 line qualified energy percentage;

14                 (ii) for each of calendar years 2023  
15                 through 2050, the sum, not to exceed 100  
16                 percent, obtained by adding—

17                         (I) the minimum percentage of  
18                         qualified energy for the previous cal-  
19                         endar year; and

20                         (II) the annual percentage in-  
21                         crease; and

22                         (iii) for each calendar year after 2050,  
23                         100 percent.

24          (b) REPORTING ON BEHIND-THE-METER GENERA-  
25          TION.—Effective beginning in calendar year 2022, each



1 retail electricity supplier serving one or more behind-the-  
 2 meter generation systems may, not later than June 1 of  
 3 each calendar year, submit to the Secretary, in such form,  
 4 in such manner, and containing such information as the  
 5 Secretary may require, verification of the carbon intensity  
 6 of each behind-the-meter generation system and the quan-  
 7 tity of electric energy generated by each behind-the-meter  
 8 generation system that is consumed by electric consumers  
 9 served by the retail electricity supplier.

10 (c) ALTERNATIVE COMPLIANCE PAYMENTS.—A re-  
 11 tail electricity supplier may satisfy the requirements of  
 12 subsection (a) with respect to a calendar year, in whole  
 13 or in part, by submitting to the Secretary, in lieu of each  
 14 clean energy credit that would otherwise be due, an alter-  
 15 native compliance payment equal to the amount deter-  
 16 mined for such calendar year in accordance with the fol-  
 17 lowing table, adjusted for inflation:

Calendar year	Alternative compliance payment
2022 .....	\$22.00
2023 .....	\$23.50
2024 .....	\$25.00
2025 .....	\$26.50
2026 .....	\$28.00
2027 .....	\$29.50
2028 .....	\$31.00
2029 .....	\$32.50
2030 .....	\$34.00
2031 .....	\$35.50
2032 .....	\$37.00
2033 .....	\$38.50
2034 .....	\$40.00
2035 .....	\$41.50

Calendar year	Alternative compliance payment
2036 .....	\$43.00
2037 .....	\$44.50
2038 .....	\$46.00
2039 .....	\$47.50
2040 .....	\$49.00
2041 .....	\$50.50
2042 .....	\$52.00
2043 .....	\$53.50
2044 .....	\$55.00
2045 .....	\$56.50
2046 .....	\$58.00
2047 .....	\$59.50
2048 .....	\$61.00
2049 .....	\$62.50
2050 and each calendar year thereafter .....	\$64.00

**1 SEC. 204. CLEAN ENERGY CREDIT TRADING PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 1 year after  
 3 the date of enactment of this Act, the Secretary shall es-  
 4 tablish a clean energy credit trading program under  
 5 which—

6 (1) the Secretary records, tracks, enables cen-  
 7 tralized auctions for, and enables the bilateral trans-  
 8 fer of clean energy credits issued under section 205;  
 9 and

10 (2) a generator to whom such clean energy  
 11 credits are issued may sell or otherwise transfer  
 12 those credits, as provided or allowed by applicable  
 13 contracts, through—

14 (A) any auction established under the  
 15 clean energy credit trading program;

16 (B) direct sales; or

1 (C) other transactional arrangements that  
2 sell energy or generating capacity either sepa-  
3 rately or combined with the transfer of clean  
4 energy credits, including transactions that pair  
5 clean energy credits with the demand of the re-  
6 tail electricity supplier.

7 (b) CLEAN ENERGY CREDITS.—Except as provided  
8 in paragraphs (2) and (3) of subsection (c), the Secretary  
9 shall issue to each generator a quantity of clean energy  
10 credits determined in accordance with section 205, not  
11 later than March 1 of the calendar year after the calendar  
12 year for which the clean energy credits are issued.

13 (c) ADMINISTRATION.—In carrying out the program  
14 under this section, the Secretary shall ensure that—

15 (1) a clean energy credit may be—

16 (A) submitted only once under section  
17 203(a); and

18 (B) transferred to any entity that is reg-  
19 istered to participate in the clean energy trad-  
20 ing program including clean energy suppliers,  
21 retail customers, traders, and other parties;

22 (2) a clean energy credit issued for qualified en-  
23 ergy generated and sold for resale under a contract  
24 in effect on the date of enactment of this Act shall

1 be issued to the purchasing entity, unless otherwise  
2 provided by the contract; and

3 (3) with respect to qualified energy generated  
4 in a facility outside of the United States, a clean en-  
5 ergy credit may be issued only if the qualified energy  
6 is sold for resale in the United States.

7 (d) DELEGATION OF MARKET FUNCTION.—

8 (1) IN GENERAL.—In carrying out the program  
9 under this section, the Secretary may delegate, to 1  
10 or more appropriate entities—

11 (A) the administration of a transparent  
12 national market for the auctioning, sale, and  
13 trade of clean energy credits; and

14 (B) the measurement and tracking of dis-  
15 patch of qualified energy generation.

16 (2) ADMINISTRATION.—In making a delegation  
17 under paragraph (1)(B), the Secretary shall ensure  
18 that the tracking and reporting of information con-  
19 cerning the dispatch of qualified energy generation  
20 is transparent, verifiable, and independent of any  
21 generation or load interests subject to an obligation  
22 under this subtitle.

23 (e) BANKING OF CLEAN ENERGY CREDITS.—A clean  
24 energy credit may be used for compliance with the require-  
25 ments of section 203 for—

1 (1) the calendar year for which the clean energy  
2 credit is issued; or

3 (2) either of the 2 subsequent calendar years.

4 **SEC. 205. DETERMINATION OF QUANTITY OF CLEAN EN-**  
5 **ERGY CREDITS.**

6 (a) IN GENERAL.—Except as otherwise provided in  
7 this subtitle, the Secretary shall issue to a generator gen-  
8 erating qualified energy during a calendar year a quantity  
9 of clean energy credits for such generation that is equal  
10 to the product obtained by multiplying—

11 (1) the qualified generation of the generator  
12 during such calendar year; by

13 (2) the number that equals—

14 (A) 1.0; less

15 (B) the quotient obtained by dividing—

16 (i) the carbon intensity of the gener-  
17 ating units of such generator for such cal-  
18 endar year, as determined in accordance  
19 with subsection (b); by

20 (ii) 0.82.

21 (b) DETERMINATION OF CARBON INTENSITY.—

22 (1) IN GENERAL.—Except as otherwise pro-  
23 vided in this section, the Secretary shall determine  
24 the carbon intensity of each generating unit of a  
25 generator. Such determination shall be made using

1 data and methods from the Air Emission Measure-  
2 ment Center of the Environmental Protection Agen-  
3 cy for emission testing and monitoring, including—

4 (A) continuous emission monitoring sys-  
5 tems; and

6 (B) predictive emission monitoring sys-  
7 tems.

8 (2) NONEMITTING GENERATING UNITS.—Ex-  
9 cept as otherwise provided in this section, the Sec-  
10 retary shall assign a carbon intensity of zero for any  
11 generating unit of a generator that does not produce  
12 emissions of any greenhouse gas in generating elec-  
13 tric energy, including any generating unit that gen-  
14 erates electric energy only through the use of solar,  
15 wind, ocean, current, wave, tidal, geothermal, or nu-  
16 clear energy.

17 (3) FOSSIL FUEL ADJUSTMENT.—In deter-  
18 mining the carbon intensity of each generating unit  
19 using fossil fuel, the Secretary shall utilize the best  
20 available science, including with respect to the meas-  
21 urement of low-frequency, high-emission events, to  
22 account for—

23 (A) the carbon dioxide emissions of the  
24 generating unit; and

1 (B)(i) the average amount of greenhouse  
2 gas emissions, in terms of carbon dioxide equiv-  
3 alent, that occurs during extraction, flaring,  
4 processing, and transportation to generating  
5 units, of the fuel used by the generating unit in  
6 the United States; or

7 (ii) with respect to a generator that can  
8 demonstrate through the use of direct measure-  
9 ments of the applicable facilities, including of  
10 low-frequency, high-emission events, that a  
11 smaller amount of greenhouse gas emissions, in  
12 terms of carbon dioxide equivalent, than the  
13 amount described in clause (i) occurs during ex-  
14 traction, flaring, processing, and transportation  
15 to the applicable generating units, of natural  
16 gas, such smaller amount.

17 (4) HYDROPOWER ADJUSTMENT.—In deter-  
18 mining the carbon intensity of each generating unit  
19 using hydropower, the Secretary shall account for  
20 the greenhouse gas emissions of the hydropower fa-  
21 cility, including the applicable reservoir.

22 (5) LOW-CARBON FUEL ADJUSTMENT.—In de-  
23 termining the carbon intensity of each generating  
24 unit using a qualified low-carbon fuel, the Secretary  
25 shall account for the greenhouse gas emissions of

1 any source of electricity used in the production of  
2 such qualified low-carbon fuel.

3 (6) DETERMINATION AND NATIONAL ACADEMY  
4 OF SCIENCES STUDY.—The Secretary shall—

5 (A) not later than 180 days after the date  
6 of enactment of this section, enter into an  
7 agreement with the National Academy of  
8 Sciences, under which the Academy shall—

9 (i) evaluate data, models, and meth-  
10 odologies for quantifying lifecycle green-  
11 house gas emissions associated with gener-  
12 ating electric energy from each type of sig-  
13 nificant source of clean energy, including  
14 the sources described in section 202(12);

15 (ii) evaluate data, models, and meth-  
16 odologies for determining the appropriate  
17 credit value for use in the quantification of  
18 Federal clean energy credits under this  
19 section for—

20 (I) qualified renewable biomass,  
21 taking into consideration total  
22 lifecycle carbon dynamics, including—  
23 (aa) carbon absorbed  
24 through the regrowth of vegeta-  
25 tion;



- 1 (bb) avoided decomposition  
2 relating to the full fuel lifecycle;  
3 (cc) carbon sink value from  
4 land use changes and temporal  
5 changes in forest carbon seques-  
6 tration; and  
7 (dd) lifecycle greenhouse gas  
8 emissions, including—  
9 (AA) direct greenhouse  
10 gas emissions; and  
11 (BB) significant indi-  
12 rect greenhouse gas emis-  
13 sions, including all stages of  
14 fuel and feedstock produc-  
15 tion and distribution and  
16 feedstock generation or ex-  
17 traction through the dis-  
18 tribution and delivery of the  
19 finished fuel to electric con-  
20 sumers;  
21 (II) qualified waste-to-energy,  
22 taking into consideration total  
23 lifecycle carbon dynamics, including—

- 1 (aa) avoided decomposition
- 2 relating to the feedstock lifecycle;
- 3 and
- 4 (bb) lifecycle greenhouse gas
- 5 emissions, including—
- 6 (AA) direct greenhouse
- 7 gas emissions; and
- 8 (BB) indirect green-
- 9 house gas emissions; and
- 10 (III) qualified low-carbon fuels,
- 11 taking into consideration lifecycle
- 12 greenhouse gas emissions, including—
- 13 (aa) direct greenhouse gas
- 14 emissions; and
- 15 (bb) significant indirect
- 16 greenhouse gas emissions, includ-
- 17 ing—
- 18 (AA) all stages of fuel
- 19 and feedstock production
- 20 and distribution; and
- 21 (BB) feedstock genera-
- 22 tion or extraction through
- 23 the distribution and delivery
- 24 of the finished fuel to elec-
- 25 tric consumers;

1 (iii) evaluate the appropriateness of  
2 the definitions contained in section 202 of  
3 the terms—

4 (I) qualified renewable biomass,  
5 taking into consideration whether the  
6 definition should be expanded or con-  
7 tracted;

8 (II) qualified waste-to-energy;  
9 and

10 (III) qualified low-carbon fuel;

11 (iv) if it is determined under clause  
12 (iii)(I) that the definition of the term  
13 qualified renewable biomass should be ex-  
14 panded, evaluate tools for determining the  
15 allowable carbon stock removal levels dur-  
16 ing defined forest management operations;  
17 and

18 (v) not later than 540 days after the  
19 date of enactment of this section, publish  
20 a report that includes—

21 (I) a description of the evalua-  
22 tions under clauses (i) through (iv);  
23 and

24 (II) recommendations for—

1 (aa) determining the carbon  
2 intensity, accounting for lifecycle  
3 greenhouse gas emissions, of elec-  
4 tric energy generated from each  
5 type of significant source of clean  
6 energy evaluated under clause (i);

7 (bb) determining the credit  
8 value of electric energy generated  
9 from qualified renewable bio-  
10 mass, qualified waste-to-energy,  
11 and qualified low-carbon fuels;

12 (cc) if applicable, changes to  
13 the definitions of the terms quali-  
14 fied renewable biomass, qualified  
15 waste-to-energy, and qualified  
16 low-carbon fuel; and

17 (dd) if applicable, deter-  
18 mining the allowable carbon  
19 stock removal levels during de-  
20 fined forest management oper-  
21 ations;

22 (B) not later than 1 year after the date of  
23 publication of the report under subparagraph  
24 (A)(v), after providing notice an opportunity for

1 public comment, promulgate regulations, taking  
2 into consideration the report, for—

3 (i) calculating lifecycle greenhouse gas  
4 emissions of electric energy generated from  
5 each type of significant source of clean en-  
6 ergy evaluated under subparagraph (A)(i);

7 (ii) determining the carbon intensity  
8 of electric energy generated from each type  
9 of significant source of clean energy evalu-  
10 ated under subparagraph (A)(i); and

11 (iii) determining the credit value of  
12 electric energy generated from qualified re-  
13 newable biomass, qualified waste-to-energy,  
14 and qualified low-carbon fuels; and

15 (C) if recommended in the report under  
16 subparagraph (A)(v)(II)(cc), submit to Con-  
17 gress recommendations relating to changes to  
18 the definitions of the terms qualified renewable  
19 biomass, qualified waste-to-energy, and quali-  
20 fied low-carbon fuel for purposes of this section.

21 (7) CONSULTATION.—The Secretary shall con-  
22 sult with—

23 (A) in determining carbon intensities of  
24 generators pursuant to paragraph (2) and mak-  
25 ing adjustments pursuant to paragraph (3), the

1 Administrator of the Environmental Protection  
2 Agency;

3 (B) in promulgating regulations for calcu-  
4 lating lifecycle greenhouse gas emissions pursu-  
5 ant to paragraph (6)(B)(i) and determining  
6 carbon intensities pursuant to paragraph  
7 (6)(B)(ii), the Administrator of the Environ-  
8 mental Protection Agency;

9 (C) in promulgating regulations for deter-  
10 mining appropriate credit values pursuant to  
11 paragraph (6)(B)(iii)—

12 (i) the Administrator of the Environ-  
13 mental Protection Agency;

14 (ii) the Secretary of Agriculture; and

15 (iii) the Secretary of the Interior; and

16 (D) in making recommendations to Con-  
17 gress under paragraph (6)(C), the Adminis-  
18 trator of the Environmental Protection Agency,  
19 acting in consultation with the Scientific Advi-  
20 sory Board of the Environmental Protection  
21 Agency.

22 (c) QUALIFIED COMBINED HEAT AND POWER SYS-  
23 TEMS.—

24 (1) IN GENERAL.—The Secretary shall issue to  
25 a generator generating qualified energy during a cal-

1       endar year using a generating unit that is a quali-  
2       fied combined heat and power system a quantity of  
3       clean energy credits for such generation that is  
4       equal to—

5               (A) the product obtained by multiplying—

6                       (i) the number of megawatt-hours of  
7                       electric energy generated by the qualified  
8                       combined heat and power system during  
9                       such calendar year; by

10                      (ii) the number that equals—

11                               (I) 1.0; less

12                               (II) the quotient obtained by di-  
13                               viding—

14                                       (aa) the carbon intensity of  
15                                       the qualified combined heat and  
16                                       power system; by

17                                       (bb) 0.82; less

18               (B) the product obtained by multiplying—

19                       (i) the number of megawatt-hours of  
20                       electric energy generated by the qualified  
21                       combined heat and power system that are  
22                       consumed onsite during such calendar  
23                       year; by

24                       (ii) the average of the minimum an-  
25                       nual percentage of qualified energy to

1           which retail electricity suppliers in the re-  
2           gion of the generator are subject, as deter-  
3           mined by the Secretary.

4           (2) **ADDITIONAL CREDITS.**—In addition to  
5           clean energy credits issued under paragraph (1), the  
6           Secretary shall issue to a generator described in  
7           paragraph (1) clean energy credits for greenhouse  
8           gas emissions avoided as a result of the use of the  
9           applicable qualified combined heat and power sys-  
10          tem, rather than a separate thermal source, to meet  
11          the onsite thermal needs of the generator.

12          (d) **QUALIFIED RENEWABLE BIOMASS.**—The Sec-  
13          retary shall issue to a generator generating qualified en-  
14          ergy during a calendar year using qualified renewable bio-  
15          mass a quantity of clean energy credits for such genera-  
16          tion that is equal to the product obtained by multiplying—

17               (1) the qualified generation of the generator  
18               using qualified renewable biomass during such cal-  
19               endar year; by

20               (2) the carbon intensity of the generating units  
21               of the generator that use qualified renewable bio-  
22               mass, as determined under subsection (b).

23          (e) **QUALIFIED WASTE-TO-ENERGY.**—The Secretary  
24          shall issue to a generator generating qualified energy dur-  
25          ing a calendar year that is qualified waste-to-energy a



1 quantity of clean energy credits for such generation that  
2 is equal to the product obtained by multiplying—

3 (1) the qualified waste-to-energy of the gener-  
4 ator that is qualified generation during such cal-  
5 endar year; by

6 (2) the carbon intensity of the generating units  
7 of the generator used to generate qualified waste-to-  
8 energy, as determined under subsection (b).

9 (f) QUALIFIED LOW-CARBON FUELS.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), the Secretary shall issue to a generator  
12 generating qualified energy during a calendar year  
13 using qualified low-carbon fuels a quantity of clean  
14 energy credits for such generation that is equal to  
15 the product obtained by multiplying—

16 (A) the qualified generation of the gener-  
17 ator using qualified low-carbon fuels during  
18 such calendar year; by

19 (B) the carbon intensity of the generating  
20 units of the generator that use qualified low-  
21 carbon fuels, as determined under subsection  
22 (b).

23 (2) NO DOUBLE-COUNTING.—The Secretary  
24 shall not issue clean energy credits for electric en-  
25 ergy generated using a qualified low-carbon fuel that

1 is generated from electric energy for which a gener-  
2 ator is issued a clean energy credit under this sub-  
3 title.

4 (g) HYDROPOWER.—The Secretary shall issue to a  
5 generator generating qualified energy during a calendar  
6 year using hydropower a quantity of clean energy credits  
7 for such generation that is equal to the product obtained  
8 by multiplying—

9 (1) the qualified generation of the generator  
10 using hydropower during such calendar year; and

11 (2) the carbon intensity of the generating units  
12 of the generator that use hydropower, as determined  
13 under subsection (b).

14 (h) CARBON CAPTURE, UTILIZATION, AND STOR-  
15 AGE.—

16 (1) DEFINITIONS.—In this subsection, the  
17 terms “qualified carbon oxide”, “qualified enhanced  
18 oil or natural gas recovery project”, and “tertiary  
19 injectant” have the meanings given those terms in  
20 section 45Q of the Internal Revenue Code of 1986.

21 (2) QUANTITY OF CREDITS.—Except as other-  
22 wise provided in this subsection, the Secretary shall  
23 issue to a generator generating qualified energy dur-  
24 ing a calendar year by generating electric energy at  
25 a facility that captures and stores or utilizes quali-

1       fied carbon oxide from a waste stream of the gener-  
2       ator a quantity of clean energy credits for such gen-  
3       eration that is equal to the number of metric tons  
4       of qualified carbon oxide captured and stored or uti-  
5       lized.

6               (3) ADDITIONAL CREDITS.—The Secretary shall  
7       issue, to each generator described in paragraph (2)  
8       that also captures and stores or utilizes qualified  
9       carbon oxide from a waste stream other than the  
10      waste stream of the generator, or from the atmos-  
11      phere directly, a quantity of clean energy credits  
12      equal to the number of metric tons of qualified car-  
13      bon oxide captured and stored or utilized.

14              (4) SPECIAL RULES.—

15                      (A) REGULATIONS.—

16                              (i) IN GENERAL.—Subject to clause  
17                              (iii), not later than 1 year after the date  
18                              of enactment of this Act, the Secretary, in  
19                              consultation with the Administrator of the  
20                              Environmental Protection Agency, shall  
21                              promulgate regulations establishing—

22                                      (I) the conditions under which  
23                                      qualified carbon oxide may be safely  
24                                      and permanently stored for purposes

1 of issuing clean energy credits to a  
2 generator under this subsection; and

3 (II) in accordance with clause  
4 (ii), the methods and processes by  
5 which qualified carbon oxide may be  
6 utilized in a manner that ensures the  
7 removal of the qualified carbon oxide  
8 safely and permanently from the at-  
9 mosphere.

10 (ii) REQUIREMENTS.—For purposes  
11 of clause (i)(II)—

12 (I) utilization of qualified carbon  
13 oxide may include the production of  
14 substances, such as plastics and  
15 chemicals; and

16 (II) the regulations promulgated  
17 pursuant to that subclause shall mini-  
18 mize the escape or further emission of  
19 qualified carbon oxide into the atmos-  
20 phere.

21 (iii) EXISTING REQUIREMENTS.—In  
22 promulgating regulations pursuant to this  
23 subparagraph, the Secretary shall incor-  
24 porate any existing requirements for the  
25 permanent geologic storage of carbon diox-

1           ide, including any requirements under sec-  
2           tion 45Q of the Internal Revenue Code of  
3           1986.

4           (B) ADJUSTED QUANTITY.—

5                 (i) IN GENERAL.—Notwithstanding  
6           paragraphs (2) and (3), except as provided  
7           in clause (ii), the quantity of clean energy  
8           credits issued under this subsection to a  
9           generator using a generating unit at which  
10          qualified carbon oxide is captured and used  
11          as a tertiary injectant in a qualified en-  
12          hanced oil or natural gas recovery project  
13          shall be reduced by 50 percent.

14                 (ii) NO REDUCTION.—If the qualified  
15          carbon oxide captured and used as a ter-  
16          tiary injectant in a qualified enhanced oil  
17          or natural gas recovery project by a gener-  
18          ator achieves compliance with the condi-  
19          tions established pursuant to subparagraph  
20          (A)(i)(I), the quantity of clean energy  
21          credits issued to the generator shall not be  
22          reduced.

23                 (i) MAXIMUM QUANTITY OF CREDITS.—Not includ-  
24          ing any credits issued under subsection (h)(3), the total  
25          quantity of clean energy credits issued under this section

1 to a generator for a calendar year shall not exceed the  
2 number of megawatt-hours of the qualified generation of  
3 the generator for the calendar year.

4 (j) NO NEGATIVE CREDITS.—Notwithstanding any  
5 other provision of this subtitle, the Secretary shall not  
6 issue a negative quantity of clean energy credits to any  
7 generator.

8 **SEC. 206. CARBON MITIGATION.**

9 (a) ESTABLISHMENT.—Not later than December 1 of  
10 the first calendar year beginning after the date of enact-  
11 ment of this section, the Secretary shall establish a State  
12 energy efficiency, clean energy deployment, carbon capture  
13 and sequestration program.

14 (b) FUNDING.—All funds collected by the Secretary  
15 as alternative compliance payments under section 203(e),  
16 or as civil penalties under section 209, shall be used solely  
17 to carry out the program under this section.

18 (c) DISTRIBUTION TO STATES.—

19 (1) IN GENERAL.—The funds described in sub-  
20 section (b) shall be used by the Secretary, without  
21 further appropriation or fiscal year limitation, to  
22 provide funds to States, in an amount determined  
23 proportionally based on the amounts collected from  
24 each State, for activities that include—

1 (A) improvement to the energy efficiency  
2 of facilities and devices;

3 (B) the replacement of natural gas space  
4 heaters, natural gas water heaters, and natural  
5 gas stoves, with electric appliances;

6 (C) the replacement of fossil fuel-powered  
7 vehicles owned by State and local agencies with  
8 electric vehicles or other low-carbon fuel vehi-  
9 cles;

10 (D) the replacement of fossil fuel-powered  
11 ground airport and seaport vehicles with electric  
12 vehicles or other low-carbon fuel vehicles;

13 (E) installation of fast charging stations  
14 for electric vehicles along highways and other  
15 public roads in both urban areas and rural  
16 areas; and

17 (F) direct air capture and permanent se-  
18 questration or utilization of carbon dioxide.

19 (2) ACTIONS BY STATES.—A State that receives  
20 funds under this section shall maintain such records  
21 and evidence of compliance as the Secretary may re-  
22 quire.

23 (d) GUIDELINES AND CRITERIA.—

24 (1) BUY AMERICAN COMPLIANCE.—The funds  
25 made available under the program established under

1       this subsection shall not be used for a project unless  
2       the project achieves compliance with all applicable  
3       requirements of chapter 83 of title 41, United States  
4       Code (formerly known as the “Buy American Act”).

5               (2) DAVIS-BACON COMPLIANCE.—

6                       (A) IN GENERAL.—All laborers and me-  
7                       chanics employed on projects funded directly, or  
8                       assisted in whole or in part, by this section  
9                       shall be paid wages at rates not less than those  
10                      prevailing on projects of a character similar in  
11                      the locality as determined by the Secretary of  
12                      Labor in accordance with subchapter IV of  
13                      chapter 31 of part A of subtitle II of title 40,  
14                      United States Code (commonly referred to as  
15                      the “Davis-Bacon Act”).

16                     (B) AUTHORITY.—With respect to the  
17                     labor standards specified in this subparagraph,  
18                     the Secretary of Labor shall have the authority  
19                     and functions set forth in Reorganization Plan  
20                     Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.  
21                     App.) and section 3145 of title 40, United  
22                     States Code.

23               (3) ADDITIONAL GUIDELINES AND CRITERIA.—

24       The Secretary may issue such additional guidelines



1 and criteria for the program under this subsection  
2 as the Secretary determines to be appropriate.

3 **SEC. 207. STATE PROGRAMS.**

4 (a) SAVINGS PROVISION.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 nothing in this subtitle affects the authority of a  
7 State or a political subdivision of a State to adopt  
8 or enforce any law or regulation relating to—

9 (A) clean energy or renewable energy; or

10 (B) the regulation of a retail electricity  
11 supplier.

12 (2) FEDERAL LAW.—No law or regulation of a  
13 State or a political subdivision of a State may relieve  
14 a retail electricity supplier from compliance with an  
15 applicable requirement of this subtitle.

16 (b) COORDINATION.—The Secretary, in consultation  
17 with States that have clean energy and renewable energy  
18 programs in effect, shall facilitate, to the maximum extent  
19 practicable, coordination between the implementation of  
20 this subtitle and the relevant State clean energy and re-  
21 newable energy programs.

22 (c) MORE STRINGENT STATE CLEAN ENERGY PRO-  
23 GRAMS.—

24 (1) DETERMINATION.—

1 (A) IN GENERAL.—The Secretary, in con-  
2 sultation with States, shall determine whether  
3 each State is implementing a more stringent  
4 State clean energy program.

5 (B) DEADLINES.—The Secretary shall  
6 make a determination under subparagraph  
7 (A)—

8 (i) not later than January 1, 2021,  
9 with respect to a State clean energy or re-  
10 newable energy program in effect on the  
11 date of enactment of this Act, and every 5  
12 years thereafter; and

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

19 (C) PERIOD.—A determination under this  
20 paragraph shall be effective until the earlier  
21 of—

22 (i) the date that is 5 years after the  
23 date of the determination; or

24 (ii) the date on which the Secretary  
25 makes a subsequent determination under

1           this paragraph with respect to the applica-  
2           ble State program.

3           (2) DEEMING.—If the Secretary determines,  
4           under paragraph (1), that a State has a more strin-  
5           gent State clean energy program, a retail electricity  
6           supplier that is subject to and in compliance with  
7           such more stringent State clean energy program  
8           shall be deemed to be in compliance with the re-  
9           quirements of this subtitle for the period during  
10          which the determination is effective.

11          (3) DEFINITION.—In this section, the term  
12          “more stringent State clean energy program” means  
13          a State law that—

14                 (A) is demonstrated to result in a greater  
15                 percentage of qualified energy deployment than  
16                 would be achieved in the State under this sub-  
17                 title over a 5-year period; and

18                 (B) includes compliance mechanisms, in-  
19                 cluding the imposition of penalties, that are at  
20                 least as effective in enforcing compliance as the  
21                 system of enforcement under this subtitle.

22 **SEC. 208. INFORMATION COLLECTION.**

23          The Secretary may require any retail electricity sup-  
24          plier, generator, or any other entity that the Secretary de-  
25          termines appropriate, to submit to the Secretary any in-

1 formation the Secretary determines to be appropriate to  
2 carry out this subtitle.

3 **SEC. 209. CIVIL PENALTIES.**

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

5 (1) a retail electricity supplier that fails to meet  
6 the requirements of section 203 shall be subject to  
7 a civil penalty in an amount equal to the product ob-  
8 tained by multiplying—

9 (A) the aggregate quantity of clean energy  
10 credits that the retail electricity supplier failed  
11 to submit for the calendar year to comply with  
12 section 203; by

13 (B) 300 percent of the amount of alter-  
14 native compliance payment for the calendar  
15 year, as determined under section 203(c); and

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

22 (b) WAIVERS AND MITIGATION.—

23 (1) FORCE MAJEURE.—The Secretary may  
24 mitigate or waive a civil penalty under subsection (a)  
25 if the applicable retail electricity supplier or other

1       entity was unable to comply with an applicable re-  
2       quirement for reasons outside of the reasonable con-  
3       trol of the retail electricity supplier or other entity.

4           (2) REDUCTION FOR STATE PENALTIES.—The  
5       Secretary shall reduce the amount of a penalty de-  
6       termined under subsection (a) by the amount paid  
7       by the applicable retail electricity supplier to a State  
8       for failure to comply with the requirement of a State  
9       renewable energy program, if the State requirement  
10      is more stringent than the applicable requirement of  
11      this subtitle.

12      (c) PROCEDURE FOR ASSESSING PENALTY.—The  
13      Secretary shall assess a civil penalty under this section  
14      in accordance with section 333(d) of the Energy Policy  
15      and Conservation Act (42 U.S.C. 6303(d)).

16      **SEC. 210. REGULATIONS; REPORT.**

17      (a) REGULATIONS.—Not later than 1 year after the  
18      date of enactment of this Act, the Secretary shall promul-  
19      gate regulations to implement this subtitle.

20      (b) REPORT.—Not later than 6 years after the date  
21      of enactment of this Act, the Secretary shall submit to  
22      Congress a report evaluating the first five years of imple-  
23      mentation of this subtitle, including an evaluation of  
24      whether a crediting mechanism could account for marginal  
25      carbon displacement achieved at the time and place that

1 a generator generating qualified energy delivers energy to  
2 the grid (minus any carbon emissions produced by the  
3 generator generating qualified energy).

## 4 **Subtitle B—Federal Energy** 5 **Regulatory Reform**

### 6 **SEC. 211. NATIONAL POLICY ON TRANSMISSION.**

7 It is the policy of the United States that—

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

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

1           (3) the public interest is served by overcoming  
2           regulatory and jurisdictional barriers to coordinated  
3           and cost-effective investments in the Nation’s elec-  
4           tric grid system that enable deployment of cost-effec-  
5           tive clean energy resources; and

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

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

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

1 (C) prioritizing regional and interregional  
2 projects that provide access to demand for clean  
3 energy resources.

4 **SEC. 212. RULEMAKING TO INCREASE THE EFFECTIVENESS**  
5 **OF THE INTERREGIONAL TRANSMISSION**  
6 **PLANNING PROCESS.**

7 (a) IN GENERAL.—Not later than 6 months after the  
8 date of the enactment of this section, the Federal Energy  
9 Regulatory Commission (hereinafter referred to as “the  
10 Commission”) shall initiate a rulemaking to increase the  
11 effectiveness of the interregional transmission planning  
12 process.

13 (b) ASSESSMENT.—In conducting the rulemaking  
14 under subsection (a), the Commission shall assess—

15 (1) the effectiveness of interregional trans-  
16 mission planning processes for identifying trans-  
17 mission planning solutions that provide economic, re-  
18 liability, operation, and public policy benefits, taking  
19 into consideration—

20 (A) the public interest;

21 (B) the integrity of markets; and

22 (C) the protection of consumers; and

23 (2) proposed changes to the processes described  
24 in paragraph (1) to ensure that efficient, cost-effec-  
25 tive, and broadly beneficial transmission solutions



1 are selected for construction, taking into consider-  
2 ation—

- 3 (A) the public interest;
- 4 (B) the integrity of markets;
- 5 (C) the protection of consumers; and
- 6 (D) the range of benefits that interregional  
7 transmission provides.

8 (c) EMPHASIS.—In conducting the rulemaking under  
9 subsection (a), the Commission shall develop rules that  
10 emphasize—

11 (1) the need for a solution to secure approval  
12 based on a comprehensive assessment of the multiple  
13 benefits the solution is expected to provide;

14 (2) that interregional benefit analyses made be-  
15 tween multiple regions should not be subject to reas-  
16 sessment by a single regional entity;

17 (3) the importance of synchronizing the plan-  
18 ning processes between regions that neighbor one  
19 another, including using one timeline with a single  
20 set of needs, input assumptions, and benefit metrics;

21 (4) that evaluation of long-term scenarios  
22 should align with the expected life of an inter-  
23 regional transmission solution;

1           (5) that transmission planning authorities  
2           should allow for the identification and joint evalua-  
3           tion between regions of alternative proposals;

4           (6) that the interregional transmission planning  
5           process should take place not less frequently than  
6           once every 3 years;

7           (7) the elimination of arbitrary voltage, size, or  
8           cost requirements for an interregional transmission  
9           solution; and

10          (8) cost allocation methodologies that reflect  
11          the multiple benefits provided by an interregional  
12          transmission solution.

13          (d) **TIMING.**—Not later than 1 year after the date  
14          of the enactment of this section, the Commission shall  
15          complete the rulemaking initiated under subsection (a).

16          (e) **DEFINITIONS.**—In this section:

17               (1) **INTERREGIONAL BENEFIT ANALYSIS.**—The  
18               term “interregional benefit analysis” means the  
19               identification and evaluation of the estimated bene-  
20               fits of interregional transmission facilities in two or  
21               more neighboring transmission planning regions to  
22               meet the needs for transmission system reliability,  
23               economic, and public policy requirements, that are  
24               not addressed by those transmission planning re-  
25               gions in their regional processes.

1           (2) INTERREGIONAL TRANSMISSION PLANNING  
2           PROCESS.—The term “interregional transmission  
3           planning process” means an evaluation of trans-  
4           mission needs established by public utility trans-  
5           mission providers in two or more neighboring trans-  
6           mission planning regions that are jointly evaluated  
7           by those regions.

8           (3) INTERREGIONAL TRANSMISSION SOLU-  
9           TION.—The term “interregional transmission solu-  
10          tion” means an interregional transmission facility  
11          that is evaluated by two or more neighboring trans-  
12          mission planning regions and determined by each of  
13          those regions for the ability of the project to effi-  
14          ciently or cost effectively meet regional transmission  
15          needs or to provide substantial benefits that are not  
16          addressed in either of the region’s regional planning  
17          processes.

18          (4) TRANSMISSION PLANNING AUTHORITY.—  
19          The term “transmission planning authority” means  
20          the public utility transmission provider within a  
21          transmission planning region that is required to cre-  
22          ate a regional transmission plan that identifies  
23          transmission facilities and nontransmission alter-  
24          natives needed to meet regional needs.

1           (5) TRANSMISSION PLANNING REGIONS.—The  
2           term “transmission planning regions” means the  
3           transmission planning regions recognized by the  
4           Commission as compliant with the final rule entitled  
5           “Transmission Planning and Cost Allocation by  
6           Transmission Owning and Operating Public Utili-  
7           ties” located at part 35 of title 18, Code of Federal  
8           Regulations (or any successor regulation).

9   **SEC. 213. REVIEW OF THE EFFECTIVENESS OF POLICIES**  
10                           **AND INCENTIVES TO ENCOURAGE DEPLOY-**  
11                           **MENT OF ADVANCED TRANSMISSION TECH-**  
12                           **NOLOGIES.**

13           Not later than 1 year after the date of enactment  
14           of this Act, the Federal Energy Regulatory Commission  
15           shall carry out a review of, and submit to Congress a re-  
16           port—

17           (1) describing its progress, pursuant to the rule  
18           issued under section 219 of the Federal Power Act  
19           (16 U.S.C. 824s), in encouraging deployment of  
20           transmission technologies and other measures, in-  
21           cluding dynamic line ratings, flow control devices,  
22           and network topology optimization, to increase the  
23           capacity and efficiency of existing transmission fa-  
24           cilities and improve the operation of the facilities;  
25           and

1           (2) that includes an evaluation of how such  
2 rule, and any other applicable rule or policy of the  
3 Commission, could be modified to encourage greater  
4 deployment of such transmission technologies and  
5 other measures.

6 **SEC. 214. PUBLIC ENGAGEMENT AT FERC.**

7           Section 319 of the Federal Power Act (16 U.S.C.  
8 825q-1) is amended to read as follows:

9 **“SEC. 319. OFFICE OF PUBLIC PARTICIPATION AND CON-**  
10 **SUMER ADVOCACY.**

11           “(a) DEFINITIONS.—In this section:

12           “(1) ADVISORY COMMITTEE.—The term ‘Advi-  
13 sory Committee’ means the Public and Consumer  
14 Advocacy Advisory Committee established under  
15 subsection (f)(1).

16           “(2) DIRECTOR.—The term ‘Director’ means  
17 the Director of the Office appointed under sub-  
18 section (c)(1).

19           “(3) ENERGY CUSTOMER.—The term ‘energy  
20 customer’ means a residential customer or a small  
21 commercial customer that receives products or serv-  
22 ices from—

23           “(A) a public utility or natural gas com-  
24 pany under the jurisdiction of the Commission;  
25           or

1 “(B) an electric cooperative.

2 “(4) NATURAL GAS COMPANY.—The term ‘nat-  
3 ural gas company’ has the meaning given the term  
4 ‘natural-gas company’ in section 2 of the Natural  
5 Gas Act (15 U.S.C. 717a), as modified by section  
6 601(a)(1)(C) of the Natural Gas Policy Act of 1978  
7 (15 U.S.C. 3431(a)(1)(C)).

8 “(5) OFFICE.—The term ‘Office’ means the Of-  
9 fice of Public Participation and Consumer Advocacy  
10 established by subsection (b).

11 “(b) ESTABLISHMENT.—There is established within  
12 the Commission an office, to be known as the ‘Office of  
13 Public Participation and Consumer Advocacy’.

14 “(c) DIRECTOR.—

15 “(1) IN GENERAL.—The Office shall be headed  
16 by a Director, to be appointed by the Secretary of  
17 Energy from among individuals who—

18 “(A) are licensed attorneys admitted to the  
19 bar of—

20 “(i) any State; or

21 “(ii) the District of Columbia; and

22 “(B) have experience relating to public  
23 utility proceedings.

24 “(2) DUTIES.—The Director shall coordinate  
25 assistance made available to—

1           “(A) the public, with respect to authorities  
2 exercised by the Commission; and

3           “(B) individuals and entities intervening or  
4 participating, or proposing to intervene or par-  
5 ticipate, in proceedings before the Commission.

6           “(3) COMPENSATION AND POWERS.—

7           “(A) COMPENSATION.—The Director shall  
8 be compensated at a rate equal to the daily  
9 equivalent of the annual rate of basic pay pre-  
10 scribed for level IV of the Executive Schedule  
11 under section 5315 of title 5, United States  
12 Code.

13           “(B) POWERS.—The Director may—

14           “(i) employ at the Office—

15           “(I) not more than 125 full-time  
16 professional employees at appropriate  
17 levels of the General Schedule; and

18           “(II) such additional support  
19 personnel as the Director determines  
20 to be necessary; and

21           “(ii) procure for the Office such tem-  
22 porary and intermittent services as the Di-  
23 rector determines to be necessary.

24           “(d) POWERS OF OFFICE.—The Office may—

1           “(1) intervene, appear, and participate, in ac-  
2           cordance with this section, in administrative, regu-  
3           latory, or judicial proceedings on behalf of energy  
4           customers with respect to any matter concerning  
5           natural gas siting and infrastructure development  
6           under the jurisdiction of the Commission or the  
7           rates, charges, prices, tariffs, or service of public  
8           utilities and natural gas companies under the juris-  
9           diction of the Commission by representing the inter-  
10          ests of the energy customers—

11                   “(A) on any matter before the Commission  
12                   concerning rates or service of such a public util-  
13                   ity or natural gas company; or

14                   “(B) as amicus curiae in—

15                           “(i) a review in any United States  
16                           court of a ruling by the Commission in  
17                           such a matter; or

18                           “(ii) a hearing or proceeding in any  
19                           other Federal regulatory agency or com-  
20                           mission relating to such a matter;

21           “(2) support public participation in the siting  
22           and permitting of natural gas storage and distribu-  
23           tion infrastructure under the jurisdiction of the  
24           Commission;



1           “(3) monitor and review energy customer com-  
2           plaints and grievances on matters concerning rates  
3           or service of public utilities and natural gas compa-  
4           nies under the jurisdiction of the Commission;

5           “(4) employ means, such as public dissemina-  
6           tion of information, consultative services, and tech-  
7           nical assistance, to ensure, to the maximum extent  
8           practicable, that the interests of energy customers  
9           are adequately represented in the course of any  
10          hearing or proceeding described in paragraph (1);

11          “(5) collect data concerning rates or service of  
12          public utilities and natural gas companies under the  
13          jurisdiction of the Commission;

14          “(6) prepare and issue reports and rec-  
15          ommendations; and

16          “(7) take such other actions as the Director de-  
17          termines to be necessary to ensure just and reason-  
18          able rates for energy customers.

19          “(e) INFORMATION FROM FEDERAL DEPARTMENTS  
20          AND AGENCIES.—

21          “(1) IN GENERAL.—The Director may secure  
22          directly from a Federal department or agency such  
23          information as the Director considers to be nec-  
24          essary to carry out this section.

1           “(2) PROVISION OF INFORMATION.—On request  
2 of the Director under paragraph (1), the head of a  
3 Federal department or agency shall, to the extent  
4 practicable and authorized by law, provide the infor-  
5 mation to the Office.

6           “(f) PUBLIC AND CONSUMER ADVOCACY ADVISORY  
7 COMMITTEE.—

8           “(1) ESTABLISHMENT.—The Director shall es-  
9 tablish an advisory committee, to be known as the  
10 ‘Public and Consumer Advocacy Advisory Com-  
11 mittee’—

12                   “(A) to review rates, services, and dis-  
13 putes; and

14                   “(B) to make recommendations to the Di-  
15 rector.

16           “(2) COMPOSITION.—The Advisory Committee  
17 shall—

18                   “(A) be composed of such members as the  
19 Director determines to be appropriate; but

20                   “(B) include not fewer than—

21                           “(i) 2 individuals representing State  
22 utility consumer advocates; and

23                           “(ii) 1 individual representing a non-  
24 governmental organization that represents  
25 consumers.

1           “(3) MEETINGS.—The Advisory Committee  
2 shall meet at such frequency as is required to carry  
3 out the duties of the Advisory Committee.

4           “(4) REPORTS.—The Director shall publish the  
5 recommendations of the Advisory Committee on the  
6 public internet website established for the Office.

7           “(5) DURATION.—Notwithstanding any other  
8 provision of law, the Advisory Committee shall con-  
9 tinue in operation during the period for which the  
10 Office exists.

11           “(6) APPLICATION OF FACAs.—Except as other-  
12 wise specifically provided, the Advisory Committee  
13 shall be subject to the Federal Advisory Committee  
14 Act (5 U.S.C. App.).

15           “(g) REPORTS AND GUIDANCE.—As the Director de-  
16 termines to be appropriate, the Office shall issue to the  
17 Commission and entities subject to regulation by the Com-  
18 mission reports and guidance—

19           “(1) regarding market practices;

20           “(2) proposing improvements in Commission  
21 monitoring of market practices; and

22           “(3) addressing potential improvements to in-  
23 dustry and Commission practices.

1           “(h) OUTREACH.—The Office shall promote, through  
2 outreach, publications, and, as appropriate, direct commu-  
3 nication with entities regulated by the Commission—

4           “(1) improved compliance with Commission  
5 rules and orders; and

6           “(2) public participation in the siting and per-  
7 mitting of natural gas storage and distribution infra-  
8 structure under the jurisdiction of the Commission.

9           “(i) COMPENSATION TO ELIGIBLE RECIPIENTS FOR  
10 INTERVENTION OR PARTICIPATION.—

11           “(1) DEFINITION OF ELIGIBLE RECIPIENT.—In  
12 this subsection, the term ‘eligible recipient’ means  
13 an individual or entity—

14           “(A) that intervenes or participates in any  
15 proceeding before the Commission;

16           “(B) the intervention or participation of  
17 which substantially contributed to the approval,  
18 in whole or in part, of a position advocated by  
19 the individual or entity in the proceeding; and

20           “(C) that is—

21           “(i) an individual;

22           “(ii) an energy customer; or

23           “(iii) a representative of the interests  
24 of energy customers.

1           “(2) COMPENSATION.—Subject to paragraph  
2           (3), the Commission, in accordance with regulations  
3           promulgated by the Commission, may provide to any  
4           eligible recipient compensation for reasonable attorney  
5           fees, expert witness fees, and other costs of intervening  
6           or participating in the applicable proceeding before the Commission.  
7

8           “(3) REQUIREMENT.—The Commission may  
9           only provide compensation under paragraph (2) if  
10          the Commission determines that—

11                  “(A) the applicable proceeding is significant;  
12                  cant;

13                  “(B) the compensation is approved by the  
14                  Advisory Committee; and

15                  “(C) the intervention or participation by  
16                  the eligible recipient in the proceeding without  
17                  receipt of compensation constitutes a significant  
18                  financial hardship to the eligible recipient.

19          “(j) SAVINGS CLAUSE.—Nothing in this section restricts or otherwise affects—

21                  “(1) any right or obligation of an intervenor,  
22                  participant, State utility consumer advocate, energy  
23                  customer, or group of energy customers under any  
24                  other applicable provision of law (including regulations); or  
25

1           “(2) the work of Commission trial staff in rep-  
2           resenting the public interest and pursuing appro-  
3           priate resolutions in contested matters before the  
4           Commission.

5           “(k) FUNDING.—Of the amounts received by the  
6           Commission for fiscal year 2021 and each fiscal year  
7           thereafter as a result of any fee imposed by the Commis-  
8           sion, the Commission shall use such sums as are necessary  
9           to establish and provide for the operation of the Office  
10          under this section.”.

11 **SEC. 215. PUBLIC INTEREST UNDER THE NATURAL GAS**  
12 **ACT.**

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

16                 (1) in subsection (a), by striking “, unless, after  
17                 opportunity for hearing, it finds that the proposed  
18                 exportation or importation will not be consistent  
19                 with the public interest” and inserting “if, after op-  
20                 portunity for hearing, it finds that the proposed ex-  
21                 portation or importation is in the public interest”;  
22                 and

23                 (2) by amending subsection (c) to read as fol-  
24          lows:

1 “(c) PUBLIC INTEREST.—In making a finding under  
2 this section regarding whether a proposed exportation or  
3 importation is in the public interest, the Commission  
4 shall—

5 “(1) ensure that the potential benefits outweigh  
6 any adverse effects; and

7 “(2) consider—

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

9 “(B) regional infrastructure need deter-  
10 minations;

11 “(C) all environmental impacts and con-  
12 cerns identified pursuant to the National Envi-  
13 ronmental Policy Act, including any direct, indi-  
14 rect, and cumulative effects on climate change;  
15 and

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

17 (b) EXTENSION OF FACILITIES; ABANDONMENT OF  
18 SERVICE.—Section 7 of the Natural Gas Act (15 U.S.C.  
19 717f) is amended by adding at the end the following:

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

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

25 “(2) consider—

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

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

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

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

10 **SEC. 216. MODIFICATIONS TO EXERCISE OF THE RIGHT OF**  
11 **EMINENT DOMAIN BY HOLDER OF A CERTIFI-**  
12 **CATE OF PUBLIC CONVENIENCE AND NECES-**  
13 **SITY.**

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

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

19 (2) by adding at the end the following new  
20 paragraphs:

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



1           “(A) obtains all Federal and State permits re-  
2           quired by law for the construction and operation of  
3           pipeline facilities; and

4           “(B) complies with all environmental conditions  
5           appended to the certificate order.

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

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

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

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

16               “(ii) the holder complies with all environ-  
17               mental conditions appended to the certificate  
18               order.

19          “(4) A holder of a certificate of public convenience  
20          and necessity who requests a material amendment to the  
21          certificate and has the exercise of the right of eminent do-  
22          main suspended under paragraph (3)(A) may not com-  
23          mence a new action or proceeding to exercise the right  
24          of eminent domain under paragraph (1) until such time  
25          as—

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

3           “(B) the holder—

4                 “(i) obtains all additional Federal and  
5                 State permits required by law pursuant to the  
6                 amended certificate; and

7                 “(ii) complies with all environmental condi-  
8                 tions appended to the amended certificate  
9                 order.

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

18          (b) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply—

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

24                 (2) to any request for a material amendment to  
25 a certificate of public convenience and necessity oc-

1 curring on or after the date of enactment of this  
2 Act.

3 **SEC. 217. MARKET BARRIERS TO CLEAN ENERGY DEVELOP-**  
4 **MENT.**

5 (a) CARBON PRICING.—The Federal Energy Regu-  
6 latory Commission may approve a carbon pricing regime  
7 that reflects the externalities associated with greenhouse  
8 gas emissions, to be used in setting rates and charges  
9 under sections 205 and 206 of the Federal Power Act.

10 (b) RIGHT TO CLEAN ENERGY.—Notwithstanding  
11 section 212(h) of the Federal Power Act, no State may  
12 establish or enforce any law or regulation that prohibits  
13 or unreasonably burdens the purchase of clean electricity  
14 in interstate commerce by an ultimate consumer. Nothing  
15 in this subsection may be construed to affect any contract  
16 in effect on the date of enactment of this section.

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

20 (1) by striking “voluntary”; and

21 (2) by adding at the end the following: “The  
22 Commission shall require each public utility to place  
23 its transmission facilities under the control of an  
24 ISO or an RTO not later than two years after the  
25 date of enactment of the CLEAN Future 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 enactment  
24           of this paragraph, each State regulatory authority  
25           (with respect to each electric utility for which the

1 State regulatory authority has ratemaking authority)  
2 and each nonregulated utility shall commence the  
3 consideration referred to in section 111, or set a  
4 hearing date for consideration, with respect to the  
5 standard established by paragraph (20) of section  
6 111(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 that  
23 paragraph.”.

1 **SEC. 222. COORDINATION OF PROGRAMS.**

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

8 **SEC. 223. PROMOTING CONSIDERATION AND UTILIZATION**  
9 **OF NON-WIRES SOLUTIONS.**

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

15 “(21) NON-WIRES SOLUTIONS.—

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

19 “(B) DEFINITION OF NON-WIRES SOLU-  
20 TION.—The term ‘non-wires solution’ means an  
21 electricity grid investment or project that uses  
22 one or more nontraditional solutions, including  
23 distributed generation, energy storage, energy  
24 efficiency, demand response, microgrids, or grid  
25 software and controls, to defer or replace the  
26 need for specific equipment upgrades or new in-

1           frastructure, such as transmission or distribu-  
2           tion lines or transformers, at a substation or  
3           circuit level.

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

12          (b) TIME LIMITATIONS.—Section 112(b) of the Pub-  
13          lic Utility Regulatory Policies Act of 1978 (16 U.S.C.  
14          2622(b)) is further amended by adding at the end the fol-  
15          lowing:

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

24                 “(B) Not later than 2 years after the date of  
25                 the enactment of this paragraph, each State regu-

1 latory authority (with respect to each electric utility  
2 for which the State has ratemaking authority), and  
3 each nonregulated electric utility, shall complete the  
4 consideration, and shall make the determination, re-  
5 ferred to in section 111 with respect to the standard  
6 established by paragraph (21) of section 111(d).”.

7 (c) FAILURE TO COMPLY.—Section 112(c) of the  
8 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.  
9 2622(c)) is further amended by—

10 (1) striking “(b)(2)” and inserting “(b)”; and

11 (2) adding at the end the following: “In the  
12 case of the standard established by paragraph (21)  
13 of section 111(d), the reference contained in this  
14 subsection to the date of enactment of this Act shall  
15 be deemed to be a reference to the date of enact-  
16 ment of that paragraph (21).”.

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

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

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



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

8       **Subtitle D—Electricity Infrastruc-**  
9       **ture Modernization and Resil-**  
10       **ience**

11       **SEC. 231. 21ST CENTURY POWER GRID.**

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

16               (1) projects for the deployment of technologies  
17               to improve monitoring of, advanced controls for, and  
18               prediction of performance of, a distribution system;  
19               and

20               (2) projects related to transmission system  
21               planning and operation.

22       (b) ELIGIBLE PROJECTS.—Projects for which an eli-  
23 gible partnership may receive financial assistance under  
24 subsection (a)—

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

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

8 (3) shall demonstrate—

9 (A) secure integration and management of  
10 energy resources, including through distributed  
11 energy generation, combined heat and power,  
12 microgrids, energy storage, electric vehicles, en-  
13 ergy efficiency, demand response, or control-  
14 lable loads; or

15 (B) secure integration and interoperability  
16 of communications and information technologies  
17 related to the electric grid.

18 (c) **CYBERSECURITY PLAN.**—Each project carried  
19 out with financial assistance provided under subsection (a)  
20 shall include the development of a cybersecurity plan writ-  
21 ten in accordance with guidelines developed by the Sec-  
22 retary of Energy.

23 (d) **PRIVACY EFFECTS ANALYSIS.**—Each project car-  
24 ried out with financial assistance provided under sub-  
25 section (a) shall include a privacy effects analysis that

1 evaluates the project in accordance with the Voluntary  
2 Code of Conduct of the Department of Energy, commonly  
3 known as the “DataGuard Energy Data Privacy Pro-  
4 gram”, or the most recent revisions to the privacy pro-  
5 gram of the Department.

6 (e) DEFINITIONS.—In this section:

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

10 (A) may include—

11 (i) any institution of higher education;

12 (ii) a National Laboratory;

13 (iii) a State or a local government or  
14 other public body created by or pursuant  
15 to State law;

16 (iv) an Indian Tribe;

17 (v) a Federal power marketing admin-  
18 istration; or

19 (vi) an entity that develops and pro-  
20 vides technology; and

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

22 (i) an electric utility;

23 (ii) a Regional Transmission Organi-  
24 zation; or

25 (iii) an Independent System Operator.

1           (2) **ELECTRIC UTILITY.**—The term “electric  
2 utility” has the meaning given that term in section  
3 3(22) of the Federal Power Act (16 U.S.C.  
4 796(22)), except that such term does not include an  
5 entity described in subparagraph (B) of such sec-  
6 tion.

7           (3) **FEDERAL POWER MARKETING ADMINISTRA-**  
8 **TION.**—The term “Federal power marketing admin-  
9 istration” means the Bonneville Power Administra-  
10 tion, the Southeastern Power Administration, the  
11 Southwestern Power Administration, or the Western  
12 Area Power Administration.

13           (4) **INDEPENDENT SYSTEM OPERATOR; RE-**  
14 **GIONAL TRANSMISSION ORGANIZATION.**—The terms  
15 “Independent System Operator” and “Regional  
16 Transmission Organization” have the meanings  
17 given those terms in section 3 of the Federal Power  
18 Act (16 U.S.C. 796).

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

23           (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
24 authorized to be appropriated to the Secretary of Energy  
25 to carry out this section \$200,000,000 for each of fiscal

1 years 2021 through 2030, to remain available until ex-  
2 pended.

3 **SEC. 232. PROGRAM TO ENHANCE ELECTRIC INFRASTRUC-**  
4 **TURE RESILIENCE, RELIABILITY, AND EN-**  
5 **ERGY SECURITY.**

6 (a) PROGRAM.—The Secretary of Energy shall estab-  
7 lish a competitive grant program to provide grants to  
8 States, units of local government, and Indian Tribe eco-  
9 nomic development entities to enhance energy security  
10 through measures for electricity delivery infrastructure  
11 hardening and enhanced resilience and reliability.

12 (b) PURPOSE OF GRANTS.—The Secretary of Energy  
13 may make grants on a competitive basis to enable broader  
14 use of resiliency-related technologies, upgrades, and insti-  
15 tutional measures and practices designed to—

16 (1) improve the resilience, reliability, and secu-  
17 rity of electricity delivery infrastructure;

18 (2) improve preparedness and restoration time  
19 to mitigate power disturbances resulting from phys-  
20 ical and cyber attacks, electromagnetic pulse attacks,  
21 geomagnetic disturbances, seismic events, severe  
22 weather, and climate change;

23 (3) continue delivery of power to facilities crit-  
24 ical to public health, safety, and welfare, including  
25 hospitals, assisted living facilities, and schools;

1 (4) continue delivery of power to electricity-de-  
2 pendent essential services, including fueling stations  
3 and pumps, wastewater and sewage treatment facili-  
4 ties, gas pipeline infrastructure, communications  
5 systems, transportation services and systems, and  
6 services provided by emergency first responders;

7 (5) enhance regional grid resilience and the re-  
8 siliance of electricity-dependent regional infrastruc-  
9 ture; and

10 (6) facilitate greater incorporation of renewable  
11 energy generation into the electric grid.

12 (c) EXAMPLES.—Resiliency-related technologies, up-  
13 grades, and measures with respect to which grants may  
14 be made under this section include—

15 (1) hardening or enhanced protection of utility  
16 poles, wiring, cabling, and other distribution compo-  
17 nents, facilities, or structures;

18 (2) advanced grid technologies capable of iso-  
19 lating or repairing problems remotely, such as ad-  
20 vanced metering infrastructure, high-tech sensors,  
21 grid monitoring and control systems, and remote re-  
22 configuration and redundancy systems;

23 (3) cybersecurity products and components;

24 (4) distributed generation, including back-up  
25 generation to power critical facilities and essential

- 1 services, and related integration components, such as  
2 advanced inverter technology;
- 3 (5) microgrid systems, including hybrid  
4 microgrid systems for isolated communities;
- 5 (6) combined heat and power;
- 6 (7) waste heat resources;
- 7 (8) non-grid-scale energy storage technologies;
- 8 (9) electronically controlled reclosers and simi-  
9 lar technologies for power restoration;
- 10 (10) advanced energy analytics technology, such  
11 as internet-based and cloud-based computing solu-  
12 tions and subscription licensing models;
- 13 (11) efforts that enhance resilience through  
14 planning, preparation, response, and recovery activi-  
15 ties;
- 16 (12) operational capabilities to enhance resil-  
17 ience through rapid response recovery; and
- 18 (13) efforts to ensure availability of key critical  
19 components through contracts, cooperative agree-  
20 ments, stockpiling and prepositioning, or other  
21 measures.
- 22 (d) IMPLEMENTATION.—Specific projects or pro-  
23 grams established, or to be established, pursuant to grants  
24 provided under this section shall be implemented through

1 grant recipients by public and publicly regulated entities  
2 on a cost-shared basis.

3 (e) COOPERATION.—In carrying out projects or pro-  
4 grams established, or to be established, pursuant to grants  
5 provided under this section, recipients shall cooperate, as  
6 applicable, with—

7 (1) State public utility commissions;

8 (2) State energy offices;

9 (3) electric infrastructure owners and operators;

10 and

11 (4) other entities responsible for maintaining  
12 electric reliability.

13 (f) DATA AND METRICS.—

14 (1) IN GENERAL.—To the extent practicable,  
15 grant recipients shall utilize the most current data,  
16 metrics, and frameworks related to—

17 (A) electricity delivery infrastructure hard-  
18 ening and enhancing resilience and reliability;  
19 and

20 (B) current and future threats, including  
21 physical and cyber attacks, electromagnetic  
22 pulse, geomagnetic disturbances, seismic events,  
23 severe weather, and climate change.

24 (2) METRICS.—Grant recipients shall dem-  
25 onstrate to the Secretary of Energy, with measur-



1 able and verifiable data, how the deployment of resil-  
2 iency-related technologies, upgrades, and measures  
3 achieve improvements in the resiliency and recovery  
4 of electricity delivery infrastructure and related serv-  
5 ices, including a comparison of data collected before  
6 and after deployment. Metrics for demonstrating im-  
7 provements in resiliency and recovery may include—

8 (A) power quality during power disturb-  
9 ances when delivered power does not meet  
10 power quality requirements of the customer;

11 (B) duration of customer interruptions;

12 (C) number of customers impacted;

13 (D) cost impacts, including business and  
14 other economic losses;

15 (E) impacts on electricity-dependent essen-  
16 tial services and critical facilities; and

17 (F) societal impacts.

18 (3) FURTHERING ENERGY ASSURANCE  
19 PLANS.—Grant recipients shall demonstrate to the  
20 Secretary of Energy how projects or programs estab-  
21 lished, or to be established, pursuant to grants pro-  
22 vided under this section further applicable State and  
23 local energy assurance plans.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
25 are authorized to be appropriated to carry out this section

1 \$515,000,000 for each of fiscal years 2021 through 2030,  
2 of which not more than \$15,000,000 per fiscal year may  
3 be used for administrative expenses.

4 **SEC. 233. INDIAN ENERGY.**

5 (a) DEFINITION OF INDIAN LAND.—Section 2601(2)  
6 of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))  
7 is amended—

8 (1) in subparagraph (B)(iii), by striking “and”;

9 (2) in subparagraph (C), by striking “land.”  
10 and inserting “land; and”; and

11 (3) by adding at the end the following subpara-  
12 graph:

13 “(D) any land in a census tract in which  
14 the majority of the residents are Natives (as de-  
15 fined in section 3(b) of the Alaska Native  
16 Claims Settlement Act (43 U.S.C. 1602(b))).”.

17 (b) REDUCTION OF COST SHARE.—Section  
18 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.  
19 3502(b)(5)) is amended by adding at the end the following  
20 subparagraph:

21 “(D) The Director may reduce any applicable  
22 cost share required of an Indian tribe in order to re-  
23 ceive a grant under this subsection to not less than  
24 10 percent if the Indian tribe meets criteria devel-  
25 oped by the Director, including financial need.”.

1 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-  
2 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-  
3 ed by striking “\$20,000,000 for each of fiscal years 2006  
4 through 2016” and inserting “\$30,000,000 for each of fis-  
5 cal years 2021 through 2030”.

6 **SEC. 234. RURAL GRANTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
9 ty” means—

10 (A) a rural electric cooperative; or

11 (B) a nonprofit organization working with  
12 at least 6 or more rural electric cooperatives.

13 (2) ENERGY STORAGE.—The term “energy  
14 storage” means the use of a system, equipment, fa-  
15 cility, or technology that—

16 (A) is capable of absorbing energy, storing  
17 that energy for a period of time, and dis-  
18 patching the stored energy; and

19 (B)(i) uses a mechanical, electrochemical,  
20 or thermal process to store energy that—

21 (I) was generated at an earlier time  
22 for use at a later time; or

23 (II) was generated from a mechanical  
24 process, and would otherwise be wasted,  
25 for delivery at a later time; or

1 (ii) stores thermal energy for direct use for  
2 heating or cooling at a later time in a manner  
3 that avoids the need to use electricity at that  
4 later time, including the storage and use offered  
5 by a grid-enabled water heater.

6 (3) ISLAND.—The term “island”, with respect  
7 to a distributed generator or energy storage equip-  
8 ment, means that the generator or equipment con-  
9 tinues to power a location in the absence of electric  
10 power from a primary source.

11 (4) MICROGRID.—The term “microgrid” means  
12 an interconnected system of loads and distributed  
13 energy resources, including generators and energy  
14 storage devices, within clearly defined electrical  
15 boundaries that—

16 (A) acts as a single controllable entity with  
17 respect to the grid; and

18 (B) can connect and disconnect from the  
19 grid to operate in both grid-connected mode  
20 and island mode.

21 (5) RENEWABLE ENERGY SOURCE.—The term  
22 “renewable energy source” has the meaning given  
23 the term in section 609(a) of the Public Utility Reg-  
24 ulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

1           (6) RURAL ELECTRIC COOPERATIVE.—The term  
2           “rural electric cooperative” means an electric coop-  
3           erative (as defined in section 3 of the Federal Power  
4           Act (16 U.S.C. 796)) that sells electric energy to  
5           persons in rural areas.

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

8           (b) ENERGY STORAGE AND MICROGRID ASSISTANCE  
9           PROGRAM.—

10           (1) IN GENERAL.—Not later than 180 days  
11           after the date of enactment of this Act, the Sec-  
12           retary shall establish a program under which the  
13           Secretary shall—

14                   (A) provide grants to eligible entities under  
15                   subsection (c);

16                   (B) provide technical assistance to eligible  
17                   entities under subsection (d); and

18                   (C) disseminate information to eligible en-  
19                   tities on—

20                           (i) the activities described in sub-  
21                           sections (c)(1) and (d); and

22                           (ii) potential and existing energy stor-  
23                           age and microgrid projects.

1           (2) COOPERATIVE AGREEMENT.—The Secretary  
2           may enter into a cooperative agreement with an eli-  
3           gible entity to carry out subsection (a).

4           (3) GRANTS.—

5           (A) IN GENERAL.—The Secretary shall  
6           award grants to eligible entities for identifying,  
7           evaluating, designing, and demonstrating en-  
8           ergy storage and microgrid projects that utilize  
9           energy from renewable energy sources.

10          (B) APPLICATION.—To be eligible to re-  
11          ceive a grant under paragraph (1), an eligible  
12          entity shall submit to the Secretary an applica-  
13          tion at such time, in such manner, and con-  
14          taining such information as the Secretary may  
15          require.

16          (C) USE OF GRANT.—An eligible entity  
17          that receives a grant under paragraph (1)—

18                 (i) shall use the grant—

19                         (I) to conduct feasibility studies  
20                         to assess the potential for implemen-  
21                         tation or improvement of energy stor-  
22                         age or microgrid projects;

23                         (II) to analyze and implement  
24                         strategies to overcome barriers to en-  
25                         ergy storage or microgrid project im-

1                   plementation, including financial, con-  
2                   tracting, siting, and permitting bar-  
3                   riers;

4                   (III) to conduct detailed engi-  
5                   neering of energy storage or microgrid  
6                   projects;

7                   (IV) to perform a cost-benefit  
8                   analysis with respect to an energy  
9                   storage or microgrid project;

10                  (V) to plan for both the short-  
11                  and long-term inclusion of energy  
12                  storage or microgrid projects into the  
13                  future development plans of the eligi-  
14                  ble entity; or

15                  (VI) to purchase and install nec-  
16                  essary equipment, materials, and sup-  
17                  plies for demonstration of emerging  
18                  technologies; and

19                  (ii) may use the grant to obtain tech-  
20                  nical assistance from experts in carrying  
21                  out the activities described in this section.

22                  (D) **CONDITION.**—As a condition of receiv-  
23                  ing a grant under paragraph (1), an eligible en-  
24                  tity shall—

1 (i) implement a public awareness cam-  
2 paign about the project implemented under  
3 the grant in the community in which the  
4 eligible entity is located;

5 (ii) submit to the Secretary, and make  
6 available to the public, a report that de-  
7 scribes—

8 (I) any energy cost savings and  
9 environmental benefits achieved under  
10 the project; and

11 (II) the results of the project, in-  
12 cluding quantitative assessments to  
13 the extent practicable, associated with  
14 each activity described in paragraph  
15 (3)(A); and

16 (iii) create and disseminate useful or  
17 innovative tools and resources that will  
18 benefit other rural electric cooperatives,  
19 which may include cost calculators, guide-  
20 books, handbooks, templates and training  
21 courses.

22 (E) COST-SHARE.—Activities under this  
23 subsection shall be subject to the cost-sharing  
24 requirements of section 988 of the Energy Pol-  
25 icy Act of 2005 (42 U.S.C. 16352).



1 (4) TECHNICAL ASSISTANCE.—

2 (A) IN GENERAL.—The Secretary shall  
3 carry out subsection (a)(2) by providing eligible  
4 entities with technical assistance relating to—

5 (i) identifying opportunities for energy  
6 storage and microgrid projects;

7 (ii) understanding the technical and  
8 economic characteristics of energy storage  
9 or microgrid projects;

10 (iii) understanding financing alter-  
11 natives;

12 (iv) permitting and siting issues;

13 (v) obtaining case studies of similar  
14 and successful energy storage or microgrid  
15 projects;

16 (vi) reviewing and obtaining computer  
17 software for assessment, design, and oper-  
18 ation and maintenance of energy storage  
19 or microgrid systems; and

20 (vii) understanding and utilizing the  
21 reliability and resiliency benefits of energy  
22 storage and microgrid projects.

23 (B) EXTERNAL CONTRACTS.—In carrying  
24 out subsection (a)(2), the Secretary may enter  
25 into contracts with third-party experts, includ-

1           ing engineering, finance, and insurance experts,  
2           to provide technical assistance to eligible enti-  
3           ties relating to the activities described in sub-  
4           paragraphs (A) through (G) of paragraph (1),  
5           or other relevant activities, as determined by  
6           the Secretary.

7           (c) AUTHORIZATION OF APPROPRIATIONS.—

8           (1) IN GENERAL.—There is authorized to be  
9           appropriated to carry out this Act \$5,000,000 for  
10          each of fiscal years 2021 through 2030.

11          (2) ADMINISTRATIVE COSTS.—Not more than 5  
12          percent of the amount appropriated under para-  
13          graph (1) for each fiscal year shall be used for ad-  
14          ministrative expenses.

15   **SEC. 235. PROMOTING GRID STORAGE.**

16          (a) DEFINITIONS.—In this section:

17           (1) ENERGY STORAGE SYSTEM.—The term “en-  
18           ergy storage system” means equipment or facilities  
19           relating to the electric grid that are capable of ab-  
20           sorbing energy, storing the energy for a period of  
21           time, and dispatching the energy, that—

22           (A) use mechanical, electrochemical, bio-  
23           chemical, or thermal processes to store energy  
24           that was generated at an earlier time for use at  
25           a later time;

1 (B) use mechanical, electrochemical, bio-  
2 chemical, or thermal processes to store energy  
3 generated from mechanical processes that would  
4 otherwise be wasted for delivery at a later time;  
5 or

6 (C) store thermal energy for direct use for  
7 heating or cooling at a later time in a manner  
8 that avoids the need to use electricity at that  
9 later time, as is offered by grid-enabled water  
10 heaters.

11 (2) ISLANDING.—The term “islanding” means  
12 a distributed generator or energy storage device con-  
13 tinuing to power a location in the absence of electric  
14 power from the primary source.

15 (3) MICROGRID.—The term “microgrid” means  
16 an integrated energy system consisting of inter-  
17 connected loads and distributed energy resources, in-  
18 cluding generators and energy storage devices, with-  
19 in clearly defined electrical boundaries that—

20 (A) acts as a single controllable entity with  
21 respect to the grid; and

22 (B) can connect and disconnect from the  
23 grid to operate in both grid-connected mode  
24 and island mode.

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of Energy.

3           (b) ENERGY STORAGE RESEARCH PROGRAM.—

4           (1) IN GENERAL.—The Secretary shall establish  
5           a cross-cutting national program within the Depart-  
6           ment of Energy for the research of energy storage  
7           systems, components, and materials.

8           (2) ADDITIONAL REQUIREMENTS.—In estab-  
9           lishing the program under paragraph (1), the Sec-  
10          retary shall—

11           (A) identify and coordinate across all rel-  
12          evant program offices throughout the Depart-  
13          ment of Energy key areas of existing and future  
14          research with respect to a portfolio of tech-  
15          nologies and approaches; and

16           (B) adopt long-term cost, performance,  
17          and implementation targets for specific applica-  
18          tions of energy storage systems.

19          (c) TECHNICAL ASSISTANCE AND GRANT PRO-  
20          GRAM.—

21          (1) ESTABLISHMENT.—

22           (A) IN GENERAL.—The Secretary shall es-  
23          tablish a technical assistance and grant pro-  
24          gram (referred to in this subsection as the  
25          “program”)—

1 (i) to disseminate information and  
2 provide technical assistance directly to eli-  
3 gible entities so the eligible entities can  
4 identify, evaluate, plan, design, and de-  
5 velop processes to procure energy storage  
6 systems; and

7 (ii) to make grants to eligible entities  
8 so that the eligible entities may contract to  
9 obtain technical assistance to identify,  
10 evaluate, plan, design, and develop proc-  
11 esses to procure energy storage systems.

12 (B) TECHNICAL ASSISTANCE.—

13 (i) IN GENERAL.—The technical as-  
14 sistance described in subparagraph (A)  
15 shall include assistance with one or more  
16 of the following activities relating to energy  
17 storage systems:

18 (I) Identification of opportunities  
19 to use energy storage systems.

20 (II) Assessment of technical and  
21 economic characteristics.

22 (III) Utility interconnection.

23 (IV) Permitting and siting issues.

24 (V) Business planning and finan-  
25 cial analysis.

1 (VI) Engineering design.

2 (ii) EXCLUSION.—The technical as-  
3 sistance described in subparagraph (A)  
4 shall not include assistance relating to  
5 modification of Federal, State, or local reg-  
6 ulations or policies relating to energy stor-  
7 age systems.

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 for assessment,  
15 design, and operation and maintenance of  
16 energy storage systems; and

17 (iii) public databases that track the  
18 operation of existing and planned energy  
19 storage systems.

20 (2) ELIGIBILITY.—Any not-for-profit or for-  
21 profit entity shall be eligible to receive technical as-  
22 sistance and grants under the program.

23 (3) APPLICATIONS.—

24 (A) IN GENERAL.—An eligible entity desir-  
25 ing technical assistance or grants under the

1 program shall submit to the Secretary an appli-  
2 cation at such time, in such manner, and con-  
3 taining such information as the Secretary may  
4 require.

5 (B) APPLICATION PROCESS.—The Sec-  
6 retary shall seek applications for technical as-  
7 sistance and grants under the program—

8 (i) on a competitive basis; and

9 (ii) on a periodic basis, but not less  
10 frequently than once every 12 months.

11 (C) PRIORITIES.—In selecting eligible enti-  
12 ties for technical assistance and grants under  
13 the program, the Secretary shall give priority to  
14 eligible entities with projects that have the  
15 greatest potential for—

16 (i) strengthening the reliability and  
17 resiliency of energy infrastructure to the  
18 impact of extreme weather events, power  
19 grid failures, and interruptions in supply  
20 of fossil fuels;

21 (ii) reducing the cost of energy stor-  
22 age systems;

23 (iii) facilitating the use of renewable  
24 energy resources;

1 (iv) minimizing environmental impact,  
2 including regulated air pollutants and  
3 greenhouse gas emissions;

4 (v) improving the feasibility of  
5 microgrids or islanding, particularly in  
6 rural areas, including high energy cost  
7 rural areas; and

8 (vi) 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 net system benefits of  
14 using energy storage systems;

15 (B) 75 percent of the cost of guidance re-  
16 lating to methods to assess energy storage in  
17 long-term resource planning and resource pro-  
18 curement;

19 (C) 60 percent of the cost of studies to as-  
20 sess the cost-benefit ratio of energy storage sys-  
21 tems; and

22 (D) 50 percent of the cost of guidance on  
23 complying with State and local regulatory tech-  
24 nical standards, including siting and permitting  
25 standards.



1 (5) RULES AND PROCEDURES.—

2 (A) RULES.—Not later than 180 days  
3 after the date of enactment of this Act, the Sec-  
4 retary shall adopt rules and procedures for car-  
5 rying out the program.

6 (B) GRANTS.—Not later than 120 days  
7 after the date of issuance of the rules and pro-  
8 cedures for the program, the Secretary shall  
9 issue grants under this subsection.

10 (6) REPORTS.—The Secretary shall submit to  
11 Congress and make available to the public—

12 (A) not less frequently than once every 2  
13 years, a report describing the performance of  
14 the program under this subsection, including a  
15 synthesis and analysis of any information the  
16 Secretary requires grant recipients to provide to  
17 the Secretary as a condition of receiving a  
18 grant; and

19 (B) on termination of the program under  
20 this subsection, an assessment of the success of,  
21 and education provided by, the measures car-  
22 ried out by eligible entities under the program.

23 (d) DEPARTMENT OF ENERGY WORKSHOPS.—The  
24 Secretary shall hold one or more workshops during each  
25 of calendar years 2021 and 2023 to facilitate the sharing,

1 across the Department of Energy, the States, local and  
2 Tribal governments, industry, and the academic research  
3 community, of research developments and new technical  
4 knowledge gained in carrying out subsections (b) and (c).

5 (e) ENERGY STORAGE SYSTEM DEMONSTRATION  
6 PROGRAM.—

7 (1) ENERGY STORAGE GRANT PROGRAM.—

8 (A) ESTABLISHMENT.—The Secretary  
9 shall establish a competitive grant program for  
10 pilot energy storage systems, as identified by  
11 the Secretary, that use either—

12 (i) a single system; or

13 (ii) aggregations of multiple systems.

14 (B) ELIGIBILITY.—Entities eligible to re-  
15 ceive a grant under subparagraph (A) include—

16 (i) a State, territory, or possession of  
17 the United States;

18 (ii) a State energy office;

19 (iii) a tribal organization (as defined  
20 in section 3765 of title 38, United States  
21 Code);

22 (iv) an institution of higher education  
23 (as defined in section 101 of the Higher  
24 Education Act of 1965 (20 U.S.C. 1001));

25 (v) an electric utility, including—

1 (I) a rural electric cooperative;

2 (II) a political subdivision of a  
3 State, such as a municipally owned  
4 electric utility, or any agency, author-  
5 ity, corporation, or instrumentality of  
6 one or more State political subdivi-  
7 sions; and

8 (III) an investor-owned utility;  
9 and

10 (vi) a private energy storage company  
11 that is a small business concern (as de-  
12 fined in section 3 of the Small Business  
13 Act (15 U.S.C. 632)).

14 (C) SELECTION REQUIREMENTS.—In se-  
15 lecting eligible entities to receive a grant under  
16 this subsection, the Secretary shall, to the max-  
17 imum extent practicable—

18 (i) ensure regional diversity among el-  
19 igible entities that receive the grants, in-  
20 cluding participation by rural States and  
21 small States;

22 (ii) ensure that specific projects se-  
23 lected for grants—

1 (I) expand on the existing tech-  
2 nology demonstration programs of the  
3 Department of Energy; and

4 (II) are designed to achieve one  
5 or more of the objectives described in  
6 subparagraph (D);

7 (iii) prioritize projects from eligible  
8 entities that do not have an energy storage  
9 system;

10 (iv) give consideration to proposals  
11 from eligible entities for securing energy  
12 storage through competitive procurement  
13 or contract for service;

14 (v) prioritize projects that coordinate  
15 with the local incumbent utility for in-  
16 front-of-the-meter projects that do not for-  
17 mally involve a utility; and

18 (vi) prioritize projects that leverage  
19 matching funds from non-Federal sources.

20 (D) OBJECTIVES.—Each demonstration  
21 project selected for a grant under subparagraph  
22 (A) shall include one or more of the following  
23 objectives:

1 (i) To improve the security of critical  
2 infrastructure and emergency response sys-  
3 tems.

4 (ii) To improve the reliability of the  
5 transmission and distribution system, par-  
6 ticularly in rural areas, including high en-  
7 ergy cost rural areas.

8 (iii) To optimize transmission or dis-  
9 tribution system operation and power qual-  
10 ity to defer or avoid costs of replacing or  
11 upgrading electric grid infrastructure, in-  
12 cluding transformers and substations.

13 (iv) To supply energy at peak periods  
14 of demand on the electric grid or during  
15 periods of significant variation of electric  
16 grid supply.

17 (v) To reduce peak loads of homes  
18 and businesses, particularly to defer or  
19 avoid investments in new electric grid ca-  
20 pacity.

21 (vi) To advance power conversion sys-  
22 tems to make the systems smarter, more  
23 efficient, able to communicate with other  
24 inverters, and able to control voltage.

1 (vii) To provide ancillary services for  
2 grid stability and management.

3 (viii) To integrate a renewable energy  
4 resource production source at the source or  
5 away from the source.

6 (ix) To increase the feasibility of  
7 microgrids or islanding.

8 (x) To enable the use of stored energy  
9 in forms other than electricity to support  
10 the natural gas system and other industrial  
11 processes.

12 (E) RESTRICTION ON USE OF FUNDS.—  
13 Any eligible entity that receives a grant under  
14 subparagraph (A) may only use the grant to  
15 fund programs relating to the demonstration of  
16 energy storage systems connected to the electric  
17 grid, including energy storage systems sited be-  
18 hind a customer revenue meter.

19 (F) FUNDING LIMITATIONS.—

20 (i) FEDERAL COST SHARE.—The Fed-  
21 eral cost share of a project carried out  
22 with a grant under subparagraph (A) shall  
23 be not more than 50 percent of the total  
24 costs incurred in connection with the devel-  
25 opment, construction, acquisition of com-

1           ponents for, or engineering of a dem-  
2           onstration project.

3           (ii) MAXIMUM GRANT.—The max-  
4           imum amount of a grant awarded under  
5           subparagraph (A) shall be \$5,000,000.

6           (G) NO PROJECT OWNERSHIP INTEREST.—  
7           The United States shall hold no equity or other  
8           ownership interest in an energy storage system  
9           for which a grant is provided under subpara-  
10          graph (A).

11          (H) COMPARABLE WAGE RATES.—Each la-  
12          borer and mechanic employed by a contractor  
13          or subcontractor in performance of construction  
14          work financed, in whole or in part, by the grant  
15          shall be paid wages at rates not less than the  
16          rates prevailing on similar construction in the  
17          locality as determined by the Secretary of  
18          Labor in accordance with subchapter IV of  
19          chapter 31 of title 40, United States Code.

20          (2) RULES AND PROCEDURES; AWARDING OF  
21          GRANTS.—

22          (A) RULES AND PROCEDURES.—Not later  
23          than 180 days after the date of enactment of  
24          this Act, the Secretary shall adopt rules and

1 procedures for carrying out the grant program  
2 under paragraph (1).

3 (B) AWARDING OF GRANTS.—Not later  
4 than 1 year after the date on which the rules  
5 and procedures under subparagraph (A) are es-  
6 tablished, the Secretary shall award the initial  
7 grants provided under this subsection.

8 (3) REPORTS.—The Secretary shall submit to  
9 Congress and make publicly available—

10 (A) not less frequently than once every 2  
11 years for the duration of the grant program  
12 under paragraph (1), a report describing the  
13 performance of the grant program, including a  
14 synthesis and analysis of any information the  
15 Secretary requires grant recipients to provide to  
16 the Secretary as a condition of receiving a  
17 grant; and

18 (B) on termination of the grant program  
19 under paragraph (1), an assessment of the suc-  
20 cess of, and education provided by, the meas-  
21 ures carried out by grant recipients under the  
22 grant program.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated—



1 (1) for each of fiscal years 2021 through 2030,  
2 \$175,000,000 to carry out subsection (b);

3 (2) for the period of fiscal years 2021 through  
4 2030, \$100,000,000 to carry out subsection (c), to  
5 remain available until expended; and

6 (3) for the period of fiscal years 2021 through  
7 2030, \$150,000,000 to carry out subsection (e), to  
8 remain available until expended.

9 **SEC. 236. MICROGRIDS.**

10 (a) DEFINITIONS.—In this section:

11 (1) HYBRID MICROGRID SYSTEM.—The term  
12 “hybrid microgrid system” means a stand-alone elec-  
13 trical system that—

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

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

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

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

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

4           (b) PROGRAM.—

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

7           (A) hybrid microgrid systems for isolated  
8 communities; and

9           (B) microgrid systems to increase the resil-  
10 ience of critical infrastructure.

11          (2) PHASES.—The program established under  
12 paragraph (1) shall be divided into the following  
13 phases:

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

16           (i) hybrid microgrid systems in iso-  
17 lated communities; and

18           (ii) microgrid systems to enhance the  
19 resilience of critical infrastructure.

20          (B) Phase II, which shall consist of the de-  
21 velopment of an implementation strategy, in ac-  
22 cordance with paragraph (3), to promote the  
23 development of hybrid microgrid systems for  
24 isolated communities, particularly for those  
25 communities exposed to extreme weather condi-

1 tions and high energy costs, including elec-  
2 tricity, space heating and cooling, and transpor-  
3 tation.

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

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

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

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

24 (A) establishing future targets for the eco-  
25 nomic displacement of conventional generation

1 using hybrid microgrid systems, including dis-  
2 placement of conventional generation used for  
3 electric power generation, heating and cooling,  
4 and transportation;

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

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

10 (D) the capacity of the local workforce to  
11 operate, maintain, and repair a hybrid  
12 microgrid system;

13 (E) opportunities to develop the capacity of  
14 the local workforce to operate, maintain, and  
15 repair a hybrid microgrid system;

16 (F) leveraging existing capacity within  
17 local or regional research organizations, such as  
18 organizations based at institutions of higher  
19 education, to support development of hybrid  
20 microgrid systems, including by testing novel  
21 components and systems prior to field deploy-  
22 ment;

23 (G) the need for basic infrastructure to de-  
24 velop, deploy, and sustain a hybrid microgrid  
25 system;

1 (H) input of traditional knowledge from  
2 local leaders of isolated communities in the de-  
3 velopment of a hybrid microgrid system;

4 (I) the impact of hybrid microgrid systems  
5 on defense, homeland security, economic devel-  
6 opment, and environmental interests;

7 (J) opportunities to leverage existing inter-  
8 agency coordination efforts and recommenda-  
9 tions for new interagency coordination efforts to  
10 minimize unnecessary overhead, mobilization,  
11 and other project costs; and

12 (K) any other criteria the Secretary deter-  
13 mines appropriate.

14 (c) COLLABORATION.—The program established  
15 under subsection (b)(1) shall be carried out in collabora-  
16 tion with relevant stakeholders, including, as appro-  
17 priate—

18 (1) States;

19 (2) Indian Tribes;

20 (3) regional entities and regulators;

21 (4) units of local government;

22 (5) institutions of higher education; and

23 (6) private sector entities.

24 (d) REPORT.—Not later than 180 days after the date  
25 of enactment of this Act, and annually thereafter until cal-

1 endar year 2026, the Secretary shall submit to the Com-  
2 mittee on Energy and Natural Resources of the Senate  
3 and the Committee on Energy and Commerce of the  
4 House of Representatives a report on the efforts to imple-  
5 ment the program established under subsection (b)(1) and  
6 the status of the strategy developed under subsection  
7 (b)(2)(B).

8 **SEC. 237. ENERGY EFFICIENT TRANSFORMER REBATE PRO-**  
9 **GRAM.**

10 (a) DEFINITIONS.—In this section:

11 (1) QUALIFIED ENERGY EFFICIENT TRANS-  
12 FORMER.—The term “qualified energy efficient  
13 transformer” means a transformer that meets or ex-  
14 ceeds the applicable energy conservation standards  
15 described in the tables in subsection (b)(2) and  
16 paragraphs (1) and (2) of subsection (c) of section  
17 431.196 of title 10, Code of Federal Regulations (as  
18 in effect on the date of enactment of this Act).

19 (2) QUALIFIED ENERGY INEFFICIENT TRANS-  
20 FORMER.—The term “qualified energy inefficient  
21 transformer” means a transformer with an equal  
22 number of phases and capacity to a transformer de-  
23 scribed in any of the tables in subsection (b)(2) and  
24 paragraphs (1) and (2) of subsection (c) of section  
25 431.196 of title 10, Code of Federal Regulations (as

1 in effect on the date of enactment of this Act)  
2 that—

3 (A) does not meet or exceed the applicable  
4 energy conservation standards described in  
5 paragraph (1); and

6 (B)(i) was manufactured between January  
7 1, 1985, and December 31, 2006, for a trans-  
8 former with an equal number of phases and ca-  
9 pacity as a transformer described in the table  
10 in subsection (b)(2) of section 431.196 of title  
11 10, Code of Federal Regulations (as in effect on  
12 the date of enactment of this Act); or

13 (ii) was manufactured between January 1,  
14 1990, and December 31, 2009, for a trans-  
15 former with an equal number of phases and ca-  
16 pacity as a transformer described in the table  
17 in paragraph (1) or (2) of subsection (c) of that  
18 section (as in effect on the date of enactment  
19 of this Act).

20 (3) QUALIFIED ENTITY.—The term “qualified  
21 entity” means an owner of industrial or manufac-  
22 turing facilities, commercial buildings, or multifamily  
23 residential buildings, a utility, or an energy service  
24 company, that fulfills the requirements of subsection  
25 (c).

1 (b) ESTABLISHMENT.—Not later than 90 days after  
2 the date of enactment of this Act, the Secretary of Energy  
3 shall establish a program to provide rebates to qualified  
4 entities for expenditures made by the qualified entity for  
5 the replacement of a qualified energy inefficient trans-  
6 former with a qualified energy efficient transformer.

7 (c) REQUIREMENTS.—To be eligible to receive a re-  
8 bate under this section, an entity shall submit to the Sec-  
9 retary of Energy an application in such form, at such  
10 time, and containing such information as the Secretary  
11 may require, including demonstrated evidence—

12 (1) that the entity purchased a qualified energy  
13 efficient transformer;

14 (2) of the core loss value of the qualified energy  
15 efficient transformer;

16 (3) of the age of the qualified energy inefficient  
17 transformer being replaced;

18 (4) of the core loss value of the qualified energy  
19 inefficient transformer being replaced—

20 (A) as measured by a qualified professional  
21 or verified by the equipment manufacturer, as  
22 applicable; or

23 (B) for transformers described in sub-  
24 section (a)(2)(B)(i), as selected from a table of



1           default values as determined by the Secretary  
2           in consultation with applicable industry; and

3           (5) that the qualified energy inefficient trans-  
4           former has been permanently decommissioned and  
5           scrapped.

6           (d) **AUTHORIZED AMOUNT OF REBATE.**—The  
7           amount of a rebate provided under this section shall be—

8           (1) for a 3-phase or single-phase transformer  
9           with a capacity of not less than 10 and not greater  
10          than 2,500 kilovolt-amperes, twice the amount equal  
11          to the difference in watts between the core loss value  
12          (as measured in accordance with paragraphs (2) and  
13          (4) of subsection (c)) of—

14                 (A) the qualified energy inefficient trans-  
15                 former; and

16                 (B) the qualified energy efficient trans-  
17                 former; or

18           (2) for a transformer described in subsection  
19           (a)(2)(B)(i), the amount determined using a table of  
20           default rebate values by rated transformer output,  
21           as measured in kilovolt-amperes, as determined by  
22           the Secretary in consultation with applicable indus-  
23           try.

24           (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
25           authorized to be appropriated to carry out this section

1 \$10,000,000 for each of fiscal years 2021 through 2030,  
2 to remain available until expended.

3 **SEC. 238. STRATEGIC TRANSFORMER RESERVE PROGRAM.**

4 (a) ESTABLISHMENT.—The Secretary of Energy  
5 shall establish a program to reduce the vulnerability of the  
6 electric grid to physical attack, cyber attack, electro-  
7 magnetic pulse, geomagnetic disturbances, severe weather,  
8 climate change, and seismic events, including by—

9 (1) ensuring that large power transformers,  
10 generator step-up transformers, and other critical  
11 electric grid equipment are strategically located to  
12 ensure timely replacement of such equipment as may  
13 be necessary to restore electric grid function rapidly  
14 in the event of severe damage to the electric grid  
15 due to physical attack, cyber attack, electromagnetic  
16 pulse, geomagnetic disturbances, severe weather, cli-  
17 mate change, or seismic events; and

18 (2) establishing a coordinated plan to facilitate  
19 transportation of large power transformers and  
20 other critical electric grid equipment.

21 (b) TRANSFORMER RESILIENCE AND ADVANCED  
22 COMPONENTS PROGRAM.—The program established  
23 under subsection (a) shall include implementation of the  
24 Transformer Resilience and Advanced Components pro-  
25 gram to—

1           (1) improve large power transformers and other  
2           critical electric grid equipment by reducing their  
3           vulnerabilities; and

4           (2) develop, test, and deploy innovative equip-  
5           ment designs that are more flexible and offer greater  
6           resiliency of electric grid functions.

7           (c) STRATEGIC EQUIPMENT RESERVES.—

8           (1) AUTHORIZATION.—In carrying out the pro-  
9           gram established under subsection (a), the Secretary  
10          may establish one or more federally owned strategic  
11          equipment reserves, as appropriate, to ensure na-  
12          tionwide access to reserve equipment.

13          (2) CONSIDERATION.—In establishing any fed-  
14          erally owned strategic equipment reserve, the Sec-  
15          retary may consider existing spare transformer and  
16          equipment programs and requirements established  
17          by the private sector, regional transmission opera-  
18          tors, independent system operators, and State regu-  
19          latory authorities.

20          (d) CONSULTATION.—The program established under  
21          subsection (a) shall be carried out in consultation with the  
22          Federal Energy Regulatory Commission, the Electricity  
23          Subsector Coordinating Council, the Electric Reliability  
24          Organization, and owners and operators of critical electric  
25          infrastructure and defense and military installations.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$75,000,000 for each of fiscal years 2021 through 2030.

4 **SEC. 239. DEPARTMENT OF ENERGY SUPPORT TO**  
5 **REPOWER COMMUNITIES.**

6 (a) PROGRAM.—The Secretary of Energy shall con-  
7 duct a program to provide information and technical as-  
8 sistance to State, local, Tribal, and territorial governments  
9 and relevant land and infrastructure asset owners, to sup-  
10 port the redevelopment of sites that have, or previously  
11 had, one or more retired fossil fuel-powered electric gener-  
12 ating units, including redevelopment of such sites  
13 through—

14 (1) deployment of zero-emissions electricity, in-  
15 cluding electricity generated from wind, solar, nu-  
16 clear, hydropower, and geothermal energy;

17 (2) deployment of energy storage resources;

18 (3) use of existing and underutilized electric  
19 transmission and distribution infrastructure associ-  
20 ated with such sites; and

21 (4) economic development opportunities for en-  
22 ergy-intensive industries, including data centers.

23 (b) PUBLIC INVENTORY.—In carrying out the pro-  
24 gram conducted under subsection (a), the Secretary may  
25 inventory and characterize sites described in such sub-

1 section, including the energy and security infrastructure  
2 of such sites, and make such inventory and characteriza-  
3 tions available to the public.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$10,000,000 for each of fiscal years 2021 through 2030.

7 **SEC. 240. ENVIRONMENTAL PROTECTION AGENCY SUP-**  
8 **PORT TO REPOWER COMMUNITIES.**

9 Section 104 of the Comprehensive Environmental Re-  
10 sponse, Compensation, and Liability Act of 1980 (42  
11 U.S.C. 9604) is amended by adding at the end the fol-  
12 lowing:

13 “(1) REPOWERING COMMUNITIES GRANT PRO-  
14 GRAM.—

15 “(1) ESTABLISHMENT.—The Administrator  
16 shall establish a program to provide grants to eligi-  
17 ble entities to carry out inventory, characterization,  
18 assessment, planning, feasibility analysis, design, or  
19 remediation activities at sites that have or previously  
20 had 1 or more retired fossil fuel-powered electric  
21 generating units.

22 “(2) PRIORITIZATION OF GRANTS.—The Ad-  
23 ministrator shall prioritize awarding grants to eligi-  
24 ble entities who intend to develop or deploy clean en-  
25 ergy projects at sites described in paragraph (1).

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

2 “(A) CLEAN ENERGY PROJECT.—The term  
3 ‘clean energy project’ means a project that—

4 “(i) is anticipated to generate elec-  
5 tricity without emitting greenhouse gases,  
6 such as wind, solar, nuclear, hydropower,  
7 and geothermal energy; or

8 “(ii) stores energy.

9 “(B) ELIGIBLE ENTITY.—The term ‘eligi-  
10 ble entity’ means—

11 “(i) a general purpose unit of local  
12 government;

13 “(ii) a land clearance authority or  
14 other quasi-governmental entity that oper-  
15 ates under the supervision and control of  
16 or as an agent of a general purpose unit  
17 of local government;

18 “(iii) a government entity created by  
19 a State legislature;

20 “(iv) a regional council or group of  
21 general purpose units of local government;

22 “(v) a redevelopment agency that is  
23 chartered or otherwise sanctioned by a  
24 State;

25 “(vi) a State;

1 “(vii) an Indian Tribe other than in  
2 Alaska;

3 “(viii) an Alaska Native Regional Cor-  
4 poration and an Alaska Native Village Cor-  
5 poration as those terms are defined in the  
6 Alaska Native Claims Settlement Act and  
7 the Metlakatla Indian community;

8 “(ix) an organization described in sec-  
9 tion 501(c)(3) of the Internal Revenue  
10 Code of 1986 and exempt from taxation  
11 under section 501(a) of that Code;

12 “(x) a limited liability corporation in  
13 which all managing members are organiza-  
14 tions described in clause (ix) or limited li-  
15 ability corporations whose sole members  
16 are organizations described in clause (ix);

17 “(xi) a limited partnership in which  
18 all general partners are organizations de-  
19 scribed in clause (ix) or limited liability  
20 corporations whose sole members are orga-  
21 nizations described in clause (ix); or

22 “(xii) a qualified community develop-  
23 ment entity (as defined in section  
24 45D(c)(1) of the Internal Revenue Code of  
25 1986).

1           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
2           There is authorized to be appropriated to carry out  
3           this section \$10,000,000, to remain available until  
4           expended, for each of fiscal years 2021 through  
5           2030.”.

6           **Subtitle E—Clean Electricity**  
7           **Generation**

8           **SEC. 241. DISTRIBUTED ENERGY RESOURCES.**

9           (a) DEFINITIONS.—In this section:

10           (1) COMBINED HEAT AND POWER SYSTEM.—  
11           The term “combined heat and power system” means  
12           generation of electric energy and heat in a single, in-  
13           tegrated system that meets the efficiency criteria in  
14           clauses (ii) and (iii) of section 48(c)(3)(A) of the In-  
15           ternal Revenue Code of 1986, under which heat that  
16           is conventionally rejected is recovered and used to  
17           meet thermal energy requirements.

18           (2) DEMAND RESPONSE.—The term “demand  
19           response” means changes in electric usage by elec-  
20           tric utility customers from the normal consumption  
21           patterns of the customers in response to—

22                   (A) changes in the price of electricity over  
23                   time; or

24                   (B) incentive payments designed to induce  
25                   lower electricity use at times of high wholesale



1 market prices or when system reliability is jeop-  
2 ardized.

3 (3) DISTRIBUTED ENERGY.—The term “distrib-  
4 uted energy” means energy sources and systems  
5 that—

6 (A) produce electric or thermal energy  
7 close to the point of use using renewable energy  
8 resources or waste thermal energy;

9 (B) generate electricity using a combined  
10 heat and power system;

11 (C) distribute electricity in microgrids;

12 (D) store electric or thermal energy; or

13 (E) distribute thermal energy or transfer  
14 thermal energy to building heating and cooling  
15 systems through a district energy system.

16 (4) DISTRICT ENERGY SYSTEM.—The term  
17 “district energy system” means a system that pro-  
18 vides thermal energy to buildings and other energy  
19 consumers from one or more plants to individual  
20 buildings to provide space heating, air conditioning,  
21 domestic hot water, industrial process energy, and  
22 other end uses.

23 (5) ISLANDING.—The term “islanding” means  
24 a distributed generator or energy storage device con-

1           tinuing to power a location in the absence of electric  
2           power from the primary source.

3           (6) LOAN.—The term “loan” has the meaning  
4           given the term “direct loan” in section 502 of the  
5           Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

6           (7) MICROGRID.—The term “microgrid” means  
7           an integrated energy system consisting of inter-  
8           connected loads and distributed energy resources, in-  
9           cluding generators and energy storage devices, with-  
10          in clearly defined electrical boundaries that—

11           (A) acts as a single controllable entity with  
12          respect to the grid; and

13           (B) can connect and disconnect from the  
14          grid to operate in both grid-connected mode  
15          and island mode.

16          (8) RENEWABLE ENERGY RESOURCE.—The  
17          term “renewable energy resource” includes—

18           (A) biomass;

19           (B) geothermal energy;

20           (C) hydropower;

21           (D) landfill gas;

22           (E) municipal solid waste;

23           (F) ocean (including tidal, wave, current,  
24          and thermal) energy;

25           (G) organic waste;

1 (H) photosynthetic processes;

2 (I) photovoltaic energy;

3 (J) solar energy; and

4 (K) wind.

5 (9) RENEWABLE THERMAL ENERGY.—The term  
6 “renewable thermal energy” means heating or cool-  
7 ing energy derived from a renewable energy re-  
8 source.

9 (10) SECRETARY.—The term “Secretary”  
10 means the Secretary of Energy.

11 (11) THERMAL ENERGY.—The term “thermal  
12 energy” means—

13 (A) heating energy in the form of hot  
14 water or steam that is used to provide space  
15 heating, domestic hot water, or process heat; or

16 (B) cooling energy in the form of chilled  
17 water, ice, or other media that is used to pro-  
18 vide air conditioning, or process cooling.

19 (12) WASTE THERMAL ENERGY.—The term  
20 “waste thermal energy” means energy that—

21 (A) is contained in—

22 (i) exhaust gases, exhaust steam, con-  
23 denser water, jacket cooling heat, or lubri-  
24 cating oil in power generation systems;

1 (ii) exhaust heat, hot liquids, or flared  
2 gas from any industrial process;

3 (iii) waste gas or industrial tail gas  
4 that would otherwise be flared, incinerated,  
5 or vented;

6 (iv) a pressure drop in any gas, ex-  
7 cluding any pressure drop to a condenser  
8 that subsequently vents the resulting heat;

9 (v) condenser water from chilled water  
10 or refrigeration plants; or

11 (vi) any other form of waste energy,  
12 as determined by the Secretary; and

13 (B)(i) in the case of an existing facility, is  
14 not being used; or

15 (ii) in the case of a new facility, is not con-  
16 ventionally used in comparable systems.

17 (b) DISTRIBUTED ENERGY LOAN PROGRAM.—

18 (1) LOAN PROGRAM.—

19 (A) IN GENERAL.—Subject to the provi-  
20 sions of this paragraph and paragraphs (2) and  
21 (3), the Secretary shall establish a program to  
22 provide to eligible entities—

23 (i) loans for the deployment of distrib-  
24 uted energy systems in a specific project;  
25 and

1 (ii) loans to provide funding for pro-  
2 grams to finance the deployment of mul-  
3 tiple distributed energy systems through a  
4 revolving loan fund, credit enhancement  
5 program, or other financial assistance pro-  
6 gram.

7 (B) ELIGIBILITY.—Entities eligible to re-  
8 ceive a loan under subparagraph (A) include—

9 (i) a State, territory, or possession of  
10 the United States;

11 (ii) a State energy office;

12 (iii) a tribal organization (as defined  
13 in section 4 of the Indian Self-Determina-  
14 tion and Education Assistance Act (25  
15 U.S.C. 5304));

16 (iv) an institution of higher education  
17 (as defined in section 101 of the Higher  
18 Education Act of 1965 (20 U.S.C. 1001));

19 and

20 (v) an electric utility, including—

21 (I) a rural electric cooperative;

22 (II) a municipally owned electric  
23 utility; and

24 (III) an investor-owned utility.

1 (C) SELECTION REQUIREMENTS.—In se-  
2 lecting eligible entities to receive loans under  
3 this subsection, the Secretary shall, to the max-  
4 imum extent practicable, ensure—

5 (i) regional diversity among eligible  
6 entities to receive loans under this section,  
7 including participation by rural States and  
8 small States; and

9 (ii) that specific projects selected for  
10 loans—

11 (I) expand on the existing tech-  
12 nology deployment program of the De-  
13 partment of Energy; and

14 (II) are designed to achieve one  
15 or more of the objectives described in  
16 subparagraph (D).

17 (D) OBJECTIVES.—Each deployment se-  
18 lected for a loan under subparagraph (A) shall  
19 promote one or more of the following objectives:

20 (i) Improved security and resiliency of  
21 energy supply in the event of disruptions  
22 caused by extreme weather events, grid  
23 equipment or software failure, or terrorist  
24 acts.

1 (ii) Implementation of distributed en-  
2 ergy in order to increase use of local re-  
3 newable energy resources and waste ther-  
4 mal energy sources.

5 (iii) Enhanced feasibility of  
6 microgrids, demand response, or islanding.

7 (iv) Enhanced management of peak  
8 loads for consumers and the grid.

9 (v) Enhanced reliability in rural areas,  
10 including high energy cost rural areas.

11 (E) RESTRICTIONS ON USE OF FUNDS.—  
12 Any eligible entity that receives a loan under  
13 subparagraph (A) may only use the loan to  
14 fund programs relating to the deployment of  
15 distributed energy systems.

16 (2) LOAN TERMS AND CONDITIONS.—

17 (A) TERMS AND CONDITIONS.—Notwith-  
18 standing any other provision of law, in pro-  
19 viding a loan under this subsection, the Sec-  
20 retary shall provide the loan on such terms and  
21 conditions as the Secretary determines, after  
22 consultation with the Secretary of the Treasury,  
23 in accordance with this subsection.

24 (B) SPECIFIC APPROPRIATION.—No loan  
25 shall be made unless an appropriation for the

1 full amount of the loan has been specifically  
2 provided for that purpose.

3 (C) REPAYMENT.—No loan shall be made  
4 unless the Secretary determines that there is  
5 reasonable prospect of repayment of the prin-  
6 cipal and interest by the borrower of the loan.

7 (D) INTEREST RATE.—A loan provided  
8 under this section shall bear interest at a fixed  
9 rate that is equal or approximately equal, in the  
10 determination of the Secretary, to the interest  
11 rate for Treasury securities of comparable ma-  
12 turity.

13 (E) TERM.—The term of the loan shall re-  
14 quire full repayment over a period not to exceed  
15 the lesser of—

16 (i) 20 years; or

17 (ii) 90 percent of the projected useful  
18 life of the physical asset to be financed by  
19 the loan (as determined by the Secretary).

20 (F) USE OF PAYMENTS.—Payments of  
21 principal and interest on the loan shall—

22 (i) be retained by the Secretary to  
23 support energy research and development  
24 activities; and



1 (ii) remain available until expended,  
2 subject to such conditions as are contained  
3 in annual appropriations Acts.

4 (G) NO PENALTY ON EARLY REPAY-  
5 MENT.—The Secretary may not assess any pen-  
6 alty for early repayment of a loan provided  
7 under this subsection.

8 (H) RETURN OF UNUSED PORTION.—In  
9 order to receive a loan under this subsection, an  
10 eligible entity shall agree to return to the gen-  
11 eral fund of the Treasury any portion of the  
12 loan amount that is unused by the eligible enti-  
13 ty within a reasonable period of time after the  
14 date of the disbursement of the loan, as deter-  
15 mined by the Secretary.

16 (I) COMPARABLE WAGE RATES.—Each la-  
17 borer and mechanic employed by a contractor  
18 or subcontractor in performance of construction  
19 work financed, in whole or in part, by the loan  
20 shall be paid wages at rates not less than the  
21 rates prevailing on similar construction in the  
22 locality as determined by the Secretary of  
23 Labor in accordance with subchapter IV of  
24 chapter 31 of title 40, United States Code.

1           (3) RULES AND PROCEDURES; DISBURSEMENT  
2           OF LOANS.—

3           (A) RULES AND PROCEDURES.—Not later  
4           than 180 days after the date of enactment of  
5           this Act, the Secretary shall adopt rules and  
6           procedures for carrying out the loan program  
7           under paragraph (1).

8           (B) DISBURSEMENT OF LOANS.—Not later  
9           than 1 year after the date on which the rules  
10          and procedures under subparagraph (A) are es-  
11          tablished, the Secretary shall disburse the ini-  
12          tial loans provided under this subsection.

13          (4) REPORTS.—Not later than 2 years after the  
14          date of receipt of the loan, and annually thereafter  
15          for the term of the loan, an eligible entity that re-  
16          ceives a loan under this subsection shall submit to  
17          the Secretary a report describing the performance of  
18          each program and activity carried out using the  
19          loan, including itemized loan performance data.

20          (5) AUTHORIZATION OF APPROPRIATIONS.—  
21          There are authorized to be appropriated to carry out  
22          this subsection such sums as are necessary.

23          (c) TECHNICAL ASSISTANCE AND GRANT PRO-  
24          GRAM.—

25          (1) ESTABLISHMENT.—

1 (A) IN GENERAL.—The Secretary shall es-  
2 tablish a technical assistance and grant pro-  
3 gram (referred to in this subsection as the  
4 “program”)—

5 (i) to disseminate information and  
6 provide technical assistance directly to eli-  
7 gible entities so the eligible entities can  
8 identify, evaluate, plan, and design distrib-  
9 uted energy systems; and

10 (ii) to make grants to eligible entities  
11 so that the eligible entities may contract to  
12 obtain technical assistance to identify,  
13 evaluate, plan, and design distributed en-  
14 ergy systems.

15 (B) TECHNICAL ASSISTANCE.—The tech-  
16 nical assistance described in subparagraph (A)  
17 shall include assistance with one or more of the  
18 following activities relating to distributed en-  
19 ergy systems:

20 (i) Identification of opportunities to  
21 use distributed energy systems.

22 (ii) Assessment of technical and eco-  
23 nomic characteristics.

24 (iii) Utility interconnection.

25 (iv) Permitting and siting issues.

1 (v) Business planning and financial  
2 analysis.

3 (vi) Engineering design.

4 (C) INFORMATION DISSEMINATION.—The  
5 information disseminated under subparagraph  
6 (A)(i) shall include—

7 (i) information relating to the topics  
8 described in subparagraph (B), including  
9 case studies of successful examples;

10 (ii) computer software and databases  
11 for assessment, design, and operation and  
12 maintenance of distributed energy systems;  
13 and

14 (iii) public databases that track the  
15 operation and deployment of existing and  
16 planned distributed energy systems.

17 (2) ELIGIBILITY.—Any nonprofit or for-profit  
18 entity shall be eligible to receive technical assistance  
19 and grants under the program.

20 (3) APPLICATIONS.—

21 (A) IN GENERAL.—An eligible entity desir-  
22 ing technical assistance or grants under the  
23 program shall submit to the Secretary an appli-  
24 cation at such time, in such manner, and con-

1           taining such information as the Secretary may  
2           require.

3           (B) APPLICATION PROCESS.—The Sec-  
4           retary shall seek applications for technical as-  
5           sistance and grants under the program—

6                   (i) on a competitive basis; and

7                   (ii) on a periodic basis, but not less  
8           frequently than once every 12 months.

9           (C) PRIORITIES.—In selecting eligible enti-  
10          ties for technical assistance and grants under  
11          the program, the Secretary shall give priority to  
12          eligible entities with projects that have the  
13          greatest potential for—

14                   (i) facilitating the use of renewable  
15          energy resources;

16                   (ii) strengthening the reliability and  
17          resiliency of energy infrastructure to the  
18          impact of extreme weather events, power  
19          grid failures, and interruptions in supply  
20          of fossil fuels;

21                   (iii) improving the feasibility of  
22          microgrids or islanding, particularly in  
23          rural areas, including high energy cost  
24          rural areas;

1 (iv) minimizing environmental impact,  
2 including regulated air pollutants and  
3 greenhouse gas emissions; and

4 (v) maximizing local job creation.

5 (4) GRANTS.—On application by an eligible en-  
6 tity, the Secretary may award grants to the eligible  
7 entity to provide funds to cover not more than—

8 (A) 100 percent of the costs of the initial  
9 assessment to identify opportunities;

10 (B) 75 percent of the cost of feasibility  
11 studies to assess the potential for the imple-  
12 mentation;

13 (C) 60 percent of the cost of guidance on  
14 overcoming barriers to implementation, includ-  
15 ing financial, contracting, siting, and permitting  
16 issues; and

17 (D) 45 percent of the cost of detailed engi-  
18 neering.

19 (5) RULES AND PROCEDURES.—

20 (A) RULES.—Not later than 180 days  
21 after the date of enactment of this Act, the Sec-  
22 retary shall adopt rules and procedures for car-  
23 rying out the program.

24 (B) GRANTS.—Not later than 120 days  
25 after the date of issuance of the rules and pro-

1           cedures for the program, the Secretary shall  
2           issue grants under this subsection.

3           (6) REPORTS.—The Secretary shall submit to  
4           Congress and make available to the public—

5                   (A) not less frequently than once every 2  
6                   years, a report describing the performance of  
7                   the program under this subsection, including a  
8                   synthesis and analysis of the information pro-  
9                   vided in the reports submitted to the Secretary  
10                  under subsection (b)(4); and

11                  (B) on termination of the program under  
12                  this subsection, an assessment of the success of,  
13                  and education provided by, the measures car-  
14                  ried out by eligible entities during the term of  
15                  the program.

16           (7) AUTHORIZATION OF APPROPRIATIONS.—  
17           There is authorized to be appropriated to carry out  
18           this subsection \$250,000,000 for the period of fiscal  
19           years 2021 through 2030, to remain available until  
20           expended.

21 **SEC. 242. LOAN AND GRANT PROGRAM FOR SOLAR INSTAL-**  
22 **LATIONS IN LOW-INCOME AND UNDER-**  
23 **SERVED AREAS.**

24           (a) DEFINITIONS.—In this section:

1           (1) ADMINISTRATIVE EXPENSES.—The term  
2           “administrative expenses” has such meaning as may  
3           be established by the Secretary.

4           (2) COMMUNITY SOLAR FACILITY.—The term  
5           “community solar facility” means a photovoltaic  
6           solar electricity generating facility that, as deter-  
7           mined by the Secretary—

8                   (A) through a voluntary program, provides  
9                   electric power or financial benefit to, or is  
10                  owned by, multiple community members;

11                  (B) has a nameplate rating of 2 megawatts  
12                  or less;

13                  (C) is located in or near a community of  
14                  subscribers; and

15                  (D) the owner or operator of which re-  
16                  serves not less than 25 percent of the quantity  
17                  of electricity generated by the facility for low-  
18                  income households that are subscribers to the  
19                  facility.

20           (3) ELIGIBLE ENTITY.—The term “eligible enti-  
21           ty” means—

22                   (A) a low-income household;

23                   (B) a unit of State, territorial, or local  
24                   government;

25                   (C) an Indian Tribe;



1 (D) a Native Hawaiian community-based  
2 organization;

3 (E) any other national or regional entity  
4 that—

5 (i) deploys a safe, high-quality photo-  
6 voltaic solar electricity generating facility  
7 for consumers under a model that maxi-  
8 mizes energy savings to those consumers;  
9 and

10 (ii) has experience, as determined by  
11 the Secretary, installing solar systems  
12 using a job training or community volun-  
13 teer-based installation model; and

14 (F) for the loan program only, in addition  
15 to entities described in subparagraphs (A)  
16 through (E), a private entity that—

17 (i) deploys a safe, high-quality photo-  
18 voltaic solar electricity generating facility  
19 for consumers under a model that maxi-  
20 mizes energy savings to those consumers;  
21 and

22 (ii) will install solar systems using a  
23 job training installation model.

24 (4) GRANT-ELIGIBLE HOUSEHOLD.—The term  
25 “grant-eligible household” means a low-income

1 household the members of which reside in an owner-  
2 occupied home.

3 (5) INDIAN TRIBE.—The term “Indian Tribe”  
4 means any Indian Tribe, band, nation, or other or-  
5 ganized group or community, including any Alaska  
6 Native village, Regional Corporation, or Village Cor-  
7 poration (as defined in, or established pursuant to,  
8 the Alaska Native Claims Settlement Act (43 U.S.C.  
9 1601 et seq.)), that is recognized as eligible for the  
10 special programs and services provided by the  
11 United States to Indians because of their status as  
12 Indians.

13 (6) LOW-INCOME HOUSEHOLD.—The term  
14 “low-income household” means a household with an  
15 income equal to 80 percent or less of the applicable  
16 area median income, as defined for the applicable  
17 year by the Secretary of Housing and Urban Devel-  
18 opment.

19 (7) MULTIFAMILY AFFORDABLE HOUSING.—  
20 The term “multifamily affordable housing” means  
21 any federally subsidized affordable housing complex  
22 in which at least 50 percent of the units are reserved  
23 for low-income households.

24 (8) 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 (9) PHOTOVOLTAIC SOLAR ELECTRICITY GEN-  
7 ERATING FACILITY.—The term “photovoltaic solar  
8 electricity generating facility” means—

9 (A) a generator that creates electricity  
10 from light photons; and

11 (B) the accompanying hardware enabling  
12 that electricity to flow—

13 (i) onto the electric grid; or

14 (ii) into an energy storage device.

15 (10) SECRETARY.—The term “Secretary”  
16 means the Secretary of Energy.

17 (11) SUBSCRIBER.—The term “subscriber”  
18 means an electricity consumer who owns a subscrip-  
19 tion, or an equivalent unit or share of the capacity  
20 or generation, of a community solar facility.

21 (12) SUBSCRIPTION.—The term “subscription”  
22 means a share in the capacity, or a proportional in-  
23 terest in the solar electricity generation, of a com-  
24 munity solar facility.

1 (13) UNDERSERVED AREA.—The term “under-  
2 served area” means—

3 (A) a geographical area with low or no  
4 photovoltaic solar deployment, as determined by  
5 the Secretary; or

6 (B) trust land, as defined in section 3765  
7 of title 38, United States Code.

8 (b) ESTABLISHMENT OF LOAN AND GRANT PRO-  
9 GRAM.—

10 (1) IN GENERAL.—The Secretary shall establish  
11 a program under which the Secretary shall provide  
12 loans and grants to eligible entities for use in ac-  
13 cordance with this section.

14 (2) FUNDING.—

15 (A) IN GENERAL.—Subject to the avail-  
16 ability of appropriations, the Secretary shall  
17 make grants and issue loans in accordance with  
18 this subsection.

19 (B) LOANS.—Not more than 50 percent of  
20 funds made available pursuant to subparagraph

21 (A) for a fiscal year shall be used to provide  
22 loans to eligible entities for—

23 (i) construction or installation of com-  
24 munity solar facilities; or

1 (ii) construction or installation of pho-  
2 tovoltaic solar electricity generating facili-  
3 ties to serve multifamily affordable hous-  
4 ing.

5 (C) GRANTS.—After allocating amounts to  
6 carry out subparagraph (B), the Secretary shall  
7 use the remaining funds made available pursu-  
8 ant to subparagraph (A) for a fiscal year to  
9 provide grants to eligible entities for eligible  
10 uses described in subsection (e).

11 (3) GOALS AND ACCOUNTABILITY.—In pro-  
12 viding loans and grants under this subsection, the  
13 Secretary shall take such actions as may be nec-  
14 essary to ensure that—

15 (A) the assistance provided under this sub-  
16 section is used to facilitate and encourage inno-  
17 vative solar installation and financing models,  
18 under which the recipients develop and install  
19 photovoltaic solar electricity generating facilities  
20 that provide significant savings to low-income  
21 households while providing job training or com-  
22 munity engagement opportunities with respect  
23 to each solar system installed;

24 (B) the photovoltaic solar electricity gener-  
25 ating facilities installed using assistance pro-

1           vided under this subsection are safe, high-quality  
2           ity systems that comply with local building and  
3           safety codes and standards;

4           (C) the program under this section establishes and fosters a partnership between the  
5           Federal Government and eligible entities, resulting in efficient development of solar installations with—

9                   (i) minimal governmental intervention;

10                   (ii) limited governmental regulation;

11                   and

12                   (iii) significant involvement by non-profit and private entities;

14           (D) photovoltaic solar electricity generating facilities installed using assistance provided under this subsection—

17                   (i) include job training and community participation to the extent practicable;

19                   and

20                   (ii) may include community participation in which job trainees and volunteers assist in the development of solar projects;

23           (E) assistance provided under this subsection prioritizes development in underserved areas;

1 (F) photovoltaic solar electricity generating  
2 facilities are developed using assistance pro-  
3 vided under this subsection on a geographically  
4 diverse basis among the eligible entities; and

5 (G) to the maximum extent practicable,  
6 solar installation activities for which assistance  
7 is provided under this section leverage, or con-  
8 nect grant-eligible households to, federally or lo-  
9 cally subsidized weatherization and energy effi-  
10 ciency efforts that meet or exceed local energy  
11 efficiency standards.

12 (c) NATIONAL COMPETITION.—

13 (1) IN GENERAL.—The Secretary shall select el-  
14 igible entities to receive loans or grants under this  
15 section through a nationwide competitive process, to  
16 be established by the Secretary.

17 (2) APPLICATIONS.—To be eligible to receive a  
18 loan or grant under this section, an eligible entity  
19 shall submit to the Secretary an application at such  
20 time, in such manner, and containing such informa-  
21 tion as the Secretary may require.

22 (3) REQUIREMENTS.—In selecting eligible enti-  
23 ties to receive loans or grants under this section, the  
24 Secretary shall, at a minimum—

25 (A) require that the eligible entity—

1 (i) enter into a grant or loan agree-  
2 ment, as applicable, under subsection (d);  
3 and

4 (ii) has obtained financial commit-  
5 ments (or has demonstrated the capacity  
6 to obtain financial commitments) necessary  
7 to comply with that agreement;

8 (B) ensure that loans and grants are pro-  
9 vided, and amounts are used, in a manner that  
10 results in geographical diversity throughout the  
11 United States and within States, territories,  
12 and Indian Tribal land among photovoltaic  
13 solar electricity generating facilities installed  
14 using the assistance provided under this sec-  
15 tion;

16 (C) to the maximum extent practicable, ex-  
17 pand photovoltaic solar energy availability to—

18 (i) geographical areas, throughout the  
19 United States and within States, terri-  
20 tories, and Indian Tribal land, with—

21 (I) low photovoltaic solar pene-  
22 tration; or

23 (II) areas with a higher cost bur-  
24 den with respect to the deployment or



1 installation of photovoltaic solar elec-  
2 tricity generating facilities;  
3 (ii) rural areas;  
4 (iii) Indian Tribes; and  
5 (iv) other underserved areas, including  
6 Appalachian and Alaska Native commu-  
7 nities;

8 (D) take into account the warranty period  
9 and quality of the applicable photovoltaic solar  
10 electricity generating facility equipment and any  
11 necessary interconnecting equipment; and

12 (E) ensure all calculations for estimated  
13 household energy savings are based solely on  
14 electricity offsets from the photovoltaic solar  
15 electricity generating facilities.

16 (d) LOAN AND GRANT AGREEMENTS.—

17 (1) IN GENERAL.—As a condition of receiving a  
18 loan or grant under this section, an eligible entity  
19 shall enter into a loan or grant agreement, as appli-  
20 cable, with the Secretary.

21 (2) REQUIREMENTS.—A loan or grant agree-  
22 ment under this subsection shall—

23 (A) require the Secretary to rescind any  
24 amounts provided to the eligible entity that are  
25 not used during the 2-year period beginning on

1 the date on which the amounts are initially dis-  
2 tributed to the eligible entity, except in any case  
3 in which the eligible entity has demonstrated to  
4 the satisfaction of the Secretary that a longer  
5 period, not to exceed 3 years after the date of  
6 initial distribution, is necessary to deliver pro-  
7 posed services;

8 (B) for a loan provided under this section,  
9 establish—

10 (i) an interest rate equal to the then-  
11 current cost of funds to the Department of  
12 the Treasury for obligations of comparable  
13 maturity to the loan; and

14 (ii) a payout time that maximizes the  
15 savings to subscribers during the effective  
16 period of the agreement; and

17 (C) contain such other terms as the Sec-  
18 retary may require to ensure compliance with  
19 the requirements of this section.

20 (e) USE.—An eligible entity shall use a loan or grant  
21 provided under this section only for the following activi-  
22 ties, for the purpose of developing new photovoltaic solar  
23 electricity generating facilities in the United States for  
24 low-income households and individuals who otherwise

1 would likely be unable to afford or purchase photovoltaic  
2 solar electricity generating facilities:

3 (1) PHOTOVOLTAIC SOLAR EQUIPMENT AND IN-  
4 STALLATION.—To pay the costs of—

5 (A) photovoltaic solar equipment and stor-  
6 age and all hardware or software components  
7 relating to safely producing, monitoring, and  
8 connecting the system to the electric grid or on-  
9 site storage; and

10 (B) installation, including all direct labor  
11 costs associated with installing the photovoltaic  
12 solar equipment and storage.

13 (2) JOB TRAINING.—To fund onsite job train-  
14 ing and community or volunteer engagement, includ-  
15 ing—

16 (A) job training costs directly associated  
17 with the solar projects funded under this sec-  
18 tion; and

19 (B) job training opportunities that may  
20 cover the full range of the solar value chain,  
21 such as marketing and outreach, customer ac-  
22 quisition, system design, and installation posi-  
23 tions.

1           (3) DEPLOYMENT SUPPORT.—To fund entities  
2           that have a demonstrated ability, as determined by  
3           the Secretary—

4                   (A) to advise State and local entities re-  
5                   garding low-income solar policy, regulatory, and  
6                   program design to continue and expand the  
7                   work of the entities;

8                   (B) to foster community outreach and edu-  
9                   cation regarding the benefits of photovoltaic  
10                   solar energy for low-income and disadvantaged  
11                   communities; or

12                   (C) to provide apprenticeship program op-  
13                   portunities registered and approved by—

14                           (i) the Office of Apprenticeship of the  
15                           Department of Labor pursuant to part 29  
16                           of title 29, Code of Federal Regulations (or  
17                           successor regulations); or

18                           (ii) a State Apprenticeship Agency  
19                           recognized by that Office.

20           (4) ADMINISTRATION.—To pay the administra-  
21           tive expenses of the eligible entity, including  
22           preproject feasibility efforts, associated with deliv-  
23           ering proposed services, subject to the requirement  
24           that not more than 15 percent of the total amount

1 of the assistance provided to the eligible entity under  
2 this section may be used for administrative expenses.

3 (f) COMPLIANCE.—

4 (1) RECORDS AND AUDITS.—During the period  
5 beginning on the date of initial distribution to an eli-  
6 gible entity of a loan or grant under this section and  
7 ending on the termination date of the loan or grant  
8 under subsection (g), the eligible entity shall main-  
9 tain such records and adopt such administrative  
10 practices as the Secretary may require to ensure  
11 compliance with the requirements of this section and  
12 the applicable loan or grant agreement.

13 (2) DETERMINATION BY SECRETARY.—If the  
14 Secretary determines that an eligible entity that re-  
15 ceives a grant or loan under this section has not,  
16 during the 2-year period beginning on the date of  
17 initial distribution to the eligible entity of the assist-  
18 ance (or such longer period as is established under  
19 subsection (d)(2)(B)), substantially fulfilled the obli-  
20 gations of the eligible entity under the applicable  
21 loan or grant agreement, the Secretary shall—

22 (A) rescind the balance of any funds dis-  
23 tributed to, but not used by, the eligible entity  
24 under this section; and

1 (B) use those amounts to provide other  
2 loans or grants in accordance with this section.

3 (g) TERMINATION.—The Secretary shall terminate a  
4 loan or grant provided under this section on a determina-  
5 tion that the total amount of the loan or grant (excluding  
6 any interest, fees, and other earnings of the loan or grant)  
7 has been—

- 8 (1) fully expended by the eligible entity; or
- 9 (2) returned to the Secretary.

10 (h) REGULATIONS.—Not later than 90 days after the  
11 date of enactment of this Act, the Secretary shall promul-  
12 gate such regulations as the Secretary determines to be  
13 necessary to carry out this section, to take effect on the  
14 date of promulgation.

15 (i) FUNDING.—There is authorized to be appro-  
16 priated to the Secretary to carry out this section  
17 \$200,000,000 for each of fiscal years 2021 through 2030,  
18 to remain available until expended.

19 **SEC. 243. HYDROELECTRIC PRODUCTION INCENTIVES AND**  
20 **EFFICIENCY IMPROVEMENTS.**

21 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—  
22 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.  
23 15881) is amended—

24 (1) in subsection (b), by striking paragraph (1)  
25 and inserting the following:

1           “(1) QUALIFIED HYDROELECTRIC FACILITY.—

2           The term ‘qualified hydroelectric facility’ means a  
3           turbine or other generating device owned or solely  
4           operated by a non-Federal entity—

5                   “(A) that generates hydroelectric energy  
6                   for sale; and

7                   “(B)(i) that is added to an existing dam or  
8                   conduit; or

9                   “(ii)(I) that has a generating capacity of  
10                  not more than 10 megawatts;

11                  “(II) for which the non-Federal entity has  
12                  received a construction authorization from the  
13                  Federal Energy Regulatory Commission, if ap-  
14                  plicable; and

15                  “(III) that is constructed in a region in  
16                  which there is inadequate electric service, as de-  
17                  termined by the Secretary.”;

18           (2) in subsection (c), by striking “10” and in-  
19           serting “22”;

20           (3) in subsection (e)(2), by striking “section  
21           29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

22           (4) in subsection (f), by striking “20” and in-  
23           serting “32”; and

1 (5) in subsection (g), by striking “each of the  
2 fiscal years 2006 through 2015” and inserting “each  
3 of fiscal years 2019 through 2036”.

4 (b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—  
5 Section 243(c) of the Energy Policy Act of 2005 (42  
6 U.S.C. 15882(c)) is amended by striking “each of the fis-  
7 cal years 2006 through 2015” and inserting “each of fis-  
8 cal years 2019 through 2036”.

9 **SEC. 244. HYDROPOWER LICENSING AND PROCESS IM-**  
10 **PROVEMENTS.**

11 (a) HYDROPOWER LICENSING AND PROCESS IM-  
12 PROVEMENTS.—Part I of the Federal Power Act (16  
13 U.S.C. 792 et seq.) is amended by adding at the end the  
14 following:

15 **“SEC. 37. HYDROPOWER LICENSING AND PROCESS IM-**  
16 **PROVEMENTS.**

17 “(a) DEFINITION.—In this section, the term ‘Federal  
18 authorization’—

19 “(1) means any authorization required under  
20 Federal law with respect to an application for a li-  
21 cense under this part; and

22 “(2) includes any conditions, prescriptions, per-  
23 mits, special use authorizations, certifications, opin-  
24 ions, or other approvals as may be required under



1 Federal law to approve or implement the license  
2 under this part.

3 “(b) DESIGNATION AS LEAD AGENCY.—The Com-  
4 mission shall act as the lead agency for the purposes of  
5 complying with the National Environmental Policy Act of  
6 1969 (42 U.S.C. 4321 et seq.) with respect to an applica-  
7 tion for a license under this part.

8 “(c) RULEMAKING TO ESTABLISH PROCESS TO SET  
9 SCHEDULE.—

10 “(1) NEGOTIATED RULEMAKING.—Not later  
11 than 90 days after the date of enactment of this sec-  
12 tion the Commission, the Secretary of Agriculture,  
13 the Administrator of the National Oceanic and At-  
14 mospheric Administration, and the Secretary of the  
15 Interior shall enter into a negotiated rulemaking  
16 pursuant to subchapter III of chapter 5 of title 5,  
17 United States Code, to develop and publish a rule  
18 providing a process for the Commission to evaluate,  
19 and issue a final decision on, a completed applica-  
20 tion for a license under this part.

21 “(2) NEGOTIATED RULEMAKING COMMITTEE.—  
22 The negotiated rulemaking committee established  
23 pursuant to the negotiated rulemaking process en-  
24 tered into under paragraph (1) shall include rep-  
25 resentatives of State and Indian tribal governments,

1 and other stakeholders who will be significantly af-  
2 fected by a rule issued under this subsection.

3 “(3) DEADLINES.—

4 “(A) PROPOSED RULE.—Not later than 2  
5 years after the date of enactment of this sec-  
6 tion, the Commission shall publish a proposed  
7 rule resulting from the negotiated rulemaking  
8 under this subsection.

9 “(B) FINAL RULE.—Not later than 3  
10 years after the date of enactment of this sec-  
11 tion, the Commission shall publish a final rule  
12 resulting from the negotiated rulemaking under  
13 this subsection.

14 “(4) ELEMENTS OF RULE.—In publishing a  
15 rule under this subsection, the Commission shall en-  
16 sure that—

17 “(A) the rule includes a description of the  
18 Commission’s responsibility as the lead agency  
19 in coordinating Federal authorizations;

20 “(B) the rule includes a process for devel-  
21 opment of a schedule for the review and disposi-  
22 tion of a completed application for a license  
23 under this part;

24 “(C) each schedule developed pursuant to  
25 such process shall—

1 “(i) include deadlines for actions on  
2 the applicable completed application—

3 “(I) that are consistent with the  
4 duties of each agency under this Act  
5 and under applicable State, tribal, and  
6 other Federal laws; and

7 “(II) by—

8 “(aa) each Federal agency  
9 responsible for a Federal author-  
10 ization;

11 “(bb) each State agency,  
12 local government, or Indian tribe  
13 that may consider an aspect of  
14 an application for a Federal au-  
15 thorization or is responsible for  
16 conducting any separate permit-  
17 ting and environmental reviews of  
18 the applicable project;

19 “(cc) the applicant;

20 “(dd) the Commission; and

21 “(ee) other participants in a  
22 license proceeding;

23 “(ii) facilitate the identification and  
24 completion of Federal, State, and tribal  
25 agency-requested studies, reviews, and any

1 other procedures required to be conducted  
2 prior to, or concurrent with, the prepara-  
3 tion of the Commission’s environmental re-  
4 view required under the National Environ-  
5 mental Policy Act of 1969 (42 U.S.C.  
6 4321 et seq.), to the extent practicable;  
7 and

8 “(iii) provide for a final decision on  
9 the applicable completed application to be  
10 made by not later than 3 years after the  
11 date on which the Commission receives  
12 such completed application;

13 “(D) the rule includes a mechanism for re-  
14 solving issues of concern that may delay the  
15 completion of a license application or review of  
16 a completed application;

17 “(E) the rule includes a definition of a  
18 completed application; and

19 “(F) the rule provides for an opportunity  
20 for public notice and comment on—

21 “(i) a completed application; and

22 “(ii) the schedule developed for the re-  
23 view and disposition of the application.

24 “(d) APPLICATION PROCESSING.—The Commission,  
25 Federal, State, and local government agencies, and Indian

1 tribes may allow an applicant seeking a Federal authoriza-  
2 tion to fund a third-party contractor selected by such an  
3 agency or tribe to assist in reviewing the application. All  
4 costs of an agency or tribe incurred pursuant to direct  
5 funding by the applicant, including all costs associated  
6 with the third-party contractor, shall not be considered  
7 costs of the United States for the administration of this  
8 part under section 10(e).

9 “(e) ISSUE RESOLUTION.—The Commission may for-  
10 ward any issue of concern that has delayed either the com-  
11 pletion of the application or the issuance of a license for  
12 a completed application beyond the deadline set forth in  
13 the schedule established under the final rule published  
14 under subsection (e) to the heads of the relevant State,  
15 Federal, or Indian tribal agencies for resolution. If the  
16 Commission forwards an issue of concern to the head of  
17 a relevant agency, the Commission and the relevant agen-  
18 cy shall enter into a memorandum of understanding to fa-  
19 cilitate interagency coordination and resolution of the  
20 issue of concern, as appropriate.

21 “(f) NO EFFECT ON OTHER LAWS.—Nothing in this  
22 section—

23 “(1) expands or limits the application of any  
24 power or authority vested in an agency, State, or In-  
25 dian tribe by any applicable law or regulation;

1           “(2) shall be construed to affect any require-  
2           ments of State, tribal, or other Federal law (includ-  
3           ing under the Federal Water Pollution Control Act,  
4           the Fish and Wildlife Coordination Act, the Endan-  
5           gered Species Act of 1973, section 14 of the Act of  
6           March 3, 1899 (commonly known as the Rivers and  
7           Harbors Appropriation Act of 1899), the Coastal  
8           Zone Management Act of 1972, the Magnuson-Ste-  
9           vens Fishery Conservation and Management Act,  
10          and those provisions in subtitle III of title 54,  
11          United States Code, commonly known as the Na-  
12          tional Historic Preservation Act) with respect to an  
13          application for a license under this part; or

14           “(3) abrogates, diminishes, or otherwise affects  
15          any treaty or other right of any Indian tribe.

16   **“SEC. 38. LICENSING STUDY IMPROVEMENTS.**

17          “(a) IN GENERAL.—To facilitate the timely and effi-  
18          cient completion of the license proceedings under this part,  
19          the Commission shall, in consultation with applicable Fed-  
20          eral and State agencies and interested members of the  
21          public—

22           “(1) compile current and accepted best prac-  
23           tices in performing studies required in such license  
24           proceedings, including methodologies and the design  
25           of studies to assess the full range of environmental

1 impacts of a project that reflect the most recent  
2 peer-reviewed science;

3 “(2) compile a comprehensive collection of stud-  
4 ies and data accessible to the public that could be  
5 used to inform license proceedings under this part;  
6 and

7 “(3) encourage license applicants, agencies, and  
8 Indian tribes to develop and use, for the purpose of  
9 fostering timely and efficient consideration of license  
10 applications, a limited number of open-source meth-  
11 odologies and tools applicable across a wide array of  
12 projects, including water balance models and  
13 streamflow analyses.

14 “(b) USE OF STUDIES.—To the extent practicable,  
15 the Commission and other Federal, State, and local gov-  
16 ernment agencies and Indian tribes considering an aspect  
17 of an application for Federal authorization (as defined in  
18 section 37) shall use relevant, existing studies and data  
19 and avoid duplicating such studies that are applicable to  
20 the project. Studies repeated for the purpose of character-  
21 izing seasonal or annual variation of a relevant char-  
22 acteristic or resource shall not be considered duplicative.

23 **“SEC. 39. EVALUATION OF EXPEDITED LICENSING FOR**  
24 **QUALIFYING PROJECT UPGRADES.**

25 “(a) DEFINITIONS.—In this section:

1           “(1) **EXPEDITED LICENSE AMENDMENT PROC-**  
2           **ESS.**—The term ‘expedited license amendment proc-

3           ess’ means an expedited process for issuing an  
4           amendment to an existing license issued under this  
5           part for a project.

6           “(2) **QUALIFYING PROJECT UPGRADE.**—The  
7           term ‘qualifying project upgrade’ means a change—  
8                   “(A) to a project; and  
9                   “(B) that meets the criteria under sub-

10           section (b).

11           “(b) **IN GENERAL.**—To improve the regulatory proc-

12           ess and reduce the time and cost of making upgrades to  
13           existing projects, the Commission shall investigate the fea-

14           sibility of implementing an expedited license amendment  
15           process for a change to a project that meets the following  
16           criteria:

17           “(1) The change to the project—

18                   “(A) is limited to the power house equip-

19                   ment of the project; or

20                   “(B) will result in environmental protec-

21                   tion, mitigation, or enhancement measures to  
22                   benefit fish and wildlife resources or other nat-

23                   ural or cultural resources.

24           “(2) The change to the project is unlikely to  
25           adversely affect any species listed as threatened or



1       endangered under the Endangered Species Act of  
2       1973 (16 U.S.C. 1531 et seq.), as determined by the  
3       Secretary of the Interior.

4           “(3) The Commission ensures, in accordance  
5       with section 7 of the Endangered Species Act of  
6       1973 (16 U.S.C. 1536), that the change to the  
7       project will not result in the destruction or modifica-  
8       tion of critical habitat.

9           “(4) The change to the project is consistent  
10       with any applicable comprehensive plan under sec-  
11       tion 10(a).

12           “(5) The change to the project is unlikely to  
13       adversely affect water quality and water supply, as  
14       determined in consultation with any applicable State  
15       or Indian tribe.

16           “(6) Any adverse environmental effects result-  
17       ing from the change to the project will be insignifi-  
18       cant.

19       “(c) WORKSHOPS AND PILOTS.—The Commission  
20       shall—

21           “(1) not later than 60 days after the date of  
22       enactment of this section, hold an initial workshop  
23       to solicit public comment and recommendations on  
24       how to implement an expedited license amendment  
25       process for qualifying project upgrades;

1           “(2) evaluate pending applications for an  
2           amendment to an existing license of a project for a  
3           qualifying project upgrade that may benefit from an  
4           expedited license amendment process;

5           “(3) not later than 180 days after the date of  
6           enactment of this section, identify and solicit partici-  
7           pation by project developers in, and begin implemen-  
8           tation of, a 3-year pilot program to evaluate the fea-  
9           sibility and utility of an expedited license amend-  
10          ment process for qualifying project upgrades; and

11          “(4) not later than 3 months after the end of  
12          the 3-year pilot program under paragraph (3), hold  
13          a final workshop to solicit public comment on the ex-  
14          pedited license amendment process.

15          “(d) MEMORANDUM OF UNDERSTANDING.—The  
16          Commission shall, to the extent practicable, enter into a  
17          memorandum of understanding with any applicable Fed-  
18          eral, State, or tribal agency to implement the pilot pro-  
19          gram described in subsection (c).

20          “(e) REPORTS.—Not later than 3 months after the  
21          date of the final workshop held pursuant to subsection  
22          (c)(4), the Commission shall submit to the Committee on  
23          Energy and Commerce of the House of Representatives  
24          and the Committee on Energy and Natural Resources of  
25          the Senate a report that includes—

1           “(1) a summary of the public comments re-  
2           ceived as part of the initial workshop held under  
3           subsection (c)(1);

4           “(2) a summary of the public comments re-  
5           ceived as part of the final workshop held under sub-  
6           section (c)(4);

7           “(3) a description of the expedited license  
8           amendment process for qualifying project upgrades  
9           evaluated under the pilot program, including—

10                   “(A) a description of the procedures or re-  
11                   quirements that were waived under the expe-  
12                   dited license amendment process;

13                   “(B) a comparison between—

14                           “(i) the average amount of time re-  
15                           quired to complete the licensing process for  
16                           an amendment to a license under the expe-  
17                           dited license amendment process tested  
18                           under the pilot program; and

19                           “(ii) the average amount of time re-  
20                           quired to complete the licensing process for  
21                           a similar amendment to a license under  
22                           current Commission processes;

23           “(4) the number of requests received by the  
24           Commission to participate in the expedited license  
25           amendment process for qualifying project upgrades;

1           “(5) a description of changes to Commission  
2 rules required to create and standardize an expedited  
3 license amendment process for qualifying  
4 project upgrades; and

5           “(6) a description of factors that prevented any  
6 participant in the pilot program from completing the  
7 expedited license amendment process in the expedited  
8 timeframe.

9           “(f) IMPLEMENTATION.—If the Commission deter-  
10 mines, based upon the workshops and results of the pilot  
11 program under subsection (c), that an expedited license  
12 amendment process will reduce the time and costs for  
13 issuing amendments to licenses for qualifying project up-  
14 grades, the Commission shall revise its policies and regula-  
15 tions, in accordance with applicable law, to establish an  
16 expedited license amendment process.

17           “(g) PUBLIC INPUT.—In carrying out subsection (f),  
18 the Commission shall solicit and consider public comments  
19 before finalizing any change to policies or regulations.”.

20           (b) PILOT PROGRAM FOR CONSOLIDATED LICENSING  
21 PROCESS FOR INTRA-WATERSHED PROJECTS.—

22           (1) DEFINITIONS.—In this subsection:

23                   (A) COMMISSION.—The term “Commis-  
24 sion” means the Federal Energy Regulatory  
25 Commission.

1           (B) PROJECT.—The term “project” has  
2           the meaning given such term in section 3 of the  
3           Federal Power Act (16 U.S.C. 796).

4           (2) INITIAL WORKSHOP.—Not later than 3  
5           months after the date of enactment of this Act, the  
6           Commission shall hold a workshop to solicit public  
7           comment and recommendations on how to implement  
8           a pilot program described in paragraph (3).

9           (3) ESTABLISHMENT OF PILOT PROGRAM.—The  
10          Commission shall establish a voluntary pilot pro-  
11          gram to enable the Commission to consider multiple  
12          projects together in a consolidated licensing process  
13          in order to issue a license under part I of the Fed-  
14          eral Power Act (16 U.S.C. 792 et seq.) for each  
15          such project.

16          (4) CANDIDATE PROJECT IDENTIFICATION.—  
17          Not later than 1 year after the date of enactment  
18          of this Act, the Commission, in consultation with the  
19          head of any applicable Federal or State agency or  
20          Indian Tribe and licensees, shall identify and solicit  
21          candidate projects to participate in the pilot pro-  
22          gram established under paragraph (3). In order to  
23          participate in such pilot program a project shall  
24          meet the following criteria:

1 (A) The current license for the project ex-  
2 pires between 2021 and 2030 or the project is  
3 not licensed under part I of the Federal Power  
4 Act (16 U.S.C. 792 et seq.).

5 (B) The project is located within the same  
6 watershed as other projects that are eligible to  
7 participate in the pilot program.

8 (C) The project is located in sufficiently  
9 close proximity and has environmental condi-  
10 tions that are sufficiently similar to other  
11 projects that are eligible to participate in the  
12 pilot program so that watershed-wide studies  
13 and information may be developed, thereby sig-  
14 nificantly reducing the need for, and scope of,  
15 individual project-level studies and information.

16 (5) DESIGNATION OF INDIVIDUAL PROJECTS AS  
17 A SINGLE GROUP.—The Commission may designate  
18 a group of projects to be considered together in a  
19 consolidated licensing process under the pilot pro-  
20 gram established under paragraph (3). The Commis-  
21 sion may designate such a group only if each li-  
22 censee (or applicant) for a project in the group, on  
23 a voluntary basis and in writing, agrees—

24 (A) to participate in the pilot program;  
25 and

1 (B) to a cost-sharing arrangement with  
2 other licensees (or applicants) and applicable  
3 Federal and State agencies with respect to the  
4 conduct of watershed-wide studies to be consid-  
5 ered in support of the license applications for  
6 the group of projects.

7 (6) PROJECT LICENSE TERMS.—The Commis-  
8 sion may change the term of any existing license for  
9 an individual licensee in a group designated under  
10 paragraph (5) by up to 5 years—

11 (A) to provide sufficient time to develop a  
12 consolidated study plan for—

13 (i) studies for individual projects in  
14 the group, as necessary; and

15 (ii) relevant watershed-wide studies  
16 for purposes of the consolidated licensing  
17 process under the pilot program estab-  
18 lished under paragraph (3) that will be ap-  
19 plicable to each project in the group; and

20 (B) to align the terms of the existing li-  
21 censes such that they expire on the same date.

22 (7) MEMORANDUM OF UNDERSTANDING.—The  
23 Commission shall, to the extent practicable, enter  
24 into a memorandum of understanding with any ap-  
25 plicable Federal or State agency or Indian Tribe to

1       implement the pilot program established under para-  
2       graph (3).

3           (8) INITIAL REPORT.—Not later than 3 months  
4       after the date of the initial workshop held pursuant  
5       to paragraph (2), the Commission shall submit to  
6       the Committee on Energy and Commerce of the  
7       House of Representatives and the Committee on En-  
8       ergy and Natural Resources of the Senate a report  
9       that includes—

10           (A) a summary of the public comments re-  
11       ceived as part of such initial workshop; and

12           (B) a preliminary plan for identifying and  
13       soliciting participants in the pilot program es-  
14       tablished under paragraph (3).

15           (9) INTERIM REPORT.—Not later than 4 years  
16       after the establishment of the pilot program under  
17       paragraph (3), the Commission shall submit to the  
18       Committee on Energy and Commerce of the House  
19       of Representatives and the Committee on Energy  
20       and Natural Resources of the Senate a report that  
21       includes—

22           (A) a description of the status of the pilot  
23       program, including a description of the indi-  
24       vidual projects that are participating in the



1 pilot program and the watersheds in which such  
2 projects are located; or

3 (B) if no projects are participating in the  
4 pilot program, a summary of any barriers the  
5 Commission has identified to proceeding with  
6 the pilot program and the reasons provided by  
7 potential participants for their preference for  
8 using an individual license process.

9 (c) INTERAGENCY COMMUNICATIONS AND COOPERA-  
10 TION.—Part I of the Federal Power Act (16 U.S.C. 792  
11 et seq.) is further amended by adding at the end the fol-  
12 lowing new section:

13 **“SEC. 40. INTERAGENCY COMMUNICATIONS AND COOPERA-**  
14 **TION.**

15 “(a) EX PARTE COMMUNICATIONS.—Interagency  
16 communications relating to the preparation of environ-  
17 mental documents under the National Environmental Pol-  
18 icy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to  
19 an application for a license under this part, or to the li-  
20 censing process for a license under this part, shall not be  
21 considered to be ex parte communications under Commis-  
22 sion rules.

23 “(b) PARTICIPATION IN PROCEEDINGS.—Interagency  
24 cooperation, at any time, in the preparation of environ-  
25 mental documents under the National Environmental Pol-

1 icy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to  
2 an application for a license under this part, or in the li-  
3 censing process for a license under this part, shall not pre-  
4 clude an agency from participating in a licensing pro-  
5 ceeding under this part.

6 “(c) SEPARATION OF STAFF.—Notwithstanding sub-  
7 section (a), to the extent the Commission determines nec-  
8 essary, the Commission may require Federal and State  
9 agencies participating as cooperating agencies under the  
10 National Environmental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.) to demonstrate a separation of staff that  
12 are cooperating with the Commission with respect to a  
13 proceeding under this part from staff that may participate  
14 in an intervention in the applicable proceeding.”

15 (d) TECHNICAL AMENDMENTS.—

16 (1) ALTERNATIVE CONDITIONS.—Section  
17 33(a)(2)(B) of the Federal Power Act (16 U.S.C.  
18 823d(a)(2)(B)) is amended, in the matter preceding  
19 clause (i), by inserting “deemed necessary” before  
20 “by the Secretary”.

21 (2) LICENSES.—Section 4(e) of the Federal  
22 Power Act (16 U.S.C. 797(e)) is amended by strik-  
23 ing “adequate protection and utilization of such res-  
24 ervation” and all that follows through “That no li-  
25 cense affecting the navigable capacity” and inserting

1 “adequate protection and utilization of such reserva-  
2 tion. The license applicant and any party to the pro-  
3 ceeding shall be entitled to a determination on the  
4 record, after opportunity for an agency trial-type  
5 hearing of no more than 90 days, on any disputed  
6 issues of material fact with respect to such condi-  
7 tions. All disputed issues of material fact raised by  
8 any party shall be determined in a single trial-type  
9 hearing to be conducted by the relevant resource  
10 agency in accordance with the regulations promul-  
11 gated under this subsection and within the time-  
12 frame established by the Commission for each li-  
13 cense proceeding. Within 90 days of the date of en-  
14 actment of the Energy Policy Act of 2005, the Sec-  
15 retaries of the Interior, Commerce, and Agriculture  
16 shall establish jointly, by rule, the procedures for  
17 such expedited trial-type hearing, including the op-  
18 portunity to undertake discovery and cross-examine  
19 witnesses, in consultation with the Federal Energy  
20 Regulatory Commission: *Provided further*, That no  
21 license affecting the navigable capacity”.

22 (e) IMPROVING CONSULTATION WITH INDIAN  
23 TRIBES.—

24 (1) GUIDANCE DOCUMENT.—

1 (A) IN GENERAL.—Not later than one year  
2 after the date of enactment of this Act, the  
3 Federal Energy Regulatory Commission and  
4 the Secretary of the Interior shall prepare, in  
5 consultation with interested Indian Tribes, li-  
6 censees under part I of the Federal Power Act,  
7 and the public, a guidance document that iden-  
8 tifies best practices for the Commission, Fed-  
9 eral and State resource agencies, Indian Tribes,  
10 and applicants for licenses under part I of the  
11 Federal Power Act for effective engagement of  
12 Indian Tribes in the consideration of applica-  
13 tions for licenses under part I of the Federal  
14 Power Act that may affect an Indian reserva-  
15 tion, a treaty, or other right of an Indian Tribe.

16 (B) UPDATES.—The Commission and Sec-  
17 retary shall update the guidance document pre-  
18 pared under subparagraph (A) every 10 years.

19 (C) PUBLIC PARTICIPATION.—In preparing  
20 or updating the guidance document, the Com-  
21 mission and the Secretary shall convene public  
22 meetings at different locations in the United  
23 States, and shall provide an opportunity for  
24 written public comments.

25 (2) PUBLIC WORKSHOPS.—

1 (A) IN GENERAL.—Not later than one year  
2 after preparing or updating the guidance docu-  
3 ment under paragraph (1), the Commission  
4 shall convene public workshops, held at dif-  
5 ferent locations in the United States, to inform  
6 and educate Commission staff, Federal and  
7 State resource agencies, Indian Tribes, appli-  
8 cants for licenses under part I of the Federal  
9 Power Act, and interested members of the pub-  
10 lic, on the best practices identified in the guid-  
11 ance document.

12 (B) CONSULTATION.—In preparing the  
13 agenda for such workshops, the Commission  
14 shall consult with the Secretary of the Interior,  
15 interested Indian Tribes, and licensees under  
16 part I of the Federal Power Act.

17 (f) TRIBAL MANDATORY CONDITIONS.—

18 (1) IN GENERAL.—Section 4 of the Federal  
19 Power Act (16 U.S.C. 797) is amended—

20 (A) in subsection (e), in the first proviso,  
21 by inserting “, or, in the case of tribal land,  
22 subject to subsection (h), the Indian tribe hav-  
23 ing jurisdiction over the tribal land,” after  
24 “under whose supervision such reservation  
25 falls”; and

1 (B) by adding at the end the following:

2 “(h) TRIBAL MANDATORY CONDITIONS.—

3 “(1) CRITERIA.—An Indian tribe may deem  
4 conditions necessary under the first proviso of sub-  
5 section (e) only if the Secretary of the Interior (re-  
6 ferred to in this subsection as the ‘Secretary’) deter-  
7 mines that the Indian tribe has—

8 “(A) confirmed the intent of the Indian  
9 tribe to deem conditions necessary under the  
10 first proviso of subsection (e) by resolution or  
11 other official action by the governing body of  
12 the Indian tribe;

13 “(B) demonstrated financial stability and  
14 financial management capability over the 3-fis-  
15 cal-year period preceding the date of the deter-  
16 mination of the Secretary under this paragraph;  
17 and

18 “(C) demonstrated the ability to plan, con-  
19 duct, and administer all services, functions, and  
20 activities that would otherwise be administered  
21 by the Secretary with respect to deeming condi-  
22 tions necessary on tribal land under the first  
23 proviso of subsection (e).

24 “(2) DETERMINATION ON REQUEST.—On re-  
25 quest of an Indian tribe, not later than 1 year after

1 the date on which the Secretary receives the request,  
2 the Secretary shall make the determination under  
3 paragraph (1).

4 “(3) WITHDRAWAL OF DETERMINATION.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graph (B), if the Secretary determines that an  
7 Indian tribe no longer meets the criteria under  
8 paragraph (1), the Secretary may withdraw the  
9 determination under paragraph (2).

10 “(B) NOTICE AND OPPORTUNITY TO RE-  
11 SPOND.—Before withdrawing a determination  
12 under subparagraph (A), the Secretary shall  
13 provide to the Indian tribe—

14 “(i) notice of the proposed with-  
15 drawal; and

16 “(ii) an opportunity to respond and, if  
17 necessary, redress the deficiencies identi-  
18 fied by the Secretary.”.

19 (2) ALTERNATIVE CONDITIONS.—Section 33(a)  
20 of the Federal Power Act (16 U.S.C. 823d(a)) is  
21 amended—

22 (A) in paragraph (1), by inserting “or an  
23 Indian tribe” before “deems a condition”;

1 (B) in paragraph (2), by inserting “or In-  
2 dian tribe” after “the Secretary” each place it  
3 appears;

4 (C) in paragraph (3), by inserting “or In-  
5 dian tribe” after “the Secretary” each place it  
6 appears;

7 (D) in paragraph (4)—

8 (i) by inserting “or Indian tribe” be-  
9 fore “concerned shall submit”;

10 (ii) by inserting “or Indian tribe” be-  
11 fore “gave equal consideration”;

12 (iii) by inserting “or Indian tribe”  
13 after “may be available to the Secretary”;

14 (iv) by inserting “or Indian tribe” be-  
15 fore “shall also submit,”; and

16 (v) by striking “available to the Sec-  
17 retary and relevant to the Secretary’s deci-  
18 sion” and inserting “available to the Sec-  
19 retary or Indian tribe and relevant to the  
20 decision of the Secretary or Indian tribe”;  
21 and

22 (E) in paragraph (5)—

23 (i) by striking “Secretary’s final con-  
24 dition” and inserting “final condition of  
25 the Secretary or Indian tribe”;



- 1 (ii) by inserting “or Indian tribe”  
2 after “consult with the Secretary”;  
3 (iii) by inserting “or Indian tribe” be-  
4 fore “may accept the Dispute Resolution”;  
5 (iv) by inserting “or Indian tribe”  
6 after “advisory unless the Secretary”;  
7 (v) by inserting “or Indian tribe” be-  
8 fore “shall submit the advisory and”; and  
9 (vi) by striking “Secretary’s final  
10 written determination” and inserting “final  
11 written determination of the Secretary or  
12 Indian tribe”.

13 (g) CONSIDERATION OF INVASIVE SPECIES.—Section  
14 18 of the Federal Power Act (16 U.S.C. 811) is amended  
15 by inserting after “the Secretary of Commerce.” the fol-  
16 lowing: “In prescribing a fishway, the Secretary of Com-  
17 merce or the Secretary of the Interior, as appropriate,  
18 shall consider the threat of invasive species.”.

19 **SEC. 245. LONG-TERM NUCLEAR POWER PURCHASE AGREE-**  
20 **MENT PILOT PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary of Energy  
22 shall establish a pilot program for a long-term power pur-  
23 chase agreement.

24 (b) REQUIREMENTS.—In developing the pilot pro-  
25 gram under this section, the Secretary shall—

1           (1) consult with the heads of other Federal de-  
2           partments and agencies that may benefit from pur-  
3           chasing nuclear power for a period of longer than 10  
4           years; and

5           (2) not later than December 31, 2023, enter  
6           into at least 1 agreement to purchase power pro-  
7           duced in a nuclear reactor by a person to whom a  
8           license is issued under section 103 of the Atomic  
9           Energy Act of 1954 after January 1, 2020.

10          (c) FACTORS FOR CONSIDERATION.—

11           (1) IN GENERAL.—In carrying out this section,  
12           the Secretary may only consider power purchase  
13           agreements for first-of-a-kind or early deployment  
14           nuclear technologies that can provide reliable and re-  
15           silient power to high-value assets for national secu-  
16           rity purposes or other purposes as the Secretary de-  
17           termines to be in the national interest, especially in  
18           remote off-grid scenarios or grid-connected scenarios  
19           that can provide capabilities commonly known as  
20           “islanding power capabilities” during an emergency  
21           scenario.

22           (2) EFFECT ON RATES.—An agreement to pur-  
23           chase power under this section may be at a rate that  
24           is higher than the average market rate.

1 **SEC. 246. DISTRIBUTED ENERGY OPPORTUNITY BOARD.**

2 (a) DEFINITIONS.—In this section:

3 (1) AUTHORITY HAVING JURISDICTION.—The  
4 term “authority having jurisdiction” means any  
5 State, county, local, or Tribal office or official with  
6 jurisdiction—

7 (A) to issue permits;

8 (B) to conduct inspections to enforce the  
9 requirements of a relevant code or standard; or

10 (C) to approve the installation of, or the  
11 equipment and materials used in the installa-  
12 tion of, qualifying distributed energy systems.

13 (2) BOARD.—The term “Board” means the  
14 Distributed Energy Opportunity Board established  
15 or designated under subsection (b)(1).

16 (3) DISTRIBUTED ENERGY SYSTEM IN-  
17 STALLER.—The term “distributed energy system in-  
18 staller” means an entity or individual—

19 (A) with knowledge and skills relating to—

20 (i) the construction and operation of  
21 the equipment used in qualifying distrib-  
22 uted energy systems; and

23 (ii) the installation of qualifying dis-  
24 tributed energy systems; and

25 (B) that has employed safety training to  
26 recognize and avoid the hazards involved in con-

1 structing, operating, and installing qualifying  
2 distributed energy systems.

3 (4) QUALIFYING DISTRIBUTED ENERGY SYS-  
4 TEM.—The term “qualifying distributed energy sys-  
5 tem” means any equipment or materials installed in,  
6 on, or near a residential, commercial, or industrial  
7 building to support onsite or local energy use, in-  
8 cluding—

9 (A) to generate electricity from distributed  
10 renewable energy sources, including from—

11 (i) solar photovoltaic modules or simi-  
12 lar solar energy technologies;

13 (ii) wind power systems; and

14 (iii) hydrogen electrolysis and fuel cell  
15 systems;

16 (B) to store and discharge electricity from  
17 batteries with a capacity of at least 2 kilowatt  
18 hours;

19 (C) to charge a plug-in electric drive vehi-  
20 cle at a power rate of at least 2 kilowatts;

21 (D) to refuel a fuel cell electric vehicle; or

22 (E) to store and discharge electricity from  
23 fuel cell systems with a capacity of at least 2  
24 kilowatt hours.

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of Energy.

3           (b) ESTABLISHMENT OR DESIGNATION OF THE DIS-  
4           TRIBUTED ENERGY OPPORTUNITY BOARD.—

5           (1) IN GENERAL.—Not later than 180 days  
6           after the date of enactment of this Act, the Sec-  
7           retary, in consultation with trade associations and  
8           other entities representing distributed energy system  
9           installers and organizations representing State, local,  
10          and Tribal governments engaged in permitting, shall  
11          establish or designate a nonprofit corporation, to be  
12          known as the “Distributed Energy Opportunity  
13          Board”, to carry out a program to streamline the  
14          process for local permitting and inspection of quali-  
15          fying distributed energy systems.

16          (2) COMPOSITION.—The Board shall include  
17          representatives from—

18                 (A) relevant Federal agencies, or organiza-  
19                 tions that represent those agencies;

20                 (B) State, local, and Tribal governments,  
21                 or organizations that represent those govern-  
22                 ments;

23                 (C) distributed energy generation compa-  
24                 nies;

25                 (D) battery storage companies;

1 (E) associations that represent the distrib-  
2 uted energy generation and battery storage in-  
3 dustry;

4 (F) building code agencies and organiza-  
5 tions, including a model energy code-setting or-  
6 ganization;

7 (G) other codes and standards organiza-  
8 tions; and

9 (H) fuel cell system companies.

10 (3) PURPOSE AND ACTIVITIES OF THE  
11 BOARD.—

12 (A) PURPOSE.—The purpose of the Board  
13 is to establish a voluntary program for facili-  
14 tating—

15 (i) streamlined permitting processes of  
16 qualifying distributed energy systems; and

17 (ii) certification of distributed energy  
18 system installers.

19 (B) ACTIVITIES.—The Board shall—

20 (i) develop and maintain a stream-  
21 lined permitting process, such as a na-  
22 tional online permitting system and tech-  
23 nology platform for expediting, standard-  
24 izing, and streamlining permitting, that  
25 authorities having jurisdiction may use, at

1 the discretion of those authorities, to re-  
2 ceive, review, and approve permit applica-  
3 tions relating to qualifying distributed en-  
4 ergy systems;

5 (ii) establish a model expedited per-  
6 mit-to-build protocol for qualifying distrib-  
7 uted energy systems;

8 (iii) provide technical assistance to au-  
9 thorities having jurisdiction on using and  
10 adopting—

11 (I) the streamlined permitting  
12 process described in clause (i); and

13 (II) the model expedited permit-  
14 to-build protocol described in clause  
15 (ii);

16 (iv)(I) investigate the development of  
17 voluntary national certifications for distrib-  
18 uted energy system installers and quali-  
19 fying distributed energy systems; and

20 (II) if the Board determines that the  
21 national certifications would expedite and  
22 streamline the permitting and inspection  
23 process, develop the voluntary national cer-  
24 tifications;

1 (v) develop and maintain a voluntary  
2 national inspection protocol integrated with  
3 the national online permitting system de-  
4 scribed in clauses (i) and (ii) and related  
5 tools to expedite, standardize, and stream-  
6 line the inspection of qualifying distributed  
7 energy systems, including—

8 (I) by investigating the potential  
9 for using remote inspections; and

10 (II) by investigating the potential  
11 for sample-based inspection for dis-  
12 tributed energy system installers with  
13 a demonstrated track record of high-  
14 quality work; and

15 (vi) take any other action to expedite,  
16 standardize, streamline, or improve the  
17 process for permitting, inspecting, or inter-  
18 connecting qualifying distributed energy  
19 systems.

20 (4) FEE AUTHORITY.—The Board may assess  
21 fees for the provision of services by the Board in  
22 amounts determined reasonable and appropriate by  
23 the Board, including fees from participating distrib-  
24 uted energy system installers relating to the activi-  
25 ties of the Board described in paragraph (3)(B).



1           (5) NONPROFIT STATUS.—The Board shall be  
2           considered to be an organization described in section  
3           501(c)(3) of the Internal Revenue Code of 1986,  
4           and exempt from taxation under section 501(a) of  
5           that Code.

6           (6) SUPPORT SERVICES.—The Secretary shall—

7                   (A) provide technical assistance to the  
8           Board in carrying out the activities described in  
9           paragraph (3)(B); and

10                   (B) provide such financial assistance to the  
11           Board as the Secretary determines to be appro-  
12           priate from any funds appropriated to carry out  
13           this Act.

14           (c) DISTRIBUTED ENERGY OPPORTUNITY COMMU-  
15           NITIES.—

16                   (1) IN GENERAL.—The Secretary shall recog-  
17           nize and certify certain communities as “Distributed  
18           Energy Opportunity Communities”.

19                   (2) QUALIFICATIONS.—The Secretary may cer-  
20           tify a State, local community, or Tribe as a “Dis-  
21           tributed Energy Opportunity Community” if that  
22           State, local community, or Tribe has adopted and  
23           implemented the model expedited permit-to-build  
24           protocol established by the Board.

1           (3) PROCESS.—The Secretary may confer a cer-  
2           tification under paragraph (1) through existing pro-  
3           grams of the Department of Energy.

4           (4) GRANTS.—The Secretary may award com-  
5           petitive grants, using funds appropriated to the Sec-  
6           retary to carry out this Act, to encourage commu-  
7           nities to adopt the model expedited permit-to-build  
8           protocol and standardized inspection processes es-  
9           tablished by the Board.

10          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
11          authorized to be appropriated to the Secretary to carry  
12          out this section \$20,000,000 for each of fiscal years 2021  
13          through 2030.

14          **SEC. 247. POWER PURCHASE AGREEMENTS.**

15          Section 501(b)(1) of title 40, United States Code, is  
16          amended by striking subparagraph (B) and inserting the  
17          following:

18                               “(B) PUBLIC UTILITY CONTRACTS.—

19                                       “(i) TERM.—

20   “(I) IN GENERAL.—A contract  
21   under this paragraph to purchase  
22   electricity produced by a public utility  
23   using zero-emission technology may be  
24   made for a period of not more than  
25   40 years.

1                   “(II) OTHER PUBLIC UTILITY  
2 SERVICES.—A contract under this  
3 paragraph for a public utility service  
4 other than a service described in sub-  
5 clause (I) may be made for a period  
6 of not more than 10 years.

7                   “(ii) COSTS.—The cost of a contract  
8 under this paragraph for any fiscal year  
9 may be paid from the appropriations for  
10 that fiscal year.

11                   “(iii) ZERO-EMISSION TECHNOLOGY  
12 DEFINED.—In this subparagraph, the term  
13 ‘zero-emission technology’ means a gener-  
14 ator that uses a technology or combination  
15 of technologies that—

16                   “(I) has a carbon intensity of  
17 zero; and

18                   “(II) is placed into service after  
19 the date of enactment of the CLEAN  
20 Future Act.”.

21 **SEC. 248. HYDROPOWER REGULATORY IMPROVEMENTS.**

22                   (a) MODIFYING THE DEFINITION OF RENEWABLE  
23 ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the  
24 Energy Policy Act of 2005 (42 U.S.C. 15852) is amend-  
25 ed—

1 (1) in subsection (a), by amending paragraphs  
2 (1) through (3) to read as follows:

3 “(1) Not less than 25 percent in fiscal years  
4 2020 through 2024.

5 “(2) Not less than 30 percent in fiscal years  
6 2025 through 2030.

7 “(3) Not less than 50 percent in fiscal year  
8 2031 and each fiscal year thereafter.”; and

9 (2) in subsection (b), by striking paragraph (2)  
10 and inserting the following:

11 “(2) RENEWABLE ENERGY.—The term ‘renew-  
12 able energy’ means electric energy generated from  
13 solar, wind, biomass, landfill gas, ocean (including  
14 tidal, wave, current, and thermal), geothermal, or  
15 municipal solid waste, or from a hydropower  
16 project.”.

## 17 **Subtitle F—Low-Income Assistance**

### 18 **SEC. 251. LIHEAP AUTHORIZATION.**

19 Section 2602 of the Low-Income Home Energy As-  
20 sistance Act of 1981 (42 U.S.C. 8621) is amended—

21 (1) in subsection (b), by striking “through  
22 2007” and inserting “through 2030”; and

23 (2) in subsection (d)—

24 (A) in paragraph (1), by striking “through  
25 2004” and inserting “through 2030”; and

1 (B) in paragraph (2), by striking “through  
2 2004” and inserting “through 2030”.

3 **TITLE III—EFFICIENCY**  
4 **Subtitle A—Energy Saving**  
5 **Building Codes**

6 **SEC. 301. ENERGY SAVING BUILDING CODES.**

7 (a) MODEL BUILDING ENERGY CODES.—Section 307  
8 of the Energy Conservation and Production Act (42  
9 U.S.C. 6836) is amended to read as follows:

10 **“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODE**  
11 **DEVELOPMENT.**

12 “(a) IN GENERAL.—The Secretary shall support the  
13 periodic revision of model building energy codes to signifi-  
14 cantly enhance energy and water use efficiency, to enable  
15 the achievement of aggregate energy savings targets estab-  
16 lished under subsection (b) and, by 2030, to enable adop-  
17 tion of codes that would require zero energy ready build-  
18 ings.

19 “(b) TARGETS.—

20 “(1) IN GENERAL.—The targets for aggregate  
21 national energy savings (not including onsite power  
22 production) of buildings under a code compared to  
23 buildings under the baseline in paragraph (2) shall  
24 be the percentages specified in the following table:

“Model codes issued by:	Percentage:
-------------------------	-------------

2023 .....	20
2026 .....	35
2029 .....	50

1           “(2) BASELINE.—The baseline shall be the  
2           2018 IECC for residential buildings and ASHRAE  
3           Standard 90.1–2016 for commercial buildings.

4           “(3) MODIFIED TARGETS.—The Secretary may  
5           modify the targets at least 3 years prior to the tar-  
6           get dates, provided that the Secretary—

7                   “(A) may set different targets for residen-  
8                   tial and commercial buildings;

9                   “(B) may adopt different metrics or base-  
10                  lines;

11                  “(C) may set further targets after 2029;  
12                  and

13                  “(D) may not weaken the 2029 target or  
14                  modify earlier targets to be inconsistent with  
15                  meeting the 2029 target.

16           “(c) TECHNICAL ASSISTANCE TO MODEL BUILDING  
17           ENERGY CODE-SETTING AND STANDARDS DEVELOPMENT  
18           ORGANIZATIONS.—

19                  “(1) IN GENERAL.—The Secretary shall, on a  
20                  timely basis, provide technical assistance to model  
21                  building energy code-setting and standards develop-

1 ment organizations consistent with the goals of this  
2 section.

3 “(2) ASSISTANCE.—The assistance shall in-  
4 clude, as requested by the organizations, technical  
5 assistance in—

6 “(A) evaluating code or standards pro-  
7 posals or revisions;

8 “(B) building energy and water analysis  
9 and design tools;

10 “(C) building demonstrations;

11 “(D) developing definitions of energy use  
12 intensity and building types for use in model  
13 building energy codes to evaluate the efficiency  
14 impacts of the model building energy codes;

15 “(E) performance-based standards;

16 “(F) evaluating economic considerations;  
17 and

18 “(G) developing model building energy  
19 codes by Indian tribes in accordance with Trib-  
20 al law.

21 “(3) AMENDMENT PROPOSALS.—The Secretary  
22 shall submit timely model building energy code  
23 amendment proposals to the model building energy  
24 code-setting and standards development organiza-  
25 tions, with supporting evidence, sufficient to enable

1 the model building energy codes to meet the targets  
2 established under subsection (b).

3 “(d) EVALUATION OF MODEL BUILDING ENERGY  
4 CODES.—

5 “(1) IN GENERAL.—The Secretary shall evalu-  
6 ate each proposed and final revision of a nationally  
7 recognized model building energy code to determine  
8 whether the proposed or final revision will meet the  
9 targets under subsection (b).

10 “(2) TIMING.—

11 “(A) INITIAL DETERMINATION.—The Sec-  
12 retary shall make an initial determination and  
13 communicate that determination to the model  
14 codes or standards organization and the public  
15 not later than 90 days after the date of receipt  
16 of each proposed revision. If the Secretary de-  
17 termines that the proposed revision would not  
18 meet the applicable target, the Secretary shall,  
19 within an additional 90 days, convey to the  
20 model codes or standards organization proposed  
21 modifications to the proposed code sufficient to  
22 meet the target.

23 “(B) FINAL DETERMINATION.—The Sec-  
24 retary shall make a final determination and  
25 communicate it to the model codes or standards



1 organization and the public by not later than  
2 180 days after the date of publication of the re-  
3 vision. The Secretary may separately make a  
4 determination on the code or standard with op-  
5 tional appendices, or on other options published  
6 by the model codes or standards organization.

7 “(e) ALTERNATIVE MODEL BUILDING ENERGY  
8 CODE.—

9 “(1) NEGATIVE DETERMINATION.—If the Sec-  
10 retary makes a final determination that a model  
11 building energy code revision does not meet the ap-  
12 plicable target, the Secretary shall within 6 months  
13 of the date of the determination and after notice and  
14 comment—

15 “(A) designate a model code (including any  
16 appendix or options) that meets the target;

17 “(B) issue amendments to the revision  
18 with which it meets the target; or

19 “(C) issue an alternative model building  
20 energy code sufficient to meet the target.

21 “(2) NO REVISION.—If a model building energy  
22 code is not revised by the target date, the Secretary  
23 shall within 6 months of the target date designate,  
24 issue amendments to the last adopted version of the

1 model building energy code, or issue an alternative  
2 model building energy code as under paragraph (1).

3 “(3) AVAILABILITY.—The Secretary shall make  
4 any amendments or alternative model building en-  
5 ergy code made pursuant to this subsection publicly  
6 available without charge.

7 “(f) STRETCH CODES AND ADVANCED STAND-  
8 ARDS.—

9 “(1) IN GENERAL.—The Secretary shall provide  
10 technical and financial support for the development  
11 of stretch codes and advanced standards, which may  
12 build on the model building energy codes, for resi-  
13 dential and commercial buildings for use as—

14 “(A) an option for adoption as a building  
15 energy code by local, Tribal, or State govern-  
16 ments; and

17 “(B) guidelines for energy-efficient build-  
18 ing design.

19 “(2) SAVINGS.—The stretch codes and ad-  
20 vanced standards shall be designed to achieve—

21 “(A) zero-net-energy residential and com-  
22 mercial buildings; and

23 “(B) zero-energy-ready residential and  
24 commercial buildings prior to 2029.”.

1 (b) FEDERAL BUILDING ENERGY EFFICIENCY  
2 STANDARDS.—Section 305 of the Energy Conservation  
3 and Production Act (42 U.S.C. 6834) is amended by strik-  
4 ing “voluntary building energy code” each place it appears  
5 in subsections (a)(2)(B) and (b) and inserting “model  
6 building energy code”.

7 (c) STATE BUILDING ENERGY EFFICIENCY  
8 CODES.—Section 304 of the Energy Conservation and  
9 Production Act (42 U.S.C. 6833) is amended to read as  
10 follows:

11 **“SEC. 304. UPDATING STATE BUILDING ENERGY EFFI-  
12 CIENCY CODES.**

13 “(a) ACTION BY SECRETARY.—The Secretary shall—

14 “(1) encourage and support the adoption of  
15 building energy codes by States, Indian tribes, and,  
16 as appropriate, by local governments that meet or  
17 exceed the most recently adopted model building en-  
18 ergy codes, or achieve equivalent or greater energy  
19 savings; and

20 “(2) support full compliance with the State and  
21 local codes.

22 “(b) STATE AND INDIAN TRIBE BUILDING ENERGY  
23 CODE UPDATES.—

24 “(1) REVIEW AND UPDATING OF CODES BY  
25 EACH STATE AND INDIAN TRIBE.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of a positive determination under  
3 section 307(d)(2)(B) or of issuance of an alter-  
4 native under section 307(e), each State and In-  
5 dian tribe shall certify to the Secretary whether  
6 the State or Indian tribe, respectively, has  
7 adopted the revised model building energy code  
8 or alternative issued under section 307(e).

9           “(B) ALTERNATIVE DEMONSTRATION.—  
10 Each State or Indian tribe that has not adopted  
11 the revised model building energy code may  
12 submit a demonstration to the Secretary that  
13 the energy savings for the code provisions that  
14 are in effect throughout the territory of the  
15 State or Indian tribe meet or exceed the energy  
16 savings of the revised model building energy  
17 code or alternative issued under section 307(e).

18           “(C) NO MODEL CODE THAT MEETS TAR-  
19 GET.—If the Secretary does not issue a positive  
20 determination or an alternative under section  
21 307(e), each State and Indian tribe shall within  
22 3 years of the target date under section 307(b)  
23 submit a demonstration to the Secretary that  
24 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 target.

3           “(2) VALIDATION OF CODE UPDATE.—Not later  
4           than 90 days after a State or Indian tribe certifi-  
5           cation under paragraph (1), the Secretary shall de-  
6           termine whether the State or Indian tribe has adopt-  
7           ed the revised building code or alternative issued  
8           under section 307(e), or successfully made an alter-  
9           native demonstration under paragraph (1)(B) or  
10          (1)(C), and, upon a positive determination, validate  
11          the State code as energy efficient.

12          “(c) IMPROVEMENTS IN COMPLIANCE WITH BUILD-  
13          ING ENERGY CODES.—

14                 “(1) VALIDATION OF COMPLIANCE.—Not later  
15                 than December 31, 2024, and every 3 years there-  
16                 after, the Secretary shall analyze compliance in each  
17                 State and Tribal nation with the applicable validated  
18                 building energy code and shall validate compliance  
19                 if—

20                         “(A) the State or Indian tribe has achieved  
21                         full compliance under paragraph (3); or

22                         “(B) the State has demonstrated that it is  
23                         implementing a plan to achieve compliance pur-  
24                         suant to paragraph (4).

1           “(2) MEASUREMENT OF COMPLIANCE.—An  
2 analysis under paragraph (1) shall include docu-  
3 mentation of the rate of compliance based on—

4           “(A) independent inspections of a random  
5 sample of the buildings covered by the code in  
6 a year; or

7           “(B) an alternative method that yields an  
8 accurate measure of compliance.

9           “(3) ACHIEVEMENT OF COMPLIANCE.—A State  
10 or Indian tribe shall be considered to achieve full  
11 compliance under paragraph (1) if—

12           “(A) at least 90 percent of building space  
13 covered by the code in the preceding year sub-  
14 stantially meets all the requirements of the ap-  
15 plicable code specified in paragraph (1), or  
16 achieves equivalent or greater energy savings;  
17 or

18           “(B) the estimated excess energy use of  
19 buildings that did not meet the applicable code  
20 specified in paragraph (1) in the preceding  
21 year, compared to a baseline of comparable  
22 buildings that meet this code, is not more than  
23 5 percent of the estimated energy use of all  
24 buildings covered by this code during the pre-  
25 ceding year.

1 “(4) PLAN TO ACHIEVE COMPLIANCE.—

2 “(A) IN GENERAL.—A State or Indian  
3 tribe shall be considered to be implementing a  
4 plan to achieve compliance for purposes of  
5 paragraph (1) if the State or Indian tribe is im-  
6 plementing and has met the most recent per-  
7 formance targets in a plan that meets the cri-  
8 teria in subparagraph (B).

9 “(B) CRITERIA.—The Secretary shall set  
10 criteria for plans under this paragraph. A plan  
11 to achieve compliance must—

12 “(i) show full compliance by 2030;

13 “(ii) include annual performance tar-  
14 gets for compliance and other metrics;

15 “(iii) provide for training of code offi-  
16 cials and builders, contractors and sub-  
17 contractors, and design professionals;

18 “(iv) make compliance data trans-  
19 parent; and

20 “(v) provide funding for compliance  
21 and enforcement programs.

22 “(d) STATES OR INDIAN TRIBES WITHOUT VALI-  
23 DATED CERTIFICATION AND COMPLIANCE.—

24 “(1) FEDERAL SUPPORT.—For any State or In-  
25 dian tribe for which the Secretary has not validated

1 certification or compliance by a deadline under sub-  
2 section (b) or (c), the lack of validated certification  
3 or compliance may be a basis for withholding Fed-  
4 eral financial support related to energy or buildings.

5 “(2) LOCAL GOVERNMENT.—In any State or  
6 Indian tribe for which the Secretary has not vali-  
7 dated certification or compliance under subsection  
8 (b) or (c), a local government shall be eligible for  
9 Federal support under subsections (e) and (f) by  
10 demonstrating compliance under subsections (b) and  
11 (c).

12 “(e) AVAILABILITY OF INCENTIVE FUNDING.—

13 “(1) IN GENERAL.—The Secretary shall provide  
14 incentive funding to States and Indian tribes—

15 “(A) to implement the requirements of this  
16 section;

17 “(B) to improve and implement residential  
18 and commercial building energy codes, including  
19 increasing and verifying compliance with the  
20 codes and training of State, Tribal, and local  
21 building code officials to implement and enforce  
22 the codes; and

23 “(C) to promote building energy and water  
24 efficiency through the use of the codes and  
25 standards.



1           “(2) ADDITIONAL FUNDING.—Additional fund-  
2           ing shall be provided under this subsection for im-  
3           plementation of a plan to achieve and document full  
4           compliance with residential and commercial building  
5           energy codes under subsection (c)—

6                   “(A) to a State or Indian tribe for which  
7                   the Secretary has validated a certification or  
8                   compliance under subsection (b) or (c); and

9                   “(B) in a State or Indian tribe that is not  
10                  eligible under subparagraph (A), to a local gov-  
11                  ernment that is eligible under this section.

12           “(3) TRAINING.—The State or Indian tribe  
13           may use a portion of the amounts made available  
14           under this subsection to train State and local build-  
15           ing code officials to implement and enforce codes de-  
16           scribed in paragraph (2).

17           “(4) LOCAL GOVERNMENTS.—States may share  
18           grants under this subsection with local governments  
19           that implement and enforce the codes.

20           “(f) TECHNICAL ASSISTANCE TO STATES AND IN-  
21           DIAN TRIBES.—The Secretary shall provide technical as-  
22           sistance to States and Indian tribes to implement the goals  
23           and requirements of this section.

24           “(g) REPORTS BY SECRETARY.—Not later than 3  
25           years after the date of enactment of the CLEAN Future

1 Act, and not less frequently than once every 3 years there-  
2 after, the Secretary shall submit to Congress and publish  
3 a report describing—

4 “(1) the status of model building energy codes;

5 “(2) the status of code adoption and compliance  
6 in the States and Indian tribes;

7 “(3) implementation of this section and section  
8 307; and

9 “(4) improvements in energy savings over time  
10 as result of the targets established under section  
11 307(b).

12 “(h) STUDIES.—The Secretary, in consultation with  
13 building science experts from the National Laboratories  
14 and institutions of higher education, designers and build-  
15 ers of energy-efficient residential and commercial build-  
16 ings, code officials, code and standards developers, and  
17 other stakeholders, shall undertake a study of the feasi-  
18 bility, impact, economics, and merit of—

19 “(1) code and standards improvements that  
20 would require that buildings be designed, sited, and  
21 constructed in a manner that makes the buildings  
22 more adaptable in the future to become zero-net-en-  
23 ergy after initial construction, as advances are  
24 achieved in energy-saving technologies;

1           “(2) code procedures to incorporate measured  
2           lifetimes, not just first-year energy use, in trade-offs  
3           and performance calculations; and

4           “(3) code and standards improvements that  
5           consider energy efficiency and water efficiency and,  
6           to the maximum extent practicable, consider energy  
7           efficiency and water efficiency in an integrated man-  
8           ner.

9           “(i) EFFECT ON OTHER LAWS.—Nothing in this sec-  
10          tion or section 307 supersedes or modifies the application  
11          of sections 321 through 346 of the Energy Policy and  
12          Conservation Act (42 U.S.C. 6291 et seq.).

13          “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
14          is authorized to be appropriated to carry out this section  
15          and section 307, \$200,000,000, to remain available until  
16          expended.”.

17          (d) DEFINITIONS.—Section 303 of the Energy Con-  
18          servation and Production Act (42 U.S.C. 6832) is amend-  
19          ed—

20                 (1) by striking paragraph (14) and inserting  
21                 the following:

22                 “(14) MODEL BUILDING ENERGY CODE.—The  
23                 term ‘model building energy code’ means a building  
24                 energy code or standard developed and updated for

1 use by State, Tribal, or local governments through  
2 a consensus process among interested persons.”; and

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

4 “(17) IECC.—The term ‘IECC’ means the  
5 International Energy Conservation Code.

6 “(18) INDIAN TRIBE.—The term ‘Indian tribe’  
7 has the meaning given the term in section 4 of the  
8 Native American Housing Assistance and Self-De-  
9 termination Act of 1996 (25 U.S.C. 4103).

10 “(19) ZERO ENERGY READY BUILDING.—The  
11 term ‘zero energy ready building’ means a highly ef-  
12 ficient building that could meet the balance of en-  
13 ergy needs from onsite or nearby sources of energy  
14 that do not produce greenhouse gases.”.

15 (e) EXCEPTION FOR CERTAIN BUILDING CODE RE-  
16 QUIREMENTS.—Section 327(f) of the Energy Policy and  
17 Conservation Act (42 U.S.C. 6297(f)) is amended—

18 (1) in paragraph (3)—

19 (A) by striking subparagraphs (A) through  
20 (F) and inserting the following:

21 “(A) The code does not require that the covered  
22 product have an energy efficiency exceeding all of  
23 the following levels:

24 “(i) The applicable energy conservation  
25 standard under section 325.

1           “(ii) The level required by a regulation of  
2           the State for which the Secretary has granted  
3           a waiver under subsection (d).

4           “(iii) The level set under a national model  
5           building energy code (as defined in section 303  
6           of the Energy Conservation and Production  
7           Act) or that is issued by the Secretary (includ-  
8           ing an alternative or amendment to such code  
9           issued by the Secretary under section 307(e) of  
10          such Act).

11          “(B) If an energy consumption or conservation  
12          objective in the code is determined using covered  
13          products, including any baseline building designs  
14          against which all submitted building designs are to  
15          be evaluated, the objective is determined using cov-  
16          ered products having efficiencies not exceeding one  
17          of the levels specified in subparagraph (A).

18          “(C) If the code sets forth multiple options for  
19          meeting an energy efficiency requirement, there is at  
20          least 1 option for which no covered product has a  
21          specified efficiency exceeding all of the levels speci-  
22          fied in subparagraph (A).”; and

23                 (B) by redesignating subparagraph (G) as  
24                 subparagraph (D); and

25                 (2) by striking paragraph (4).

1           **Subtitle B—Existing Building**  
2                           **Retrofits**

3   **SEC. 311. WEATHERIZATION ASSISTANCE PROGRAM.**

4           (a) REAUTHORIZATION OF WEATHERIZATION AS-  
5   SISTANCE PROGRAM.—Section 422 of the Energy Con-  
6   servation and Production Act (42 U.S.C. 6872) is amend-  
7   ed by striking paragraphs (1) through (5) and inserting  
8   the following:

9                   “(1) \$350,000,000 for fiscal year 2021;

10                   “(2) \$500,000,000 for fiscal year 2022;

11                   “(3) \$650,000,000 for fiscal year 2023;

12                   “(4) \$800,000,000 for fiscal year 2024; and

13                   “(5) \$1,000,000,000 for each of fiscal years  
14   2025 through 2030.”.

15           (b) MODERNIZING THE DEFINITION OF WEATHER-  
16   IZATION MATERIALS.—Section 412(9)(J) of the Energy  
17   Conservation and Production Act (42 U.S.C. 6862(9)(J))  
18   is amended—

19                   (1) by inserting “, including renewable energy  
20   technologies and other advanced technologies,” after  
21   “devices or technologies”; and

22                   (2) by striking “, after consulting with the Sec-  
23   retary of Housing and Urban Development, the Sec-  
24   retary of Agriculture, and the Director of the Com-  
25   munity Services Administration”.

1 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-  
2 tion 413(b) of the Energy Conservation and Production  
3 Act (42 U.S.C. 6863(b)) is amended—

4 (1) in paragraph (1), by striking “Health, Edu-  
5 cation, and Welfare” and inserting “Health and  
6 Human Services”;

7 (2) in paragraph (2)(A), by striking “Health,  
8 Education, and Welfare” and inserting “Health and  
9 Human Services”;

10 (3) in paragraph (3)—

11 (A) by striking “and with the Director of  
12 the Community Services Administration”;

13 (B) by inserting “and by” after “in car-  
14 rying out this part,”; and

15 (C) by striking “, and the Director of the  
16 Community Services Administration in carrying  
17 out weatherization programs under section  
18 222(a)(12) of the Economic Opportunity Act of  
19 1964”;

20 (4) by redesignating paragraphs (4) through  
21 (6) as paragraphs (5) through (7), respectively; and

22 (5) by inserting after paragraph (3), the fol-  
23 lowing:

24 “(4) The Secretary may amend the regulations pre-  
25 scribed under paragraph (1) to provide that the standards

1 described in paragraph (2)(A) take into consideration im-  
2 provements in the health and safety of occupants of dwell-  
3 ing units, and other nonenergy benefits, from weatheriza-  
4 tion.”.

5 (d) CONTRACTOR OPTIMIZATION.—

6 (1) IN GENERAL.—The Energy Conservation  
7 and Production Act is amended by inserting after  
8 section 414B (42 U.S.C. 6864b) the following:

9 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

10 “(a) IN GENERAL.—The Secretary may request that  
11 entities receiving funding from the Federal Government  
12 or from a State through a weatherization assistance pro-  
13 gram under section 413 or section 414 perform periodic  
14 reviews of the use of private contractors in the provision  
15 of weatherization assistance, and encourage expanded use  
16 of contractors as appropriate.

17 “(b) USE OF TRAINING FUNDS.—Entities described  
18 in subsection (a) may use funding described in such sub-  
19 section to train private, non-Federal entities that are con-  
20 tracted to provide weatherization assistance under a  
21 weatherization program, in accordance with rules deter-  
22 mined by the Secretary.”.

23 (2) TABLE OF CONTENTS AMENDMENT.—The  
24 table of contents for the Energy Conservation and



1 Production Act is amended by inserting after the  
2 item relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

3 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-  
4 MENT AND INNOVATION.—

5 (1) IN GENERAL.—The Energy Conservation  
6 and Production Act is amended by inserting after  
7 section 414C (as added by subsection (d) of this sec-  
8 tion) the following:

9 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-  
10 MENT AND INNOVATION.**

11 “(a) PURPOSES.—The purposes of this section are—

12 “(1) to expand the number of dwelling units  
13 that are occupied by low-income persons that receive  
14 weatherization assistance by making such dwelling  
15 units weatherization-ready;

16 “(2) to promote the deployment of renewable  
17 energy in dwelling units that are occupied by low-in-  
18 come persons;

19 “(3) to ensure healthy indoor environments by  
20 enhancing or expanding health and safety measures  
21 and resources available to dwellings that are occu-  
22 pied by low-income persons;

23 “(4) to disseminate new methods and best prac-  
24 tices among entities providing weatherization assist-  
25 ance; and

1 “(5) to encourage entities providing weatheriza-  
2 tion assistance to hire and retain employees who are  
3 individuals—

4 “(A) from the community in which the as-  
5 sistance is provided; and

6 “(B) from communities or groups that are  
7 underrepresented in the home energy perform-  
8 ance workforce, including religious and ethnic  
9 minorities, women, veterans, individuals with  
10 disabilities, and individuals who are  
11 socioeconomically disadvantaged.

12 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,  
13 to the extent funds are made available, award financial  
14 assistance, on an annual basis, through a competitive  
15 process to entities receiving funding from the Federal Gov-  
16 ernment or from a State, tribal organization, or unit of  
17 general purpose local government through a weatheriza-  
18 tion program under section 413 or section 414, or to non-  
19 profit entities, to be used by such an entity—

20 “(1) with respect to dwelling units that are oc-  
21 cupied by low-income persons, to—

22 “(A) implement measures to make such  
23 dwelling units weatherization-ready by address-  
24 ing structural, plumbing, roofing, and electrical  
25 issues, environmental hazards, or other meas-

1           ures that the Secretary determines to be appro-  
2           priate;

3           “(B) install energy efficiency technologies,  
4           including home energy management systems,  
5           smart devices, and other technologies the Sec-  
6           retary determines to be appropriate;

7           “(C) install renewable energy systems (as  
8           defined in section 415(c)(6)(A)); and

9           “(D) implement measures to ensure  
10          healthy indoor environments by improving in-  
11          door air quality, accessibility, and other healthy  
12          homes measures as determined by the Sec-  
13          retary;

14         “(2) to improve the capability of the entity—

15           “(A) to significantly increase the number  
16           of energy retrofits performed by such entity;

17           “(B) to replicate best practices for work  
18           performed pursuant to this section on a larger  
19           scale;

20           “(C) to leverage additional funds to sus-  
21           tain the provision of weatherization assistance  
22           and other work performed pursuant to this sec-  
23           tion after financial assistance awarded under  
24           this section is expended; and

1           “(D) to hire and retain employees who are  
2           individuals described subsection (a)(5);

3           “(3) for innovative outreach and education re-  
4           garding the benefits and availability of weatheriza-  
5           tion assistance and other assistance available pursu-  
6           ant to this section;

7           “(4) for quality control of work performed pur-  
8           suant to this section;

9           “(5) for data collection, measurement, and  
10          verification with respect to such work;

11          “(6) for program monitoring, oversight, evalua-  
12          tion, and reporting regarding such work;

13          “(7) for labor, training, and technical assist-  
14          ance relating to such work;

15          “(8) for planning, management, and adminis-  
16          tration (up to a maximum of 15 percent of the as-  
17          sistance provided); and

18          “(9) for such other activities as the Secretary  
19          determines to be appropriate.

20          “(c) AWARD FACTORS.—In awarding financial assist-  
21          ance under this section, the Secretary shall consider—

22                 “(1) the applicant’s record of constructing, ren-  
23                 ovating, repairing, or making energy efficient single-  
24                 family, multifamily, or manufactured homes that are  
25                 occupied by low-income persons, either directly or

1 through affiliates, chapters, or other partners (using  
2 the most recent year for which data are available);

3 “(2) the number of dwelling units occupied by  
4 low-income persons that the applicant has built, ren-  
5 ovated, repaired, weatherized, or made more energy  
6 efficient in the 5 years preceding the date of the ap-  
7 plication;

8 “(3) the qualifications, experience, and past  
9 performance of the applicant, including experience  
10 successfully managing and administering Federal  
11 funds;

12 “(4) the strength of an applicant’s proposal to  
13 achieve one or more of the purposes under sub-  
14 section (a);

15 “(5) the extent to which such applicant will uti-  
16 lize partnerships and regional coordination to  
17 achieve one or more of the purposes under sub-  
18 section (a);

19 “(6) regional and climate zone diversity;

20 “(7) urban, suburban, and rural localities; and

21 “(8) such other factors as the Secretary deter-  
22 mines to be appropriate.

23 “(d) APPLICATIONS.—

24 “(1) ADMINISTRATION.—To be eligible for an  
25 award of financial assistance under this section, an

1 applicant shall submit to the Secretary an applica-  
2 tion in such manner and containing such informa-  
3 tion as the Secretary may require.

4 “(2) AWARDS.—Subject to the availability of  
5 appropriations, not later than 270 days after the  
6 date of enactment of this section, the Secretary shall  
7 make a first award of financial assistance under this  
8 section.

9 “(e) MAXIMUM AMOUNT AND TERM.—

10 “(1) IN GENERAL.—The total amount of finan-  
11 cial assistance awarded to an entity under this sec-  
12 tion shall not exceed \$2,000,000.

13 “(2) TECHNICAL AND TRAINING ASSISTANCE.—  
14 The total amount of financial assistance awarded to  
15 an entity under this section shall be reduced by the  
16 cost of any technical and training assistance pro-  
17 vided by the Secretary that relates to such financial  
18 assistance.

19 “(3) TERM.—The term of an award of financial  
20 assistance under this section shall not exceed 3  
21 years.

22 “(4) RELATIONSHIP TO FORMULA GRANTS.—An  
23 entity may use financial assistance awarded to such  
24 entity under this section in conjunction with other

1 financial assistance provided to such entity under  
2 this part.

3 “(f) REQUIREMENTS.—Not later than 90 days after  
4 the date of enactment of this section, the Secretary shall  
5 issue requirements to implement this section, including,  
6 for entities receiving financial assistance under this sec-  
7 tion—

8 “(1) standards for allowable expenditures;

9 “(2) a minimum saving-to-investment ratio; and

10 “(3) standards for—

11 “(A) training programs;

12 “(B) energy audits;

13 “(C) the provision of technical assistance;

14 “(D) monitoring activities carried out  
15 using such financial assistance;

16 “(E) verification of energy and cost sav-  
17 ings;

18 “(F) liability insurance requirements; and

19 “(G) recordkeeping and reporting require-  
20 ments, which shall include reporting to the Of-  
21 fice of Weatherization and Intergovernmental  
22 Programs of the Department of Energy applica-  
23 ble data on each dwelling unit retrofitted or  
24 otherwise assisted pursuant to this section.

1           “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—  
2 Nothing in this section supersedes or otherwise affects any  
3 State or local law, to the extent that the State or local  
4 law contains a requirement that is more stringent than  
5 the applicable requirement of this section.

6           “(h) REVIEW AND EVALUATION.—The Secretary  
7 shall review and evaluate the performance of each entity  
8 that receives an award of financial assistance under this  
9 section (which may include an audit).

10          “(i) ANNUAL REPORT.—The Secretary shall submit  
11 to Congress an annual report that provides a description  
12 of—

13                 “(1) actions taken under this section to achieve  
14 the purposes of this section; and

15                 “(2) accomplishments as a result of such ac-  
16 tions, including energy and cost savings achieved.

17          “(j) FUNDING.—

18                 “(1) AMOUNTS.—

19                         “(A) IN GENERAL.—For each of fiscal  
20 years 2021 through 2030, of the amount made  
21 available under section 422 for such fiscal year  
22 to carry out the weatherization program under  
23 this part (not including any of such amount  
24 made available for Department of Energy head-



1           quarters training or technical assistance), not  
2           more than—

3                   “(i) 2 percent of such amount (if such  
4                   amount is \$225,000,000 or more but less  
5                   than \$260,000,000) may be used to carry  
6                   out this section;

7                   “(ii) 4 percent of such amount (if  
8                   such amount is \$260,000,000 or more but  
9                   less than \$300,000,000) may be used to  
10                  carry out this section; and

11                  “(iii) 6 percent of such amount (if  
12                  such amount is \$300,000,000 or more)  
13                  may be used to carry out this section.

14                  “(B) MINIMUM.—For each of fiscal years  
15                  2021 through 2030, if the amount made avail-  
16                  able under section 422 (not including any of  
17                  such amount made available for Department of  
18                  Energy headquarters training or technical as-  
19                  sistance) for such fiscal year is less than  
20                  \$225,000,000, no funds shall be made available  
21                  to carry out this section.

22                  “(2) LIMITATION.—For any fiscal year, the  
23                  Secretary may not use more than \$25,000,000 of  
24                  the amount made available under section 422 to  
25                  carry out this section.”.

1           (2) TABLE OF CONTENTS.—The table of con-  
2           tents for the Energy Conservation and Production  
3           Act is amended by inserting after the item relating  
4           to section 414C the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”.

5           (f) HIRING.—

6           (1) IN GENERAL.—The Energy Conservation  
7           and Production Act is amended by inserting after  
8           section 414D (as added by subsection (e) of this sec-  
9           tion) the following:

10       **“SEC. 414E. HIRING.**

11       “‘The Secretary may, as the Secretary determines ap-  
12       propriate, encourage entities receiving funding from the  
13       Federal Government or from a State through a weather-  
14       ization program under section 413 or section 414, to  
15       prioritize the hiring and retention of employees who are  
16       individuals described in section 414D(a)(5).”.

17           (2) TABLE OF CONTENTS.—The table of con-  
18           tents for the Energy Conservation and Production  
19           Act is amended by inserting after the item relating  
20           to section 414D the following:

“Sec. 414E. Hiring.”.

21           (g) INCREASE IN ADMINISTRATIVE FUNDS.—Section  
22           415(a)(1) of the Energy Conservation and Production Act  
23           (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-  
24           cent” and inserting “15 percent”.

1 (h) AMENDING REWEATHERIZATION DATE.—Para-  
2 graph (2) of section 415(c) of the Energy Conservation  
3 and Production Act (42 U.S.C. 6865(c)) is amended to  
4 read as follows:

5 “(2) Dwelling units weatherized (including dwelling  
6 units partially weatherized) under this part, or under  
7 other Federal programs (in this paragraph referred to as  
8 ‘previous weatherization’), may not receive further finan-  
9 cial assistance for weatherization under this part until the  
10 date that is 15 years after the date such previous weather-  
11 ization was completed. This paragraph does not preclude  
12 dwelling units that have received previous weatherization  
13 from receiving assistance and services (including the provi-  
14 sion of information and education to assist with energy  
15 management and evaluation of the effectiveness of in-  
16 stalled weatherization materials) other than weatheriza-  
17 tion under this part or under other Federal programs, or  
18 from receiving non-Federal assistance for weatheriza-  
19 tion.”.

20 (i) ANNUAL REPORT.—Section 421 of the Energy  
21 Conservation and Production Act (42 U.S.C. 6871) is  
22 amended by inserting “the number of multifamily build-  
23 ings in which individual dwelling units were weatherized  
24 during the previous year, the number of individual dwell-  
25 ing units in multifamily buildings weatherized during the

1 previous year,” after “the average size of the dwellings  
2 being weatherized,”.

3 (j) REPORT ON WAIVERS.—Not later than 180 days  
4 after the date of enactment of this Act, the Secretary of  
5 Energy shall submit to Congress a report on the status  
6 of any request made after September 30, 2010, for a waiv-  
7 er of any requirement under section 200.313 of title 2,  
8 Code of Federal Regulations, as such requirement applies  
9 with respect to the weatherization assistance program  
10 under part A of title IV of the Energy Conservation and  
11 Production Act (42 U.S.C. 6861 et seq.), including a de-  
12 scription of any such waiver that has been granted and  
13 any such request for a waiver that has been considered  
14 but not granted.

15 **SEC. 312. ENERGY EFFICIENT PUBLIC BUILDINGS.**

16 (a) GRANTS.—Section 125(a) of the Energy Policy  
17 Act of 2005 (42 U.S.C. 15822(a)) is amended—

18 (1) in paragraph (1)—

19 (A) by inserting “Standard 90.1 of the  
20 American Society of Heating, Refrigerating,  
21 and Air-Conditioning Engineers,” after “the  
22 International Energy Conservation Code,”; and

23 (B) by striking “; or” and inserting a  
24 semicolon;

1           (2) in paragraph (2), by striking the period at  
2           the end and inserting “; or”; and

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

4           “(3) through benchmarking programs to enable  
5           use of building performance data to evaluate the  
6           performance of energy efficiency investments over  
7           time.”.

8           (b) ASSURANCE OF IMPROVEMENT.—Section 125 of  
9           the Energy Policy Act of 2005 (42 U.S.C. 15822) is  
10          amended by redesignating subsections (b) and (c) as sub-  
11          sections (c) and (d), respectively, and inserting after sub-  
12          section (a) the following:

13          “(b) ASSURANCE OF IMPROVEMENT.—

14                 “(1) VERIFICATION.—A State agency receiving  
15                 a grant for activities described in paragraph (1) or  
16                 (2) of subsection (a) shall ensure, as a condition of  
17                 eligibility for assistance pursuant to such grant, that  
18                 a unit of local government receiving such assistance  
19                 obtain third-party verification of energy efficiency  
20                 improvements in each public building with respect to  
21                 which such assistance is used.

22                 “(2) GUIDANCE.—The Secretary may provide  
23                 guidance to State agencies to comply with paragraph  
24                 (1). In developing such guidance, the Secretary shall  
25                 consider available third-party verification tools for

1 high-performing buildings and available third-party  
2 verification tools for energy efficiency retrofits.”.

3 (c) ADMINISTRATION.—Section 125(c) of the Energy  
4 Policy Act of 2005, as so redesignated, is amended—

5 (1) in the matter preceding paragraph (1), by  
6 striking “State energy offices receiving grants” and  
7 inserting “A State agency receiving a grant”;

8 (2) in paragraph (2), by striking the period at  
9 the end and inserting “; and”; and

10 (3) 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 2021 through  
6 2030”.

7 **SEC. 313. ENERGY RETROFITTING ASSISTANCE FOR**  
8 **SCHOOLS.**

9 Section 392 of the Energy Policy and Conservation  
10 Act (42 U.S.C. 6371a) is amended by adding at the end  
11 the following:

12 “(e) COORDINATION OF ENERGY RETROFITTING AS-  
13 SISTANCE FOR SCHOOLS.—

14 “(1) DEFINITION OF SCHOOL.—Notwith-  
15 standing section 391(6), for the purposes of this  
16 subsection, the term ‘school’ means—

17 “(A) an elementary school or secondary  
18 school (as defined in section 9101 of the Ele-  
19 mentary and Secondary Education Act of 1965  
20 (20 U.S.C. 7801));

21 “(B) an institution of higher education (as  
22 defined in section 102(a) of the Higher Edu-  
23 cation Act of 1965 (20 U.S.C. 1002(a)));

24 “(C) a school of the defense dependents’  
25 education system under the Defense Depend-

1           ents' Education Act of 1978 (20 U.S.C. 921 et  
2           seq.) or established under section 2164 of title  
3           10, United States Code;

4           “(D) a school operated by the Bureau of  
5           Indian Affairs;

6           “(E) a tribally controlled school (as de-  
7           fined in section 5212 of the Tribally Controlled  
8           Schools Act of 1988 (25 U.S.C. 2511)); and

9           “(F) a Tribal College or University (as de-  
10          fined in section 316(b) of the Higher Education  
11          Act of 1965 (20 U.S.C. 1059c(b))).

12          “(2) ESTABLISHMENT OF CLEARINGHOUSE.—  
13          The Secretary, acting through the Office of Energy  
14          Efficiency and Renewable Energy, shall establish a  
15          clearinghouse to disseminate information regarding  
16          available Federal programs and financing mecha-  
17          nisms that may be used to help initiate, develop, and  
18          finance energy efficiency, distributed generation, and  
19          energy retrofitting projects for schools.

20          “(3) REQUIREMENTS.—In carrying out para-  
21          graph (2), the Secretary shall—

22                 “(A) consult with appropriate Federal  
23                 agencies to develop a list of Federal programs  
24                 and financing mechanisms that are, or may be,



1 used for the purposes described in paragraph  
2 (2); and

3 “(B) coordinate with appropriate Federal  
4 agencies to develop a collaborative education  
5 and outreach effort to streamline communica-  
6 tions and promote available Federal programs  
7 and financing mechanisms described in sub-  
8 paragraph (A), which may include the develop-  
9 ment and maintenance of a single online re-  
10 source that includes contact information for rel-  
11 evant technical assistance in the Office of En-  
12 ergy Efficiency and Renewable Energy that  
13 States, local education agencies, and schools  
14 may use to effectively access and use such Fed-  
15 eral programs and financing mechanisms.”.

16 **SEC. 314. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**  
17 **MENTS AND RENEWABLE ENERGY IMPROVE-**  
18 **MENTS AT PUBLIC SCHOOL FACILITIES.**

19 (a) DEFINITIONS.—In this section:

20 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
21 ty” means a consortium of—

22 (A) one local educational agency; and

23 (B) one or more—

24 (i) schools;

25 (ii) nonprofit organizations;

1 (iii) for-profit organizations; or

2 (iv) community partners that have the  
3 knowledge and capacity to partner and as-  
4 sist with energy improvements.

5 (2) ENERGY IMPROVEMENTS.—The term “en-  
6 ergy improvements” means—

7 (A) any improvement, repair, or renova-  
8 tion, to a school that will result in a direct re-  
9 duction in school energy costs including but not  
10 limited to improvements to building envelope,  
11 air conditioning, ventilation, heating system, do-  
12 mestic hot water heating, compressed air sys-  
13 tems, distribution systems, lighting, power sys-  
14 tems and controls;

15 (B) any improvement, repair, renovation,  
16 or installation that leads to an improvement in  
17 teacher and student health including but not  
18 limited to indoor air quality, daylighting, ven-  
19 tilation, electrical lighting, and acoustics; and

20 (C) the installation of renewable energy  
21 technologies (such as wind power, photovoltaics,  
22 solar thermal systems, geothermal energy, hy-  
23 drogen-fueled systems, biomass-based systems,  
24 biofuels, anaerobic digesters, and hydropower)

1           involved in the improvement, repair, or renova-  
2           tion to a school.

3           (b) **AUTHORITY.**—From amounts made available for  
4 grants under this section, the Secretary of Energy shall  
5 provide competitive grants to eligible entities to make en-  
6 ergy improvements authorized by this section.

7           (c) **PRIORITY.**—In making grants under this sub-  
8 section, the Secretary shall give priority to eligible entities  
9 that have renovation, repair, and improvement funding  
10 needs and are—

11           (1) a high-need local educational agency, as de-  
12 fined in section 2102 of the Elementary and Sec-  
13 ondary Education Act of 1965 (20 14 U.S.C. 6602);  
14 or

15           (2) a local educational agency designated with  
16 a metrocentric locale code of 41, 42, or 43 as deter-  
17 mined by the National Center for Education Statis-  
18 tics (NCES), in conjunction with the Bureau of the  
19 Census, using the NCES system for classifying local  
20 educational agencies.

21           (d) **COMPETITIVE CRITERIA.**—The competitive cri-  
22 teria used by the Secretary shall include the following:

23           (1) The fiscal capacity of the eligible entity to  
24 meet the needs for improvements of school facilities  
25 without assistance under this section, including the

1 ability of the eligible entity to raise funds through  
2 the use of local bonding capacity and otherwise.

3 (2) The likelihood that the local educational  
4 agency or eligible entity will maintain, in good condi-  
5 tion, any facility whose improvement is assisted.

6 (3) The potential energy efficiency and safety  
7 benefits from the proposed energy improvements.

8 (e) APPLICATIONS.—To be eligible to receive a grant  
9 under this section, an applicant must submit to the Sec-  
10 retary an application that includes each of the following:

11 (1) A needs assessment of the current condition  
12 of the school and facilities that are to receive the en-  
13 ergy improvements.

14 (2) A draft work plan of what the applicant  
15 hopes to achieve at the school and a description of  
16 the energy improvements to be carried out.

17 (3) A description of the applicant's capacity to  
18 provide services and comprehensive support to make  
19 the energy improvements.

20 (4) An assessment of the applicant's expected  
21 needs for operation and maintenance training funds,  
22 and a plan for use of those funds, if any.

23 (5) An assessment of the expected energy effi-  
24 ciency and safety benefits of the energy improve-  
25 ments.

1           (6) A cost estimate of the proposed energy im-  
2           provements.

3           (7) An identification of other resources that are  
4           available to carry out the activities for which funds  
5           are requested under this section, including the avail-  
6           ability of utility programs and public benefit funds.

7           (f) USE OF GRANT AMOUNTS.—

8           (1) IN GENERAL.—The recipient of a grant  
9           under this section shall use the grant amounts only  
10          to make the energy improvements contemplated in  
11          the application, subject to the other provisions of  
12          this subsection.

13          (2) OPERATION AND MAINTENANCE TRAIN-  
14          ING.—The recipient may use up to 5 percent for op-  
15          eration and maintenance training for energy effi-  
16          ciency and renewable energy improvements (such as  
17          maintenance staff and teacher training, education,  
18          and preventative maintenance training).

19          (3) AUDIT.—The recipient may use funds for a  
20          third-party investigation and analysis for energy im-  
21          provements (such as energy audits and existing  
22          building commissioning).

23          (4) CONTINUING EDUCATION.—The recipient  
24          may use up to 1 percent of the grant amounts to de-

1       velop a continuing education curriculum relating to  
2       energy improvements.

3       (g) CONTRACTING REQUIREMENTS.—

4           (1) DAVIS-BACON.—Any laborer or mechanic  
5       employed by any contractor or subcontractor in the  
6       performance of work on any energy improvements  
7       funded by a grant under this section shall be paid  
8       wages at rates not less than those prevailing on  
9       similar construction in the locality as determined by  
10      the Secretary of Labor under subchapter IV of chap-  
11      ter 31 of title 40, United States Code (commonly re-  
12      ferred to as the Davis-Bacon Act).

13          (2) COMPETITION.—Each applicant that re-  
14      ceives funds shall ensure that, if the applicant car-  
15      ries out repair or renovation through a contract, any  
16      such contract process—

17           (A) ensures the maximum number of quali-  
18      fied bidders, including small, minority, and  
19      women-owned businesses, through full and open  
20      competition; and

21           (B) gives priority to businesses located in,  
22      or resources common to, the State or the geo-  
23      graphical area in which the project is carried  
24      out.

1 (h) REPORTING.—Each recipient of a grant under  
2 this section shall submit to the Secretary, at such time  
3 as the Secretary may require, a report describing the use  
4 of such funds for energy improvements, the estimated cost  
5 savings realized by those energy improvements, the results  
6 of any audit, the use of any utility programs and public  
7 benefit funds and the use of performance tracking for en-  
8 ergy improvements (such as the Department of Energy:  
9 Energy Star program or LEED for Existing Buildings).

10 (i) BEST PRACTICES.—The Secretary shall develop  
11 and publish guidelines and best practices for activities car-  
12 ried out under this section.

13 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$100,000,000 for each of fiscal years 2021 through 2030.

## 16 **Subtitle C—Promoting Energy** 17 **Efficiency**

### 18 **SEC. 321. REMOVING BARRIERS TO EFFICIENCY.**

19 (a) IN GENERAL.—Section 327 of the Energy Policy  
20 and Conservation Act (42 U.S.C. 6297) is amended by  
21 adding at the end the following:

22 “(h) SUSPENSION OF PREEMPTION.—This section  
23 shall not apply to a covered product during any period  
24 that—

1           “(1) begins on the date that is 8 years after the  
2           date on which the energy conservation standard was  
3           established under section 325 for the covered prod-  
4           uct; and

5           “(2) ends on the effective date of an energy  
6           conservation standard established after the date de-  
7           scribed in paragraph (1) under section 325 for the  
8           covered product, that is equivalent to, or more strin-  
9           gent than, the standard described in such para-  
10          graph.

11          “(i) NO PREEMPTION ABSENT A FEDERAL STAND-  
12          ARD.—

13           “(1) APPLICATION.—Notwithstanding any other  
14           provision of this part, this section does not apply to  
15           any State regulation insofar as the State regulation  
16           applies to any product not subject to an energy con-  
17           servation standard established under section 325.

18           “(2) COMPLIANCE PERIOD.—Any State regula-  
19           tion prescribed or enacted for a covered product be-  
20           fore the date on which an energy conservation stand-  
21           ard is established under section 325 for the covered  
22           product shall not be preempted until the effective  
23           date of an equivalent or more stringent energy con-  
24           servation standard under section 325 for the covered  
25           product.”.



1 (b) ASHRAE PRODUCTS.—Section 345(b)(2) of the  
2 Energy Policy and Conservation Act (42 U.S.C.  
3 6316(b)(2)) is amended by adding at the end the fol-  
4 lowing:

5 “(E) Notwithstanding subparagraph (A), a standard  
6 prescribed or established under section 342(a) shall not  
7 supersede any State or local regulation concerning the en-  
8 ergy efficiency or energy use of a product for which a  
9 standard is prescribed or established pursuant to such sec-  
10 tion during any period that—

11 “(i) begins on the date that is 8 years after the  
12 date on which such standard was prescribed or es-  
13 tablished; and

14 “(ii) ends on the effective date of a standard  
15 prescribed or established after the date described in  
16 clause (i) under section 342(a) for the product, that  
17 is equivalent to, or more stringent than, the stand-  
18 ard described in such clause.”.

19 **SEC. 322. ENERGY EFFICIENCY AND CONSERVATION BLOCK**  
20 **GRANT PROGRAM.**

21 (a) PURPOSE.—Section 542(b)(1) of the Energy  
22 Independence and Security Act of 2007 (42 U.S.C.  
23 17152(b)(1)) is amended—

24 (1) in subparagraph (A), by striking “; and”  
25 and inserting a semicolon;

1 (2) in subparagraph (B), by striking the semi-  
2 colon and inserting “; and”; and

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

4 “(C) diversifies energy supplies, including  
5 by facilitating and promoting the use of alter-  
6 native fuels;”.

7 (b) USE OF FUNDS.—Section 544(9) of the Energy  
8 Independence and Security Act of 2007 (42 U.S.C.  
9 17154(9)) is amended to read as follows:

10 “(9) deployment of energy distribution tech-  
11 nologies that significantly increase energy efficiency  
12 or expand access to alternative fuels, including—

13 “(A) distributed resources;

14 “(B) district heating and cooling systems;

15 and

16 “(C) infrastructure for delivering alter-  
17 native fuels;”.

18 (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the  
19 Energy Independence and Security Act of 2007 (42  
20 U.S.C. 17156(c)(2)) is amended by inserting “, including  
21 projects to expand the use of alternative fuels” before the  
22 period at the end.

23 (d) FUNDING.—Section 548(a) of the Energy Inde-  
24 pendence and Security Act of 2007 (42 U.S.C. 17158(a))  
25 is amended to read as follows:

1 “(a) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) GRANTS.—There is authorized to be ap-  
3 propriated to the Secretary to carry out the program  
4 \$3,500,000,000 for each of fiscal years 2021  
5 through 2030.

6 “(2) ADMINISTRATIVE COSTS.—The Secretary  
7 may use for administrative expenses of the program  
8 not more than 1 percent of the amounts made avail-  
9 able under paragraph (1) in each of fiscal years  
10 2021 through 2030.”.

11 (e) TECHNICAL AMENDMENTS.—Section 543 of the  
12 Energy Independence and Security Act of 2007 (42  
13 U.S.C. 17153) is amended—

14 (1) in subsection (c), by striking “subsection  
15 (a)(2)” and inserting “subsection (a)(3)”; and

16 (2) in subsection (d), by striking “subsection  
17 (a)(3)” and inserting “subsection (a)(4)”.

18 **SEC. 323. ENERGY EFFICIENT GOVERNMENT TECHNOLOGY.**

19 (a) ENERGY-EFFICIENT AND ENERGY-SAVING IN-  
20 FORMATION TECHNOLOGIES.—

21 (1) IN GENERAL.—Subtitle C of title V of the  
22 Energy Independence and Security Act of 2007  
23 (Public Law 110–140; 121 Stat. 1661) is amended  
24 by adding at the end the following:

1 **“SEC. 530. ENERGY-EFFICIENT AND ENERGY-SAVING INFOR-**  
2 **MATION TECHNOLOGIES.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) DIRECTOR.—The term ‘Director’ means  
5 the Director of the Office of Management and Budg-  
6 et.

7 “(2) INFORMATION TECHNOLOGY.—The term  
8 ‘information technology’ has the meaning given that  
9 term in section 11101 of title 40, United States  
10 Code.

11 “(b) DEVELOPMENT OF IMPLEMENTATION STRAT-  
12 EGY.—Not later than 1 year after the date of enactment  
13 of this section, each Federal agency shall coordinate with  
14 the Director, the Secretary, and the Administrator of the  
15 Environmental Protection Agency to develop an implemen-  
16 tation strategy (that includes best practices and measure-  
17 ment and verification techniques) for the maintenance,  
18 purchase, and use by the Federal agency of energy-effi-  
19 cient and energy-saving information technologies at or for  
20 federally owned and operated facilities, taking into consid-  
21 eration the performance goals established under sub-  
22 section (d).

23 “(c) ADMINISTRATION.—In developing an implemen-  
24 tation strategy under subsection (b), each Federal agency  
25 shall consider—

26 “(1) advanced metering infrastructure;

1           “(2) energy-efficient data center strategies and  
2 methods of increasing asset and infrastructure utili-  
3 zation;

4           “(3) advanced power management tools;

5           “(4) building information modeling, including  
6 building energy management;

7           “(5) secure telework and travel substitution  
8 tools; and

9           “(6) mechanisms to ensure that the agency re-  
10 realizes the energy cost savings brought about through  
11 increased efficiency and utilization.

12       “(d) PERFORMANCE GOALS.—

13           “(1) IN GENERAL.—Not later than 180 days  
14 after the date of enactment of this section, the Di-  
15 rector, in consultation with the Secretary, shall es-  
16 tablish performance goals for evaluating the efforts  
17 of Federal agencies in improving the maintenance,  
18 purchase, and use of energy-efficient and energy-sav-  
19 ing information technology at or for federally owned  
20 and operated facilities.

21           “(2) BEST PRACTICES.—The Chief Information  
22 Officers Council established under section 3603 of  
23 title 44, United States Code, shall recommend best  
24 practices for the attainment of the performance  
25 goals, which shall include Federal agency consider-

1       ation of, to the extent applicable by law, the use  
2       of—

3               “(A) energy savings performance con-  
4               tracting; and

5               “(B) utility energy services contracting.

6       “(e) REPORTS.—

7               “(1) AGENCY REPORTS.—Each Federal agency  
8               shall include in the report of the agency under sec-  
9               tion 527 a description of the efforts and results of  
10              the agency under this section.

11             “(2) OMB GOVERNMENT EFFICIENCY REPORTS  
12             AND SCORECARDS.—Effective beginning not later  
13             than October 1, 2019, the Director shall include in  
14             the annual report and scorecard of the Director re-  
15             quired under section 528 a description of the efforts  
16             and results of Federal agencies under this section.”.

17             (2) CONFORMING AMENDMENT.—The table of  
18             contents for the Energy Independence and Security  
19             Act of 2007 is amended by adding after the item re-  
20             lating to section 529 the following:

“Sec. 530. Energy-efficient and energy-saving information technologies.”.

21             (b) ENERGY EFFICIENT DATA CENTERS.—Section  
22             453 of the Energy Independence and Security Act of 2007  
23             (42 U.S.C. 17112) is amended—

24             (1) in subsection (b)—

1 (A) in paragraph (2)(D)(iv), by striking  
2 “determined by the organization” and inserting  
3 “proposed by the stakeholders”; and

4 (B) by striking paragraph (3); and  
5 (2) by striking subsections (e) through (g) and  
6 inserting the following:

7 “(c) **STAKEHOLDER INVOLVEMENT.**—The Secretary  
8 and the Administrator shall carry out subsection (b) in  
9 collaboration with information technology industry and  
10 other key stakeholders, with the goal of producing results  
11 that accurately reflect the most relevant and useful infor-  
12 mation. In such collaboration, the Secretary and the Ad-  
13 ministrator shall pay particular attention to organizations  
14 that—

15 “(1) have members with expertise in energy ef-  
16 ficiency and in the development, operation, and  
17 functionality of data centers, information technology  
18 equipment, and software, such as representatives of  
19 hardware manufacturers, data center operators, and  
20 facility managers;

21 “(2) obtain and address input from Department  
22 of Energy National Laboratories or any college, uni-  
23 versity, research institution, industry association,  
24 company, or public interest group with applicable ex-  
25 pertise;

1 “(3) follow—

2 “(A) commonly accepted procedures for  
3 the development of specifications; and

4 “(B) accredited standards development  
5 processes; and

6 “(4) have a mission to promote energy effi-  
7 ciency for data centers and information technology.

8 “(d) MEASUREMENTS AND SPECIFICATIONS.—The  
9 Secretary and the Administrator shall consider and assess  
10 the adequacy of the specifications, measurements, best  
11 practices, and benchmarks described in subsection (b) for  
12 use by the Federal Energy Management Program, the En-  
13 ergy Star Program, and other efficiency programs of the  
14 Department of Energy or the Environmental Protection  
15 Agency.

16 “(e) STUDY.—The Secretary, in collaboration with  
17 the Administrator, shall, not later than 4 years after the  
18 date of enactment of the CLEAN Future Act, make avail-  
19 able to the public an update to the report of the Lawrence  
20 Berkeley National Laboratory entitled ‘United States  
21 Data Center Energy Usage Report’ and dated June, 2016  
22 (prepared as an update to the Report to Congress on Serv-  
23 er and Data Center Energy Efficiency, published on Au-  
24 gust 2, 2007, under section 1 of Public Law 109–431 (120  
25 Stat. 2920)), that includes—



1           “(1) a comparison and gap analysis of the esti-  
2           mates and projections contained in the report with  
3           new data regarding the period from 2015 through  
4           2019;

5           “(2) an analysis considering the impact of in-  
6           formation technologies, including virtualization and  
7           cloud computing, in the public and private sectors;

8           “(3) an evaluation of the impact of the com-  
9           bination of cloud platforms, mobile devices, social  
10          media, and big data on data center energy usage;

11          “(4) an evaluation of water usage in data cen-  
12          ters and recommendations for reductions in such  
13          water usage; and

14          “(5) updated projections and recommendations  
15          for best practices through fiscal year 2025.

16          “(f) DATA CENTER ENERGY PRACTITIONER PRO-  
17          GRAM.—The Secretary, in collaboration with key stake-  
18          holders and the Director of the Office of Management and  
19          Budget, shall maintain a data center energy practitioner  
20          program that leads to the certification of energy practi-  
21          tioners qualified to evaluate the energy usage and effi-  
22          ciency opportunities in federally owned and operated data  
23          centers. Each Federal agency shall consider having the  
24          data centers of the agency evaluated every 4 years, in ac-  
25          cordance with section 543(f) of the National Energy Con-

1 servation Policy Act, by energy practitioners certified pur-  
2 suant to such program.

3 “(g) OPEN DATA INITIATIVE.—The Secretary, in col-  
4 laboration with key stakeholders and the Office of Man-  
5 agement and Budget, shall establish an open data initia-  
6 tive relating to energy usage at federally owned and oper-  
7 ated data centers, with the purpose of making such data  
8 available and accessible in a manner that encourages fur-  
9 ther data center innovation, optimization, and consolida-  
10 tion. In establishing the initiative, the Secretary shall con-  
11 sider the use of the online Data Center Maturity Model.

12 “(h) INTERNATIONAL SPECIFICATIONS AND  
13 METRICS.—The Secretary, in collaboration with key  
14 stakeholders, shall actively participate in efforts to har-  
15 monize global specifications and metrics for data center  
16 energy and water efficiency.

17 “(i) DATA CENTER UTILIZATION METRIC.—The Sec-  
18 retary, in collaboration with key stakeholders, shall facili-  
19 tate in the development of an efficiency metric that meas-  
20 ures the energy efficiency of a data center (including  
21 equipment and facilities).

22 “(j) PROTECTION OF PROPRIETARY INFORMATION.—  
23 The Secretary and the Administrator shall not disclose  
24 any proprietary information or trade secrets provided by  
25 any individual or company for the purposes of carrying

1 out this section or the programs and initiatives established  
2 under this section.”.

3 **SEC. 324. SMART ENERGY AND WATER EFFICIENCY PRO-**  
4 **GRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
7 ty” means—

8 (A) a municipality;

9 (B) a water district; and

10 (C) any other entity that provides water,  
11 wastewater, or water reuse services, including a  
12 joint water and power authority.

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

15 (3) SMART ENERGY AND WATER EFFICIENCY  
16 PROGRAM.—The term “smart energy and water effi-  
17 ciency program” or “program” means the program  
18 established under subsection (b).

19 (b) SMART ENERGY AND WATER EFFICIENCY PRO-  
20 GRAM.—

21 (1) IN GENERAL.—The Secretary shall establish  
22 and carry out a smart energy and water efficiency  
23 program in accordance with this section.

24 (2) ELIGIBLE PROJECTS.—In carrying out the  
25 smart energy and water efficiency program, the Sec-

1       retary shall award grants to eligible entities to carry  
2       out projects that implement advanced and innovative  
3       technology-based solutions that will improve the en-  
4       ergy or water efficiency of water, wastewater, or  
5       water reuse systems to—

6               (A) help eligible entities make significant  
7               progress in conserving water, conserving energy,  
8               or reducing the operating costs of such systems;

9               (B) support the implementation of innova-  
10              tive processes or the installation of advanced  
11              automated systems that provide real-time data  
12              on energy and water; or

13             (C) improve predictive maintenance of  
14             water, wastewater, or water reuse systems  
15             through the use of internet-connected tech-  
16             nologies, such as sensors, intelligent gateways,  
17             or security embedded in hardware.

18             (3) PROJECT SELECTION.—

19               (A) IN GENERAL.—The Secretary shall  
20               make competitive, merit-reviewed grants under  
21               the program to not fewer than 3, but not more  
22               than 5, eligible entities.

23               (B) SELECTION CRITERIA.—In selecting an  
24               eligible entity to receive a grant under the pro-  
25               gram, the Secretary shall consider—

1 (i) energy and cost savings anticipated  
2 to result from the project;

3 (ii) the innovative nature, commercial  
4 viability, and reliability of the technology  
5 to be used;

6 (iii) the degree to which the project  
7 integrates innovative sensors, software,  
8 hardware, analytics, and management  
9 tools;

10 (iv) the anticipated cost effectiveness  
11 of the project in terms of energy savings,  
12 water savings or reuse, and infrastructure  
13 costs averted;

14 (v) whether the technology can be de-  
15 ployed in a variety of geographic regions  
16 and the degree to which the technology can  
17 be implemented on a smaller or larger  
18 scale, including whether the technology can  
19 be implemented by other types of eligible  
20 entities; and

21 (vi) whether implementation of the  
22 project will be complete within 5 years.

23 (C) APPLICATIONS.—

24 (i) IN GENERAL.—Subject to clause

25 (ii), an eligible entity seeking a grant

1 under the program shall submit to the Sec-  
2 retary an application at such time, in such  
3 manner, and containing such information  
4 as the Secretary determines to be nec-  
5 essary.

6 (ii) CONTENTS.—An application under  
7 clause (i) shall, at a minimum, include—

8 (I) a description of the project;

9 (II) a description of the tech-  
10 nology to be used in the project;

11 (III) the anticipated results, in-  
12 cluding energy and water savings, of  
13 the project;

14 (IV) a comprehensive budget for  
15 the project; and

16 (V) the number of households or  
17 customers that are served by the eligi-  
18 ble entity and will benefit from the  
19 project.

20 (4) ADMINISTRATION.—

21 (A) IN GENERAL.—Not later than 300  
22 days after the date of enactment of this Act,  
23 the Secretary shall select grant recipients under  
24 this section.

1 (B) EVALUATIONS.—The Secretary shall  
2 annually for 5 years carry out an evaluation of  
3 each project for which a grant is provided  
4 under this section that—

5 (i) evaluates the progress and effects  
6 of the project; and

7 (ii) assesses the degree to which the  
8 project can be replicated in other regions,  
9 systems, and situations.

10 (C) TECHNICAL ASSISTANCE.—On the re-  
11 quest of a grant recipient, the Secretary shall  
12 provide technical assistance to the grant recipi-  
13 ent to carry out the project.

14 (D) BEST PRACTICES.—The Secretary  
15 shall make available to the public—

16 (i) a copy of each evaluation carried  
17 out under subparagraph (B); and

18 (ii) a description of any best practices  
19 identified by the Secretary as a result of  
20 those evaluations.

21 (E) REPORT TO CONGRESS.—Not later  
22 than the date on which the Secretary completes  
23 the last evaluation required under subparagraph  
24 (B), the Secretary shall submit to Congress a

1 report containing the results of each evaluation  
2 carried out under such subparagraph.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated \$15,000,000 to carry out  
5 this section, to remain available until expended.

6 **SEC. 325. SMART BUILDING ACCELERATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) DEPARTMENT.—The term “Department”  
9 means the Department of Energy.

10 (2) PROGRAM.—The term “program” means  
11 the Federal Smart Building Program established  
12 under subsection (b)(1).

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of Energy.

15 (4) SMART BUILDING.—The term “smart build-  
16 ing” means a building, or collection of buildings,  
17 with an energy system that—

18 (A) is flexible and automated;

19 (B) has extensive operational monitoring  
20 and communication connectivity, allowing re-  
21 mote monitoring and analysis of all building  
22 functions;

23 (C) takes a systems-based approach in in-  
24 tegrating the overall building operations for



1 control of energy generation, consumption, and  
2 storage;

3 (D) communicates with utilities and other  
4 third-party commercial entities, if appropriate;

5 (E) protects the health and safety of occu-  
6 pants and workers; and

7 (F) is cybersecure.

8 (5) SMART BUILDING ACCELERATOR.—The  
9 term “smart building accelerator” means an initia-  
10 tive that is designed to demonstrate specific innova-  
11 tive policies and approaches—

12 (A) with clear goals and a clear timeline;  
13 and

14 (B) that, on successful demonstration,  
15 would accelerate investment in energy effi-  
16 ciency.

17 (6) INTERNET OF THINGS TECHNOLOGY SOLU-  
18 TION.—The term “internet of things technology so-  
19 lution” means a solution that improves energy effi-  
20 ciency and predictive maintenance through cutting  
21 edge technologies that utilize internet connected  
22 technologies including sensors, intelligent gateways,  
23 and security embedded hardware.

24 (b) FEDERAL SMART BUILDING PROGRAM.—

1           (1) ESTABLISHMENT.—Not later than 1 year  
2 after the date of enactment of this Act, the Sec-  
3 retary shall, in consultation with the Administrator  
4 of General Services, establish a program to be  
5 known as the “Federal Smart Building Program”—

6           (A) to implement smart building tech-  
7 nology; and

8           (B) to demonstrate the costs and benefits  
9 of smart buildings.

10          (2) SELECTION.—

11           (A) IN GENERAL.—The Secretary shall co-  
12 ordinate the selection of not fewer than 1 build-  
13 ing from among each of several key Federal  
14 agencies, as described in paragraph (4), to com-  
15 pose an appropriately diverse set of smart  
16 buildings based on size, type, and geographic lo-  
17 cation.

18           (B) INCLUSION OF COMMERCIALY OPER-  
19 ATED BUILDINGS.—In making selections under  
20 subparagraph (A), the Secretary may include  
21 buildings that are owned by the Federal Gov-  
22 ernment but are commercially operated.

23          (3) TARGETS.—Not later than 18 months after  
24 the date of enactment of this Act, the Secretary  
25 shall establish targets for the number of smart

1 buildings to be commissioned and evaluated by key  
2 Federal agencies by 3 years and 6 years after the  
3 date of enactment of this Act.

4 (4) FEDERAL AGENCY DESCRIBED.—The key  
5 Federal agencies referred to in paragraph (2)(A)  
6 shall include buildings operated by—

7 (A) the Department of the Army;

8 (B) the Department of the Navy;

9 (C) the Department of the Air Force;

10 (D) the Department;

11 (E) the Department of the Interior;

12 (F) the Department of Veterans Affairs;

13 and

14 (G) the General Services Administration.

15 (5) REQUIREMENT.—In implementing the pro-  
16 gram, the Secretary shall leverage existing financing  
17 mechanisms including energy savings performance  
18 contracts, utility energy service contracts, and an-  
19 nual appropriations.

20 (6) EVALUATION.—Using the guidelines of the  
21 Federal Energy Management Program relating to  
22 whole-building evaluation, measurement, and  
23 verification, the Secretary shall evaluate the costs  
24 and benefits of the buildings selected under para-  
25 graph (2), including an identification of—

1 (A) which advanced building tech-  
2 nologies—

3 (i) are most cost effective; and

4 (ii) show the most promise for—

5 (I) increasing building energy  
6 savings;

7 (II) increasing service perform-  
8 ance to building occupants;

9 (III) reducing environmental im-  
10 pacts; and

11 (IV) establishing cybersecurity;

12 and

13 (B) any other information the Secretary  
14 determines to be appropriate.

15 (7) AWARDS.—The Secretary may expand  
16 awards made under the Federal Energy Manage-  
17 ment Program and the Better Building Challenge to  
18 recognize specific agency achievements in accel-  
19 erating the adoption of smart building technologies.

20 (c) SURVEY OF PRIVATE SECTOR SMART BUILD-  
21 INGS.—

22 (1) SURVEY.—The Secretary shall conduct a  
23 survey of privately owned smart buildings through-  
24 out the United States, including commercial build-  
25 ings, laboratory facilities, hospitals, multifamily resi-

1       dential buildings, and buildings owned by nonprofit  
2       organizations and institutions of higher education.

3           (2) SELECTION.—From among the smart build-  
4       ings surveyed under paragraph (1), the Secretary  
5       shall select not fewer than 1 building each from an  
6       appropriate range of building sizes, types, and geo-  
7       graphic locations.

8           (3) EVALUATION.—Using the guidelines of the  
9       Federal Energy Management Program relating to  
10      whole-building evaluation, measurement, and  
11      verification, the Secretary shall evaluate the costs  
12      and benefits of the buildings selected under para-  
13      graph (2), including an identification of—

14           (A) which advanced building technologies  
15      and systems—

16                   (i) are most cost effective; and

17                   (ii) show the most promise for—

18                           (I) increasing building energy  
19                           savings;

20                           (II) increasing service perform-  
21                           ance to building occupants;

22                           (III) reducing environmental im-  
23                           pacts; and

24                           (IV) establishing cybersecurity;

25                   and

1 (B) any other information the Secretary  
2 determines to be appropriate.

3 (d) LEVERAGING EXISTING PROGRAMS.—

4 (1) BETTER BUILDING CHALLENGE.—As part  
5 of the Better Building Challenge of the Department,  
6 the Secretary, in consultation with major private  
7 sector property owners, shall develop smart building  
8 accelerators to demonstrate innovative policies and  
9 approaches that will accelerate the transition to  
10 smart buildings in the public, institutional, and com-  
11 mercial buildings sectors.

12 (2) RESEARCH AND DEVELOPMENT.—

13 (A) IN GENERAL.—The Secretary shall  
14 conduct research and development to address  
15 key barriers to the integration of advanced  
16 building technologies and to accelerate the tran-  
17 sition to smart buildings.

18 (B) INCLUSION.—The research and devel-  
19 opment conducted under subparagraph (A)  
20 shall include research and development on—

21 (i) achieving whole-building, systems-  
22 level efficiency through smart system and  
23 component integration;

- 1 (ii) improving physical components,  
2 such as sensors and controls, to be adapt-  
3 ive, anticipatory, and networked;
- 4 (iii) reducing the cost of key compo-  
5 nents to accelerate the adoption of smart  
6 building technologies;
- 7 (iv) data management, including the  
8 capture and analysis of data and the inter-  
9 operability of the energy systems;
- 10 (v) protecting against cybersecurity  
11 threats and addressing security  
12 vulnerabilities of building systems or  
13 equipment;
- 14 (vi) business models, including how  
15 business models may limit the adoption of  
16 smart building technologies and how to  
17 support transactive energy;
- 18 (vii) integration and application of  
19 combined heat and power systems and en-  
20 ergy storage for resiliency;
- 21 (viii) characterization of buildings and  
22 components;
- 23 (ix) consumer and utility protections;
- 24 (x) continuous management, including  
25 the challenges of managing multiple energy

1 systems and optimizing systems for dis-  
2 parate stakeholders;

3 (xi) integration of internet of things  
4 technology solutions, including measures to  
5 increase water and energy efficiency, im-  
6 prove water quality, support real-time util-  
7 ity management, and enable actionable  
8 analytics and predictive maintenance to  
9 improve building systems long-term viabil-  
10 ity; and

11 (xii) other areas of research and de-  
12 velopment, as determined appropriate by  
13 the Secretary.

14 (e) REPORT.—Not later than 2 years after the date  
15 of enactment of this Act, and every 2 years thereafter until  
16 a total of 3 reports have been made, the Secretary shall  
17 submit to the Committee on Energy and Natural Re-  
18 sources of the Senate and the Committee on Energy and  
19 Commerce and the Committee on Science, Space, and  
20 Technology of the House of Representatives a report on—

21 (1) the establishment of the Federal Smart  
22 Building Program and the evaluation of Federal  
23 smart buildings under subsection (b);

24 (2) the survey and evaluation of private sector  
25 smart buildings under subsection (c); and



1 (3) any recommendations of the Secretary to  
2 further accelerate the transition to smart buildings.

3 **SEC. 326. NONPROFIT ENERGY EFFICIENCY PILOT PRO-**  
4 **GRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPLICANT.—The term “applicant” means  
7 a nonprofit organization that applies for a grant  
8 under this section.

9 (2) ENERGY EFFICIENCY MATERIAL.—

10 (A) IN GENERAL.—The term “energy effi-  
11 ciency material” means a material (including a  
12 product, equipment, or system) the installation  
13 of which results in a reduction in use of energy  
14 or fuel.

15 (B) INCLUSIONS.—The term “energy effi-  
16 ciency material” includes—

17 (i) a roof or lighting system or compo-  
18 nent of the system;

19 (ii) a window;

20 (iii) a door, including a security door;

21 (iv) a heating, ventilation, or air con-  
22 ditioning system or component of the sys-  
23 tem (including insulation and wiring and  
24 plumbing improvements needed to serve a  
25 more efficient system); and

1 (v) a renewable energy generation or  
2 heating system, including a solar, photo-  
3 voltaic, wind, geothermal, or biomass (in-  
4 cluding wood pellet) system or component  
5 of the system.

6 (3) NONPROFIT BUILDING.—

7 (A) IN GENERAL.—The term “nonprofit  
8 building” means a building operated and owned  
9 by a nonprofit organization.

10 (B) INCLUSIONS.—The term “nonprofit  
11 building” includes a building described in sub-  
12 paragraph (A) that is—

- 13 (i) a hospital;  
14 (ii) a youth center;  
15 (iii) a school;  
16 (iv) a social-welfare program facility;  
17 (v) a facility of a faith-based organiza-  
18 tion; or  
19 (vi) any other nonresidential and non-  
20 commercial structure.

21 (4) NONPROFIT ORGANIZATION.—The term  
22 “nonprofit organization” means an organization that  
23 is described in section 501(c)(3) of the Internal Rev-  
24 enue Code of 1986 and exempt from tax under sec-  
25 tion 501(a) of such Code.

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of Energy.

3           (b) ESTABLISHMENT.—Not later than 1 year after  
4           the date of enactment of this Act, the Secretary shall es-  
5           tablish a pilot program to award grants to nonprofit orga-  
6           nizations to purchase energy efficiency materials to install  
7           in nonprofit buildings.

8           (c) GRANTS.—

9           (1) APPLICATION.—The Secretary may award a  
10          grant under the pilot program established under  
11          subsection (b) if an applicant submits to the Sec-  
12          retary an application at such time, in such form,  
13          and containing such information as the Secretary  
14          may prescribe.

15          (2) CRITERIA FOR GRANT.—In determining  
16          whether to award a grant under the pilot program  
17          established under subsection (b), the Secretary shall  
18          apply performance-based criteria, which shall give  
19          priority to applicants based on—

20                 (A) the energy savings expected to be  
21                 achieved;

22                 (B) the cost effectiveness of the use of the  
23                 energy efficiency materials that are proposed to  
24                 be purchased;

1 (C) an effective plan for evaluation, meas-  
2 urement, and verification of energy savings; and

3 (D) the financial need of the applicant.

4 (3) LIMITATION ON INDIVIDUAL GRANT  
5 AMOUNT.—Each grant awarded under this section  
6 shall not exceed \$200,000.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$10,000,000 for each of fiscal years 2021 through 2030,  
10 to remain available until expended.

## 11 **Subtitle D—HOMES**

### 12 **SEC. 331. DEFINITIONS.**

13 In this subtitle:

14 (1) ENERGY AUDIT.—The term “energy audit”  
15 means an inspection, survey, and analysis of the en-  
16 ergy use of a building, including the building enve-  
17 lope and HVAC system.

18 (2) HOME.—The term “home” means a resi-  
19 dential dwelling unit in a building with no more than  
20 4 dwelling units that—

21 (A) is located in the United States;

22 (B) was constructed before the date of en-  
23 actment of this Act; and

24 (C) is occupied at least six months out of  
25 the year.

1           (3) HOME ENERGY SAVINGS RETROFIT REBATE  
2 PROGRAM.—The term “Home Energy Savings Ret-  
3 rofit Rebate Program” means the Home Energy  
4 Savings Retrofit Rebate Program established under  
5 section 332.

6           (4) HOMEOWNER.—The term “homeowner”  
7 means the owner of an owner-occupied home or a  
8 tenant-occupied home.

9           (5) HVAC SYSTEM.—The term “HVAC sys-  
10 tem” means a system—

11           (A) consisting of a heating component, a  
12 ventilation component, and an air-conditioning  
13 component; and

14           (B) which components may include central  
15 air conditioning, a heat pump, a furnace, a boil-  
16 er, a rooftop unit, a window unit, and a chiller.

17           (6) MEASURED PERFORMANCE REBATE.—The  
18 term “measured performance rebate” means a re-  
19 bate provided in accordance with section 334 and  
20 described in subsection (e) of that section.

21           (7) MODELED PERFORMANCE REBATE.—The  
22 term “modeled performance rebate” means a rebate  
23 provided in accordance with section 334 and de-  
24 scribed in subsection (d) of that section.

1           (8) PARTIAL SYSTEM REBATE.—The term “par-  
2           tial system rebate” means a rebate provided in ac-  
3           cordance with section 333.

4           (9) SECRETARY.—The term “Secretary” means  
5           the Secretary of Energy.

6           (10) STATE.—The term “State” includes—

7                   (A) a State;

8                   (B) the District of Columbia;

9                   (C) the Commonwealth of Puerto Rico;

10                  (D) Guam;

11                  (E) American Samoa;

12                  (F) the Commonwealth of the Northern  
13           Mariana Islands;

14                  (G) the United States Virgin Islands; and

15                  (H) any other territory or possession of the  
16           United States.

17           (11) STATE ENERGY OFFICE.—The term “State  
18           energy office” means the office or agency of a State  
19           responsible for developing the State energy conserva-  
20           tion plan for the State under section 362 of the En-  
21           ergy Policy and Conservation Act (42 U.S.C. 6322).

1 **SEC. 332. ESTABLISHMENT OF HOME ENERGY SAVINGS**  
2 **RETROFIT REBATE PROGRAM.**

3 The Secretary shall establish a program, to be known  
4 as the Home Energy Savings Retrofit Rebate Program,  
5 to—

6 (1) provide rebates in accordance with section  
7 333; and

8 (2) provide grants to States to carry out pro-  
9 grams to provide rebates in accordance with section  
10 334.

11 **SEC. 333. PARTIAL SYSTEM REBATES.**

12 (a) AMOUNT OF REBATE.—In carrying out the Home  
13 Energy Savings Retrofit Rebate Program, and subject to  
14 the availability of appropriations for such purpose, the  
15 Secretary shall provide a homeowner a rebate, to be known  
16 as a partial system rebate, of up to—

17 (1) \$800 for the installation of insulation and  
18 air sealing within a home of the homeowner; and

19 (2) \$1,500 for the installation of insulation and  
20 air sealing within a home of the homeowner and re-  
21 placement of an HVAC system, the heating compo-  
22 nent of an HVAC system, or the cooling component  
23 of an HVAC system, of such home.

24 (b) SPECIFICATIONS.—

25 (1) COST.—The amount of a partial system re-  
26 bate provided under this section shall not exceed 30

1 percent of cost of installation of insulation and air  
2 sealing under subsection (a)(1), or installation of in-  
3 sulation and air sealing and replacement of an  
4 HVAC system, the heating component of an HVAC  
5 system, or the cooling component of an HVAC sys-  
6 tem, under subsection (a)(2). Labor may be included  
7 in such cost but may not exceed—

8 (A) in the case of a rebate under sub-  
9 section (a)(1), 50 percent of such cost; and

10 (B) in the case of a rebate under sub-  
11 section (a)(2), 25 percent of such cost.

12 (2) AIR SEALING.—Not later than 60 days after  
13 the date of enactment of this Act, the Secretary  
14 shall issue specifications for air sealing to qualify for  
15 a partial system rebate under this section. For any  
16 area that has the exterior wall exposed and acces-  
17 sible, and for which it is not required to remove  
18 plaster or a basement wall board to access such wall,  
19 such specifications for air sealing shall be consistent  
20 with the Energy Star Home Sealing Specification.

21 (3) REPLACEMENT OF AN HVAC SYSTEM, THE  
22 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE  
23 COOLING COMPONENT OF AN HVAC SYSTEM.—In  
24 order to qualify for a partial system rebate described  
25 in subsection (a)(2)—



1 (A) any HVAC system, heating component  
2 of an HVAC system, or cooling component of  
3 an HVAC system installed shall be Energy Star  
4 Most Efficient certified;

5 (B) installation of such an HVAC system,  
6 the heating component of an HVAC system, or  
7 the cooling component of an HVAC system,  
8 shall be completed in accordance with standards  
9 specified by the Secretary that are at least as  
10 stringent as the applicable guidelines of the Air  
11 Conditioning Contractors of America that are in  
12 effect on the date of enactment of this Act;

13 (C) if ducts are present, replacement of an  
14 HVAC system, the heating component of an  
15 HVAC system, or the cooling component of an  
16 HVAC system shall include duct sealing; and

17 (D) the installation of insulation and air  
18 sealing shall occur within 6 months of the re-  
19 placement of the HVAC system, the heating  
20 component of an HVAC system, or the cooling  
21 component of an HVAC system.

22 (c) ADDITIONAL INCENTIVES FOR CONTRACTORS.—  
23 In carrying out the Home Energy Savings Retrofit Rebate  
24 Program, the Secretary may provide a \$250 payment to  
25 a contractor per home for which—

1           (1) a partial system rebate is provided under  
2 this section for the installation of insulation and air  
3 sealing, or installation of insulation and air sealing  
4 and replacement of an HVAC system, the heating  
5 component of an HVAC system, or the cooling com-  
6 ponent of an HVAC system, by the contractor;

7           (2) the applicable homeowner has signed and  
8 submitted to the Secretary a release form made  
9 available pursuant to section 336(c) authorizing the  
10 contractor access to information in the utility bills of  
11 the homeowner; and

12           (3) the contractor inputs, into the Department  
13 of Energy's Building Performance Database—

14           (A) the energy usage for the home for the  
15 12 months preceding, and the 24 months fol-  
16 lowing, the installation of insulation and air  
17 sealing or installation of insulation and air seal-  
18 ing and replacement of an HVAC system, the  
19 heating component of an HVAC system, or the  
20 cooling component of an HVAC system;

21           (B) a description of such installation or in-  
22 stallation and replacement; and

23           (C) the total cost to the homeowner for  
24 such installation or installation and replace-  
25 ment.

1 (d) PROCESS.—

2 (1) FORMS; REBATE PROCESSING SYSTEM.—

3 Not later than 90 days after the date of enactment  
4 of this Act, the Secretary, in consultation with the  
5 Secretary of the Treasury, shall—

6 (A) develop and make available rebate  
7 forms required to receive a partial system re-  
8 bate under this section;

9 (B) establish a Federal rebate processing  
10 system which shall serve as a database and in-  
11 formation technology system that will allow  
12 homeowners to submit required rebate forms;  
13 and

14 (C) establish a website that provides infor-  
15 mation on partial system rebates provided  
16 under this section, including how to determine  
17 whether particular measures qualify for a re-  
18 bate under this section and how to receive such  
19 a rebate.

20 (2) SUBMISSION OF FORMS.—In order to re-  
21 ceive a partial system rebate under this section, a  
22 homeowner shall submit the required rebate forms,  
23 and any other information the Secretary determines  
24 appropriate, to the Federal rebate processing system  
25 established pursuant to paragraph (1).

1 (e) FUNDING.—

2 (1) LIMITATION.—For each fiscal year, to carry  
3 out this section, the Secretary may not use more  
4 than 50 percent of the amounts made available to  
5 carry out this subtitle.

6 (2) ALLOCATION.—The Secretary shall allocate  
7 amounts made available to carry out this section for  
8 partial system rebates in States using the same for-  
9 mula as is used to allocate funds for States under  
10 part D of title III of the Energy Policy and Con-  
11 servation Act (42 U.S.C. 6321 et seq.).

12 **SEC. 334. STATE ADMINISTERED REBATES.**

13 (a) FUNDING.—In carrying out the Home Energy  
14 Savings Retrofit Rebate Program, and subject to the  
15 availability of appropriations for such purpose, the Sec-  
16 retary shall provide grants to States to carry out programs  
17 to provide rebates in accordance with this section.

18 (b) STATE PARTICIPATION.—

19 (1) PLAN.—In order to receive a grant under  
20 this section a State shall submit to the Secretary an  
21 application that includes a plan to implement a  
22 State program that meets the minimum criteria  
23 under subsection (c).

24 (2) APPROVAL.—Not later than 60 days after  
25 receipt of a completed application for a grant under

1       this section, the Secretary shall either approve the  
2       application or provide to the applicant an expla-  
3       nation for denying the application.

4       (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—

5       Not later than 6 months after the date of enactment of  
6       this Act, the Secretary shall establish minimum criteria  
7       for a State program to meet to qualify for funding under  
8       this section, including—

9               (1) that the State program be carried out by  
10       the applicable State energy office;

11              (2) that a rebate be provided under a State pro-  
12       gram only for a home energy efficiency retrofit  
13       that—

14                      (A) is completed by a contractor who  
15       meets minimum training requirements and cer-  
16       tification requirements set forth by the Sec-  
17       retary;

18                      (B) includes installation of one or more  
19       home energy efficiency retrofit measures for a  
20       home that together are modeled to achieve, or  
21       are shown to achieve, a reduction in home en-  
22       ergy use of 20 percent or more from the base-  
23       line energy use of the home;

24                      (C) does not include installation of any  
25       measure that the Secretary determines does not

1 improve the thermal energy usage of the home,  
2 such as a pool pump, pool heater, spa, or EV  
3 charger; and

4 (D) includes, after installation of the appli-  
5 cable home energy efficiency retrofit measures,  
6 a test-out procedure conducted in accordance  
7 with guidelines issued by the Secretary of such  
8 measures to ensure—

9 (i) the safe operation of all systems  
10 post retrofit; and

11 (ii) that all improvements are included  
12 in, and have been installed according to—

13 (I) manufacturers installation  
14 specifications; and

15 (II) all applicable State and local  
16 codes or equivalent standards ap-  
17 proved by the Secretary;

18 (3) that the State program utilizes—

19 (A) for purposes of modeled performance  
20 rebates, modeling software approved by the Sec-  
21 retary for determining and documenting the  
22 baseline energy use of a home and the reduc-  
23 tions in home energy use resulting from the im-  
24 plementation of a home energy efficiency ret-  
25 rofit; and

1 (B) for purposes of measured performance  
2 rebates, methods and procedures approved by  
3 the Secretary for determining and documenting  
4 the baseline energy use of a home and the re-  
5 ductions in home energy use resulting from the  
6 implementation of a home energy efficiency ret-  
7 rofit, including methods and procedures for use  
8 of advanced metering infrastructure, weather-  
9 normalized data, and open source standards, to  
10 measure such baseline energy use and such re-  
11 ductions in home energy use;

12 (4) that the State program includes implemen-  
13 tation of a quality assurance program—

14 (A) to ensure that home energy efficiency  
15 retrofits are achieving the stated level of energy  
16 savings, that efficiency measures were installed  
17 correctly, and that work is performed in accord-  
18 ance with procedures developed by the Sec-  
19 retary, including through quality-control inspec-  
20 tions for a portion of home energy efficiency  
21 retrofits completed by each applicable con-  
22 tractor; and

23 (B) under which a quality-control inspec-  
24 tion of a home energy efficiency retrofit is per-  
25 formed by a quality assurance provider who—

1 (i) is independent of the contractor  
2 for such retrofit; and

3 (ii) will confirm that such contractor  
4 is a contractor who meets minimum train-  
5 ing requirements and certification require-  
6 ments set forth by the Secretary;

7 (5) that the State program includes require-  
8 ments for a homeowner, contractor, or rebate  
9 aggregator to claim a rebate, including that the  
10 homeowner, contractor, or rebate aggregator submit  
11 any applicable forms approved by the Secretary to  
12 the State, including a copy of the certificate pro-  
13 vided by the applicable contractor certifying pro-  
14 jected or measured reduction of home energy use;

15 (6) that the State program may include require-  
16 ments for an entity to be eligible to serve as a rebate  
17 aggregator to facilitate the delivery of rebates to  
18 homeowners or contractors;

19 (7) that the State program includes procedures  
20 for a homeowner to transfer the right to claim a re-  
21 bate to the contractor performing the applicable  
22 home energy efficiency retrofit or to a rebate  
23 aggregator that works with the contractor; and

24 (8) that the State program provides that a  
25 homeowner, contractor, or rebate aggregator may



1 claim more than one rebate under the State pro-  
2 gram, and may claim a rebate under the State pro-  
3 gram after receiving a partial system rebate under  
4 section 333, provided that no 2 rebates may be pro-  
5 vided with respect to a home using the same baseline  
6 energy use of such home.

7 (d) MODELED PERFORMANCE REBATES.—

8 (1) IN GENERAL.—In carrying out a State pro-  
9 gram under this section, a State may provide a  
10 homeowner, contractor, or rebate aggregator a re-  
11 bate, to be known as a modeled performance rebate,  
12 for an energy audit of a home and a home energy  
13 efficiency retrofit that is projected, using modeling  
14 software approved by the Secretary, to reduce home  
15 energy use by at least 20 percent.

16 (2) AMOUNT.—

17 (A) IN GENERAL.—Subject to subpara-  
18 graph (B), the amount of a modeled perform-  
19 ance rebate provided under a State program  
20 shall be equal to 50 percent of the cost of the  
21 applicable energy audit of a home and home en-  
22 ergy efficiency retrofit, including the cost of di-  
23 agnostic procedures, labor, reporting, and mod-  
24 eling.

1 (B) LIMITATION.—With respect to an en-  
2 ergy audit and home energy efficiency retrofit  
3 that is projected to reduce home energy use  
4 by—

5 (i) at least 20 percent, but less than  
6 40 percent, the maximum amount of a  
7 modeled performance rebate shall be  
8 \$2,000; and

9 (ii) at least 40 percent, the maximum  
10 amount of a modeled performance rebate  
11 shall be \$4,000.

12 (e) MEASURED PERFORMANCE REBATES.—

13 (1) IN GENERAL.—In carrying out a State pro-  
14 gram under this section, a State may provide a  
15 homeowner, contractor, or rebate aggregator a re-  
16 bate, to be known as a measured performance re-  
17 bate, for a home energy efficiency retrofit that re-  
18 duces home energy use by at least 20 percent as  
19 measured using methods and procedures approved  
20 by the Secretary.

21 (2) AMOUNT.—

22 (A) IN GENERAL.—Subject to subpara-  
23 graph (B), the amount of a measured perform-  
24 ance rebate provided under a State program  
25 shall be equal to 50 percent of the cost, includ-

1           ing the cost of diagnostic procedures, labor, re-  
2           porting, and energy measurement, of the appli-  
3           cable home energy efficiency retrofit.

4           (B) LIMITATION.—With respect to a home  
5           energy efficiency retrofit that is measured as  
6           reducing home energy use by—

7                   (i) at least 20 percent, but less than  
8                   40 percent, the maximum amount of a  
9                   measured performance rebate shall be  
10                  \$2,000; and

11                   (ii) at least 40 percent, the maximum  
12                   amount of a measured performance rebate  
13                   shall be \$4,000.

14           (f) COORDINATION OF REBATE AND EXISTING  
15           STATE-SPONSORED OR UTILITY-SPONSORED PRO-  
16           GRAMS.—A State that receives a grant under this section  
17           is encouraged to work with State agencies, utilities, State-  
18           sponsored nonprofits, and other entities—

19                   (1) to assist in marketing the availability of the  
20                   rebates under the applicable State program;

21                   (2) to coordinate with utility or State managed  
22                   financing programs;

23                   (3) to assist in implementation of the applicable  
24                   State program, including installation of home energy  
25                   efficiency retrofits; and

1           (4) to coordinate with existing quality assur-  
2           ance programs.

3           (g) ADMINISTRATION AND OVERSIGHT.—

4           (1) REVIEW OF APPROVED MODELING SOFT-  
5           WARE.—The Secretary shall, on an annual basis, list  
6           and review all modeling software approved for use in  
7           determining and documenting the reductions in  
8           home energy use for purposes of modeled perform-  
9           ance rebates under subsection (d). In approving such  
10          modeling software each year, the Secretary shall en-  
11          sure that modeling software approved for a year will  
12          result in modeling of energy efficiency gains for any  
13          type of home energy efficiency retrofit that is at  
14          least as substantial as the modeling of energy effi-  
15          ciency gains for such type of home energy efficiency  
16          retrofit using the modeling software approved for  
17          the previous year.

18          (2) OVERSIGHT.—If the Secretary determines  
19          that a State is not implementing a State program  
20          that was approved pursuant to subsection (b) and  
21          that meets the minimum criteria under subsection  
22          (c), the Secretary may, after providing the State a  
23          period of at least 90 days to meet such criteria,  
24          withhold grant funds under this section from the  
25          State.

1 **SEC. 335. EVALUATION REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 3 years after the  
3 date of enactment of this Act and annually thereafter until  
4 the termination of the Home Energy Savings Retrofit Re-  
5 bate Program, the Secretary shall submit to Congress a  
6 report on the use of funds made available to carry out  
7 this Act.

8 (b) CONTENTS.—Each report submitted under sub-  
9 section (a) shall include—

10 (1) how many home energy efficiency retrofits  
11 have been completed during the previous year under  
12 the Home Energy Savings Retrofit Rebate Program;

13 (2) an estimate of how many jobs have been  
14 created through the Home Energy Savings Retrofit  
15 Rebate Program, directly and indirectly;

16 (3) a description of what steps could be taken  
17 to promote further deployment of energy efficiency  
18 and renewable energy retrofits;

19 (4) a description of the quantity of verifiable  
20 energy savings, homeowner energy bill savings, and  
21 other benefits of the Home Energy Savings Retrofit  
22 Rebate Program;

23 (5) a description of any waste, fraud, or abuse  
24 with respect to funds made available to carry out  
25 this Act; and

1 (6) any other information the Secretary con-  
2 siders appropriate.

3 **SEC. 336. ADMINISTRATION.**

4 (a) IN GENERAL.—The Secretary shall provide such  
5 administrative and technical support to contractors, rebate  
6 aggregators, States, and Indian Tribes as is necessary to  
7 carry out this Act.

8 (b) APPOINTMENT OF PERSONNEL.—Notwith-  
9 standing the provisions of title 5, United States Code, re-  
10 garding appointments in the competitive service and Gen-  
11 eral Schedule classifications and pay rates, the Secretary  
12 may appoint such professional and administrative per-  
13 sonnel as the Secretary considers necessary to carry out  
14 this Act.

15 (c) INFORMATION COLLECTION.—The Secretary shall  
16 establish, and make available to a homeowner, or the  
17 homeowner's designated representative, seeking a rebate  
18 under this Act, release forms authorizing access by the  
19 Secretary, or a designated third-party representative to in-  
20 formation in the utility bills of the homeowner with appro-  
21 priate privacy protections in place.

22 **SEC. 337. TREATMENT OF REBATES.**

23 For purposes of the Internal Revenue Code of 1986,  
24 gross income shall not include any rebate received under  
25 this Act.

1 **SEC. 338. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated to the Secretary to carry out this subtitle  
4 \$1,000,000,000 for each of fiscal years 2021 through  
5 2030, to remain available until expended.

6 (b) MAINTENANCE OF FUNDING.—Each State receiv-  
7 ing Federal funds pursuant to this Act shall provide rea-  
8 sonable assurances to the Secretary that it has established  
9 policies and procedures designed to ensure that Federal  
10 funds provided under this Act will be used to supplement,  
11 and not to supplant, State and local funds.

12 (c) TRIBAL ALLOCATION.—Of the amounts made  
13 available pursuant to subsection (a) for a fiscal year, the  
14 Secretary shall work with Indian Tribes and use 2 percent  
15 of such amounts to carry out a program or programs that  
16 as close as possible reflect the goals, requirements, and  
17 provisions of this Act, taking into account any factors that  
18 the Secretary determines to be appropriate.

19 **Subtitle E—Energy Savings**  
20 **Performance Contracts**

21 **SEC. 341. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

22 (a) ENERGY MANAGEMENT REQUIREMENTS.—Sec-  
23 tion 543(f)(4) of the National Energy Conservation Policy  
24 Act (42 U.S.C. 8253(f)(4)) is amended—

25 (1) by striking subparagraph (B);

1 (2) in the matter preceding subparagraph (A),  
2 by striking “may” and all that follows through “the  
3 Federal” in subparagraph (A) and inserting the fol-  
4 lowing: “shall implement any energy- or water-sav-  
5 ing measure that—

6 “(i) the Federal”;

7 (3) in the matter preceding clause (i) (as so  
8 designated), by striking “Not later” and inserting  
9 the following:

10 “(A) IN GENERAL.—Not later”;

11 (4) in subparagraph (A) (as so designated)—

12 (A) in clause (i), by striking “paragraph  
13 (3) that is” and inserting the following: “para-  
14 graph (3); and

15 “(ii) is”;

16 (B) in clause (ii) (as so designated), by  
17 striking “; and” and inserting “, as determined  
18 by evaluating an individual measure or a bundle  
19 of measures with varying paybacks.”; and

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

21 “(B) PERFORMANCE CONTRACTING.—Each  
22 Federal agency shall use performance con-  
23 tracting to address at least one-half of the  
24 measures identified under subparagraph  
25 (A)(i).”.



1 (b) REPORTS.—Section 548(b) of the National En-  
2 ergy Conservation Policy Act (42 U.S.C. 8258(b)) is  
3 amended—

4 (1) in paragraph (3), by striking “and” at the  
5 end;

6 (2) in paragraph (4), by striking the period at  
7 the end and inserting “; and”; and

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

9 “(5)(A) the status of the energy savings per-  
10 formance contracts and utility energy service con-  
11 tracts of each agency, to the extent that the infor-  
12 mation is not duplicative of information provided to  
13 the Secretary under a separate authority;

14 “(B) the quantity and investment value of the  
15 contracts for the previous year;

16 “(C) the guaranteed energy savings, or for con-  
17 tracts without a guarantee, the estimated energy  
18 savings, for the previous year, as compared to the  
19 measured energy savings for the previous year;

20 “(D) a forecast of the estimated quantity and  
21 investment value of contracts anticipated in the fol-  
22 lowing year for each agency; and

23 “(E)(i) a comparison of the information de-  
24 scribed in subparagraph (B) and the forecast de-

1 scribed in subparagraph (D) in the report of the  
2 previous year; and

3 “(ii) if applicable, the reasons for any dif-  
4 ferences in the data compared under clause (i).”.

5 (c) DEFINITION OF ENERGY CONSERVATION MEAS-  
6 URES.—Section 551(4) of the National Energy Conserva-  
7 tion Policy Act (42 U.S.C. 8259(4)) is amended by strik-  
8 ing “or retrofit activities” and inserting “retrofit activi-  
9 ties, or energy consuming devices and required support  
10 structures”.

11 (d) AUTHORITY TO ENTER INTO CONTRACTS.—Sec-  
12 tion 801(a)(2)(F) of the National Energy Conservation  
13 Policy Act (42 U.S.C. 8287(a)(2)(F)) is amended—

14 (1) in clause (i), by striking “or” at the end;

15 (2) in clause (ii), by striking the period at the  
16 end and inserting “; or”; and

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

18 “(iii) limit the recognition of oper-  
19 ation and maintenance savings associated  
20 with systems modernized or replaced with  
21 the implementation of energy conservation  
22 measures, water conservation measures, or  
23 any combination of energy conservation  
24 measures and water conservation meas-  
25 ures.”.

1 (e) MISCELLANEOUS AUTHORITY; EXCLUDED CON-  
2 TRACTS.—Section 801(a)(2) of the National Energy Con-  
3 servation Policy Act (42 U.S.C. 8287(a)(2)) is amended  
4 by adding at the end the following:

5 “(H) MISCELLANEOUS AUTHORITY.—Not-  
6 withstanding subtitle I of title 40, United  
7 States Code, a Federal agency may accept, re-  
8 tain, sell, or transfer, and apply the proceeds of  
9 the sale or transfer of, any energy and water  
10 incentive, rebate, grid services revenue, or cred-  
11 it (including a renewable energy certificate) to  
12 fund a contract under this title.

13 “(I) EXCLUDED CONTRACTS.—A contract  
14 entered into under this title may not be for  
15 work performed—

16 “(i) at a Federal hydroelectric facility  
17 that provides power marketed by a Power  
18 Marketing Administration; or

19 “(ii) at a hydroelectric facility owned  
20 and operated by the Tennessee Valley Au-  
21 thority established under the Tennessee  
22 Valley Authority Act of 1933 (16 U.S.C.  
23 831 et seq.).”.

24 (f) PAYMENT OF COSTS.—Section 802 of the Na-  
25 tional Energy Conservation Policy Act (42 U.S.C. 8287a)

1 is amended by striking “(and related operation and main-  
2 tenance expenses)” and inserting “, including related op-  
3 erations and maintenance expenses”.

4 (g) DEFINITION OF ENERGY SAVINGS.—Section  
5 804(2) of the National Energy Conservation Policy Act  
6 (42 U.S.C. 8287c(2)) is amended—

7 (1) in subparagraph (A), by striking “federally  
8 owned building or buildings or other federally owned  
9 facilities” and inserting “Federal building (as de-  
10 fined in section 551)” each place it appears;

11 (2) in subparagraph (C), by striking “; and”  
12 and inserting a semicolon;

13 (3) in subparagraph (D), by striking the period  
14 at the end and inserting a semicolon; and

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

16 “(E) the use, sale, or transfer of any en-  
17 ergy and water incentive, rebate, grid services  
18 revenue, or credit (including a renewable energy  
19 certificate); and

20 “(F) any revenue generated from a reduc-  
21 tion in energy or water use, more efficient  
22 waste recycling, or additional energy generated  
23 from more efficient equipment.”.

1           **Subtitle F—Investing in State**  
2                           **Energy**

3   **SEC. 351. INVESTING IN STATE ENERGY.**

4           (a) TIMING FOR DISTRIBUTION OF FINANCIAL AS-  
5   SISTANCE UNDER THE WEATHERIZATION ASSISTANCE  
6   PROGRAM.—Section 417(d) of the Energy Conservation  
7   and Production Act (42 U.S.C. 6867(d)) is amended—

8                   (1) by striking “(d) PAYMENTS” and inserting  
9   the following:

10           “(d) METHOD AND TIMING OF PAYMENTS.—

11                   “(1) IN GENERAL.—Subject to paragraph (2),  
12   any payments”; and

13                   (2) by adding at the end the following:

14                   “(2) TIMING.—Notwithstanding any other pro-  
15   vision of law (including regulations), not later than  
16   60 days after the date on which funds have been  
17   made available to provide assistance under this part,  
18   the Secretary shall distribute to the applicable re-  
19   cipient the full amount of assistance to be provided  
20   to the recipient under this part for the fiscal year.”.

21           (b) TIMING FOR DISTRIBUTION OF FINANCIAL AS-  
22   SISTANCE UNDER THE STATE ENERGY PROGRAM.—Sec-  
23   tion 363 of the Energy Policy and Conservation Act (42  
24   U.S.C. 6323) is amended by adding at the end the fol-  
25   lowing:

1 “(g) TIMING FOR DISTRIBUTION OF FINANCIAL AS-  
2 SISTANCE.—Notwithstanding any other provision of law  
3 (including regulations), not later than 60 days after the  
4 date on which funds have been made available to provide  
5 financial assistance under this section, the Secretary shall  
6 distribute to the applicable State the full amount of assist-  
7 ance to be provided to the State under this section for  
8 the fiscal year.”.

9 **TITLE IV—TRANSPORTATION**  
10 **Subtitle A—Vehicle Performance**  
11 **Standards**

12 **SEC. 401. TRANSPORTATION CARBON MANAGEMENT.**

13 (a) MOTOR VEHICLE GREENHOUSE GAS EMISSION  
14 STANDARDS.—The Administrator, pursuant to section  
15 202 of the Clean Air Act (42 U.S.C. 7521), shall by regu-  
16 lation promulgate greenhouse gas emission standards for  
17 every class of new motor vehicles or new motor vehicle en-  
18 gines for which the Administrator had previously promul-  
19 gated greenhouse gas emission standards as of the date  
20 of enactment of this section, as follows:

21 (1) With respect to new passenger cars and  
22 light-duty trucks, the regulations required by this  
23 subsection shall—

24 (A) begin with model year 2026;

1 (B) for model year 2026 emission levels,  
2 mandate a minimum reduction in the emissions  
3 of greenhouse gases of at least 6 percent rel-  
4 ative to the 2020 model year;

5 (C) for model year 2027 and each suc-  
6 ceeding model year, mandate a minimum year-  
7 over-year reduction in the emissions of green-  
8 house gases of at least 6 percent relative to the  
9 previous model year;

10 (D) establish standards applicable to at  
11 least 5 model years; and

12 (E) be finalized not later than 365 days  
13 after the date of enactment of this Act.

14 (2) With respect to medium-duty passenger ve-  
15 hicles and heavy-duty vehicles, the regulations re-  
16 quired by this subsection shall—

17 (A) beginning with model year 2028 emis-  
18 sion levels, mandate a minimum year-over-year  
19 reduction in the emissions of greenhouse gases  
20 of at least 4 percent relative to the previous  
21 model year;

22 (B) establish standards applicable to at  
23 least 5 model years; and

24 (C) be finalized not later than June 30,  
25 2022.

1           (3) The Administrator shall promulgate succes-  
2           sive greenhouse gas emission standards pursuant to  
3           this subsection to follow the standards promulgated  
4           pursuant to paragraphs (1) and (2), and shall—

5                   (A) ensure that pursuant to such succes-  
6                   sive standards a greenhouse gas emission stand-  
7                   ard is always in effect for each regulated class  
8                   of new motor vehicles and new motor vehicle  
9                   engines;

10                   (B) mandate increased reductions in green-  
11                   house gas emissions in each successive set of  
12                   emission standards compared to the prior set of  
13                   standards; and

14                   (C) determine the level of successive emis-  
15                   sion standards based on the degree of green-  
16                   house gas emission reductions needed to achieve  
17                   the national goal of economywide net-zero  
18                   greenhouse gas emissions by not later than  
19                   2050 established by section 101.

20           (b) **NONROAD ENGINE GREENHOUSE GAS EMISSION**  
21 **STANDARDS.**—Section 213 of the Clean Air Act (42  
22 U.S.C. 7547) is amended by adding at the end the fol-  
23 lowing:

24           “(e) **GREENHOUSE GAS EMISSION STANDARDS.**—



1           “(1) Notwithstanding subsection (a)(4), the Ad-  
2           ministrator shall promulgate standards for emissions  
3           of greenhouse gases for every class or category of  
4           new nonroad engines and new nonroad vehicles, tak-  
5           ing into account costs, noise, safety, and energy fac-  
6           tors associated with the application of technology  
7           which the Administrator determines will be available  
8           for the engines and vehicles to which such standards  
9           apply. The regulations shall apply to the useful life  
10          of the engines or vehicles (as determined by the Ad-  
11          ministrator).

12          “(2) The Administrator shall promulgate regu-  
13          lations containing standards applicable to green-  
14          house gas emissions from new locomotives and new  
15          engines used in locomotives. Such standards shall  
16          achieve the greatest degree of emission reduction  
17          achievable through the application of technology  
18          which the Administrator determines will be available  
19          for the locomotives or engines to which such stand-  
20          ards apply, giving appropriate consideration to the  
21          cost of applying such technology within the period of  
22          time available to manufactures and to noise, energy,  
23          and safety factors associated with the application of  
24          such technology.

1           “(3) The Administrator shall promulgate the  
2 regulations required by this subsection within 24  
3 months of the date of enactment of this subsection.

4           “(4) The Administrator shall promulgate suc-  
5 cessive greenhouse gas emission standards pursuant  
6 to this subsection, and shall—

7                   “(A) ensure that pursuant to such succes-  
8 sive standards a greenhouse gas emission stand-  
9 ard is always in effect for each regulated class  
10 or category of new nonroad engines, new  
11 nonroad vehicles, new locomotives, and new en-  
12 gines used in locomotives;

13                   “(B) mandate increased reductions in  
14 greenhouse gas emissions in each successive set  
15 of emission standards compared to the prior set  
16 of standards; and

17                   “(C) determine the level of successive emis-  
18 sion standards based on the degree of green-  
19 house gas emission reductions needed to achieve  
20 the national goal of economywide net-zero  
21 greenhouse gas emissions by not later than  
22 2050 established by section 101 of the CLEAN  
23 Future Act.

24           “(f) METHANE SLIP REPORT TO CONGRESS.—

1           “(1) The Administrator shall conduct a study  
2 of methane slip in engine exhaust, including the ex-  
3 istence or absence of effective systems for control of  
4 methane slip in engine exhaust.

5           “(2) The Administrator shall, to the extent  
6 practicable, and in consultation with the Secretary  
7 of Energy, as appropriate, carry out science-based  
8 research and development activities to pursue dra-  
9 matic improvements in the effectiveness for methane  
10 control of catalytic systems suitable for commercial  
11 application.

12           “(3) Not later than 24 months after the date  
13 of enactment of this subsection, the Administrator  
14 shall submit a report to the Congress outlining the  
15 findings of the study. The report shall further in-  
16 clude policy recommendations for addressing emis-  
17 sions from methane slip in engine exhaust in light  
18 of the national goal declared by section 101 of the  
19 CLEAN Future Act.”.

20           (c) AIRCRAFT GREENHOUSE GAS EMISSION STAND-  
21 ARDS.—

22           (1) The Administrator shall, pursuant to sec-  
23 tion 231 of the Clean Air Act (42 U.S.C. 7571),  
24 promulgate emission standards for greenhouse gas  
25 emissions from both new and existing in-service air-

1       craft engines within 24 months of the date of enact-  
2       ment of this Act.

3           (2) The emission standards required by para-  
4       graph (1) shall mandate a minimum of 50 percent  
5       reduction in emissions of greenhouse gases from  
6       2010 levels by January 1, 2031.

7           (3) The Administrator shall promulgate succes-  
8       sive greenhouse gas emission standards pursuant to  
9       this subsection, and shall—

10           (A) ensure that pursuant to such succes-  
11       sive standards a greenhouse gas emission stand-  
12       ard is always in effect for each regulated class  
13       or category of new and existing in-service air-  
14       craft engines;

15           (B) mandate increased reductions in green-  
16       house gas emissions in each successive set of  
17       emission standards compared to the prior set of  
18       standards; and

19           (C) determine the level of successive emis-  
20       sion standards based on the degree of green-  
21       house gas emission reductions needed to achieve  
22       the national goal of economywide net-zero  
23       greenhouse gas emissions by not later than  
24       2050 established by section 101.

1 (d) UNIFORM STATE CLEAN CAR AUTHORITY.—Sec-  
2 tion 177 of the Clean Air Act (42 U.S.C. 7507) is amend-  
3 ed—

4 (1) in the section heading, by striking “**NON-**  
5 **ATTAINMENT**” and inserting “**ALL**”; and

6 (2) by striking the words “which has plan pro-  
7 visions approved under this part”.

## 8 **Subtitle B—Cleaner Fuels**

### 9 **SEC. 411. ACCELERATING APPROVAL OF CLEAN FUELS.**

10 The Administrator of the Environmental Protection  
11 Agency shall approve a petition for approval of a renew-  
12 able fuel pathway under the renewable fuel program under  
13 section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))  
14 if—

15 (1) 90 days or more has passed since the peti-  
16 tion was submitted to the Administrator; and

17 (2) the combination of the fuel type, production  
18 process, and feedstock that is described in the peti-  
19 tion has been approved for sale in at least one State  
20 under a program designed to reduce the carbon in-  
21 tensity of transportation fuel.

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—

7                   (1) by striking “\$100,000,000” and inserting  
8                   “\$200,000,000”; and

9                   (2) by striking “2016” and inserting “2030”.

10   **SEC. 422. PILOT PROGRAM TO AWARD GRANTS FOR THE**  
11                   **ELECTRIFICATION OF CERTAIN REFRIG-**  
12                   **ERATED VEHICLES.**

13           (a) ESTABLISHMENT OF PILOT PROGRAM.—The Ad-  
14 ministrators shall establish and carry out a pilot program  
15 to award grants, on a competitive basis, to eligible entities  
16 to carry out projects described in subsection (b).

17           (b) PROJECTS.—An eligible entity receiving a grant  
18 under subsection (a) may use grant funds only for one  
19 or more of the following projects:

20                   (1) TRANSPORT REFRIGERATION UNIT RE-  
21                   PLACEMENT.—A project to retrofit a heavy-duty ve-  
22                   hicle by replacing the existing diesel-powered trans-  
23                   port refrigeration unit in such vehicle with an elec-  
24                   tric transport refrigeration unit.

1           (2) SHORE POWER INFRASTRUCTURE.—A  
2 project to purchase and install shore power infra-  
3 structure or other equipment that enables transport  
4 refrigeration units to connect to electric power at  
5 food service distribution centers or other places  
6 where heavy-duty vehicles congregate.

7           (3) TRANSPORT REFRIGERATION UNIT OPER-  
8 ATION AND MAINTENANCE.—A project to operate  
9 and maintain vehicles, infrastructure, or equipment  
10 relating to electric transport refrigeration units and  
11 associated shore power, including any such vehicles,  
12 infrastructure, or equipment acquired as part of a  
13 project funded under this section and described in  
14 paragraph (1) or paragraph (2).

15       (c) MAXIMUM AMOUNTS.—The amount of a grant  
16 awarded under subsection (a) shall not exceed—

17           (1) for the costs of a project relating to trans-  
18 port refrigeration unit replacement described in sub-  
19 section (b)(1), not more than 75 percent of such  
20 costs;

21           (2) for the costs of a project relating to shore  
22 power infrastructure described in subsection (b)(2),  
23 not more than 55 percent of such costs; and

24           (3) for the costs of a project relating to trans-  
25 port refrigeration unit operation and maintenance

1 described in subsection (b)(3), not more than 45  
2 percent of such costs.

3 (d) APPLICATIONS.—To be eligible to receive a grant  
4 under subsection (a), an eligible entity shall submit to the  
5 Administrator—

6 (1) a description of the air quality in the area  
7 served by the eligible entity, including a description  
8 of how the air quality is affected by diesel emissions  
9 from heavy-duty vehicles;

10 (2) a description of the project proposed by the  
11 eligible entity, including—

12 (A) any verified technology or emerging  
13 technology to be used or funded by the eligible  
14 entity; and

15 (B) a description of the heavy-duty vehicle  
16 fleet of the eligible entity, including—

17 (i) the number of such vehicles;

18 (ii) the uses of such vehicles;

19 (iii) the locations where such vehicles  
20 dock for the purpose of loading or unload-  
21 ing; and

22 (iv) the routes driven by such vehicles,  
23 including the times at which such vehicles  
24 are driven;



1           (3) an estimate of the cost of the proposed  
2 project;

3           (4) a description of the age and expected life-  
4 time control of the equipment used or funded by the  
5 eligible entity; and

6           (5) provisions for the monitoring and  
7 verification of the project.

8           (e) PRIORITY.—In awarding grants under subsection  
9 (a), the Administrator shall give priority to proposed  
10 projects that, as determined by the Administrator—

11           (1) maximize public health benefits;

12           (2) are the most cost-effective; and

13           (3) will serve the communities that are most  
14 polluted by diesel motor emissions, including com-  
15 munities that the Administrator identifies as being  
16 in either nonattainment or maintenance of the na-  
17 tional ambient air quality standards for a criteria  
18 pollutant, particularly for—

19                   (A) ozone; and

20                   (B) particulate matter.

21           (f) DATA RELEASE.—Not later than 60 days after  
22 the date on which a grant is made under this section, the  
23 Administrator shall publish on the website of the Environ-  
24 mental Protection Agency, on a downloadable electronic

1 database, information with respect to such grant, includ-  
2 ing—

3 (1) the name and location of the grant recipi-  
4 ent;

5 (2) the total amount of the grant;

6 (3) the intended use or uses of the grant;

7 (4) the date on which the grant was awarded;

8 (5) where applicable, an estimate of any air pol-  
9 lution or greenhouse gas emissions avoided as a re-  
10 sult of the project funded by the grant; and

11 (6) any other data the Administrator deter-  
12 mines to be necessary for an evaluation of the use  
13 and effect of grants awarded under this section.

14 (g) REPORTS TO CONGRESS.—

15 (1) ANNUAL REPORT TO CONGRESS.—Not later  
16 than 1 year after the date of the establishment of  
17 the pilot program under this section, and annually  
18 thereafter until funding is expended, the Adminis-  
19 trator shall submit to Congress and make available  
20 to the public a report that describes, with respect to  
21 the applicable year—

22 (A) any grant applications received under  
23 such program;

1 (B) any grants awarded under such pro-  
2 gram, including a summary of the data de-  
3 scribed in subsection (f);

4 (C) the effect of any awarded grants on air  
5 pollution and greenhouse gas emissions; and

6 (D) any other data the Administrator de-  
7 termines to be necessary to describe the imple-  
8 mentation, outcomes, or effectiveness of such  
9 program.

10 (2) FINAL REPORT.—Not later than 1 year  
11 after funding for the pilot program under this sec-  
12 tion is expended, or 5 years after such program is  
13 established, whichever comes first, the Administrator  
14 shall submit to Congress and make available to the  
15 public a report that describes—

16 (A) all of the information collected for the  
17 annual reports under paragraph (1);

18 (B) any benefits to the environment or  
19 human health that could result from the wide-  
20 spread application of electric transport refrig-  
21 eration units for short-haul transportation and  
22 delivery of perishable goods, including in low-in-  
23 come communities and communities of color;

24 (C) any challenges or benefits that recipi-  
25 ents of grants under such program reported

1 with respect to the integration or use of electric  
2 transport refrigeration units and associated  
3 technologies;

4 (D) an assessment of the national market  
5 potential for electric transport refrigeration  
6 units;

7 (E) an assessment of challenges and op-  
8 portunities for widespread deployment of elec-  
9 tric transport refrigeration units, including in  
10 urban areas; and

11 (F) recommendations for how future Fed-  
12 eral, State, and local programs can best support  
13 the adoption and widespread deployment of  
14 electric transport refrigeration units.

15 (h) DEFINITIONS.—In this section:

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

19 (2) DIESEL-POWERED TRANSPORT REFRIGERA-  
20 TION UNIT.—The term “diesel-powered transport re-  
21 frigeration unit” means a transport refrigeration  
22 unit that is powered by an independent diesel inter-  
23 nal combustion engine.

24 (3) ELECTRIC TRANSPORT REFRIGERATION  
25 UNIT.—The term “electric transport refrigeration

1 unit” means a transport refrigeration unit in which  
2 the compressor of the refrigeration system is driven  
3 by an electric motor all or some of the time, includ-  
4 ing all-electric transport refrigeration units, hybrid  
5 electric transport refrigeration units, and standby  
6 electric transport refrigeration units.

7 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty” means—

9 (A) a regional, State, local, or Tribal agen-  
10 cy or port authority with jurisdiction over  
11 transportation or air quality;

12 (B) a nonprofit organization or institution  
13 that—

14 (i) represents or provides pollution re-  
15 duction or educational services to persons  
16 or organizations that own or operate diesel  
17 fleets; or

18 (ii) has, as its principal purpose, the  
19 promotion of air quality;

20 (C) any individual or entity that is the  
21 owner of record of a diesel vehicle or fleet which  
22 operates for the transportation and delivery of  
23 perishable goods;

24 (D) any individual or entity that is the  
25 owner of record of a facility which operates as

1 a warehouse or storage facility for perishable  
2 goods; and

3 (E) any hospital or public health institu-  
4 tion which utilizes refrigeration for storage of  
5 perishable goods.

6 (5) HEAVY-DUTY VEHICLE.—The term “heavy-  
7 duty vehicle” means—

8 (A) a commercial truck or van—

9 (i) used for the primary purpose of  
10 transporting perishable goods; and

11 (ii) with a gross vehicle weight rating  
12 greater than 6,000 pounds; or

13 (B) an insulated cargo trailer used in  
14 transporting temperature-sensitive goods when  
15 mounted on a semitrailer.

16 (6) SHORE POWER INFRASTRUCTURE.—The  
17 term “shore power infrastructure” means electrical  
18 infrastructure that provides power to the electric  
19 transport refrigeration unit of a heavy-duty vehicle  
20 when such vehicle is stationary.

21 (7) TRANSPORT REFRIGERATION UNIT.—The  
22 term “transport refrigeration unit” means a refrig-  
23 eration system installed on a heavy-duty vehicle for  
24 the purpose of cooling perishable or temperature-  
25 sensitive goods.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000, to remain available until expended.

4 **SEC. 423. CLEAN SCHOOLBUS PROGRAM.**

5 (a) DEFINITIONS.—

6 (1) ALTERNATIVE FUEL.—Section 741(a)(2) of  
7 the Energy Policy Act of 2005 (42 U.S.C.  
8 16091(a)(2)) is amended—

9 (A) in subparagraph (B), by striking “or”  
10 after the semicolon;

11 (B) in subparagraph (C), by striking the  
12 period at the end and inserting “; or”; and

13 (C) by adding at the end the following new  
14 subparagraph:

15 “(D) electricity.”.

16 (2) CLEAN SCHOOLBUS.—Section 741(a)(3) of  
17 the Energy Policy Act of 2005 (42 U.S.C.  
18 16091(a)(3)) is amended by striking “that—” and  
19 all that follows through “(B) is operated” and in-  
20 serting “that is operated”.

21 (b) PROGRAM FOR RETROFIT OR REPLACEMENT OF  
22 CERTAIN EXISTING SCHOOLBUSES WITH CLEAN  
23 SCHOOLBUSES.—

1           (1) PRIORITY OF GRANT APPLICATIONS.—Sec-  
2           tion 741(b)(2) of the Energy Policy Act of 2005 (42  
3           U.S.C. 16091(b)(2)) is amended—

4                   (A) in subparagraph (A), by inserting be-  
5           fore the period at the end “with clean  
6           schoolbuses with low or zero emissions”; and

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

9                   “(B) RETROFITTING.—In the case of  
10           grant applications to retrofit schoolbuses, the  
11           Administrator shall give—

12                   “(i) highest priority to applicants that  
13           propose to retrofit schoolbuses manufac-  
14           tured in or after model year 1991 to be-  
15           come clean schoolbuses with low or zero  
16           emissions; and

17                   “(ii) second highest priority to appli-  
18           cants that otherwise propose to retrofit  
19           schoolbuses manufactured in or after  
20           model year 1991 to become clean  
21           schoolbuses.”.

22           (2) USE OF SCHOOLBUS FLEET.—Section  
23           741(b)(3)(B) of the Energy Policy Act of 2005 (42  
24           U.S.C. 16091(b)(3)(B)) is amended by inserting  
25           “charged,” after “operated,”.



1           (3) REPLACEMENT GRANTS.—Paragraph (5) of  
2           section 741(b) of the Energy Policy Act of 2005 (42  
3           U.S.C. 16091(b)) is amended to read as follows:

4           “(5) REPLACEMENT GRANTS.—In the case of  
5           grants to replace schoolbuses—

6           “(A) the Administrator may award the  
7           grants for up to 60 percent of the replacement  
8           costs; and

9           “(B) such replacement costs may include  
10          the costs of acquiring the clean schoolbuses and  
11          charging and fueling infrastructure.”.

12          (4) ULTRA LOW-SULFUR DIESEL FUEL.—Sec-  
13          tion 741(b) of the Energy Policy Act of 2005 (42  
14          U.S.C. 16091(b)) is amended—

15                 (A) by striking paragraph (6); and

16                 (B) by redesignating paragraphs (7) and  
17                 (8) as paragraphs (6) and (7), respectively.

18          (c) EDUCATION.—Paragraph (1) of section 741(c) of  
19          the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is  
20          amended to read as follows:

21                 “(1) IN GENERAL.—Not later than 90 days  
22                 after the date of enactment of the CLEAN Future  
23                 Act, the Administrator shall develop an education  
24                 outreach program to promote and explain the grant

1 program under subsection (b), as amended by such  
2 Act.”.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 741(d) of the Energy Policy Act of 2005 (42 U.S.C.  
5 16091(d)) is amended by striking “until expended—” and  
6 all that follows through the end of the subsection and in-  
7 serting “until expended, \$50,000,000 for each of fiscal  
8 years 2021 through 2030.”.

9 **SEC. 424. CLEAN CITIES COALITION PROGRAM.**

10 (a) IN GENERAL.—The Secretary shall carry out a  
11 program to be known as the Clean Cities Coalition Pro-  
12 gram.

13 (b) PROGRAM ELEMENTS.—In carrying out the pro-  
14 gram under subsection (a), the Secretary shall—

15 (1) establish criteria for designating local and  
16 regional Clean Cities Coalitions;

17 (2) designate local and regional Clean Cities  
18 Coalitions that the Secretary determines meet the  
19 criteria established under paragraph (1);

20 (3) make awards to each designated Clean Cit-  
21 ies Coalition for administrative and program ex-  
22 penses of the coalition;

23 (4) make competitive awards to designated  
24 Clean Cities Coalitions for projects and activities de-  
25 scribed in subsection (c);

1           (5) provide technical assistance and training to  
2           designated Clean Cities Coalitions;

3           (6) provide opportunities for communication  
4           and sharing of best practices among designated  
5           Clean Cities Coalitions; and

6           (7) maintain, and make available to the public,  
7           a centralized database of information included in the  
8           reports submitted under subsection (d).

9           (c) PROJECTS AND ACTIVITIES.—Projects and activi-  
10          ties eligible for awards under subsection (b)(4) are  
11          projects and activities that reduce petroleum consumption,  
12          improve air quality, promote energy and economic secu-  
13          rity, and encourage deployment of a diverse, domestic sup-  
14          ply of alternative fuels in the transportation sector by—

15               (1) encouraging the purchase and use of alter-  
16               native fuel vehicles and alternative fuels, including  
17               by fleet managers;

18               (2) expediting the establishment of local, re-  
19               gional, and national infrastructure to fuel alternative  
20               fuel vehicles;

21               (3) advancing the use of other petroleum fuel  
22               reduction technologies and strategies;

23               (4) conducting outreach and education activities  
24               to advance the use of alternative fuels and alter-  
25               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 2021;  
2 (B) \$60,000,000 for fiscal year 2022;  
3 (C) \$75,000,000 for fiscal year 2023;  
4 (D) \$90,000,000 for fiscal year 2024; and  
5 (E) \$100,000,000 for each of fiscal years  
6 2025 through 2030.

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 **SEC. 431. DEFINITIONS.**

21 In this subtitle:

22 (1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—  
23 The term “electric vehicle supply equipment” means  
24 any conductors, including ungrounded, grounded,  
25 and equipment grounding conductors, electric vehicle

1 connectors, attachment plugs, and all other fittings,  
2 devices, power outlets, or apparatuses installed spe-  
3 cifically for the purpose of delivering energy to an  
4 electric vehicle.

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of Energy.

7 (3) UNDERSERVED OR DISADVANTAGED COM-  
8 MUNITY.—The term “underserved or disadvantaged  
9 community” means a community located in a Zip  
10 Code within a census tract that is identified as—

11 (A) a low-income urban community;

12 (B) an urban community of color; or

13 (C) any other urban community that the  
14 Secretary determines is disproportionately vul-  
15 nerable to, or bears a disproportionate burden  
16 of, any combination of economic, social, and en-  
17 vironmental stressors.

18 **SEC. 432. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE**  
19 **PROGRAM.**

20 (a) REBATE PROGRAM.—Not later than January 1,  
21 2021, the Secretary shall establish a rebate program to  
22 promote the purchase and installation of publicly acces-  
23 sible electric vehicle supply equipment (in this section re-  
24 ferred to as the “rebate program”).

25 (b) REBATE PROGRAM REQUIREMENTS.—

1           (1) ELIGIBLE APPLICANTS.—A rebate under  
2           the rebate program may be made to an individual,  
3           State, local, Tribal, or territorial government, a pri-  
4           vate entity, or a metropolitan planning organization.

5           (2) ELIGIBLE EQUIPMENT.—

6                   (A) IN GENERAL.—Not later than 180  
7                   days after the date of the enactment of this  
8                   Act, the Secretary shall publish and maintain  
9                   on the Department of Energy internet website  
10                  a list of electric vehicle supply equipment that  
11                  is eligible for the rebate program.

12                   (B) UPDATE.—The Secretary may publish  
13                   a notice of proposed rulemaking to determine  
14                   additional hardware or software equipment re-  
15                   quirements that will likely lead to greater usage  
16                   of the electric vehicle supply equipment or im-  
17                   prove the experience of users of such charging  
18                   equipment.

19                   (C) LOCATION REQUIREMENT.—To be eli-  
20                   gible for the rebate program, the equipment de-  
21                   scribed under subparagraph (A) shall be in-  
22                   stalled—

23                           (i) in the United States;

24                           (ii) on property—

1 (I) owned by the eligible appli-  
2 cant under subsection (b)(1); or

3 (II) on which the eligible appli-  
4 cant under subsection (b)(1) has au-  
5 thority to install electric vehicle sup-  
6 ply equipment; and

7 (iii) at a publicly accessible parking  
8 lot or facility having a minimum of 10  
9 parking spaces and is—

10 (I) open to the public for a min-  
11 imum of 12 hours per day, 5 days per  
12 week;

13 (II) associated with a multiunit  
14 housing structure with 5 or more  
15 housing units; and

16 (III) associated with a workplace  
17 available to an employee of the work-  
18 place or an employee of a nearby  
19 workplace.

20 (3) APPLICATION.—

21 (A) IN GENERAL.—An eligible applicant  
22 under subsection (b)(1) may submit to the Sec-  
23 retary an application for a rebate under the re-  
24 bate program. Such application shall include—



1 (i) the estimated cost of covered ex-  
2 penses to be expended on the installation  
3 of the equipment eligible under subsection  
4 (b)(2);

5 (ii) the estimated installation cost of  
6 the equipment eligible under subsection  
7 (b)(2);

8 (iii) the global positioning system  
9 (GPS) location of the equipment eligible  
10 under subsection (b)(2) and identification  
11 of whether such location is a—

12 (I) multiunit housing structure;

13 (II) workplace; or

14 (III) publicly accessible parking  
15 lot or facility;

16 (iv) the technical specifications of the  
17 equipment eligible under subsection (b)(2),  
18 including the maximum power and amper-  
19 age of such equipment, to be installed; and

20 (v) any other information determined  
21 by the Secretary to be necessary for a com-  
22 plete application.

23 (B) REVIEW PROCESS.—The Secretary  
24 shall review an application for a rebate under  
25 the rebate program and approve an eligible ap-

1           plicant under subsection (b)(1) to receive such  
2           rebate if—

3                   (i) the application meets the require-  
4                   ments of the rebate program under sub-  
5                   section (b); and

6                   (ii) the Secretary expects amounts ap-  
7                   propriated to be available for such rebate.

8           (C) NOTIFICATION TO ELIGIBLE APPLI-  
9           CANT.—Not later than 1 year after the date on  
10           which the eligible applicant under subsection  
11           (b)(1) applies for a rebate under the rebate pro-  
12           gram, the Secretary shall notify the eligible ap-  
13           plicant under subsection (b)(1) that they will be  
14           awarded a rebate under the rebate program fol-  
15           lowing the submission of additional materials  
16           required under paragraph (5).

17           (4) REBATE AMOUNT.—

18                   (A) IN GENERAL.—Except as provided in  
19                   subparagraph (B), the amount awarded under  
20                   the rebate program shall be the lesser of—

21                           (i) 75 percent of covered expenses;

22                           (ii) \$2,000 for non-networked level 2  
23                   charging equipment;

24                           (iii) \$4,000 for networked level 2  
25                   charging equipment; or

1 (iv) \$75,000 for networked direct cur-  
2 rent fast charging equipment.

3 (B) REBATE AMOUNT FOR REPLACEMENT  
4 EQUIPMENT.—The amount awarded under the  
5 rebate program for replacement electric vehicle  
6 supply equipment shall be the lesser of—

7 (i) 75 percent of covered expenses;

8 (ii) \$1,000 for non-networked level 2  
9 charging equipment;

10 (iii) \$2,000 for networked level 2  
11 charging equipment; or

12 (iv) \$25,000 for networked direct cur-  
13 rent fast charging equipment.

14 (5) DISBURSEMENT OF REBATE.—

15 (A) IN GENERAL.—The Secretary shall  
16 disburse a rebate under the rebate program to  
17 an eligible applicant under subsection (b)(1),  
18 following approval of an initial application  
19 under paragraph (3), if such applicant submits  
20 the materials required under subparagraph (B).

21 (B) MATERIALS REQUIRED FOR DISBURSE-  
22 MENT OF REBATE.—Not later than 1 year after  
23 the date on which the eligible applicant under  
24 subsection (b)(1) receives notice that they have  
25 been approved for a rebate under the rebate

1 program, such applicant shall submit to the  
2 Secretary the following:

3 (i) The cost of covered expenses ex-  
4 pended on the installation of the equip-  
5 ment eligible under subsection (b)(2).

6 (ii) The installation cost of the equip-  
7 ment eligible under subsection (b)(2).

8 (iii) A record of payment for the  
9 equipment eligible under subsection (b)(2).

10 (iv) The global positioning system  
11 (GPS) location of the equipment eligible  
12 under subsection (b)(2) and identification  
13 of whether such location is a—

14 (I) multiunit housing structure;

15 (II) workplace; or

16 (III) publicly accessible parking  
17 lot or facility.

18 (v) The technical specifications of the  
19 equipment eligible under subsection (b)(2),  
20 including the maximum power and amper-  
21 age of such equipment.

22 (vi) Any other information determined  
23 by the Secretary to be necessary for a com-  
24 plete application.

1 (C) AGREEMENT TO MAINTAIN.—To be eli-  
2 gible for a rebate under the rebate program, an  
3 eligible applicant under subsection (b)(1) shall  
4 enter into an agreement with the Secretary to  
5 maintain the eligible equipment in a satisfac-  
6 tory manner for not less than 5 years after the  
7 date on which the eligible applicant under sub-  
8 section (b)(1) receives the rebate under the re-  
9 bate program.

10 (D) AGREEMENT TO REPORT ON USAGE.—  
11 To be eligible for a rebate under the rebate pro-  
12 gram, an eligible applicant under subsection  
13 (b)(1) shall enter into an agreement with the  
14 Secretary to submit, not later than 1 year after  
15 the date the applicant is awarded a rebate and  
16 annually thereafter for the following 2 years, a  
17 report on the aggregated data on usage of rel-  
18 evant networked electric vehicle supply equip-  
19 ment.

20 (E) EXCEPTION.—The Secretary shall not  
21 disburse a rebate under the rebate program if  
22 materials submitted under paragraph (5) do not  
23 meet the same GPS location and technical spec-  
24 ifications for the equipment eligible under sub-

1 section (b)(2) provided in an application under  
2 paragraph (3).

3 (6) EXCEPTIONS TO REBATE PROGRAM.—

4 (A) MULTIPORT CHARGERS.—An eligible  
5 applicant under subsection (b)(1) shall be  
6 awarded a rebate under the rebate program for  
7 a multiport charger based on the number of  
8 publicly accessible charging ports, with each  
9 subsequent port after the first port, being eligi-  
10 ble for 50 percent of the full rebate amount.

11 (B) NETWORKED DIRECT CURRENT FAST  
12 CHARGING.—Of amounts appropriated to carry  
13 out the rebate program under this section, not  
14 more than 25 percent may be used for rebates  
15 of networked direct current fast charging equip-  
16 ment.

17 (7) HYDROGEN FUEL CELL REFUELING INFRA-  
18 STRUCTURE.—For the purposes of this section, hy-  
19 drogen refueling equipment shall be eligible for a re-  
20 bate as though it were a networked direct current  
21 fast charging equipment. All requirements related to  
22 public accessibility of installed locations shall apply.

23 (c) DEFINITIONS.—In this section:

24 (1) COVERED EXPENSES.—The term “covered  
25 expenses” means an expense that is associated with

1 the purchase and installation of electric vehicle sup-  
2 ply equipment, including—

3 (A) the cost of electric vehicle supply  
4 equipment hardware;

5 (B) labor costs associated with the installa-  
6 tion of such hardware, only if wages for such  
7 labor are paid at rates not less than those pre-  
8 vailing on similar labor in the locality of instal-  
9 lation, as determined by the Secretary of Labor  
10 under subchapter IV of chapter 31 of title 40,  
11 United States Code (commonly referred to as  
12 the “Davis-Bacon Act”);

13 (C) material costs associated with the in-  
14 stallation of such hardware, including expenses  
15 involving electrical equipment and necessary up-  
16 grades or modifications to the electrical grid  
17 and associated infrastructure required for the  
18 installation of such hardware;

19 (D) permit costs associated with the instal-  
20 lation of such hardware; and

21 (E) the cost of an onsite energy storage  
22 system.

23 (2) **ELECTRIC VEHICLE.**—The term “electric  
24 vehicle” means a vehicle that derives all or part of  
25 its power from electricity.

1           (3) LEVEL 2 CHARGING EQUIPMENT.—The  
2 term “level 2 charging equipment” means electric  
3 vehicle supply equipment that provides an alter-  
4 nating current power source at a minimum of 240-  
5 volts.

6           (4) MULTIPORT CHARGER.—The term  
7 “multiport charger” means electric vehicle supply  
8 equipment capable of charging more than one elec-  
9 tric vehicle simultaneously.

10          (5) NETWORKED DIRECT CURRENT FAST  
11 CHARGING EQUIPMENT.—The term “networked di-  
12 rect current fast charging equipment” means electric  
13 vehicle supply equipment that provides a direct cur-  
14 rent power source at a minimum of 50 kilowatts and  
15 is enabled to connect to a network to facilitate data  
16 collection and access.

17          (6) NETWORKED ELECTRIC VEHICLE CHARGING  
18 STATION.—The term “networked electric vehicle  
19 charging station” means a charging station that is  
20 enabled to connect to a network to facilitate data  
21 collection and access.

22          (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$100,000,000 for each of fiscal years 2021 through 2030.



1 **SEC. 433. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**  
2 **UNDERSERVED COMMUNITIES.**

3 (a) ASSESSMENT OF ELECTRIC VEHICLE CHARGING  
4 INFRASTRUCTURE IN URBAN AREAS.—

5 (1) IN GENERAL.—

6 (A) ASSESSMENT.—The Secretary shall  
7 conduct an assessment of the state of, chal-  
8 lenges to, and opportunities for the deployment  
9 of electric vehicle charging infrastructure in  
10 urban areas, particularly in underserved or dis-  
11 advantaged communities.

12 (B) REPORT.—Not later than 1 year after  
13 the date of the enactment of this Act, the Sec-  
14 retary shall submit to the Committee on Energy  
15 and Commerce of the House of Representatives  
16 and the Committee on Energy and Natural Re-  
17 sources of the Senate a report on the results of  
18 the assessment conducted under subparagraph  
19 (A), which shall—

20 (i) describe the state of deployment  
21 with respect to electric vehicle charging in-  
22 frastructure in major urban areas through-  
23 out the United States, particularly in un-  
24 derserved or disadvantaged communities,  
25 including information pertaining to—

1 (I) the number of existing and  
2 planned Level 2 and DC FAST charg-  
3 ing stations per capita for charging  
4 individually owned light-duty and me-  
5 dium-duty vehicles;

6 (II) the number of existing and  
7 planned Level 2 and DC FAST charg-  
8 ing stations for charging public and  
9 private fleet vehicles and medium and  
10 heavy-duty equipment and vehicles;

11 (III) the number of Level 2 and  
12 DC FAST charging stations installed  
13 in or available to occupants of publicly  
14 owned and privately owned multiunit  
15 dwellings;

16 (IV) policies, plans, and pro-  
17 grams that cities, States, utilities, and  
18 private entities are using to encourage  
19 greater deployment and usage of elec-  
20 tric vehicles and the associated elec-  
21 tric vehicle charging infrastructure,  
22 including programs to encourage de-  
23 ployment of charging stations avail-  
24 able to residents in publicly owned

1 and privately owned multiunit dwell-  
2 ings;

3 (V) ownership models for Level 2  
4 and DC FAST charging stations lo-  
5 cated in publicly owned and privately  
6 owned residential multiunit dwellings,  
7 commercial buildings, public and pri-  
8 vate parking areas, and curbside loca-  
9 tions;

10 (VI) how charging stations are fi-  
11 nanced and the rates charged for  
12 Level 2 and DC FAST charging; and

13 (VII) a description of the meth-  
14 odology used to obtain the informa-  
15 tion provided in the report;

16 (ii) identify the barriers to expanding  
17 deployment of electric vehicle charging in-  
18 frastructure in urban areas, particularly in  
19 underserved or disadvantaged commu-  
20 nities, including any challenges relating to  
21 charging infrastructure deployment in mul-  
22 tiunit dwellings;

23 (iii) compile and provide an analysis  
24 of the best practices and policies used by  
25 State and local governments and private

1 entities to increase deployment of electric  
2 vehicle charging infrastructure in urban  
3 areas, particularly in underserved or dis-  
4 advantaged communities, including best  
5 practices with respect to—

6 (I) public outreach and engage-  
7 ment; and

8 (II) increasing deployment of  
9 charging infrastructure in publicly  
10 owned and privately owned multiunit  
11 dwellings; and

12 (iv) enumerate and identify the num-  
13 ber of electric vehicle charging stations per  
14 capita at locations within each major  
15 urban area throughout the United States  
16 with detail at the level of Zip Codes and  
17 census tracts.

18 (2) FIVE-YEAR UPDATE ASSESSMENT.—Not  
19 later than 5 years after the date of the enactment  
20 of this Act, the Secretary shall—

21 (A) update the assessment conducted  
22 under paragraph (1)(A); and

23 (B) make public and submit to the Com-  
24 mittee on Energy and Commerce of the House  
25 of Representatives and the Committee on En-

1           ergy and Natural Resources of the Senate a re-  
2           port, which shall—

3                   (i) update the information described  
4                   in paragraph (1)(B); and

5                   (ii) include a description of case stud-  
6                   ies and key lessons learned after the report  
7                   under paragraph (1)(B) was submitted  
8                   with respect to expanding the deployment  
9                   of electric vehicle charging infrastructure  
10                  in urban areas, particularly in low-income  
11                  communities and communities of color.

12       (b) DEFINITIONS.—In this section:

13           (1) ELECTRIC VEHICLE CHARGING INFRA-  
14           STRUCTURE.—The term “electric vehicle charging  
15           infrastructure” means electric vehicle supply equip-  
16           ment and other physical assets that provide for the  
17           distribution of and access to electricity for the pur-  
18           pose of charging an electric vehicle.

19           (2) MAJOR URBAN AREA.—The term “major  
20           urban area” means a metropolitan statistical area  
21           within the United States with an estimated popu-  
22           lation that is greater than or equal to 1,500,000.

1 **SEC. 434. ENSURING PROGRAM BENEFITS FOR UNDER-**  
2 **SERVED AND DISADVANTAGED COMMU-**  
3 **NITIES.**

4 In administering programs under this subtitle, in-  
5 cluding pursuant to amendments made by this subtitle,  
6 the Secretary shall ensure, to the extent practicable, that  
7 such programs provide access to electric vehicle infrastruc-  
8 ture, address transportation needs, and provide improved  
9 air quality in underserved or disadvantaged communities.

10 **SEC. 435. MODEL BUILDING CODE FOR ELECTRIC VEHICLE**  
11 **SUPPLY EQUIPMENT.**

12 (a) DEVELOPMENT.—The Secretary shall develop a  
13 proposal to establish or update, as appropriate, model  
14 building codes for—

15 (1) integrating electric vehicle supply equipment  
16 into residential and commercial buildings that in-  
17 clude space for individual vehicle or fleet vehicle  
18 parking; and

19 (2) integrating onsite renewable power equip-  
20 ment and electric storage equipment (including elec-  
21 tric vehicle batteries to be used for electric storage)  
22 into residential and commercial buildings.

23 (b) CONSULTATION.—In developing the proposal  
24 under subsection (a), the Secretary shall consult with  
25 stakeholders representing the building construction indus-  
26 try, manufacturers of electric vehicles and electric vehicle

1 supply equipment, State and local governments, and any  
2 other persons with relevant expertise or interests.

3 (c) DEADLINE.—Not later than 1 year after the date  
4 of enactment of this Act, the Secretary shall submit the  
5 proposal developed under subsection (a) to the American  
6 Society of Heating, Refrigerating, and Air Conditioning  
7 Engineers, the International Code Council, and the States  
8 for consideration.

9 **SEC. 436. 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; and

22 (3) ensure the development of such network will  
23 not compromise the stability and reliability of the  
24 electric grid.

1 (b) REPORT TO CONGRESS.—Not later than 1 year  
2 after the date of enactment of this Act, the Secretary shall  
3 provide to the Committee on Energy and Commerce of the  
4 House of Representatives and to the Committee on En-  
5 ergy and Natural Resources of the Senate a report con-  
6 taining the results of the assessment carried out under  
7 subsection (a) and recommendations to overcome any bar-  
8 riers to standards development or adoption identified by  
9 the group convened under such subsection.

10 **SEC. 437. STATE CONSIDERATION OF ELECTRIC VEHICLE**  
11 **CHARGING.**

12 (a) CONSIDERATION AND DETERMINATION RESPECT-  
13 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)  
14 of 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 “(22) ELECTRIC VEHICLE CHARGING PRO-  
18 GRAMS.—

19 “(A) IN GENERAL.—Each State shall con-  
20 sider—

21 “(i) authorizing measures to stimulate  
22 investment in and deployment of electric  
23 vehicle supply equipment and to foster the  
24 market for vehicle charging;



1           “(ii) authorizing each electric utility  
2           of the State to recover from ratepayers any  
3           capital, operating expenditure, or other  
4           costs of the electric utility relating to load  
5           management, programs, or investments as-  
6           sociated with the integration of electric ve-  
7           hicle supply equipment onto the grid and  
8           promoting greater electrification of the  
9           transportation sector; and

10           “(iii) allowing a person or agency that  
11           owns and operates an electric vehicle  
12           charging facility for the sole purpose of re-  
13           charging an electric vehicle battery to be  
14           excluded from regulation as an electric  
15           utility pursuant to section 3(4) when mak-  
16           ing electricity sales from the use of the  
17           electric vehicle charging facility, if such  
18           sales are the only sales of electricity made  
19           by the person or agency.

20           “(B) DEFINITION.—For purposes of this  
21           paragraph, the term ‘electric vehicle supply  
22           equipment’ means conductors, including  
23           ungrounded, grounded, and equipment ground-  
24           ing conductors, electric vehicle connectors, at-  
25           tachment plugs, and all other fittings, devices,

1 power outlets, or apparatuses installed specifi-  
2 cally for the purpose of delivering energy to an  
3 electric vehicle.”.

4 (b) TIME LIMITATIONS.—Section 112(b) of the Pub-  
5 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.  
6 2622(b)) is further amended by adding at the end the fol-  
7 lowing:

8 “(9)(A) Not later than 1 year after the enact-  
9 ment of this paragraph, each State regulatory au-  
10 thority (with respect to each electric utility for which  
11 it has ratemaking authority) and each nonregulated  
12 utility shall commence the consideration referred to  
13 in section 111, or set a hearing date for consider-  
14 ation, with respect to the standards established by  
15 paragraph (22) of section 111(d).

16 “(B) Not later than 2 years after the date of  
17 the enactment of this paragraph, each State regu-  
18 latory authority (with respect to each electric utility  
19 for which it has ratemaking authority), and each  
20 nonregulated electric utility, shall complete the con-  
21 sideration, and shall make the determination, re-  
22 ferred to in section 111 with respect to each stand-  
23 ard established by paragraph (22) of section  
24 111(d).”.

1 (c) FAILURE TO COMPLY.—Section 112(c) of the  
2 Public Utility Regulatory Policies Act of 1978 (16 U.S.C.  
3 2622(c)) is further amended by adding at the end the fol-  
4 lowing: “In the case of the standard established by para-  
5 graph (22) of section 111(d), the reference contained in  
6 this subsection to the date of enactment of this Act shall  
7 be deemed to be a reference to the date of enactment of  
8 such paragraph (22).”.

9 (d) PRIOR STATE ACTIONS.—Section 112 of the Pub-  
10 lic Utility Regulatory Policies Act of 1978 (16 U.S.C.  
11 2622) is amended by adding at the end the following:

12 “(g) PRIOR STATE ACTIONS.—Subsections (b) and  
13 (c) of this section shall not apply to the standard estab-  
14 lished by paragraph (22) of section 111(d) in the case of  
15 any electric utility in a State if, before the enactment of  
16 this subsection—

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

19 “(2) the State regulatory authority for such  
20 State or relevant nonregulated electric utility has  
21 conducted a proceeding to consider implementation  
22 of the standard concerned (or a comparable stand-  
23 ard) for such utility;

1           “(3) the State legislature has voted on the im-  
2           plementation of such standard (or a comparable  
3           standard) for such utility; or

4           “(4) the State has taken action to implement  
5           incentives or other steps to strongly encourage the  
6           deployment of electric vehicles.”.

7   **SEC. 438. STATE ENERGY PLANS.**

8           (a) STATE ENERGY CONSERVATION PLANS.—Section  
9   362(d) of the Energy Policy and Conservation Act (42  
10   U.S.C. 6322(d)) is amended—

11           (1) in paragraph (16), by striking “; and” and  
12           inserting a semicolon;

13           (2) by redesignating paragraph (17) as para-  
14           graph (18); and

15           (3) by inserting after paragraph (16) the fol-  
16           lowing:

17           “(17) a State energy transportation plan devel-  
18           oped in accordance with section 367; and”.

19           (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
20   365(f) of the Energy Policy and Conservation Act (42  
21   U.S.C. 6325(f)) is amended to read as follows:

22           “(f) AUTHORIZATION OF APPROPRIATIONS.—

23           “(1) STATE ENERGY CONSERVATION PLANS.—

24           For the purpose of carrying out this part, there are  
25           authorized to be appropriated the following:

1                   “(A) \$100,000,000 for each of fiscal years  
2                   2021 through 2025.

3                   “(B) \$125,000,000 for each of fiscal years  
4                   2026 through 2030.

5                   “(2) STATE ENERGY TRANSPORTATION  
6                   PLANS.—In addition to the amounts authorized  
7                   under paragraph (1), for the purpose of carrying out  
8                   section 367, there are authorized to be appropriated  
9                   the following:

10                   “(A) \$25,000,000 for each of fiscal years  
11                   2021 through 2025.

12                   “(B) \$35,000,000 for each of fiscal years  
13                   2026 through 2030.”.

14                   (c) STATE ENERGY TRANSPORTATION PLANS.—Part  
15                   D of title III of the Energy Policy and Conservation Act  
16                   (42 U.S.C. 6321 et seq.) is amended by adding at the end  
17                   the following:

18                   **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

19                   “(a) IN GENERAL.—The Secretary may provide fi-  
20                   nancial assistance to a State to develop a State energy  
21                   transportation plan, for inclusion in a State energy con-  
22                   servation plan under section 362(d), to promote the elec-  
23                   trification of the transportation system, reduced consump-  
24                   tion of fossil fuels, and improved air quality.

1           “(b) DEVELOPMENT.—A State developing a State en-  
2   ergy transportation plan under this section shall carry out  
3   this activity through the State energy office that is respon-  
4   sible for developing the State energy conservation plan  
5   under section 362.

6           “(c) CONTENTS.—A State developing a State energy  
7   transportation plan under this section shall include in such  
8   plan a plan to—

9           “(1) deploy a network of electric vehicle supply  
10   equipment to ensure access to electricity for electric  
11   vehicles; and

12           “(2) promote modernization of the electric grid  
13   to accommodate demand for power to operate elec-  
14   tric vehicle supply equipment and to utilize energy  
15   storage capacity provided by electric vehicles.

16           “(d) COORDINATION.—In developing a State energy  
17   transportation plan under this section, a State shall co-  
18   ordinate, as appropriate, with—

19           “(1) State regulatory authorities (as defined in  
20   section 3 of the Public Utility Regulatory Policies  
21   Act of 1978 (16 U.S.C. 2602));

22           “(2) electric utilities;

23           “(3) regional transmission organizations or  
24   independent system operators;

1 “(4) private entities that provide electric vehicle  
2 charging services;

3 “(5) State transportation agencies, metropoli-  
4 tan planning organizations, and local governments;

5 “(6) electric vehicle manufacturers;

6 “(7) public and private entities that manage ve-  
7 hicle fleets; and

8 “(8) public and private entities that manage  
9 ports, airports, or other transportation hubs.

10 “(e) TECHNICAL ASSISTANCE.—Upon request of the  
11 Governor of a State, the Secretary shall provide informa-  
12 tion and technical assistance in the development, imple-  
13 mentation, or revision of a State energy transportation  
14 plan.

15 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-  
16 FINED.—For purposes of this section, the term ‘electric  
17 vehicle supply equipment’ means conductors, including  
18 ungrounded, grounded, and equipment grounding conduc-  
19 tors, electric vehicle connectors, attachment plugs, and all  
20 other fittings, devices, power outlets, or apparatuses in-  
21 stalled specifically for the purpose of delivering energy to  
22 an electric vehicle.”.

23 **SEC. 439. TRANSPORTATION ELECTRIFICATION.**

24 Section 131 of the Energy Independence and Security  
25 Act of 2007 (42 U.S.C. 17011) is amended—

1 (1) in subsection (a)(6)—

2 (A) in the matter preceding subparagraph  
3 (A), by striking “and petroleum,” and inserting  
4 “petroleum, expand use of electric vehicles, and  
5 facilitate electrification of the transportation  
6 sector,”;

7 (B) in subparagraph (A), by inserting  
8 “and ground support equipment at ports” be-  
9 fore the semicolon;

10 (C) in subparagraph (E), by inserting  
11 “and vehicles” before the semicolon;

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

14 (E) in subparagraph (I)—

15 (i) by striking “battery chargers,”;

16 and

17 (ii) by striking the period at the end  
18 and inserting a semicolon; and

19 (F) by adding at the end the following:

20 “(J) plug-in electric vehicle charging infra-  
21 structure, including publicly accessible charging  
22 infrastructure, including infrastructure acces-  
23 sible to rural, urban, and low-income commu-  
24 nities or infrastructure on commercial property;  
25 and



1 “(K) multiuse charging hubs used for mul-  
2 tiple forms of transportation.”;

3 (2) in subsection (b)—

4 (A) in paragraph (3)(A)—

5 (i) in clause (i), by striking “and” at  
6 the end;

7 (ii) in clause (ii), by inserting “, vehi-  
8 cle components, and plug-in electric vehicle  
9 charging equipment” after “vehicles”; and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(iii) contain a written assurance that  
13 all laborers and mechanics employed by  
14 contractors or subcontractors during con-  
15 struction, alteration, or repair that is fi-  
16 nanced, in whole or in part, by a grant  
17 under this section shall be paid wages at  
18 rates not less than those prevailing on  
19 similar construction in the locality, as de-  
20 termined by the Secretary of Labor in ac-  
21 cordance with sections 3141 through 3144,  
22 3146, and 3147 of title 40, United States  
23 Code (and the Secretary of Labor shall,  
24 with respect to the labor standards de-  
25 scribed in this clause, have the authority

1 and functions set forth in Reorganization  
2 Plan Numbered 14 of 1950 (5 U.S.C.  
3 App.) and section 3145 of title 40, United  
4 States Code); 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 2021 through 2030”;  
9 and  
10 (3) in subsection (c)—

11 (A) in the header, by striking “NEAR-  
12 TERM” and inserting “LARGE-SCALE”; and

13 (B) in paragraph (4), by striking  
14 “\$95,000,000 for each of fiscal years 2008  
15 through 2013” and inserting “\$2,500,000,000  
16 for each of fiscal years 2021 through 2030”.

17 **SEC. 440. FEDERAL FLEETS.**

18 (a) **MINIMUM FEDERAL FLEET REQUIREMENT.**—  
19 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.  
20 13212) is amended—

21 (1) by striking subsection (b) and inserting the  
22 following:

23 “(b) **PERCENTAGE REQUIREMENTS.**—

24 “(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 fleet shall be alternative fueled vehicles,  
5           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 fleet shall be alternative  
19           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 fleet to ac-  
6                   quire a smaller percentage than is required in para-  
7                   graph (1), so long as the aggregate percentage ac-  
8                   quired for each class of vehicle by all Federal fleets  
9                   is at least equal to the required percentage.

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

11                  “(A) FEDERAL FLEET.—The term ‘Fed-  
12                  eral fleet’ means a fleet of vehicles that are cen-  
13                  trally fueled or capable of being centrally fueled  
14                  and are owned, operated, leased, or otherwise  
15                  controlled by or assigned to any Federal execu-  
16                  tive department, military department, Govern-  
17                  ment corporation, independent establishment,  
18                  or executive agency, the United States Postal  
19                  Service, the Congress, the courts of the United  
20                  States, or the Executive Office of the President.  
21                  Such term does not include—

22                               “(i) motor vehicles held for lease or  
23                               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 (2) 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 fleetwide 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 **Subtitle E—Promoting Domestic**  
21 **Advanced Vehicle Manufacturing**

22 **SEC. 441. DOMESTIC MANUFACTURING CONVERSION**  
23 **GRANT PROGRAM.**

24 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND  
25 FUEL CELL BUSES.—Subtitle B of title VII of the Energy

1 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-  
2 ed—

3 (1) in the subtitle header, by inserting “**Plug-**  
4 **In Electric Vehicles,**” before “**Hybrid Vehi-**  
5 **cles**”; and

6 (2) in part 1, in the part header, by striking  
7 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

8 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of  
9 the Energy Policy Act of 2005 (42 U.S.C. 16061) is  
10 amended to read as follows:

11 “**SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

12 “The Secretary shall accelerate domestic manufac-  
13 turing efforts directed toward the improvement of bat-  
14 teries, power electronics, and other technologies for use  
15 in plug-in electric vehicles.”.

16 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-  
17 HICLES.—Section 712 of the Energy Policy Act of 2005  
18 (42 U.S.C. 16062) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by inserting “, plug-  
21 in electric vehicles,” after “efficient hybrid”;  
22 and

23 (B) by amending paragraph (3) to read as  
24 follows:

25 “(3) PRIORITY.—Priority shall be given to—



1           “(A) the refurbishment or retooling of  
2           manufacturing facilities that have recently  
3           ceased operation or will cease operation in the  
4           near future; and

5           “(B) applications containing a written as-  
6           surance that—

7                   “(i) all laborers and mechanics em-  
8                   ployed by contractors or subcontractors  
9                   during construction, alteration, retooling,  
10                  or repair that is financed, in whole or in  
11                  part, by a grant under this subsection shall  
12                  be paid wages at rates not less than those  
13                  prevailing on similar construction in the lo-  
14                  cality, as determined by the Secretary of  
15                  Labor in accordance with sections 3141  
16                  through 3144, 3146, and 3147 of title 40,  
17                  United States Code;

18                  “(ii) all laborers and mechanics em-  
19                  ployed by the owner or operator of a man-  
20                  ufacturing facility that is financed, in  
21                  whole or in part, by a grant under this  
22                  subsection shall be paid wages at rates not  
23                  less than those prevailing on similar con-  
24                  struction in the locality, as determined by  
25                  the Secretary of Labor in accordance with

1 sections 3141 through 3144, 3146, and  
2 3147 of title 40, United States Code; and  
3 “(iii) the Secretary of Labor shall,  
4 with respect to the labor standards de-  
5 scribed in this paragraph, have the author-  
6 ity and functions set forth in Reorganiza-  
7 tion Plan Numbered 14 of 1950 (5 U.S.C.  
8 App.) and section 3145 of title 40, United  
9 States Code.”; and

10 (2) by striking subsection (c) and inserting the  
11 following:

12 “(c) COST SHARE AND GUARANTEE OF OPER-  
13 ATION.—

14 “(1) CONDITION.—A recipient of a grant under  
15 this section shall pay the Secretary the full amount  
16 of the grant if the facility financed in whole or in  
17 part under this subsection fails to manufacture  
18 goods for a period of at least 10 years after the com-  
19 pletion of construction.

20 “(2) COST SHARE.—Section 988(c) shall apply  
21 to a grant made under this subsection.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to the Secretary  
24 \$2,500,000,000 for each of fiscal years 2021 through  
25 2030.

1 “(e) PERIOD OF AVAILABILITY.—An award made  
2 under this section after the date of enactment of this sub-  
3 section shall only be available with respect to facilities and  
4 equipment placed in service before December 31, 2035.”.

5 **SEC. 442. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**  
6 **TURING INCENTIVE PROGRAM.**

7 Section 136 of the Energy Independence and Security  
8 Act of 2007 (42 U.S.C. 17013) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) by redesignating subparagraphs  
12 (A) through (C) as clauses (i) through  
13 (iii), respectively, and indenting appro-  
14 priately;

15 (ii) by striking “(1) ADVANCED TECH-  
16 NOLOGY VEHICLE.—” and all that follows  
17 through “meets—” and inserting the fol-  
18 lowing:

19 “(1) ADVANCED TECHNOLOGY VEHICLE.—The  
20 term ‘advanced technology vehicle’ means—

21 “(A) an ultra efficient vehicle;

22 “(B) a light-duty vehicle that meets—”;

23 (iii) by amending subparagraph  
24 (B)(iii) (as so redesignated) to read as fol-  
25 lows:

1 “(iii) the applicable regulatory stand-  
2 ards for emissions of greenhouse gases for  
3 model year 2021 through 2025 vehicles  
4 promulgated by the Administrator of the  
5 Environmental Protection Agency on Octo-  
6 ber 15, 2012 (77 Fed. Reg. 62624); or”;  
7 and

8 (iv) by adding at the end the fol-  
9 lowing:

10 “(C) a heavy-duty vehicle (including a me-  
11 dium-duty passenger vehicle), as defined in sec-  
12 tion 86.1803–01 of title 40, Code of Federal  
13 Regulations (or successor regulations), that—

14 “(i) complies early with the applicable  
15 regulatory standards for emissions of  
16 greenhouse gases for model year 2024 ve-  
17 hicles promulgated by the Administrator  
18 on October 25, 2016 (81 Fed. Reg.  
19 73478);

20 “(ii) complies early with, or dem-  
21 onstrates achievement below, the applicable  
22 regulatory standards for emissions of  
23 greenhouse gases for model year 2027 ve-  
24 hicles promulgated by the Administrator

1 on October 25, 2016 (81 Fed. Reg.  
2 73478); or

3 “(iii) emits zero emissions of green-  
4 house gases.”;

5 (B) by striking paragraph (2) and redesignig-  
6 nating paragraphs (3) through (5) as para-  
7 graphs (2) through (4), respectively; and

8 (C) by amending paragraph (3) (as so re-  
9 designated) to read as follows:

10 “(3) QUALIFYING COMPONENTS.—The term  
11 ‘qualifying components’ means components, systems,  
12 or groups of subsystems that the Secretary deter-  
13 mines to be designed to reduce emissions of green-  
14 house gases or oxides of nitrogen.”;

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph  
17 (1)—

18 (i) by striking “automobile manufac-  
19 turers, ultra efficient vehicle manufactur-  
20 ers,” and inserting “advanced technology  
21 vehicle manufacturers”; and

22 (ii) by striking “30 percent” and in-  
23 serting “50 percent”;

24 (B) in paragraph (1)—

1 (i) in subparagraph (A), by striking  
2 “qualifying advanced technology vehicles;”  
3 and inserting “advanced technology vehi-  
4 cles; or”;

5 (ii) in subparagraph (B), by striking  
6 “; or” and inserting “; and”; and

7 (iii) by striking subparagraph (C);  
8 and

9 (C) in paragraph (2), by striking “quali-  
10 fying vehicles, ultra efficient vehicles,” and in-  
11 serting “advanced technology vehicles”;

12 (3) in subsection (e), by striking “2020” and  
13 inserting “2030” each place it appears;

14 (4) in subsection (g), by inserting “or medium-  
15 duty or heavy-duty vehicles that emit zero green-  
16 house gas emissions” after “ultra efficient vehicles”;

17 (5) in subsection (h)—

18 (A) in the header, by striking “AUTO-  
19 MOBILE” and inserting “ADVANCED TECH-  
20 NOLOGY VEHICLE”; and

21 (B) in paragraph (1)(B), by striking  
22 “automobiles, or components of automobiles”  
23 and inserting “advanced technology vehicles, or  
24 components of advanced technology vehicles”;  
25 and

1 (6) in subsection (i), by striking “2008 through  
2 2012” and inserting “2021 through 2030”.

3 **TITLE V—INDUSTRY**  
4 **Subtitle A—Industrial Technology**  
5 **Development, Demonstration,**  
6 **and Deployment**

7 **SEC. 501. DOE ASSISTANT SECRETARY FOR MANUFAC-**  
8 **TURING AND INDUSTRY.**

9 Section 203(a) of the Department of Energy Organi-  
10 zation Act (42 U.S.C. 7133(a)) is amended—

11 (1) by striking “8 Assistant Secretaries” and  
12 inserting “9 Assistant Secretaries”; and

13 (2) by adding at the end the following:

14 “(12) Manufacturing and industrial  
15 decarbonization responsibilities, including—

16 “(A) conducting research, development,  
17 demonstration, deployment, commercialization,  
18 and technical assistance programs related to in-  
19 dustrial applications of energy efficiency, energy  
20 management systems, fuel switching, carbon  
21 capture, and carbon removal technologies;

22 “(B) promoting increased domestic manu-  
23 facturing production of energy-related tech-  
24 nologies;

1           “(C) promoting adoption of low-carbon  
2           processes, technologies, and materials by do-  
3           mestic manufacturers; and

4           “(D) promoting other activities resulting in  
5           pollution abatement from industrial facilities  
6           and processes while promoting the manufac-  
7           turing competitiveness of the United States.”.

8   **SEC. 502. LOAN PROGRAM OFFICE REFORM.**

9           (a) **TERMS AND CONDITIONS.**—Section 1702 of the  
10 Energy Policy Act of 2005 (42 U.S.C. 16512) is amend-  
11 ed—

12           (1) by amending subsection (d)(1) to read as  
13 follows:

14           “(1) **IN GENERAL.**—No guarantee shall be  
15 made unless an independent underwriting group es-  
16 tablished by the Secretary determines that there is  
17 a reasonable prospect of repayment of the principal  
18 and interest on the obligation by the borrower, based  
19 primarily on credit ratings provided by independent  
20 credit rating agencies.”;

21           (2) in subsection (h)—

22           (A) in paragraph (1), by adding at the end  
23 the following: “The Secretary shall not collect  
24 from any applicant administrative expenses in  
25 excess of \$200,000 or 10 basis points of the ob-



1           ligation, whichever is smaller. The Secretary  
2           shall not collect any such administrative ex-  
3           penses prior to obligation closing.”; and

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

5           “(3) CONSULTANT FEES.—The Secretary shall  
6           bear the cost of fees for all consultants engaged by  
7           the Secretary in connection with the application,  
8           subject to reimbursement by the applicant at obliga-  
9           tion closing.

10           “(4) CREDIT SUBSIDY COST.—The full credit  
11           subsidy cost shall be paid by the Secretary using ap-  
12           propriated funds.”; and

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

14           “(1) APPLICATION STATUS.—

15           “(1) REQUEST.—If the Secretary does not  
16           make a final decision on an application for a loan  
17           guarantee under this section by the date that is 270  
18           days after receipt of the application by the Sec-  
19           retary, on that date and every 90 days thereafter  
20           until the final decision is made, the applicant may  
21           request that the Secretary provide to the applicant  
22           a description of the status of the application.

23           “(2) RESPONSE.—Not later than 10 days after  
24           receiving a request from an applicant under para-

1 graph (1), the Secretary shall provide to the appli-  
2 cant a response that includes—

3 “(A) a summary of any factors that are  
4 delaying a final decision on the application; and

5 “(B) an estimate of when review of the ap-  
6 plication will be completed.”.

7 (b) PROJECT ELIGIBILITY EXPANSION.—Section  
8 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513)  
9 is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by inserting “, uti-  
12 lize” after “reduce”; and

13 (B) in paragraph (2), by striking “.” and  
14 inserting the following: “which may include—

15 “(A) a system of technologies that combine  
16 existing technologies in an innovative manner;

17 “(B) projects containing elements of com-  
18 mercial technologies in combination with new or  
19 significantly improved technologies; or

20 “(C) projects that incorporate new and in-  
21 novative platform technologies developed outside  
22 the energy sector that enable modernization of  
23 existing energy infrastructure and systems.”;

24 (2) in subsection (b)—

25 (A) in paragraph (5)—

1 (i) by adding “, utilization,” after  
2 “capture”; and

3 (ii) by inserting “and technologies  
4 that capture greenhouse gases already air-  
5 borne” after “sequester carbon”; and

6 (B) by adding at the end the following:

7 “(11) Energy storage technologies for residen-  
8 tial, industrial, and transportation applications.

9 “(12) Technologies and systems for reducing  
10 high global warming potential pollutants, including  
11 methane leakage from natural gas transmission and  
12 distribution infrastructure.

13 “(13) Manufacturing and deployment of nuclear  
14 supply components for advanced nuclear reactors.

15 “(14) System-level energy management solu-  
16 tions.

17 “(15) Application of platform technologies, in-  
18 cluding data analytics, artificial intelligence, and  
19 other software to improve the energy efficiency and  
20 effectiveness of energy infrastructure, including elec-  
21 tric grid operations.

22 “(16) Energy-water use efficiency in water re-  
23 sources infrastructure and water-using technologies.

1           “(17) Innovative technologies for improving the  
2           resilience or reliability of existing energy infrastruc-  
3           ture.”; and

4           (3) by adding at the end the following new sub-  
5           sections:

6           “(f) **QUALIFICATION OF PROJECTS UTILIZING MUL-**  
7 **TIPLE TECHNOLOGIES.**—A project utilizing multiple tech-  
8 nologies for implementation that receives Federal financial  
9 assistance for one technology shall not be disqualified from  
10 receiving a loan guarantee under this title.

11          “(g) **REGIONAL VARIATION.**—The Secretary shall ac-  
12 count for regional variation in commercial technology de-  
13 ployment such that no project shall be ineligible for assist-  
14 ance under this title because a similar project exists in  
15 a different region than the proposed project.”.

16 **SEC. 503. SUPPORTING CARBON CAPTURE UTILIZATION**  
17 **AND STORAGE.**

18          (a) **REPEAL OF CLEAN COAL POWER INITIATIVE.**—  
19 Subtitle A of title IV of the Energy Policy Act of 2005  
20 (42 U.S.C. 15961 et seq.) is repealed.

21          (b) **FOSSIL ENERGY OBJECTIVES.**—Section 961(a) of  
22 the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is  
23 amended by adding at the end the following:

24           “(8) Improving the conversion, use, and storage  
25           of carbon dioxide from fossil fuels.

1           “(9) Lowering greenhouse gas emissions across  
2           the fossil fuel cycle to the maximum extent possible,  
3           including emissions from all fossil fuel production,  
4           generation, delivery, and utilization.

5           “(10) Preventing, predicting, monitoring, and  
6           mitigating the unintended leaking of methane, car-  
7           bon dioxide, and other fossil fuel-related emissions  
8           into the atmosphere.

9           “(11) Reducing water use, improving water  
10          reuse, and minimizing the surface and subsurface  
11          environmental impact of the development of uncon-  
12          ventional domestic oil and natural gas resources.

13          “(12) Developing carbon removal and utiliza-  
14          tion technologies, products, and methods that result  
15          in net reductions in greenhouse gas emissions, in-  
16          cluding direct air capture and storage and carbon  
17          use and reuse for commercial application.”.

18          (c) CARBON CAPTURE AND UTILIZATION TECH-  
19          NOLOGY COMMERCIALIZATION PROGRAM.—

20                 (1) ESTABLISHMENT.—The Secretary of En-  
21                 ergy shall establish a carbon capture and utilization  
22                 technology commercialization program to signifi-  
23                 cantly improve the efficiency, effectiveness, cost, and  
24                 environmental performance of fossil fuel-fired facili-  
25                 ties.

1           (2) INCLUSIONS.—The program shall include  
2 funding for—

3           (A) front end engineering design studies  
4 for commercial demonstration projects for at  
5 least 3 types of advanced carbon capture tech-  
6 nology and at least 1 type of direct air capture  
7 technology;

8           (B) commercial demonstration of advanced  
9 carbon capture technology projects intended to  
10 produce a standard design specification for up  
11 to 5 demonstrations of a particular technology  
12 type;

13           (C) commercial demonstration of direct air  
14 capture technology projects intended to produce  
15 a standard design specification for up to 5 dem-  
16 onstrations of a particular technology type; and

17           (D) commercialization projects of large-  
18 scale carbon dioxide storage sites in saline geo-  
19 logical formations that are designed to accept  
20 at least 10,000,000 tons per year of carbon di-  
21 oxide, including activities exploring, catego-  
22 rizing, and developing storage sites and nec-  
23 essary pipeline infrastructure.

24           (3) FUNDING.—

1 (A) AUTHORIZATION OF APPROPRIA-  
2 TIONS.—There are authorized to be appro-  
3 priated for activities—

4 (i) under paragraph (2)(A),  
5 \$100,000,000 for each of fiscal years 2021  
6 through 2025, and such sums as may be  
7 necessary for fiscal years 2026 through  
8 2030;

9 (ii) under paragraph (2)(B),  
10 \$1,500,000,000 for each of fiscal years  
11 2021 through 2025, and such sums as may  
12 be necessary for fiscal years 2026 through  
13 2030;

14 (iii) under paragraph (2)(C),  
15 \$250,000,000 for each of fiscal years 2021  
16 through 2025, and such sums as may be  
17 necessary for fiscal years 2026 through  
18 2030; and

19 (iv) under paragraph (2)(D),  
20 \$500,000,000 for each of fiscal years 2021  
21 through 2025, and such sums as may be  
22 necessary for fiscal years 2026 through  
23 2030.

24 (B) COST SHARING.—Federal grants under  
25 this section shall be limited as follows:

1 (i) For activities under paragraph  
2 (2)(A), the Secretary shall provide not  
3 more than 80 percent of project funds.

4 (ii) For activities under any of sub-  
5 paragraphs (B) through (D) of paragraph  
6 (2), the Secretary shall provide not more  
7 than 50 percent of project funds.

8 (d) DIRECT AIR CAPTURE TECHNOLOGY PRIZE PRO-  
9 GRAM.—

10 (1) DEFINITIONS.—In this subsection:

11 (A) QUALIFIED CARBON DIOXIDE.—

12 (i) IN GENERAL.—The term “qualified  
13 carbon dioxide” means any carbon dioxide  
14 that—

15 (I) is captured directly from the  
16 ambient air; and

17 (II) is measured at the source of  
18 capture and verified at the point of  
19 disposal, injection, or utilization.

20 (ii) INCLUSION.—The term “qualified  
21 carbon dioxide” includes the initial deposit  
22 of captured carbon dioxide used as a ter-  
23 tiary injectant.

24 (iii) EXCLUSION.—The term “quali-  
25 fied carbon dioxide” does not include car-



1           bon dioxide that is recaptured, recycled,  
2           and reinjected as part of the enhanced oil  
3           and natural gas recovery process.

4           (B) QUALIFIED DIRECT AIR CAPTURE FA-  
5           CILITY.—

6                   (i) IN GENERAL.—Subject to clause  
7                   (ii), the term “qualified direct air capture  
8                   facility” means any facility that—

9                           (I) uses carbon capture equip-  
10                           ment to capture carbon dioxide di-  
11                           rectly from the ambient air; and

12                           (II) captures more than 10,000  
13                           metric tons of qualified carbon dioxide  
14                           annually.

15                   (ii) EXCLUSION.—The term “qualified  
16                   direct air capture facility” does not include  
17                   any facility that captures carbon dioxide—

18                           (I) that is deliberately released  
19                           from naturally occurring subsurface  
20                           springs; or

21                           (II) using natural photosynthesis.

22           (2) ESTABLISHMENT.—Not later than 1 year  
23           after the date of enactment of this section, the Sec-  
24           retary of Energy, in consultation with the Adminis-  
25           trator of the Environmental Protection Agency, shall

1 establish a direct air capture prize program designed  
2 to significantly reward development, demonstration,  
3 and deployment of direct air capture technologies.

4 (3) DIRECT AIR CAPTURE PRIZE PROGRAM.—

5 (A) AWARDS.—Under the prize program,  
6 the Secretary shall provide financial awards in  
7 a competitive setting equally for each ton of  
8 qualified carbon dioxide captured by a qualified  
9 direct air capture facility until appropriated  
10 funds are expended. The prize per metric ton  
11 shall not exceed—

12 (i) \$180 for qualified carbon dioxide  
13 captured and stored in saline storage for-  
14 mations;

15 (ii) a lesser amount as determined by  
16 the Secretary for qualified carbon dioxide  
17 captured and stored in conjunction with  
18 enhanced oil recovery operations; or

19 (iii) a lesser amount as determined by  
20 the Secretary for qualified carbon dioxide  
21 captured and utilized in any activity con-  
22 sistent with section 45Q(f)(5) of the Inter-  
23 nal Revenue Code of 1986 (26 U.S.C.  
24 45Q(f)(5)).

25 (B) ADMINISTRATION.—

1 (i) REQUIREMENTS.—Not later than  
2 1 year after the date of enactment of this  
3 section, the Administrator, in consultation  
4 with the Secretary, shall submit require-  
5 ments for qualifying metric tons of carbon  
6 dioxide. In carrying out this clause, the  
7 Administrator shall develop specific re-  
8 quirements for—

9 (I) the process of applying for  
10 prizes; and

11 (II) the demonstration of per-  
12 formance of approved projects.

13 (ii) DETERMINATION.—For purposes  
14 of determining the amount of metric tons  
15 of qualified carbon dioxide eligible for  
16 prizes under clause (i), the amount shall be  
17 equal to the net metric tons of carbon di-  
18 oxide removal demonstrated by the recipi-  
19 ent, subject to the requirements set forth  
20 by the Administrator under such clause.

21 (C) SCHEDULE OF PAYMENT.—The Sec-  
22 retary shall award prizes on an annual basis to  
23 qualified direct air capture facilities for metric  
24 tons of qualified carbon dioxide captured and

1           verified at the point of disposal, injection, or  
2           utilization.

3           (4) AUTHORIZATION OF APPROPRIATIONS.—

4           There are authorized to be appropriated to carry out  
5           this subsection \$200,000,000 for the period of fiscal  
6           years 2021 through 2025, and \$400,000,000 for the  
7           period of fiscal years 2026 through 2030, to remain  
8           available until expended.

9           (e) INCREASED FUNDING FOR INJECTION WELL  
10          PERMITTING.—

11           (1) AUTHORIZATION OF APPROPRIATIONS.—For  
12           activities involved in the permitting by the Adminis-  
13           trator of the Environmental Protection Agency of  
14           Class VI wells for the injection of carbon dioxide for  
15           the purpose of geologic sequestration in accordance  
16           with the requirements of the Safe Drinking Water  
17           Act (42 U.S.C. 300f et seq.) and regulations pro-  
18           mulgated thereunder by the Administrator on De-  
19           cember 10, 2010 (75 Fed. Reg. 77230), there are  
20           authorized to be appropriated \$5,000,000 for each  
21           of fiscal years 2021 through 2025, and such sums  
22           as may be necessary for fiscal years 2026 through  
23           2030.

24           (2) STATE PERMITTING PROGRAMS.—

1 (A) GRANTS.—The Administrator shall  
2 provide grants to States that receive program  
3 approval for permitting Class VI wells for the  
4 injection of carbon dioxide pursuant to section  
5 1422 of the Safe Drinking Water Act (42  
6 U.S.C. 300h–1), for the purpose of defraying  
7 State expenses related to the establishment and  
8 operation of such State permitting programs.

9 (B) AUTHORIZATION OF APPROPRIA-  
10 TIONS.—For State grants described in subpara-  
11 graph (A), there are authorized to be appro-  
12 priated \$50,000,000 for the period of fiscal  
13 years 2021 through 2025, and such sums as  
14 may be necessary for fiscal years 2026 through  
15 2030.

## 16 **Subtitle B—Industrial Efficiency**

### 17 **SEC. 511. CHP SUPPORT ACT.**

18 Section 375 of the Energy Policy and Conservation  
19 Act (42 U.S.C. 6345) is amended to read as follows:

#### 20 **“SEC. 375. CHP TECHNICAL ASSISTANCE PARTNERSHIP** 21 **PROGRAM.**

22 “(a) RENAMING.—

23 “(1) IN GENERAL.—The Clean Energy Applica-  
24 tion Centers of the Department of Energy are reded-  
25 icated as the CHP Technical Assistance Partner-

1 ship Program (referred to in this section as the  
2 ‘Program’).

3 “(2) PROGRAM DESCRIPTION.—The Program  
4 shall consist of—

5 “(A) the 10 regional CHP Technical As-  
6 sistance Partnerships in existence on the date  
7 of enactment of the CLEAN Future Act;

8 “(B) such other regional CHP Technical  
9 Assistance Partnerships as the Secretary may  
10 establish; and

11 “(C) any supporting technical activities  
12 under the Technical Partnership Program of  
13 the Advanced Manufacturing Office.

14 “(3) REFERENCES.—Any reference in any law,  
15 rule, regulation, or publication to a Combined Heat  
16 and Power Application Center or a Clean Energy  
17 Application Center shall be deemed to be a reference  
18 to the Program.

19 “(b) CHP TECHNICAL ASSISTANCE PARTNERSHIP  
20 PROGRAM.—

21 “(1) IN GENERAL.—The Program shall—

22 “(A) operate programs to encourage de-  
23 ployment of combined heat and power, waste  
24 heat to power, and efficient district energy (col-  
25 lectively referred to in this subsection as ‘CHP’)

1 technologies by providing education and out-  
2 reach to—

3 “(i) building, industrial, and electric  
4 and natural gas utility professionals;

5 “(ii) State and local policymakers;  
6 and

7 “(iii) other individuals and organiza-  
8 tions with an interest in efficient energy  
9 use, local or opportunity fuel use, resil-  
10 iency, or energy security, microgrids, and  
11 district energy; and

12 “(B) provide project specific support to  
13 building and industrial professionals through  
14 economic and engineering assessments and ad-  
15 visory activities.

16 “(2) FUNDING FOR CERTAIN ACTIVITIES.—

17 “(A) IN GENERAL.—The Program shall  
18 make funds available to institutions of higher  
19 education, research centers, and other appro-  
20 priate institutions to ensure the continued oper-  
21 ations and effectiveness of the regional CHP  
22 Technical Assistance Partnerships.

23 “(B) USE OF FUNDS.—Funds made avail-  
24 able under subparagraph (A) may be used—

1                   “(i) to research, develop, and dis-  
2                   tribute informational materials relevant to  
3                   manufacturers, commercial buildings, insti-  
4                   tutional facilities, and Federal sites, in-  
5                   cluding continued support of the mission  
6                   goals of the Department of Defense, on  
7                   CHP and microgrid technologies, including  
8                   continuation and updating of—

9                               “(I) the CHP installation data-  
10                              base;

11                             “(II) CHP technology potential  
12                             analyses;

13                             “(III) State CHP resource pages;  
14                             and

15                             “(IV) CHP Technical Assistance  
16                             Partnerships websites;

17                   “(ii) to research, develop, and conduct  
18                   target market workshops, reports, semi-  
19                   nars, internet programs, CHP resiliency  
20                   resources, and other activities to provide  
21                   education to end users, regulators, and  
22                   stakeholders in a manner that leads to the  
23                   deployment of CHP technologies;

24                             “(iii) to provide or coordinate onsite  
25                             assessments for sites and enterprises that



1 may consider deployment of CHP tech-  
2 nology;

3 “(iv) to perform market research to  
4 identify high-profile candidates for deploy-  
5 ment of CHP technologies, hybrid renew-  
6 able-CHP technologies, microgrids, and  
7 clean energy;

8 “(v) to provide nonbiased engineering  
9 support to sites considering deployment of  
10 CHP technologies;

11 “(vi) to assist organizations devel-  
12 oping clean energy technologies and poli-  
13 cies in overcoming barriers to deployment;  
14 and

15 “(vii) to assist companies and organi-  
16 zations with field validation and perform-  
17 ance evaluations of CHP and other clean  
18 energy technologies implemented.

19 “(C) DURATION.—The Program shall  
20 make funds available under subparagraph (A)  
21 for a period of 5 years.

22 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section  
24 \$12,000,000 for each of fiscal years 2021 through 2030.”.

1 **SEC. 512. SMART MANUFACTURING LEADERSHIP.**

2 (a) DEFINITIONS.—In this section:

3 (1) ENERGY MANAGEMENT SYSTEM.—The term  
4 “energy management system” means a business  
5 management process based on standards of the  
6 American National Standards Institute that enables  
7 an organization to follow a systematic approach in  
8 achieving continual improvement of energy perform-  
9 ance, including energy efficiency, security, use, and  
10 consumption.

11 (2) INDUSTRIAL ASSESSMENT CENTER.—The  
12 term “industrial assessment center” means a center  
13 located at an institution of higher education that—

14 (A) receives funding from the Department  
15 of Energy;

16 (B) provides an in-depth assessment of  
17 small- and medium-sized manufacturer plant  
18 sites to evaluate the facilities, services, and  
19 manufacturing operations of the plant site; and

20 (C) identifies opportunities for potential  
21 savings for small- and medium-sized manufac-  
22 turer plant sites from energy efficiency improve-  
23 ments, waste minimization, pollution preven-  
24 tion, and productivity improvement.

25 (3) INFORMATION AND COMMUNICATION TECH-  
26 NOLOGY.—The term “information and communica-

1       tion technology” means any electronic system or  
2       equipment (including the content contained in the  
3       system or equipment) used to create, convert, com-  
4       municate, or duplicate data or information, including  
5       computer hardware, firmware, software, communica-  
6       tion protocols, networks, and data interfaces.

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

11          (5) NATIONAL LABORATORY.—The term “Na-  
12      tional Laboratory” has the meaning given the term  
13      in section 2 of the Energy Policy Act of 2005 (42  
14      U.S.C. 15801).

15          (6) NORTH AMERICAN INDUSTRY CLASSIFICA-  
16      TION SYSTEM.—The term “North American Indus-  
17      try Classification System” means the standard used  
18      by Federal statistical agencies in classifying business  
19      establishments for the purpose of collecting, ana-  
20      lyzing, and publishing statistical data relating to the  
21      business economy of the United States.

22          (7) SECRETARY.—The term “Secretary” means  
23      the Secretary of Energy.

1 (8) SMALL AND MEDIUM MANUFACTURERS.—

2 The term “small and medium manufacturers”  
3 means manufacturing firms—

4 (A) classified in the North American In-  
5 dustry Classification System as any of sectors  
6 31 through 33;

7 (B) with gross annual sales of less than  
8 \$100,000,000;

9 (C) with fewer than 500 employees at the  
10 plant site; and

11 (D) with annual energy bills totaling more  
12 than \$100,000 and less than \$2,500,000.

13 (9) SMART MANUFACTURING.—The term  
14 “smart manufacturing” means advanced tech-  
15 nologies in information, automation, monitoring,  
16 computation, sensing, modeling, and networking  
17 that—

18 (A) digitally—

19 (i) simulate manufacturing production  
20 lines;

21 (ii) operate computer-controlled man-  
22 ufacturing equipment;

23 (iii) monitor and communicate pro-  
24 duction line status; and

1 (iv) manage and optimize energy pro-  
2 ductivity and cost throughout production;

3 (B) model, simulate, and optimize the en-  
4 ergy efficiency of a factory building;

5 (C) monitor and optimize building energy  
6 performance;

7 (D) model, simulate, and optimize the de-  
8 sign of energy efficient and sustainable prod-  
9 ucts, including the use of digital prototyping  
10 and additive manufacturing to enhance product  
11 design;

12 (E) connect manufactured products in net-  
13 works to monitor and optimize the performance  
14 of the networks, including automated network  
15 operations; and

16 (F) digitally connect the supply chain net-  
17 work.

18 (b) DEVELOPMENT OF NATIONAL SMART MANUFAC-  
19 TURING PLAN.—

20 (1) IN GENERAL.—Not later than 3 years after  
21 the date of enactment of this Act, the Secretary, in  
22 consultation with the National Academies, shall de-  
23 velop and complete a national plan for smart manu-  
24 facturing technology development and deployment to

1 improve the productivity and energy efficiency of the  
2 manufacturing sector of the United States.

3 (2) CONTENT.—

4 (A) IN GENERAL.—The plan developed  
5 under paragraph (1) shall identify areas in  
6 which agency actions by the Secretary and  
7 other heads of relevant Federal agencies  
8 would—

9 (i) facilitate quicker development, de-  
10 ployment, and adoption of smart manufac-  
11 turing technologies and processes;

12 (ii) result in greater energy efficiency  
13 and lower environmental impacts for all  
14 American manufacturers; and

15 (iii) enhance competitiveness and  
16 strengthen the manufacturing sectors of  
17 the United States.

18 (B) INCLUSIONS.—Agency actions identi-  
19 fied under subparagraph (A) shall include—

20 (i) an assessment of previous and cur-  
21 rent actions of the Department of Energy  
22 relating to smart manufacturing;

23 (ii) the establishment of voluntary  
24 interconnection protocols and performance  
25 standards;

1 (iii) use of smart manufacturing to  
2 improve energy efficiency and reduce emis-  
3 sions in supply chains across multiple com-  
4 panies;

5 (iv) actions to increase cybersecurity  
6 in smart manufacturing infrastructure;

7 (v) deployment of existing research re-  
8 sults; and

9 (vi) the leveraging of existing high-  
10 performance computing infrastructure.

11 (3) BIENNIAL REVISIONS.—Not later than 2  
12 years after the date on which the Secretary com-  
13 pletes the plan under paragraph (1), and not less  
14 frequently than once every 2 years thereafter, the  
15 Secretary shall revise the plan to account for ad-  
16 vancements in information and communication tech-  
17 nology and manufacturing needs.

18 (4) REPORT.—Annually until the completion of  
19 the plan under paragraph (1), the Secretary shall  
20 submit to Congress a report on the progress made  
21 in developing the plan.

22 (c) LEVERAGING EXISTING AGENCY PROGRAMS TO  
23 ASSIST SMALL AND MEDIUM MANUFACTURERS.—

24 (1) FINDINGS.—Congress finds that—

1 (A) the Department of Energy has existing  
2 technical assistance programs that facilitate  
3 greater economic growth through outreach to  
4 and engagement with small and medium manu-  
5 facturers;

6 (B) those technical assistance programs  
7 represent an important conduit for increasing  
8 the awareness of and providing education to  
9 small and medium manufacturers regarding the  
10 opportunities for implementing smart manufac-  
11 turing; and

12 (C) those technical assistance programs  
13 help facilitate the implementation of best prac-  
14 tices.

15 (2) EXPANSION OF TECHNICAL ASSISTANCE  
16 PROGRAMS.—The Secretary shall expand the scope  
17 of technologies covered by the Industrial Assessment  
18 Centers of the Department of Energy—

19 (A) to include smart manufacturing tech-  
20 nologies and practices; and

21 (B) to equip the directors of the Industrial  
22 Assessment Centers with the training and tools  
23 necessary to provide technical assistance in  
24 smart manufacturing technologies and prac-



1 tices, including energy management systems, to  
2 manufacturers.

3 (d) LEVERAGING SMART MANUFACTURING INFRA-  
4 STRUCTURE AT NATIONAL LABORATORIES.—

5 (1) STUDY.—

6 (A) IN GENERAL.—Not later than 180  
7 days after the date of enactment of this Act,  
8 the Secretary shall conduct a study on how the  
9 Department of Energy can increase access to  
10 existing high-performance computing resources  
11 in the National Laboratories, particularly for  
12 small and medium manufacturers.

13 (B) INCLUSIONS.—In identifying ways to  
14 increase access to National Laboratories under  
15 subparagraph (A), the Secretary shall—

16 (i) focus on increasing access to the  
17 computing facilities of the National Lab-  
18 oratories; and

19 (ii) ensure that—

20 (I) the information from the  
21 manufacturer is protected; and

22 (II) the security of the National  
23 Laboratory facility is maintained.

24 (C) REPORT.—Not later than 1 year after  
25 the date of enactment of this Act, the Secretary

1           shall submit to Congress a report describing the  
2           results of the study.

3           (2) ACTIONS FOR INCREASED ACCESS.—The  
4           Secretary shall facilitate access to the National Lab-  
5           oratories studied under paragraph (1) for small and  
6           medium manufacturers so that small and medium  
7           manufacturers can fully use the high-performance  
8           computing resources of the National Laboratories to  
9           enhance the manufacturing competitiveness of the  
10          United States.

11          (e) STATE LEADERSHIP GRANTS.—

12           (1) FINDING.—Congress finds that the  
13          States—

14                   (A) are committed to promoting domestic  
15                   manufacturing and supporting robust economic  
16                   development activities; and

17                   (B) are uniquely positioned to assist manu-  
18                   facturers, particularly small and medium manu-  
19                   facturers, with deployment of smart manufac-  
20                   turing through the provision of infrastructure,  
21                   including—

22                           (i) access to shared supercomputing  
23                           facilities;

24                           (ii) assistance in developing process  
25                           simulations; and

1 (iii) conducting demonstrations of the  
2 benefits of smart manufacturing.

3 (2) GRANTS AUTHORIZED.—The Secretary may  
4 make grants on a competitive basis to States for es-  
5 tablishing State programs to be used as models for  
6 supporting the implementation of smart manufac-  
7 turing technologies.

8 (3) APPLICATION.—

9 (A) IN GENERAL.—To be eligible to receive  
10 a grant under this subsection, a State shall sub-  
11 mit to the Secretary an application at such  
12 time, in such manner, and containing such in-  
13 formation as the Secretary may require.

14 (B) CRITERIA.—The Secretary shall evalu-  
15 ate an application for a grant under this sub-  
16 section on the basis of merit using criteria iden-  
17 tified by the Secretary, including—

18 (i) the breadth of academic and pri-  
19 vate sector partners;

20 (ii) alternate sources of funding;

21 (iii) plans for dissemination of results;

22 and

23 (iv) the permanence of the infrastruc-  
24 ture to be put in place by the project.

25 (4) REQUIREMENTS.—

1 (A) TERM.—The term of a grant under  
2 this subsection shall not exceed 3 years.

3 (B) MAXIMUM AMOUNT.—The amount of a  
4 grant under this subsection shall be not more  
5 than \$3,000,000.

6 (C) MATCHING REQUIREMENT.—Each  
7 State that receives a grant under this sub-  
8 section shall contribute matching funds in an  
9 amount equal to not less than 30 percent of the  
10 amount of the grant.

11 (5) USE OF FUNDS.—A State shall use a grant  
12 provided under this subsection—

13 (A) to provide access to shared supercom-  
14 puting facilities to small and medium manufac-  
15 turers;

16 (B) to fund research and development of  
17 transformational manufacturing processes and  
18 materials technology that advance smart manu-  
19 facturing; and

20 (C) to provide tools and training to small  
21 and medium manufacturers on how to adopt en-  
22 ergy management systems and implement smart  
23 manufacturing technologies in the facilities of  
24 the small and medium manufacturers.

1           (6) EVALUATION.—The Secretary shall conduct  
2           biannual evaluations of each grant made under this  
3           subsection—

4                   (A) to determine the impact and effective-  
5                   ness of programs funded with the grant; and

6                   (B) to provide guidance to States on ways  
7                   to better execute the program of the State.

8           (7) FUNDING.—There is authorized to be ap-  
9           propriated to the Secretary to carry out this sub-  
10          section \$10,000,000 for each of fiscal years 2021  
11          through 2030.

12          (f) REPORT.—The Secretary annually shall submit to  
13          Congress and make publicly available a report on the  
14          progress made in advancing smart manufacturing in the  
15          United States.

16 **SEC. 513. MOTOR REBATE PROGRAM.**

17          (a) DEFINITIONS.—In this section:

18                   (1) ELECTRIC MOTOR.—The term “electric  
19                   motor” has the meaning given the term in section  
20                   431.12 of title 10, Code of Federal Regulations (as  
21                   in effect on the date of enactment of this Act).

22                   (2) ELECTRONIC CONTROL.—The term “elec-  
23                   tronic control” means—

24                           (A) a power converter; or

1 (B) a combination of a power circuit and  
2 control circuit included on 1 chassis.

3 (3) EXTENDED PRODUCT SYSTEM.—The term  
4 “extended product system” means an electric motor  
5 and any required associated electronic control and  
6 driven load that—

7 (A) offers variable speed or multispeed op-  
8 eration;

9 (B) offers partial load control that reduces  
10 input energy requirements (as measured in kilo-  
11 watt-hours) as compared to identified base lev-  
12 els set by the Secretary; and

13 (C)(i) has greater than 1 horsepower; and

14 (ii) uses an extended product system tech-  
15 nology, as determined by the Secretary.

16 (4) QUALIFIED EXTENDED PRODUCT SYS-  
17 TEM.—

18 (A) IN GENERAL.—The term “qualified ex-  
19 tended product system” means an extended  
20 product system that—

21 (i) includes an electric motor and an  
22 electronic control; and

23 (ii) reduces the input energy (as  
24 measured in kilowatt-hours) required to  
25 operate the extended product system by

1 not less than 5 percent, as compared to  
2 identified base levels set by the Secretary.

3 (B) INCLUSIONS.—The term “qualified ex-  
4 tended product system” includes commercial or  
5 industrial machinery or equipment that—

6 (i)(I) did not previously make use of  
7 the extended product system prior to the  
8 redesign described in subclause (II); and

9 (II) incorporates an extended product  
10 system that has greater than 1 horsepower  
11 into redesigned machinery or equipment;  
12 and

13 (ii) was previously used prior to, and  
14 was placed back into service during, cal-  
15 endar year 2018.

16 (b) ESTABLISHMENT.—Not later than 180 days after  
17 the date of enactment of this Act, the Secretary shall es-  
18 tablish a program to provide rebates for expenditures  
19 made by qualified entities for the purchase or installation  
20 of a qualified extended product system.

21 (c) QUALIFIED ENTITIES.—

22 (1) ELIGIBILITY REQUIREMENTS.—A qualified  
23 entity under this section shall be—

24 (A) in the case of a qualified extended  
25 product system described in subsection

1 (a)(4)(A), the purchaser of the qualified ex-  
2 tended product that is installed; and

3 (B) in the case of a qualified extended  
4 product system described in subsection  
5 (a)(4)(B), the manufacturer of the commercial  
6 or industrial machinery or equipment that in-  
7 corporated the extended product system into  
8 that machinery or equipment.

9 (2) APPLICATION.—To be eligible to receive a  
10 rebate under this section, a qualified entity shall  
11 submit to the Secretary—

12 (A) an application in such form, at such  
13 time, and containing such information as the  
14 Secretary may require; and

15 (B) a certification that includes dem-  
16 onstrated evidence—

17 (i) that the entity is a qualified entity;  
18 and

19 (ii)(I) in the case of a qualified entity  
20 described in paragraph (1)(A)—

21 (aa) that the qualified entity in-  
22 stalled the qualified extended product  
23 system during the 2 fiscal years fol-  
24 lowing the date of enactment of this  
25 Act;



1 (bb) that the qualified extended  
2 product system meets the require-  
3 ments of subsection (a)(4)(A); and

4 (cc) showing the serial number,  
5 manufacturer, and model number  
6 from the nameplate of the installed  
7 motor of the qualified entity on which  
8 the qualified extended product system  
9 was installed; or

10 (II) in the case of a qualified entity  
11 described in paragraph (1)(B)—

12 (aa) that the qualified extended  
13 product system meets the require-  
14 ments of subsection (a)(4)(B); and

15 (bb) showing the serial number,  
16 manufacturer, and model number  
17 from the nameplate of the installed  
18 motor of the qualified entity with  
19 which the extended product system is  
20 integrated.

21 (d) AUTHORIZED AMOUNT OF REBATE.—

22 (1) IN GENERAL.—The Secretary may provide  
23 to a qualified entity a rebate in an amount equal to  
24 the product obtained by multiplying—

1 (A) an amount equal to the sum of the  
2 nameplate rated horsepower of—

3 (i) the electric motor to which the  
4 qualified extended product system is at-  
5 tached; and

6 (ii) the electronic control; and

7 (B) \$25.

8 (2) MAXIMUM AGGREGATE AMOUNT.—A quali-  
9 fied entity shall not be entitled to aggregate rebates  
10 under this section in excess of \$25,000 per calendar  
11 year.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$5,000,000 for each of the first 10 full fiscal years fol-  
15 lowing the date of enactment of this Act, to remain avail-  
16 able until expended.

17 **Subtitle C—Federal Buy Clean**  
18 **Procurement Requirements**

19 **SEC. 521. BUY CLEAN PROGRAM.**

20 (a) IN GENERAL.—The Administrator shall establish  
21 a program, to be known as the Buy Clean Program, to  
22 steadily reduce the quantity of embodied carbon emissions  
23 of construction materials and products, and promote the  
24 use of clean construction materials and products, in  
25 projects supported by Federal funds.

1 (b) REQUIREMENTS.—

2 (1) ENVIRONMENTAL PRODUCT DECLARA-  
3 TION.—Beginning 2 years after the date of enact-  
4 ment of this subtitle, an awarding authority shall re-  
5 quire any bidder for an eligible project contract to  
6 submit a facility-specific environmental product dec-  
7 laration for any eligible material to be used in such  
8 project.

9 (2) BIDDING PROCESS FOR ELIGIBLE  
10 PROJECTS.—Beginning not later than 4 years after  
11 the date of enactment of this subtitle—

12 (A) an awarding authority shall include in  
13 a specification for any bid for an eligible project  
14 contract that the facility-specific embodied car-  
15 bon emissions for any eligible material needed  
16 for that eligible project shall not exceed the buy  
17 clean performance target determined under sub-  
18 section (h) for that eligible material; and

19 (B) as a condition of receipt of an eligible  
20 project contract, a bidder shall agree to submit  
21 a facility-specific environmental product dec-  
22 laration for any eligible material to be used in  
23 the eligible project that demonstrates that the  
24 embodied carbon emissions of the eligible mate-  
25 rial will not exceed the buy clean performance

1 target determined under subsection (h) for that  
2 eligible material.

3 (c) LIST OF ELIGIBLE MATERIALS.—

4 (1) IN GENERAL.—The Administrator shall  
5 maintain a list of construction materials and prod-  
6 ucts to be treated as eligible materials for purposes  
7 of this subtitle.

8 (2) INITIAL LIST.—The initial list of eligible  
9 materials shall list materials (or groups of materials)  
10 in each of the following product categories:

11 (A) Aluminum.

12 (B) Iron.

13 (C) Steel.

14 (D) Concrete.

15 (E) Cement.

16 (F) Flat Glass.

17 (G) Insulation.

18 (H) Unit masonry.

19 (I) Wood products.

20 (3) MODIFICATION OF LIST.—

21 (A) PETITION.—Beginning 1 year after  
22 the date of enactment of this subtitle, any per-  
23 son may submit to the Administrator a petition  
24 to modify the list of eligible materials main-  
25 tained under this subsection.

1 (B) DEADLINE.—Not later than 18  
2 months after receipt of a petition under sub-  
3 paragraph (A), the Administrator shall—

4 (i)(I) approve the petition and modify  
5 the list maintained under this subsection in  
6 accordance with such petition; or

7 (II) deny the petition; and

8 (ii) publish a written explanation of  
9 the Administrator’s decision to approve or  
10 deny the petition.

11 (d) PRODUCT CATEGORY RULE DESIGNATIONS.—

12 (1) DESIGNATION OF PRODUCT CATEGORY  
13 RULE.—Not later than 180 days after the date of  
14 enactment of this subtitle, the Administrator shall  
15 designate a single product category rule to be used  
16 to create environmental product declarations for  
17 each eligible material. In designating such product  
18 category rules, the Administrator may distinguish  
19 among classes, types, and sizes within each product  
20 category of eligible material, and designate separate  
21 product category rules as necessary.

22 (2) PRODUCT CATEGORY RULES DEVELOPED BY  
23 THIRD PARTIES.—In designating a product category  
24 rule under paragraph (1), the Administrator—

1 (A) may designate a product category rule  
2 developed by a third party; or

3 (B) may develop and designate a product  
4 category rule if the Administrator determines  
5 that no such rule exists, or no such rule exists  
6 that is adequate, for the eligible material in-  
7 volved (or the class, type, or size thereof).

8 (3) UPDATES.—At least once every 5 years  
9 after a product category rule is designated under  
10 paragraph (1), the Administrator shall review such  
11 product category rule, and after opportunity for no-  
12 tice and comment, update such product category  
13 rule as necessary.

14 (e) NATIONAL ENVIRONMENTAL PRODUCT DEC-  
15 LARATION DATABASE.—

16 (1) ESTABLISHMENT.—Beginning not later  
17 than 9 months after the date of enactment of this  
18 subtitle, the Administrator shall maintain, on the  
19 website of the Environmental Protection Agency, a  
20 database of environmental product declarations for  
21 eligible materials used in eligible projects, to be  
22 known as the National Environmental Product Dec-  
23 laration Database.

24 (2) INCLUSION BY APPROPRIATE PRODUCT CAT-  
25 EGORY RULE.—The Administrator may include an

1 environmental product declaration, including an en-  
2 vironmental product declaration for an imported eli-  
3 gible material, in the National Environmental Prod-  
4 uct Declaration Database only if the declaration is  
5 created using the appropriate product category rule  
6 designated under subsection (d).

7 (3) INCLUSION IN DATABASE.—Beginning 1  
8 year after the date of enactment of this subtitle, any  
9 environmental product declaration for an eligible  
10 material that is included in a bid for an eligible  
11 project contract shall be transmitted to the Adminis-  
12 trator to be included in the National Environmental  
13 Product Declaration Database.

14 (f) ENVIRONMENTAL PRODUCT DECLARATION AS-  
15 SISTANCE.—

16 (1) ENVIRONMENTAL PRODUCT DECLARATION  
17 TECHNICAL ASSISTANCE PROGRAM.—The Adminis-  
18 trator shall establish a program to provide technical  
19 assistance to manufacturers of eligible materials to  
20 develop and verify environmental product declara-  
21 tions.

22 (2) GRANTS TO SMALL BUSINESSES.—

23 (A) IN GENERAL.—Not later than 1 year  
24 after the date of enactment of this subtitle, the  
25 Administrator shall establish a grant program

1 to provide financial assistance for the develop-  
2 ment and verification of environmental product  
3 declarations for small businesses that manufac-  
4 ture any eligible material in the United States.

5 (B) LIMITATIONS.—No small business  
6 shall receive more than \$15,000 under such  
7 program during any 5-year period.

8 (3) AUTHORIZATION OF APPROPRIATIONS.—  
9 There is authorized to be appropriated to carry out  
10 this subsection \$10,000,000 for each of fiscal years  
11 2021 through 2030.

12 (g) BUY CLEAN PERFORMANCE TARGETS.—

13 (1) IN GENERAL.—The Administrator shall de-  
14 termine a buy clean performance target for each eli-  
15 gible material.

16 (2) CONSIDERATIONS.—When determining buy  
17 clean performance targets under this subsection, the  
18 Administrator—

19 (A) shall calculate the embodied carbon  
20 emissions in a manner that is consistent with  
21 criteria specified in the product category rule  
22 for each eligible material;

23 (B) shall include all stages of manufac-  
24 turing required by the relevant product cat-  
25 egory rule; and



1 (C) may distinguish among product class-  
2 es, types, and sizes within each category of eli-  
3 gible material.

4 (3) INITIAL TARGETS.—Not later than 3 years  
5 after the date of enactment of this subtitle, the Ad-  
6 ministrator shall—

7 (A) review the National Environmental  
8 Product Declaration Database;

9 (B) determine a buy clean performance  
10 target for each eligible material for calendar  
11 years 2025 through 2029; and

12 (C) ensure that each such buy clean per-  
13 formance target is achievable by 80 percent of  
14 facility-specific environmental product declara-  
15 tions.

16 (4) UPDATES.—Not later than 5 years after the  
17 date of enactment of this subtitle, and every 5 years  
18 thereafter, the Administrator shall—

19 (A) review each buy clean performance tar-  
20 get and adjust the target in order to reduce  
21 steadily the embodied carbon emissions for each  
22 eligible material; and

23 (B) ensure that each such buy clean per-  
24 formance target is—

1 (i) for calendar years 2030 through  
2 2034, achievable by 70 percent of facility-  
3 specific environmental product declara-  
4 tions;

5 (ii) for calendar years 2035 through  
6 2039, achievable by 60 percent of facility-  
7 specific environmental product declara-  
8 tions; and

9 (iii) for calendar year 2040 and each  
10 subsequent calendar year, achievable by 50  
11 percent of facility-specific environmental  
12 product declarations.

13 (5) PROHIBITION ON BACKSLIDING.—The Ad-  
14 ministrator shall not increase the buy clean perform-  
15 ance target for any eligible material.

16 (h) BUY CLEAN GOLD STANDARD PRODUCTS.—After  
17 setting each buy clean performance target, the Adminis-  
18 trator shall designate the 10 percent of products with the  
19 lowest embodied carbon emissions in each category of eli-  
20 gible material as Buy Clean Gold Standard Products. The  
21 Administrator shall promote Buy Clean Gold Standard  
22 Products in the National Environmental Product Declara-  
23 tion Database.

24 (i) ENVIRONMENTAL PRODUCT DECLARATIONS AU-  
25 DITS.—The Administrator shall conduct random audits of

1 environmental product declarations and the practices of  
2 independent third-party verifiers of such declarations. At  
3 a minimum, the Administrator shall conduct audits each  
4 year for a representative sample of eligible materials and  
5 geographical areas, including environmental product dec-  
6 larations of imported eligible materials.

7 (j) EXEMPTIONS AND WAIVERS.—

8 (1) EXEMPTION SINGLE SOURCE OR MANUFAC-  
9 Turer.—The provisions of this subtitle shall not  
10 apply with respect to an eligible material for a par-  
11 ticular contract if the awarding authority deter-  
12 mines, upon written justification submitted to the  
13 Administrator and published on the website of the  
14 Environmental Protection Agency, that applying  
15 such provisions would limit bids to bids from a sin-  
16 gle source or single manufacturer.

17 (2) WAIVER FOR TRADE-EXPOSED MANUFAC-  
18 TURERS.—

19 (A) IN GENERAL.—The Administrator may  
20 grant a waiver of the requirements of this sub-  
21 title with respect to a domestic, trade-exposed  
22 manufacturer of an eligible material if the Ad-  
23 ministrator, in consultation with the United  
24 States Trade Representative and other relevant  
25 agencies, determines that the requirements of

1           this subtitle will undermine the competitiveness  
2           of such manufacturer.

3           (B) CLASSES, TYPES, AND SIZES.—In  
4           granting a waiver under subparagraph (A),  
5           within any product category of eligible mate-  
6           rials, the Administrator may distinguish among  
7           classes, types, and sizes.

8           (C) PUBLICATION.—The Administrator  
9           shall publish each waiver granted under sub-  
10          paragraph (A) and the evidence supporting  
11          such waiver in the Federal Register.

12          (D) STRATEGIC PLAN.—Within 1 year of  
13          granting a waiver under this paragraph, the  
14          Administrator, in consultation with the domes-  
15          tic, trade-exposed manufacturer covered by the  
16          waiver and relevant Federal agencies, shall de-  
17          velop a strategic plan for improving the com-  
18          petitiveness, and reducing embodied carbon  
19          emissions, of the eligible material produced by  
20          such manufacturer.

21          (E) PERIOD OF WAIVER.—A waiver under  
22          this paragraph shall be for a period of not more  
23          than 1 year and may not be renewed.

24          (3) SAVINGS CLAUSE.—Nothing in this subtitle  
25          supersedes, limits, or otherwise affects any domestic

1 content requirement under any provision of Federal  
2 law.

3 **SEC. 522. REPORT.**

4 Not later than 1 year after the date of enactment  
5 of this subtitle, the Administrator, in consultation with  
6 other relevant agencies, shall submit to Congress a report  
7 that quantifies and evaluates, by agency, category of ex-  
8 penditure, and product sector, the volume of eligible mate-  
9 rials procured by the Federal Government, and the level  
10 of spending on such eligible materials.

11 **SEC. 523. 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) AWARDING AUTHORITY.—The term “award-  
17 ing authority” means a Federal, State, or local gov-  
18 ernment, agency, or authority that awards a con-  
19 tract, or awards a grant or other financial assist-  
20 ance, for a construction project, including a retro-  
21 fitting or remodeling, funded in whole or in part by  
22 Federal funds.

23 (3) BUY CLEAN PERFORMANCE TARGET.—The  
24 term “buy clean performance target” means the

1 maximum allowable embodied carbon emissions for a  
2 particular eligible material.

3 (4) DOMESTIC, TRADE-EXPOSED MANUFAC-  
4 Turer.—The term “domestic, trade-exposed manu-  
5 facturer” means a manufacturing facility located  
6 within the United States that manufactures an eligi-  
7 ble material in a sector that the Administrator de-  
8 termines is sensitive to foreign competition.

9 (5) ELIGIBLE MATERIAL.—The term “eligible  
10 material” means any material (or groups of mate-  
11 rials) on the list in effect under section 521(c).

12 (6) ELIGIBLE PROJECT.—The term “eligible  
13 project” means a construction project, including a  
14 retrofitting or remodeling project, that will require  
15 eligible materials, and is funded in whole or in part  
16 by Federal funds.

17 (7) EMBODIED CARBON EMISSIONS.—The term  
18 “embodied carbon emissions” means the quantity of  
19 greenhouse gas emissions associated with an eligible  
20 material, measured in kilograms of carbon dioxide-  
21 equivalent per unit of eligible material.

22 (8) ENVIRONMENTAL PRODUCT DECLARA-  
23 TION.—The term “environmental product declara-  
24 tion” means a document that—

1 (A) communicates transparent and com-  
2 parable information about the environmental  
3 impact and life-cycle assessment of a product  
4 that is—

5 (i) in accordance with international  
6 standards, such as a Type III environ-  
7 mental product declaration, as defined by  
8 the International Organization for Stand-  
9 ardization standard 14025;

10 (ii) verified by an independent third  
11 party; and

12 (iii) developed in accordance with the  
13 appropriate product category rule;

14 (B) for an eligible material, includes a cal-  
15 culation of embodied carbon emissions of the el-  
16 igible material; and

17 (C) is valid for no more than 5 years.

18 (9) FACILITY-SPECIFIC ENVIRONMENTAL PROD-  
19 UCT DECLARATION.—The term “facility-specific en-  
20 vironmental product declaration” means an environ-  
21 mental product declaration of an eligible material  
22 from a particular facility or manufacturer.

23 (10) PRODUCT CATEGORY RULE.—The term  
24 “product category rule” means a specific set of  
25 rules, requirements, and guidelines for developing an

1 environmental product declaration, including what  
2 information should be gathered and how the infor-  
3 mation should be evaluated for the environmental  
4 product declaration.

5 (11) SMALL BUSINESS.—The term “small busi-  
6 ness” means an entity that generated less than  
7 \$10,000,000 in annual revenue in at least 1 of the  
8 previous 3 calendar years.

## 9 **TITLE VI—ENVIRONMENTAL** 10 **JUSTICE**

### 11 **Subtitle A—Empowering** 12 **Community Voices**

#### 13 **SEC. 601. 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) COMMUNITY OF COLOR.—The term “com-  
19 munity of color” means any geographically distinct  
20 area the population of color of which is higher than  
21 the average population of color of the State in which  
22 the community is located.

23 (3) COMMUNITY-BASED SCIENCE.—The term  
24 “community-based science” means voluntary public  
25 participation in the scientific process and the incor-



1 poration of data and information generated outside  
2 of traditional institutional boundaries to address  
3 real-world problems in ways that may include formu-  
4 lating research questions, conducting scientific ex-  
5 periments, collecting and analyzing data, inter-  
6 preting results, making new discoveries, developing  
7 technologies and applications, and solving complex  
8 problems, with an emphasis on the democratization  
9 of science and the engagement of diverse people and  
10 communities.

11 (4) ENVIRONMENTAL JUSTICE.—The term “en-  
12 vironmental justice” means the fair treatment and  
13 meaningful involvement of all individuals, regardless  
14 of race, color, national origin, educational level, or  
15 income, with respect to the development, implemen-  
16 tation, and enforcement of environmental laws, regu-  
17 lations, and policies to ensure that—

18 (A) populations of color, communities of  
19 color, indigenous communities, and low-income  
20 communities have access to public information  
21 and opportunities for meaningful public partici-  
22 pation relating to human health and environ-  
23 mental planning, regulations, and enforcement;

24 (B) no population of color or community of  
25 color, indigenous community, or low-income

1 community shall be exposed to a dispropor-  
2 tionate burden of the negative human health  
3 and environmental impacts of pollution or other  
4 environmental hazards; and

5 (C) the 17 Principles of Environmental  
6 Justice written and adopted at the First Na-  
7 tional People of Color Environmental Leader-  
8 ship Summit held on October 24 through 27,  
9 1991, in Washington, DC, are upheld.

10 (5) FEDERAL AGENCY.—The term “Federal  
11 agency” means—

12 (A) each Federal agency represented on  
13 the Working Group; and

14 (B) any other Federal agency that carries  
15 out a Federal program or activity that substan-  
16 tially affects human health or the environment,  
17 as determined by the President.

18 (6) INDIGENOUS COMMUNITY.—The term “in-  
19 digenous community” means—

20 (A) a federally recognized Indian Tribe;

21 (B) a State-recognized Indian Tribe;

22 (C) an Alaska Native or Native Hawaiian  
23 community or organization; and

1 (D) any other community of indigenous  
2 people, including communities in other coun-  
3 tries.

4 (7) INFRASTRUCTURE.—The term “infrastruc-  
5 ture” means any system for safe drinking water,  
6 sewer collection, solid waste disposal, electricity gen-  
7 eration, communication, or transportation access (in-  
8 cluding highways, airports, marine terminals, rail  
9 systems, and residential roads) that is used to effec-  
10 tively and safely support—

11 (A) housing;

12 (B) an educational facility;

13 (C) a medical provider;

14 (D) a park or recreational facility; or

15 (E) a local business.

16 (8) LOW INCOME.—The term “low income”  
17 means an annual household income equal to, or less  
18 than, the greater of—

19 (A) an amount equal to 80 percent of the  
20 median income of the area in which the house-  
21 hold is located, as reported by the Department  
22 of Housing and Urban Development; and

23 (B) 200 percent of the Federal poverty  
24 line.

1           (9) 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 low income.

5           (10) MEANINGFUL.—The term “meaningful”,  
6           with respect to involvement by the public in a deter-  
7           mination by a Federal agency, means that—

8                   (A) potentially affected residents of a com-  
9                   munity have an appropriate opportunity to par-  
10                  ticipate in decisions regarding a proposed activ-  
11                  ity that will affect the environment or public  
12                  health of the community;

13                  (B) the public contribution can influence  
14                  the determination by the Federal agency;

15                  (C) the concerns of all participants in-  
16                  volved are taken into consideration in the deci-  
17                  sion-making process; and

18                  (D) the Federal agency—

19                          (i) provides to potentially affected  
20                          members of the public accurate informa-  
21                          tion; and

22                          (ii) facilitates the involvement of po-  
23                          tentially affected members of the public.

1 (11) POPULATION OF COLOR.—The term “pop-  
2 ulation of color” means a population of individuals  
3 who identify as—

- 4 (A) Black;
- 5 (B) African American;
- 6 (C) Asian;
- 7 (D) Pacific Islander;
- 8 (E) another non-White race;
- 9 (F) Hispanic;
- 10 (G) Latino; or
- 11 (H) linguistically isolated.

12 (12) PUBLISH.—The term “publish” means to  
13 make publicly available in a form that is—

- 14 (A) generally accessible, including on the  
15 internet and in public libraries; and
- 16 (B) accessible for—
  - 17 (i) individuals who are limited in  
18 English proficiency, in accordance with Ex-  
19 ecutive Order 13166 (65 Fed. Reg. 50121  
20 (August 16, 2000)); and
  - 21 (ii) individuals with disabilities.

22 (13) WORKING GROUP.—The term “Working  
23 Group” means the interagency Federal Working  
24 Group on Environmental Justice convened under  
25 section 1–102 of Executive Order 12898 (42 U.S.C.

1 4321 note), as amended by Executive Order 12948  
2 (60 Fed. Reg. 6381 (January 30, 1995)) and modi-  
3 fied by this section.

4 **SEC. 602. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**  
5 **NICAL ASSISTANCE GRANTS.**

6 Title III of the Clean Air Act (42 U.S.C. 7601 et  
7 seq.) is amended by adding at the end the following new  
8 section:

9 **“SEC. 330. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**  
10 **NICAL ASSISTANCE GRANTS.**

11 “(a) IN GENERAL.—The Administrator may award  
12 grants to eligible entities to enable such entities to partici-  
13 pate in decisions impacting the health and safety of their  
14 communities in connection with an actual or potential re-  
15 lease of a covered hazardous air pollutant.

16 “(b) TIMING.—

17 “(1) GUIDANCE.—Not later than 12 months  
18 after the date of enactment of this section, the Ad-  
19 ministrator shall publish guidance describing the  
20 process for eligible entities to apply for a grant  
21 under this section, including the required content  
22 and form of applications, the manner in which appli-  
23 cations must be submitted, and any applicable dead-  
24 lines.

1           “(2) FIRST GRANT.—Not later than 180 days  
2 after the issuance of guidance under paragraph (1),  
3 the Administrator shall award the first grant under  
4 this section.

5           “(c) ELIGIBLE ENTITY.—To be eligible for a grant  
6 under this section, an applicant shall be a group of individ-  
7 uals who reside in a community that—

8           “(1) is a population of color, a community of  
9 color, an indigenous community, or a low-income  
10 community; and

11           “(2) is in close proximity to the site of an ac-  
12 tual or potential release of a covered hazardous air  
13 pollutant.

14           “(d) USE OF FUNDS.—An eligible entity receiving a  
15 grant under this section shall use the grant to participate  
16 in decisions impacting the health and safety of the commu-  
17 nity involved in connection with an actual or potential re-  
18 lease of a covered hazardous air pollutant, including—

19           “(1) interpreting information with regard to the  
20 nature of the hazard, cumulative impacts studies,  
21 health impacts studies, remedial investigation and  
22 feasibility studies, agency decisions, remedial design,  
23 and operation and maintenance of necessary mon-  
24 itors; and

1           “(2) performing additional air pollution moni-  
2           toring.

3           “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

4           “(1) AMOUNT.—

5           “(A) IN GENERAL.—The amount of a  
6           grant under this section (excluding any renew-  
7           als of the grant) may not exceed \$50,000 for  
8           any grant recipient.

9           “(B) EXCEPTION.—The Administrator  
10           may waive the limitation in subparagraph (A)  
11           with respect to an applicant in any case where  
12           the Administrator determines that such waiver  
13           is necessary for the community involved to ob-  
14           tain the necessary technical assistance.

15           “(2) RENEWAL.—Grants may be renewed for  
16           each step in the regulatory, removal, or remediation  
17           process in connection with a facility with the poten-  
18           tial to release a covered hazardous air pollutant.

19           “(f) DEFINITIONS.—In this section:

20           “(1) The term ‘community of color’ means any  
21           geographically distinct area the population of color  
22           of which is higher than the average population of  
23           color of the State in which the community is located.



1           “(2) The term ‘covered hazardous air pollutant’  
2 means a hazardous air pollutant (as defined in sec-  
3 tion 112 of the Clean Air Act) that—

4           “(A) is listed on the toxics release inven-  
5 tory under section 313(c) of the Emergency  
6 Planning and Community Right-To-Know Act  
7 of 1986; or

8           “(B) is identified as carcinogenic by an as-  
9 sessment under the Integrated Risk Informa-  
10 tion System (IRIS) of the Environmental Pro-  
11 tection Agency.

12           “(3) The term ‘indigenous 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           “(4) The term ‘low income’ means an annual  
21 household income equal to, or less than, the greater  
22 of—

23           “(A) an amount equal to 80 percent of the  
24 median income of the area in which the house-

1 hold is located, as reported by the Department  
2 of Housing and Urban Development; and

3 “(B) 200 percent of the Federal poverty  
4 line.

5 “(5) The term ‘population of color’ means a  
6 population of individuals who identify as—

7 “(A) Black;

8 “(B) African American;

9 “(C) Asian;

10 “(D) Pacific Islander;

11 “(E) another non-White race;

12 “(F) Hispanic;

13 “(G) Latino; or

14 “(H) linguistically isolated.”.

15 **SEC. 603. INTERAGENCY FEDERAL WORKING GROUP ON**  
16 **ENVIRONMENTAL JUSTICE.**

17 (a) **IN GENERAL.**—Not later than 90 days after the  
18 date of enactment of this Act, the Administrator shall con-  
19 vene, as appropriate to carry out this section, the Working  
20 Group.

21 (b) **REQUIREMENTS.**—

22 (1) **COMPOSITION.**—The Working Group shall  
23 be comprised of the following (or a designee):

24 (A) The Secretary of Agriculture.

25 (B) The Secretary of Commerce.

- 1 (C) The Secretary of Defense.
- 2 (D) The Secretary of Energy.
- 3 (E) The Secretary of Health and Human  
4 Services.
- 5 (F) The Secretary of Homeland Security.
- 6 (G) The Secretary of Housing and Urban  
7 Development.
- 8 (H) The Secretary of the Interior.
- 9 (I) The Secretary of Labor.
- 10 (J) The Secretary of Transportation.
- 11 (K) The Attorney General.
- 12 (L) The Administrator.
- 13 (M) The Director of the Office of Environ-  
14 mental Justice.
- 15 (N) The Chairman of the Consumer Prod-  
16 uct Safety Commission.
- 17 (O) The Chairperson of the Chemical Safe-  
18 ty Board.
- 19 (P) The Director of the Office of Manage-  
20 ment and Budget.
- 21 (Q) The Director of the Office of Science  
22 and Technology Policy.
- 23 (R) The Chair of the Council on Environ-  
24 mental Quality.

1 (S) The Assistant to the President for Do-  
2 mestic Policy.

3 (T) The Director of the National Economic  
4 Council.

5 (U) The Chairman of the Council of Eco-  
6 nomic Advisers.

7 (V) Such other Federal officials as the  
8 President may designate.

9 (2) FUNCTIONS.—The Working Group shall—

10 (A) report to the President through the  
11 Chair of the Council on Environmental Quality  
12 and the Assistant to the President for Domestic  
13 Policy;

14 (B) provide guidance to Federal agencies  
15 regarding criteria for identifying disproportion-  
16 ately high and adverse human health or envi-  
17 ronmental effects—

18 (i) on populations of color, commu-  
19 nities of color, indigenous communities,  
20 and low-income communities; and

21 (ii) on the basis of race, color, na-  
22 tional origin, or income;

23 (C) coordinate with, provide guidance to,  
24 and serve as a clearinghouse for, each Federal  
25 agency with respect to the implementation and

1 updating of an environmental justice strategy  
2 required under this Act, in order to ensure that  
3 the administration, interpretation, and enforce-  
4 ment of programs, activities, and policies are  
5 carried out in a consistent manner;

6 (D) assist in coordinating research by, and  
7 stimulating cooperation among, the Environ-  
8 mental Protection Agency, the Department of  
9 Health and Human Services, the Department of  
10 Housing and Urban Development, and other  
11 Federal agencies conducting research or other  
12 activities in accordance with this Act;

13 (E) identify, based in part on public rec-  
14 ommendations contained in Federal agency  
15 progress reports, important areas for Federal  
16 agencies to take into consideration and address,  
17 as appropriate, in environmental justice strate-  
18 gies and other efforts;

19 (F) assist in coordinating data collection  
20 and maintaining and updating appropriate  
21 databases, as required by this Act;

22 (G) examine existing data and studies re-  
23 lating to environmental justice;

1 (H) hold public meetings and otherwise so-  
2 licit public participation under paragraph (3);  
3 and

4 (I) develop interagency model projects re-  
5 lating to environmental justice that demonstrate  
6 cooperation among Federal agencies.

7 (3) PUBLIC PARTICIPATION.—The Working  
8 Group shall—

9 (A) hold public meetings or otherwise so-  
10 licit public participation and community-based  
11 science for the purpose of fact-finding with re-  
12 spect to the implementation of this Act; and

13 (B) prepare for public review and publish  
14 a summary of any comments and recommenda-  
15 tions provided.

16 (c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—  
17 Any person may commence a civil action—

18 (1) to seek relief from, or to compel, an agency  
19 action under this section (including regulations pro-  
20 mulgated pursuant to this section); or

21 (2) otherwise to ensure compliance with this  
22 section (including regulations promulgated pursuant  
23 to this section).

1 **SEC. 604. FEDERAL AGENCY ACTIONS TO ADDRESS ENVI-**  
2 **RONMENTAL JUSTICE.**

3 (a) FEDERAL AGENCY RESPONSIBILITIES.—

4 (1) ENVIRONMENTAL JUSTICE MISSION.—To  
5 the maximum extent practicable and permitted by  
6 applicable law, each Federal agency shall make  
7 achieving environmental justice part of the mission  
8 of the Federal agency by identifying, addressing,  
9 and mitigating disproportionately high and adverse  
10 human health or environmental effects of the pro-  
11 grams, policies, and activities of the Federal agency  
12 on populations of color, communities of color, indige-  
13 nous communities, and low-income communities in  
14 the United States (including the territories and pos-  
15 sessions of the United States and the District of Co-  
16 lumbia).

17 (2) NONDISCRIMINATION.—Each Federal agen-  
18 cy shall conduct any program, policy, or activity that  
19 substantially affects human health or the environ-  
20 ment in a manner that ensures that the program,  
21 policy, or activity does not have the effect of exclud-  
22 ing any individual or group from participation in,  
23 denying any individual or group the benefits of, or  
24 subjecting any individual or group to discrimination  
25 under, the program, policy, or activity because of  
26 race, color, or national origin.

1 (3) STRATEGIES.—

2 (A) AGENCYWIDE STRATEGIES.—Each  
3 Federal agency shall implement and update, not  
4 less frequently than annually, an agencywide  
5 environmental justice strategy that identifies  
6 disproportionately high and adverse human  
7 health or environmental effects of the pro-  
8 grams, policies, spending, and other activities of  
9 the Federal agency with respect to populations  
10 of color, communities of color, indigenous com-  
11 munities, and low-income communities, includ-  
12 ing, as appropriate for the mission of the Fed-  
13 eral agency, with respect to the following areas:

14 (i) Implementation of the National  
15 Environmental Policy Act of 1969 (42  
16 U.S.C. 4321 et seq.).

17 (ii) Implementation of title VI of the  
18 Civil Rights Act of 1964 (42 U.S.C. 2000d  
19 et seq.) (including regulations promulgated  
20 pursuant to that title).

21 (iii) Implementation of the Robert T.  
22 Stafford Disaster Relief and Emergency  
23 Assistance Act (42 U.S.C. 5121 et seq.).



1 (iv) Impacts from the lack of infra-  
2 structure, or from deteriorated infrastruc-  
3 ture.

4 (v) Impacts from land use.

5 (vi) Impacts from climate change.

6 (vii) Impacts from commercial trans-  
7 portation.

8 (B) REVISIONS.—

9 (i) IN GENERAL.—Each strategy de-  
10 veloped and updated pursuant to subpara-  
11 graph (A) shall identify programs, policies,  
12 planning and public participation proc-  
13 esses, rulemaking, agency spending, and  
14 enforcement activities relating to human  
15 health or the environment that may be re-  
16 vised, at a minimum—

17 (I) to promote enforcement of all  
18 health, environmental, and civil rights  
19 laws and regulations in areas con-  
20 taining populations of color, commu-  
21 nities of color, indigenous commu-  
22 nities, and low-income communities;

23 (II) to ensure greater public par-  
24 ticipation;

1 (III) to provide increased access  
2 to infrastructure;

3 (IV) to improve research and  
4 data collection relating to the health  
5 and environment of populations of  
6 color, communities of color, indige-  
7 nous communities, and low-income  
8 communities, including through the  
9 increased use of community-based  
10 science; and

11 (V) to identify differential pat-  
12 terns of use of natural resources  
13 among populations of color, commu-  
14 nities of color, indigenous commu-  
15 nities, and low-income communities.

16 (ii) TIMETABLES.—Each strategy im-  
17 plemented and updated pursuant to sub-  
18 paragraph (A) shall include a timetable for  
19 undertaking revisions identified pursuant  
20 to clause (i).

21 (C) PROGRESS REPORTS.—Not later than  
22 1 year after the date of enactment of this Act,  
23 and not less frequently than once every 5 years  
24 thereafter, each Federal agency shall submit to  
25 Congress and the Working Group, and shall

1 publish, a progress report that includes, with  
2 respect to the period covered by the report—

3 (i) a description of the current envi-  
4 ronmental justice strategy of the Federal  
5 agency;

6 (ii) an evaluation of the progress  
7 made by the Federal agency at national  
8 and regional levels regarding implementa-  
9 tion of the environmental justice strategy,  
10 including—

11 (I) metrics used by the Federal  
12 agency to measure performance; and

13 (II) the progress made by the  
14 Federal agency toward—

15 (aa) the achievement of the  
16 metrics described in subclause  
17 (I); and

18 (bb) mitigating identified in-  
19 stances of environmental injus-  
20 tice;

21 (iii) a description of the participation  
22 by the Federal agency in interagency col-  
23 laboration;

24 (iv) responses to recommendations  
25 submitted by members of the public to the

1 Federal agency relating to the environ-  
2 mental justice strategy of the Federal  
3 agency and the implementation by the  
4 Federal agency of this Act; and

5 (v) any updates or revisions to the en-  
6 vironmental justice strategy of the Federal  
7 agency, including those resulting from pub-  
8 lic comments.

9 (4) PUBLIC PARTICIPATION.—Each Federal  
10 agency shall—

11 (A) ensure that meaningful opportunities  
12 exist for the public to submit comments and  
13 recommendations relating to the environmental  
14 justice strategy, progress reports, and ongoing  
15 efforts of the Federal agency to incorporate en-  
16 vironmental justice principles into the pro-  
17 grams, policies, and activities of the Federal  
18 agency;

19 (B) hold public meetings or otherwise so-  
20 licit public participation and community-based  
21 science from populations of color, communities  
22 of color, indigenous communities, and low-in-  
23 come communities for fact-finding, receiving  
24 public comments, and conducting inquiries con-  
25 cerning environmental justice; and

1 (C) prepare for public review and publish  
2 a summary of the comments and recommenda-  
3 tions provided.

4 (5) ACCESS TO INFORMATION.—Each Federal  
5 agency shall—

6 (A) publish public documents, notices, and  
7 hearings relating to the programs, policies, and  
8 activities of the Federal agency that affect  
9 human health or the environment; and

10 (B) translate and publish any public docu-  
11 ments, notices, and hearings relating to an ac-  
12 tion of the Federal agency as appropriate for  
13 the affected population, specifically in any case  
14 in which a limited English-speaking population  
15 may be disproportionately affected by that ac-  
16 tion.

17 (6) CODIFICATION OF GUIDANCE.—

18 (A) COUNCIL ON ENVIRONMENTAL QUAL-  
19 ITY.—Notwithstanding any other provision of  
20 law, sections II and III of the guidance issued  
21 by the Council on Environmental Quality enti-  
22 tled “Environmental Justice Guidance Under  
23 the National Environmental Policy Act” and  
24 dated December 10, 1997, are enacted into law.

1 (B) ENVIRONMENTAL PROTECTION AGEN-  
2 CY.—Notwithstanding any other provision of  
3 law, the guidance issued by the Environmental  
4 Protection Agency entitled “EPA Policy on  
5 Consultation and Coordination with Indian  
6 Tribes: Guidance for Discussing Tribal Treaty  
7 Rights” and dated February 2016 is enacted  
8 into law.

9 (b) HUMAN HEALTH AND ENVIRONMENTAL RE-  
10 SEARCH, DATA COLLECTION, AND ANALYSIS.—

11 (1) RESEARCH.—Each Federal agency, to the  
12 maximum extent practicable and permitted by appli-  
13 cable law, shall—

14 (A) in conducting environmental or human  
15 health research, include diverse segments of the  
16 population in epidemiological and clinical stud-  
17 ies, including segments at high risk from envi-  
18 ronmental hazards, such as—

19 (i) populations of color, communities  
20 of color, indigenous communities, popu-  
21 lations with low income, and low-income  
22 communities;

23 (ii) fenceline communities; and

24 (iii) workers who may be exposed to  
25 substantial environmental hazards;

1 (B) in conducting environmental or human  
2 health analyses, identify multiple and cumu-  
3 lative exposures; and

4 (C) actively encourage and solicit commu-  
5 nity-based science, and provide to populations  
6 of color, communities of color, indigenous com-  
7 munities, populations with low income, and low-  
8 income communities the opportunity to com-  
9 ment regarding the development and design of  
10 research strategies carried out pursuant to this  
11 Act.

12 (2) DISPROPORTIONATE IMPACT.—To the max-  
13 imum extent practicable and permitted by applicable  
14 law (including section 552a of title 5, United States  
15 Code (commonly known as the Privacy Act)), each  
16 Federal agency shall—

17 (A) collect, maintain, and analyze informa-  
18 tion assessing and comparing environmental  
19 and human health risks borne by populations  
20 identified by race, national origin, or income;  
21 and

22 (B) use that information to determine  
23 whether the programs, policies, and activities of  
24 the Federal agency have disproportionately high  
25 and adverse human health or environmental ef-

1           fects on populations of color, communities of  
2           color, indigenous communities, and low-income  
3           communities.

4           (3) INFORMATION RELATING TO NON-FEDERAL  
5           FACILITIES.—In connection with the implementation  
6           of Federal agency strategies under subsection (a)(3),  
7           each Federal agency, to the maximum extent prac-  
8           ticable and permitted by applicable law, shall collect,  
9           maintain, and analyze information relating to the  
10          race, national origin, and income level, and other  
11          readily accessible and appropriate information, for  
12          fenceline communities in proximity to any facility or  
13          site expected to have a substantial environmental,  
14          human health, or economic effect on the surrounding  
15          populations, if the facility or site becomes the sub-  
16          ject of a substantial Federal environmental adminis-  
17          trative or judicial action.

18          (4) IMPACT FROM FEDERAL FACILITIES.—Each  
19          Federal agency, to the maximum extent practicable  
20          and permitted by applicable law, shall collect, main-  
21          tain, and analyze information relating to the race,  
22          national origin, and income level, and other readily  
23          accessible and appropriate information, for fenceline  
24          communities in proximity to any facility of the Fed-  
25          eral agency that is—



1 (A) subject to the reporting requirements  
2 under the Emergency Planning and Community  
3 Right-To-Know Act of 1986 (42 U.S.C. 11001  
4 et seq.), as required by Executive Order 12898  
5 (42 U.S.C. 4321 note); and

6 (B) expected to have a substantial environ-  
7 mental, human health, or economic effect on  
8 surrounding populations.

9 (c) CONSUMPTION OF FISH AND WILDLIFE.—

10 (1) IN GENERAL.—Each Federal agency shall  
11 develop, publish (unless prohibited by law), and re-  
12 vise, as practicable and appropriate, guidance on ac-  
13 tions of the Federal agency that will impact fish and  
14 wildlife consumed by populations that principally  
15 rely on fish or wildlife for subsistence.

16 (2) REQUIREMENT.—The guidance described in  
17 paragraph (1) shall—

18 (A) reflect the latest scientific information  
19 available concerning methods for evaluating the  
20 human health risks associated with the con-  
21 sumption of pollutant-bearing fish or wildlife;  
22 and

23 (B) publish the risks of such consumption  
24 patterns.

1 (d) MAPPING AND SCREENING TOOL.—The Adminis-  
2 trator shall continue to make available to the public an  
3 environmental justice mapping and screening tool (such  
4 as EJScreen or an equivalent tool) that includes, at a min-  
5 imum, the following features:

6 (1) Nationally consistent data.

7 (2) Environmental data.

8 (3) Demographic data, including data relating  
9 to race, ethnicity, and income.

10 (4) Capacity to produce maps and reports by  
11 geographical area.

12 (e) JUDICIAL REVIEW AND RIGHTS OF ACTION.—  
13 Any person may commence a civil action—

14 (1) to seek relief from, or to compel, an agency  
15 action under this section (including regulations pro-  
16 mulgated pursuant to this section); or

17 (2) otherwise to ensure compliance with this  
18 section (including regulations promulgated pursuant  
19 to this section).

20 (f) INFORMATION SHARING.—In carrying out this  
21 section, each Federal agency, to the maximum extent  
22 practicable and permitted by applicable law, shall share  
23 information and eliminate unnecessary duplication of ef-  
24 forts through the use of existing data systems and cooper-

1 ative agreements among Federal agencies and with State,  
2 local, and Tribal governments.

3 **SEC. 605. NATIONAL ENVIRONMENTAL JUSTICE ADVISORY**  
4 **COUNCIL.**

5 (a) ESTABLISHMENT.—The establishment by the Ad-  
6 ministrator on September 30, 1993, by charter pursuant  
7 to the Federal Advisory Committee Act (5 U.S.C. App.)  
8 of the National Environmental Justice Advisory Council  
9 (referred to in this section as the “Advisory Council”) is  
10 enacted into law.

11 (b) DUTIES.—The Advisory Council may carry out  
12 such duties as were carried out by the Advisory Council  
13 on the day before the date of enactment of this Act, sub-  
14 ject to modification by the Administrator, by regulation.

15 (c) MEMBERSHIP.—The membership of the Advisory  
16 Council shall—

17 (1) be determined and appointed in accordance  
18 with, as applicable—

19 (A) the charter described in subsection (a)  
20 (or any subsequent amendment or revision of  
21 that charter); or

22 (B) other appropriate bylaws or documents  
23 of the Advisory Council, as determined by the  
24 Administrator; and

1           (2) continue in effect as in existence on the day  
2           before the date of enactment of this Act until modi-  
3           fied in accordance with paragraph (1).

4           (d) DESIGNATED FEDERAL OFFICER.—The Director  
5           of the Office of Environmental Justice of the Environ-  
6           mental Protection Agency is designated as the Federal of-  
7           ficer required under section 10(e) of the Federal Advisory  
8           Committee Act (5 U.S.C. App.) for the Advisory Council.

9           (e) MEETINGS.—

10           (1) IN GENERAL.—The Advisory Council shall  
11           meet not less frequently than 3 times each calendar  
12           year.

13           (2) OPEN TO PUBLIC.—Each meeting of the  
14           Advisory Council shall be held open to the public.

15           (3) DESIGNATED FEDERAL OFFICER.—The des-  
16           ignated Federal officer described in subsection (d)  
17           (or a designee) shall—

18                   (A) be present at each meeting of the Ad-  
19                   visory Council;

20                   (B) ensure that each meeting is conducted  
21                   in accordance with an agenda approved in ad-  
22                   vance by the designated Federal officer;

23                   (C) provide an opportunity for interested  
24                   persons—

1 (i) to file comments before or after  
2 each meeting of the Advisory Council; or

3 (ii) to make statements at such a  
4 meeting, to the extent that time permits;

5 (D) ensure that a representative of the  
6 Working Group and a high-level representative  
7 from each regional office of the Environmental  
8 Protection Agency are invited to, and encour-  
9 aged to attend, each meeting of the Advisory  
10 Council; and

11 (E) provide technical assistance to States  
12 seeking to establish State-level environmental  
13 justice advisory councils or implement other en-  
14 vironmental justice policies or programs.

15 (f) RESPONSES FROM ADMINISTRATOR.—

16 (1) PUBLIC COMMENT INQUIRIES.—The Admin-  
17 istrator shall provide a written response to each in-  
18 quiry submitted to the Administrator by a member  
19 of the public before or after each meeting of the Ad-  
20 visory Council by not later than 120 days after the  
21 date of submission.

22 (2) RECOMMENDATIONS FROM ADVISORY COUN-  
23 CIL.—The Administrator shall provide a written re-  
24 sponse to each recommendation submitted to the Ad-

1        administrator by the Advisory Council by not later  
2        than 120 days after the date of submission.

3        (g) TRAVEL EXPENSES.—A member of the Advisory  
4        Council may be allowed travel expenses, including per  
5        diem in lieu of subsistence, at such rate as the Adminis-  
6        trator determines to be appropriate while away from the  
7        home or regular place of business of the member in the  
8        performance of the duties of the Advisory Council.

9        (h) DURATION.—The Advisory Council shall remain  
10       in existence unless otherwise provided by law.

11 **SEC. 606. REDUCING DISPROPORTIONATE IMPACTS OF**  
12 **POLLUTION ON ENVIRONMENTAL JUSTICE**  
13 **COMMUNITIES.**

14       Section 110(a)(2) of the Clean Air Act (42 U.S.C.  
15       7410(a)(2)) is amended—

16            (1) in subparagraph (L), by striking “title V;  
17            and” and inserting “title V;”;

18            (2) in subparagraph (M), by striking “plan.”  
19            and inserting “plan; and”; and

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

21                    “(N) require pollution prevention or con-  
22                    trol requirements necessary to reduce dis-  
23                    proportionate impacts on fenceline communities  
24                    (meaning populations living in close proximity  
25                    to a source of pollution), populations of color,

1 communities of color, indigenous communities,  
2 and low-income communities.”.

3 **SEC. 607. ENSURING ENVIRONMENTAL JUSTICE IN THE**  
4 **DISPOSAL OF HAZARDOUS WASTE.**

5 Section 3006 of the Solid Waste Disposal Act (42  
6 U.S.C. 6926) is amended by adding at the end the fol-  
7 lowing new subsection:

8 “(i) ENVIRONMENTAL JUSTICE.—

9 “(1) AUTHORIZATION.—The Administrator may  
10 not authorize a State to administer and enforce a  
11 hazardous waste program under this section unless  
12 the Administrator determines that the State haz-  
13 ardous waste program does not create or exacerbate  
14 disproportionately high or adverse health or environ-  
15 mental effects on populations of color, communities  
16 of color, indigenous communities, or low-income  
17 communities.

18 “(2) REVISED GUIDELINES.—Not later than 1  
19 year after the date of enactment of this subsection,  
20 the Administrator shall revise the guidelines issued  
21 pursuant to subsection (a) for purposes of carrying  
22 out paragraph (1) of this subsection.

23 “(3) REVISED STATE APPLICATION.—Any State  
24 which has, prior to the date of enactment of this  
25 subsection, received authorization pursuant to sub-

1 section (b) to administer and enforce a hazardous  
2 waste program may submit a revised application in  
3 accordance with such subsection to demonstrate that  
4 the applicable State hazardous waste program does  
5 not create or exacerbate disproportionately high or  
6 adverse health or environmental effects on popu-  
7 lations of color, communities of color, indigenous  
8 communities, or low-income communities.

9 “(4) DEFINITIONS.—In this subsection:

10 “(A) The term ‘community of color’ means  
11 any geographically distinct area the population  
12 of color of which is higher than the average  
13 population of color of the State in which the  
14 community is located.

15 “(B) The term ‘indigenous community’  
16 means—

17 “(i) a federally recognized Indian  
18 Tribe;

19 “(ii) a State-recognized Indian Tribe;

20 “(iii) an Alaska Native or Native Ha-  
21 waiian community or organization; and

22 “(iv) any other community of indige-  
23 nous people, including communities in  
24 other countries.



1           “(C) The term ‘low income’ means an an-  
2           nual household income equal to, or less than,  
3           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           “(D) The term ‘low-income community’  
12           means any census block group in which 30 per-  
13           cent or more of the population are individuals  
14           with low income.

15           “(E) The term ‘population of color’ means  
16           a population of individuals who identify as—

17                   “(i) Black;

18                   “(ii) African American;

19                   “(iii) Asian;

20                   “(iv) Pacific Islander;

21                   “(v) another non-White race;

22                   “(vi) Hispanic;

23                   “(vii) Latino; or

24                   “(viii) linguistically isolated.”.

1 **SEC. 608. HAZARDOUS RELEASE COMMUNITY NOTIFICA-**  
2 **TION.**

3 (a) EMERGENCY NOTIFICATION MEETING.—Section  
4 304(b) of the Emergency Planning and Community Right-  
5 To-Know Act of 1986 (42 U.S.C. 11004(b)) is amended  
6 by adding at the end the following new paragraph:

7 “(3) PUBLIC MEETING.—Not later than 72  
8 hours after a release which requires notice under  
9 subsection (a), the owner or operator of the applica-  
10 ble facility shall—

11 “(A) publish a notice in a local newspaper,  
12 with at least 24 hours notice, of a public meet-  
13 ing, including—

14 “(i) the date of such meeting;

15 “(ii) the time of such meeting; and

16 “(iii) the location of such meeting;

17 and

18 “(B) hold such meeting, providing, con-  
19 sistent with section 322, the information re-  
20 quired under paragraph (2), to the extent such  
21 information is known at the time of the meeting  
22 and so long as no delay in responding to the  
23 emergency results.”.

24 (b) ANNUAL PUBLIC MEETING.—Subtitle A of the  
25 Emergency Planning and Community Right-To-Know Act

1 of 1986 (42 U.S.C. 11001 et seq.) is amended by adding  
2 at the end the following new section:

3 **“SEC. 306. ANNUAL PUBLIC MEETING.**

4 “Not later than 1 year after the date of enactment  
5 of this section, and annually thereafter, the owner or oper-  
6 ator of a facility subject to the requirements of this sub-  
7 title shall—

8 “(1) publish a notice in a local newspaper, at  
9 least 7 days in advance, of a public meeting, includ-  
10 ing—

11 “(A) the date of such meeting;

12 “(B) the time of such meeting; and

13 “(C) the location of such meeting; and

14 “(2) hold such meeting, providing, consistent  
15 with section 322—

16 “(A) the chemical name of each substance  
17 on the list published under section 302(a) that  
18 was present at such facility, in an amount in  
19 excess of the threshold planning quantity estab-  
20 lished for such substance under such section, at  
21 any time in the preceding calendar year;

22 “(B) an estimate of the maximum amount  
23 of each such substance present at such facility  
24 during the preceding calendar year; and

1           “(C) the details of the methods and proce-  
2           dures to be followed to respond to a release of  
3           such a substance pursuant to the applicable  
4           emergency plan prepared under section  
5           303(c).”.

6           (c) ENFORCEMENT.—Section 325(c)(1) of the Emer-  
7           gency Planning and Community Right-To-Know Act of  
8           1986 (42 U.S.C. 11045(c)(1)) is amended by striking  
9           “section 312” and inserting “section 306, 312,”.

10          (d) CLERICAL AMENDMENT.—The table of contents  
11          in section 300(b) of the Emergency Planning and Commu-  
12          nity Right-To-Know Act of 1986 is amended by adding  
13          after the item relating to section 305 the following:

          “Sec. 306. Annual public meeting.”.

14          **SEC. 609. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

15          (a) IN GENERAL.—The Administrator shall continue  
16          to carry out the Environmental Justice Small Grants Pro-  
17          gram and the Environmental Justice Collaborative Prob-  
18          lem-Solving Cooperative Agreement Program, as those  
19          programs are in existence on the date of enactment of this  
20          Act.

21          (b) CARE GRANTS.—The Administrator shall con-  
22          tinue to carry out the Community Action for a Renewed  
23          Environment grant programs I and II, as in existence on  
24          January 1, 2012.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out the programs  
3 described in subsections (a) and (b) \$10,000,000 for each  
4 of fiscal years 2021 through 2030.

5 **SEC. 610. ENVIRONMENTAL JUSTICE COMMUNITY SOLID**  
6 **WASTE DISPOSAL TECHNICAL ASSISTANCE**  
7 **GRANTS.**

8 (a) GRANTS.—Subtitle D of the Solid Waste Disposal  
9 Act (42 U.S.C. 6941 et seq.) is amended by adding at  
10 the end the following new section:

11 **“SEC. 4011. ENVIRONMENTAL JUSTICE COMMUNITY TECH-**  
12 **NICAL ASSISTANCE GRANTS.**

13 “(a) IN GENERAL.—The Administrator may award  
14 grants to eligible entities to enable such entities to partici-  
15 pate in decisions impacting the health and safety of their  
16 communities relating to the permitting or permit renewal  
17 of a solid waste disposal facility or hazardous waste facil-  
18 ity.

19 “(b) TIMING.—

20 “(1) GUIDANCE.—Not later than 12 months  
21 after the date of enactment of this section, the Ad-  
22 ministrator shall publish guidance describing the  
23 process for eligible entities to apply for a grant  
24 under this section, including the required content  
25 and form of applications, the manner in which appli-

1 cations must be submitted, and any applicable dead-  
2 lines.

3 “(2) FIRST GRANT.—Not later than 180 days  
4 after the issuance of guidance under paragraph (1),  
5 the Administrator shall award the first grant under  
6 this section.

7 “(c) ELIGIBLE ENTITY.—To be eligible for a grant  
8 under this section, an applicant shall be a group of individ-  
9 uals who reside in a community that—

10 “(1) is a population of color, a community of  
11 color, an indigenous community, or a low-income  
12 community; and

13 “(2) is in close proximity to a facility described  
14 in subsection (a) for which a decision relating to a  
15 permit or permit renewal for such facility is re-  
16 quired.

17 “(d) USE OF FUNDS.—An eligible entity receiving a  
18 grant under this section shall use the grant to participate  
19 in decisions impacting the health and safety of the commu-  
20 nity involved that are related to the permitting or permit  
21 renewal of a solid waste disposal facility or hazardous  
22 waste facility, including—

23 “(1) interpreting information with regard to—

24 “(A) cumulative impacts studies;

25 “(B) health impacts studies;

1 “(C) relevant agency decisions; and

2 “(D) operation and maintenance of nec-  
3 essary monitors; and

4 “(2) performing environmental monitoring.

5 “(e) LIMITATIONS ON AMOUNT; RENEWAL.—

6 “(1) AMOUNT.—

7 “(A) IN GENERAL.—The amount of a  
8 grant under this section (excluding any renew-  
9 als of the grant) may not exceed \$50,000 for  
10 any grant recipient.

11 “(B) EXCEPTION.—The Administrator  
12 may waive the limitation in subparagraph (A)  
13 with respect to an applicant in any case where  
14 the Administrator determines that such waiver  
15 is necessary for the community involved to ob-  
16 tain the necessary technical assistance.

17 “(2) RENEWAL.—Grants may be renewed for  
18 each step in the process for the permitting or permit  
19 renewal of a solid waste disposal facility or haz-  
20 ardous waste facility.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘community of color’ means any  
23 geographically distinct area the population of color  
24 of which is higher than the average population of  
25 color of the State in which the community is located.

1 “(2) The term ‘indigenous community’ means—

2 “(A) a federally recognized Indian Tribe;

3 “(B) a State-recognized Indian Tribe;

4 “(C) an Alaska Native or Native Hawaiian  
5 community or organization; and

6 “(D) any other community of indigenous  
7 people, including communities in other coun-  
8 tries.

9 “(3) The term ‘low income’ means an annual  
10 household income equal to, or less than, the greater  
11 of—

12 “(A) an amount equal to 80 percent of the  
13 median income of the area in which the house-  
14 hold is located, as reported by the Department  
15 of Housing and Urban Development; and

16 “(B) 200 percent of the Federal poverty  
17 line.

18 “(4) The term ‘population of color’ means a  
19 population of individuals who identify as—

20 “(A) Black;

21 “(B) African American;

22 “(C) Asian;

23 “(D) Pacific Islander;

24 “(E) another non-White race;

25 “(F) Hispanic;



1 “(G) Latino; or

2 “(H) linguistically isolated.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 for the Solid Waste Disposal Act is amended by adding  
5 after the item relating to section 4010 the following:

“Sec. 4011. Environmental justice community technical assistance grants.”.

6 **Subtitle B—Restoring Regulatory**  
7 **Protections**

8 **SEC. 611. ENHANCING UNDERGROUND INJECTION CON-**  
9 **TROLS FOR ENHANCED OIL RECOVERY.**

10 Section 1426 of the Safe Drinking Water Act (42  
11 U.S.C. 300h–5) is amended—

12 (1) by striking “(a) Not later than” and insert-  
13 ing the following:

14 “(a) MONITORING FOR CLASS I WELLS.—Not later  
15 than”; and

16 (2) by adding at the end the following new sub-  
17 section:

18 “(b) REGULATIONS FOR CLASS VII WELLS.—

19 “(1) IN GENERAL.—Not later than 1 year after  
20 the date of enactment of the CLEAN Future Act,  
21 the Administrator shall propose regulations for a  
22 new class of wells under this part for enhanced oil  
23 recovery that includes sequestration of carbon diox-  
24 ide. The Administrator shall finalize such regula-

1 tions not later than 2 years after the date of enact-  
2 ment of the CLEAN Future Act.

3 “(2) REQUIREMENTS FOR THE PROTECTION OF  
4 UNDERGROUND SOURCES OF DRINKING WATER.—  
5 The regulations promulgated pursuant to paragraph  
6 (1) shall ensure the protection of underground  
7 sources of drinking water from enhanced oil recovery  
8 and include the following minimum requirements:

9 “(A) Site characterization, including dem-  
10 onstration that the injection zone and confining  
11 zone have sufficient properties to receive the  
12 volume of injectate and contain the volumes of  
13 sequestered gas and fluid.

14 “(B) Identification of all penetrations in  
15 the area of review and corrective action as  
16 needed to ensure all penetrations in the area of  
17 review have been closed in a manner that pre-  
18 vents the movement of carbon dioxide.

19 “(C) Design and construction that pre-  
20 vents the movement of fluids into unauthorized  
21 zones and permits continuous monitoring of the  
22 annulus between the tubing and casing.

23 “(D) Testing and monitoring sufficient to  
24 ensure that sequestration of carbon dioxide is  
25 operating as permitted and is not endangering

1 underground sources of drinking water, includ-  
2 ing periodic monitoring of ground water quality  
3 above the injection zone.

4 “(E) Postinjection site care and closure  
5 sufficient to ensure no endangerment of under-  
6 ground sources of drinking water.

7 “(3) REQUIREMENTS FOR THE MITIGATION OF  
8 GREENHOUSE GAS EMISSIONS.—

9 “(A) PERCENTAGES.—The regulations pro-  
10 mulgated pursuant to paragraph (1) shall re-  
11 quire increasing net sequestration of carbon di-  
12 oxide, on a per-well basis, in permitted wells,  
13 according to the following schedule:

14 “(i) Net sequestration of 30 percent  
15 by 2025.

16 “(ii) Net sequestration of 50 percent  
17 by 2030.

18 “(iii) Net sequestration of 80 percent  
19 by 2035.

20 “(iv) Net sequestration of 100 percent  
21 by 2045.

22 “(v) Net sequestration of 110 percent  
23 by 2050.

24 “(B) ESTIMATES.—The regulations pro-  
25 mulgated pursuant to paragraph (1) may allow

1 estimates of net sequestration of carbon dioxide  
2 to be based on modeling or monitoring.

3 “(4) TRANSITION OF EXISTING CLASS II  
4 WELLS.—The regulations promulgated pursuant to  
5 paragraph (1) shall allow for the transition of exist-  
6 ing Class II wells to the class of wells established  
7 pursuant to this subsection upon a showing that  
8 such a well can meet the requirements of such regu-  
9 lations relating to site characterization, penetrations,  
10 testing and monitoring, and postinjection site care  
11 and closure.”.

12 **SEC. 612. ENSURING SAFE DISPOSAL OF COAL ASH.**

13 Section 4005(d) of the Solid Waste Disposal Act (42  
14 U.S.C. 6945(d)) is amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (B)—

17 (i) in the matter preceding clause (i),  
18 by striking “after public notice and an op-  
19 portunity for public comment” and insert-  
20 ing “after public notice, an opportunity for  
21 public comment, and an opportunity for a  
22 public hearing”;

23 (ii) in clause (i), by striking “; or”  
24 and inserting “; and”; and

1 (iii) by amending clause (ii) to read as  
2 follows:

3 “(ii) the minimum requirements de-  
4 scribed in paragraph (3).”;

5 (B) by amending subparagraph (C) to read  
6 as follows:

7 “(C) RETENTION OF STATE AUTHORITY.—  
8 No State or political subdivision may impose  
9 any requirement less stringent than the require-  
10 ments for coal combustion residuals under part  
11 257 of title 40, Code of Federal Regulations (or  
12 successor regulations promulgated pursuant to  
13 sections 1008(a)(3) and 4004(a)). Nothing in  
14 this subsection shall be construed to prohibit  
15 any State or political subdivision thereof from  
16 imposing any requirements for coal combustion  
17 residuals that are more stringent than those im-  
18 posed by such regulations.”;

19 (C) in subparagraph (D)—

20 (i) in clause (i)(I), by striking “12”  
21 and inserting “5”;

22 (ii) in clause (ii)(II), by inserting  
23 “clauses (i) and (ii) of” before “subpara-  
24 graph (B)”;

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(iii) PERIOD FOR CORRECTION OF  
4 DEFICIENCIES.—The Administrator shall  
5 include in a notice under clause (ii) a rea-  
6 sonable period for the State to correct the  
7 deficiencies identified under such clause,  
8 which shall not exceed 120 days.”; and

9 (D) in subparagraph (E), by inserting “by  
10 the end of the period included in the notice  
11 under subparagraph (D)(iii)” after “identified  
12 by the Administrator under subparagraph  
13 (D)(ii)”;

14 (2) in paragraph (2)(B), by adding before the  
15 period at the end “and the minimum requirements  
16 described in paragraph (3)”;

17 (3) by amending paragraph (3) to read as fol-  
18 lows:

19 “(3) MINIMUM REQUIREMENTS.—In addition to  
20 requiring compliance with the applicable criteria for  
21 coal combustion residuals units under part 257 of  
22 title 40, Code of Federal Regulations (or successor  
23 regulations promulgated pursuant to sections  
24 1008(a)(3) and 4004(a)), a permit program or other  
25 system of prior approval and conditions approved or

1 implemented by the Administrator under this sub-  
2 section shall, at a minimum—

3 “(A) require meaningful (as defined in sec-  
4 tion 601 of the CLEAN Future Act) public  
5 participation in the issuance and renewal of all  
6 permits or other prior approvals, including no-  
7 tice, opportunity to comment, and public hear-  
8 ings;

9 “(B) require financial assurance for all  
10 coal combustion residuals units sufficient to  
11 cover closure and corrective actions, with no al-  
12 lowance for self-bonding;

13 “(C) prohibit the continued operation of  
14 unlined impoundments, which shall include all  
15 coal combustion residuals units that fail to meet  
16 the design criteria for new impoundments pur-  
17 suant to part 257 of title 40, Code of Federal  
18 Regulations;

19 “(D) limit fugitive dust at coal combustion  
20 residuals units and during closure and correc-  
21 tive action to no more than 35 micrograms per  
22 square meter, or another standard established  
23 by the Administrator that will protect human  
24 health, including the health of vulnerable or dis-  
25 proportionately exposed subpopulations, and re-

1           quire air monitoring and public reporting to en-  
2           sure such standard is met;

3           “(E) require permit or other prior approval  
4           terms that do not exceed 5 years;

5           “(F) require permits for closure and cor-  
6           rective action, and deny any permit for closure  
7           that would allow coal combustion residuals to  
8           remain—

9           “(i) in contact with ground water;

10           “(ii) in a location that does not meet  
11           the requirements for new units under part  
12           257 of title 40, Code of Federal Regula-  
13           tions; or

14           “(iii) in a unit that fails to meet the  
15           design criteria for new impoundments pur-  
16           suant to part 257 of title 40, Code of Fed-  
17           eral Regulations;

18           “(G) prohibit, as open dumping, the use of  
19           coal combustion residuals in unencapsulated  
20           uses;

21           “(H) require a permit or other prior ap-  
22           proval for any coal combustion residuals unit  
23           that is located on the premises of a coal-burn-  
24           ing electric generating facility and has not been  
25           closed pursuant to the criteria in part 257 of



1 title 40, Code of Federal Regulations, without  
2 regard to when the unit ceased accepting coal  
3 combustion residuals;

4 “(I) require ground water monitoring  
5 methods that are sufficient to detect contami-  
6 nants at levels defined in applicable ground  
7 water protection standards;

8 “(J) require ground water monitoring for  
9 all constituents listed in Appendix IV to part  
10 257 of title 40, Code of Federal Regulations,  
11 and boron and hexavalent chromium;

12 “(K) require corrective actions for all con-  
13 tinuing releases at a coal combustion residuals  
14 unit with a permit or other prior approval  
15 under this subsection; and

16 “(L) require corrective action beyond facil-  
17 ity boundaries, as needed to protect human  
18 health and the environment, including the  
19 health of vulnerable or disproportionately ex-  
20 posed subpopulations.”;

21 (4) in paragraph (5), by adding before the pe-  
22 riod at the end “and the minimum requirements de-  
23 scribed in paragraph (3)”;

24 (5) by adding at the end the following new  
25 paragraph:

1           “(8) REVISION OF REGULATIONS.—Not later  
2 than 2 years after the date of enactment of this  
3 paragraph, the Administrator shall finalize revisions  
4 to the criteria for coal combustion residuals units  
5 under part 257 of title 40, Code of Federal Regula-  
6 tions, to include any other criteria necessary to pro-  
7 tect human health and the environment, including  
8 the health of vulnerable or disproportionately ex-  
9 posed subpopulations.”.

10 **SEC. 613. SAFE HYDRATION IS AN AMERICAN RIGHT IN EN-**  
11 **ERGY DEVELOPMENT.**

12           (a) IN GENERAL.—Section 1421(b)(1) of the Safe  
13 Drinking Water Act (42 U.S.C. 300h(b)(1)) is amended—

14           (1) in subparagraph (C), by striking “and” at  
15 the end;

16           (2) in subparagraph (D), by striking the period  
17 at the end and inserting “; and”; and

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

19           “(E) shall prohibit the underground injection of  
20 fluids or propping agents pursuant to hydraulic frac-  
21 turing operations related to oil, gas, or geothermal  
22 production activities unless the person proposing to  
23 conduct the hydraulic fracturing operations agrees  
24 to conduct testing and report data in accordance  
25 with section 1421A.”.

1 (b) TESTING AND REPORTING REQUIREMENTS.—  
2 Part C of the Safe Drinking Water Act is amended by  
3 inserting after section 1421 of such Act (42 U.S.C. 300h)  
4 the following:

5 **“SEC. 1421A. TESTING OF UNDERGROUND DRINKING**  
6 **WATER SOURCES IN CONNECTION WITH HY-**  
7 **DRAULIC FRACTURING OPERATIONS.**

8 “(a) REQUIREMENTS.—Regulations under section  
9 1421(a) for State underground injection control programs  
10 shall, in connection with the underground injection of  
11 fluids or propping agents pursuant to hydraulic fracturing  
12 operations related to oil, gas, or geothermal production ac-  
13 tivities, require any person conducting such operations—

14 “(1) to conduct testing of underground sources  
15 of drinking water in accordance with subsections (c)  
16 and (d)—

17 “(A) with respect to a site where, as of the  
18 date of enactment of this section, underground  
19 injection has not commenced for the first  
20 time—

21 “(i) prior to commencement of under-  
22 ground injection at the site for the first  
23 time;

24 “(ii) at least once every 6 months dur-  
25 ing the period beginning at the commence-

1                   ment of underground injection described in  
2                   clause (i) and ending at the cessation of  
3                   such hydraulic fracturing operations; and

4                   “(iii) at least once every 12 months  
5                   during the 5-year period following the end  
6                   of the period described in clause (ii);

7                   “(B) with respect to a site where, as of the  
8                   date of enactment of this section, there is no  
9                   active underground injection, but underground  
10                  injection has previously occurred at the site—

11                  “(i) prior to renewing underground in-  
12                  jection at the site;

13                  “(ii) at least once every 6 months dur-  
14                  ing the period beginning at such renewal of  
15                  underground injection and ending at the  
16                  cessation of such hydraulic fracturing oper-  
17                  ations; and

18                  “(iii) at least once every 12 months  
19                  during the 5-year period following the end  
20                  of the period described in clause (ii); and

21                  “(C) with respect to a site where, as of the  
22                  date of enactment of this section, such hydrau-  
23                  lic fracturing operations are occurring—

24                  “(i) at least once every 6 months dur-  
25                  ing the period beginning on the date of en-

1 actment of this section ending at the ces-  
2 sation of such hydraulic fracturing oper-  
3 ations; and

4 “(ii) at least once every 12 months  
5 during the 5-year period following the end  
6 of the period described in clause (i); and

7 “(2) to submit reports to the Administrator on  
8 the results of testing under subparagraph (A), (B),  
9 or (C) of paragraph (1) within 2 weeks of such test-  
10 ing.

11 “(b) EXCEPTION.—The testing and reporting re-  
12 quirements of subsection (a) do not apply with respect to  
13 hydraulic fracturing operations if there is no accessible un-  
14 derground source of drinking water within a radius of one  
15 mile of the site where the operations occur.

16 “(c) SAMPLING LOCATIONS.—Testing required pur-  
17 suant to subsection (a) shall occur—

18 “(1) at all accessible underground sources of  
19 drinking water within a radius of one-half mile of  
20 the site where the hydraulic fracturing operations  
21 occur; and

22 “(2) if there is no accessible underground  
23 source of drinking water within such radius, at the  
24 nearest accessible underground source of drinking  
25 water within a radius of one mile of such site.

1 “(d) TESTING.—Testing required pursuant to sub-  
2 section (a) shall—

3 “(1) be conducted by one or more laboratories  
4 certified pursuant to the Environmental Protection  
5 Agency’s program for certifying laboratories for  
6 analysis of drinking water contaminants; and

7 “(2) include testing for any hazardous sub-  
8 stance, pollutant, contaminant, or other factor that  
9 the Administrator determines would indicate damage  
10 associated with hydraulic fracturing operations.

11 “(e) DATABASE; PUBLIC ACCESSIBILITY.—

12 “(1) DATABASE.—The Administrator shall es-  
13 tablish and maintain a database of the results re-  
14 ported pursuant to subsection (a)(2).

15 “(2) PUBLIC ACCESSIBILITY.—The Adminis-  
16 trator shall make such database publicly accessible  
17 on the website of the Environmental Protection  
18 Agency.

19 “(3) PUBLIC SEARCHABILITY.—The Adminis-  
20 trator shall make such database searchable by ZIP  
21 Code, allowing members of the public to easily iden-  
22 tify all sites for which reports are submitted pursu-  
23 ant to subsection (a)(2).

24 “(f) DEFINITION.—In this section, the term ‘acces-  
25 sible underground source of drinking water’ means an un-

1 derground source of drinking water to which the person  
2 conducting the hydraulic fracturing operations can reason-  
3 ably gain access.”.

4 (c) CONFORMING AMENDMENT.—Section  
5 1421(d)(1)(B)(ii) of the Safe Drinking Water Act (42  
6 U.S.C. 300h(d)(1)(B)(ii)) is amended by inserting “except  
7 as provided in subsection (b)(1)(E) of this section and sec-  
8 tion 1421A,” before “the underground injection of fluids  
9 or propping agents (other than diesel fuels) pursuant to  
10 hydraulic fracturing operations related to oil, gas, or geo-  
11 thermal production activities”.

12 **SEC. 614. ADDRESSING HAZARDOUS AIR POLLUTION FROM**  
13 **OIL AND GAS SOURCES.**

14 (a) REPEAL OF EXEMPTION FOR AGGREGATION OF  
15 EMISSIONS FROM OIL AND GAS SOURCES.—Section  
16 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is  
17 amended by striking paragraph (4).

18 (b) HYDROGEN SULFIDE AS A HAZARDOUS AIR POL-  
19 LUTANT.—The Administrator of the Environmental Pro-  
20 tection Agency shall—

21 (1) not later than 180 days after the date of  
22 enactment of this Act, issue a final rule adding hy-  
23 drogen sulfide to the list of hazardous air pollutants  
24 under section 112(b) of the Clean Air Act (42  
25 U.S.C. 7412(b)); and

1           (2) not later than 365 days after a final rule  
2           under paragraph (1) is issued, revise the list under  
3           section 112(c) of such Act (42 U.S.C. 7412(c)) to  
4           include categories and subcategories of major  
5           sources and area sources of hydrogen sulfide, includ-  
6           ing oil and gas wells.

7   **SEC. 615. CLOSING LOOPHOLES AND ENDING ARBITRARY**  
8                           **AND NEEDLESS EVASION OF REGULATIONS.**

9           (a) IDENTIFICATION OR LISTING, AND REGULATION  
10          UNDER SUBTITLE C.—Paragraph (2) of section 3001(b)  
11          of the Solid Waste Disposal Act (42 U.S.C. 6921(b)) is  
12          amended to read as follows:

13               “(2) Not later than 1 year after the date of enact-  
14          ment of the CLEAN Future Act, the Administrator  
15          shall—

16                       “(A) determine whether drilling fluids, pro-  
17          duced waters, and other wastes associated with the  
18          exploration, development, or production of crude oil,  
19          natural gas, or geothermal energy meet the criteria  
20          promulgated under this section for the identification  
21          or listing of hazardous waste;

22                       “(B) identify or list as hazardous waste any  
23          drilling fluids, produced waters, or other wastes as-  
24          sociated with the exploration, development, or pro-  
25          duction of crude oil, natural gas, or geothermal en-



1       ergy that the Administrator determines, pursuant to  
2       subparagraph (A), meet the criteria promulgated  
3       under this section for the identification or listing of  
4       hazardous waste; and

5           “(C) promulgate regulations under sections  
6       3002, 3003, and 3004 for wastes identified or listed  
7       as hazardous waste pursuant to subparagraph (B),  
8       except that the Administrator is authorized to mod-  
9       ify the requirements of such sections to take into ac-  
10      count the special characteristics of such wastes so  
11      long as such modified requirements protect human  
12      health and the environment.”.

13      (b) REGULATION UNDER SUBTITLE D.—Section  
14      4010(c) of the Solid Waste Disposal Act (42 U.S.C.  
15      6949a(c)) is amended by adding at the end the following  
16      new paragraph:

17           “(7) DRILLING FLUIDS, PRODUCED WATERS,  
18      AND OTHER WASTES ASSOCIATED WITH THE EXPLO-  
19      RATION, DEVELOPMENT, OR PRODUCTION OF CRUDE  
20      OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.—Not  
21      later than 1 year after the date of enactment of the  
22      CLEAN Future Act, the Administrator shall pro-  
23      mulgate revisions of the criteria promulgated under  
24      section 4004(a) and under section 1008(a)(3) for fa-  
25      cilities that may receive drilling fluids, produced

1 waters, or other wastes associated with the explo-  
2 ration, development, or production of crude oil, nat-  
3 ural gas, or geothermal energy, that are not identi-  
4 fied or listed as hazardous waste pursuant to section  
5 3001(b)(2). The criteria shall be those necessary to  
6 protect human health and the environment and may  
7 take into account the practicable capability of such  
8 facilities. At a minimum such revisions for facilities  
9 potentially receiving such wastes should require  
10 ground water monitoring as necessary to detect con-  
11 tamination, establish criteria for the acceptable loca-  
12 tion of new or existing facilities, and provide for cor-  
13 rective action and financial assurance as appro-  
14 priate.”.

15 **Subtitle C—Infrastructure to**  
16 **Protect Communities**

17 **SEC. 621. CLIMATE IMPACTS FINANCIAL ASSURANCE AND**  
18 **USER FEES.**

19 (a) LIABILITY.—Section 101(1) of the Comprehen-  
20 sive Environmental Response, Compensation, and Liabil-  
21 ity Act of 1980 (42 U.S.C. 9601(1)) is amended by insert-  
22 ing “and which has no plausible causal connection to cli-  
23 mate change and its effects” after “foresight”.

1 (b) FINANCIAL RESPONSIBILITY.—Section 108 of the  
2 Comprehensive Environmental Response, Compensation,  
3 and Liability Act of 1980 (42 U.S.C. 9608) is amended—

4 (1) in subsection (e)(2), by striking “subsection  
5 (b)” and inserting “subsection (b) or (e)”; and

6 (2) by adding at the end the following new sub-  
7 section:

8 “(e)(1) Not later than 4 years after the date of enact-  
9 ment of the CLEAN Future Act, the Administrator shall  
10 promulgate requirements that classes of facilities establish  
11 and maintain evidence of financial responsibility con-  
12 sistent with the degree and duration of risk associated  
13 with impacts of climate change and extreme weather on  
14 those facilities, including releases of hazardous substances  
15 caused by climate change and extreme weather.

16 “(2) Not later than 2 years after the date of enact-  
17 ment of the CLEAN Future Act, the Administrator shall  
18 identify those classes of facilities for which requirements  
19 will first be developed and publish notice of such identi-  
20 fication in the Federal Register. Priority in the develop-  
21 ment of such requirements shall be accorded to those  
22 classes of facilities, owners, and operators which the Ad-  
23 ministrator determines present the highest level of risk of  
24 injury because of climate change and extreme weather.

1           “(3) The level of financial responsibility shall be ini-  
2 tially established, and, when necessary, adjusted to protect  
3 against the level of risk which the Administrator in his  
4 discretion believes is appropriate based on the payment ex-  
5 perience of the Fund, commercial insurers, courts settle-  
6 ments and judgments, and voluntary claims satisfaction.  
7 To the maximum extent practicable, the Administrator  
8 shall cooperate with and seek the advice of the commercial  
9 insurance industry in developing financial responsibility  
10 requirements. Financial responsibility may be established  
11 by any one, or any combination, of the following: insur-  
12 ance, guarantee, surety bond, letter of credit, or qualifica-  
13 tion as a self-insurer. In promulgating requirements under  
14 this section, the Administrator is authorized to specify pol-  
15 icy or other contractual terms, conditions, or defenses  
16 which are necessary, or which are unacceptable, in estab-  
17 lishing such evidence of financial responsibility in order  
18 to effectuate the purposes of this Act.

19           “(4) Regulations promulgated under this subsection  
20 shall incrementally impose financial responsibility require-  
21 ments as quickly as can reasonably be achieved but in no  
22 event more than 4 years after the date of promulgation.  
23 Where possible, the level of financial responsibility which  
24 the Administrator believes appropriate as a final require-

1 ment shall be achieved through incremental, annual in-  
2 creases in the requirements.

3       “(5) Where a facility is owned or operated by more  
4 than one person, evidence of financial responsibility cov-  
5 ering the facility may be established and maintained by  
6 one of the owners or operators, or, in consolidated form,  
7 by or on behalf of two or more owners or operators. When  
8 evidence of financial responsibility is established in a con-  
9 solidated form, the proportional share of each participant  
10 shall be shown. The evidence shall be accompanied by a  
11 statement authorizing the applicant to act for and in be-  
12 half of each participant in submitting and maintaining the  
13 evidence of financial responsibility.

14       “(6) The requirements promulgated pursuant to  
15 paragraph (1) shall provide to facilities the ability to re-  
16 duce the level of financial responsibility required by imple-  
17 menting measures that the Administrator determines will  
18 reduce the degree and duration of risk associated with the  
19 impacts of climate change and extreme weather on those  
20 facilities, by reducing the likelihood and magnitude of po-  
21 tential releases of hazardous substances caused by climate  
22 change and extreme weather.

23       “(7) The requirements promulgated pursuant to  
24 paragraph (1) shall provide to facilities the ability to pay  
25 a user fee into the Hazardous Substances Trust Fund in

1 lieu of maintaining financial responsibility under this sec-  
2 tion. Such user fee shall be set by the Administrator at  
3 a level sufficient to address the level of risk identified by  
4 the Administrator under paragraph (3).”.

5 **SEC. 622. BROWNFIELDS FUNDING.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 104(k)(13) of the Comprehensive Environmental Re-  
8 sponse, Compensation, and Liability Act of 1980 (42  
9 U.S.C. 9604(k)(13)) is amended to read as follows:

10 “(13) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out  
12 this subsection—

13 “(A) \$350,000,000 for fiscal year 2021;

14 “(B) \$400,000,000 for fiscal year 2022;

15 “(C) \$450,000,000 for fiscal year 2023;

16 “(D) \$500,000,000 for fiscal year 2024;

17 and

18 “(E) \$550,000,000 for each of fiscal years

19 2025 through 2030.”.

20 (b) STATE RESPONSE PROGRAMS.—Section

21 128(a)(3) of the Comprehensive Environmental Response,

22 Compensation, and Liability Act of 1980 (42 U.S.C.

23 9628(a)(3)) is amended to read as follows:

24 “(3) FUNDING.—There are authorized to be ap-

25 propriated to carry out this subsection—

1                   “(A) \$70,000,000 for fiscal year 2021;  
2                   “(B) \$80,000,000 for fiscal year 2022;  
3                   “(C) \$90,000,000 for fiscal year 2023;  
4                   “(D) \$100,000,000 for fiscal year 2024;  
5                   and  
6                   “(E) \$110,000,000 for each of fiscal years  
7                   2025 through 2030.”.

8 **SEC. 623. DRINKING WATER SRF FUNDING.**

9                   (a) FUNDING.—

10                   (1) STATE REVOLVING LOAN FUNDS.—Section  
11                   1452(m)(1) of the Safe Drinking Water Act (42  
12                   U.S.C. 300j–12(m)(1)) is amended—

13                   (A) in subparagraph (B), by striking  
14                   “and”;

15                   (B) in subparagraph (C), by striking  
16                   “2021.” and inserting “2021;” and

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

18                   “(D) \$4,140,000,000 for fiscal year 2022;

19                   “(E) \$4,800,000,000 for fiscal year 2023;

20                   and

21                   “(F) \$5,500,000,000 for each of fiscal  
22                   years 2024 through 2030.”.

23                   (2) INDIAN RESERVATION DRINKING WATER  
24                   PROGRAM.—Section 2001(d) of America’s Water In-

1        frastructure Act of 2018 (Public Law 115–270) is  
2        amended by striking “2022” and inserting “2030”.

3            (3) VOLUNTARY SCHOOL AND CHILD CARE PRO-  
4        GRAM LEAD TESTING GRANT PROGRAM.—Section  
5        1464(d)(8) of the Safe Drinking Water Act (42  
6        U.S.C. 300j–24(d)(8)) is amended by striking  
7        “2021” and inserting “2030”.

8            (4) DRINKING WATER FOUNTAIN REPLACE-  
9        MENT FOR SCHOOLS.—Section 1465(d) of the Safe  
10       Drinking Water Act (42 U.S.C. 300j–25(d)) is  
11       amended by striking “2021” and inserting “2030”.

12           (5) GRANTS FOR STATE PROGRAMS.—Section  
13       1443(a)(7) of the Safe Drinking Water Act (42  
14       U.S.C. 300j–2(a)(7)) is amended by striking “2021”  
15       and inserting “2030”.

16        (b) AMERICAN IRON AND STEEL PRODUCTS.—Sec-  
17       tion 1452(a)(4)(A) of the Safe Drinking Water Act (42  
18       U.S.C. 300j–12(a)(4)(A)) is amended by striking “During  
19       fiscal years 2019 through 2023, funds” and inserting  
20       “Funds”.

21        **SEC. 624. DRINKING WATER SYSTEM RESILIENCE FUNDING.**

22        Section 1433(g)(6) of the Safe Drinking Water Act  
23       (42 U.S.C. 300i–2(g)(6)) is amended—

24            (1) by striking “25,000,000” and inserting  
25        “50,000,000”; and



1 (2) by striking “2020 and 2021” and inserting  
2 “2021 through 2030”.

3 **SEC. 625. PFAS TREATMENT GRANTS.**

4 (a) ESTABLISHMENT OF PFAS INFRASTRUCTURE  
5 GRANT PROGRAM.—Part E of the Safe Drinking Water  
6 Act (42 U.S.C. 300j et seq.) is amended by adding at the  
7 end the following new section:

8 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**  
9 **TEMS AFFECTED BY PFAS.**

10 “(a) ESTABLISHMENT.—Not later than 180 days  
11 after the date of enactment of this section, the Adminis-  
12 trator shall establish a program to award grants to af-  
13 fected community water systems to pay for capital costs  
14 associated with the implementation of eligible treatment  
15 technologies.

16 “(b) APPLICATIONS.—

17 “(1) GUIDANCE.—Not later than 12 months  
18 after the date of enactment of this section, the Ad-  
19 ministrator shall publish guidance describing the  
20 form and timing for community water systems to  
21 apply for grants under this section.

22 “(2) REQUIRED INFORMATION.—The Adminis-  
23 trator shall require a community water system ap-  
24 plying for a grant under this section to submit—

1           “(A) information showing the presence of  
2           PFAS in water of the community water system;  
3           and

4           “(B) a certification that the treatment  
5           technology in use by the community water sys-  
6           tem at the time of application is not sufficient  
7           to remove all detectable amounts of PFAS.

8           “(c) LIST OF ELIGIBLE TREATMENT TECH-  
9           NOLOGIES.—Not later than 150 days after the date of en-  
10          actment of this section, and every 2 years thereafter, the  
11          Administrator shall publish a list of treatment tech-  
12          nologies that the Administrator determines are effective  
13          at removing all detectable amounts of PFAS from drink-  
14          ing water.

15          “(d) PRIORITY FOR FUNDING.—In awarding grants  
16          under this section, the Administrator shall prioritize af-  
17          fected community water systems that—

18                 “(1) serve a disadvantaged community;

19                 “(2) will provide at least a 10-percent cost  
20                 share for the cost of implementing an eligible treat-  
21                 ment technology; or

22                 “(3) demonstrate the capacity to maintain the  
23                 eligible treatment technology to be implemented  
24                 using the grant.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 not more than \$500,000,000 for each of the fiscal years  
4 2021 through 2030.

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     **Subtitle D—Climate Public Health**  
2                     **Protection**

3     **SEC. 631. SENSE OF CONGRESS ON PUBLIC HEALTH AND**  
4                     **CLIMATE CHANGE.**

5             It is the sense of Congress that—

6                     (1) climate change is real;

7                     (2) human activity significantly contributes to  
8             climate change;

9                     (3) climate change negatively impacts health;

10                    (4) climate change disproportionately impacts  
11             communities of color and low-income communities;  
12             and

13                    (5) the Federal Government, in cooperation  
14             with international, State, Tribal, and local govern-  
15             ments, concerned public, private, and Native Amer-  
16             ican organizations, and citizens, should use all prac-  
17             ticable means and measures—

18                             (A) to assist the efforts of public health  
19                             and health care professionals, first responders,  
20                             health care systems, States, the District of Co-  
21                             lumbia, territories, municipalities, and Native  
22                             American and local communities to incorporate  
23                             measures to prepare public health and health  
24                             care systems to respond to the impacts of cli-  
25                             mate change;

1 (B) to ensure—

2 (i) that the Nation’s public health and  
3 health care professionals have sufficient in-  
4 formation to prepare for and respond to  
5 the adverse health impacts of climate  
6 change;

7 (ii) the application of scientific re-  
8 search in advancing understanding of—

9 (I) the health impacts of climate  
10 change; and

11 (II) strategies to prepare for and  
12 respond to the health impacts of cli-  
13 mate change;

14 (iii) the identification of communities  
15 and populations vulnerable to the health  
16 impacts of climate change, including in-  
17 fants, children, pregnant women, the elder-  
18 ly, individuals with disabilities or pre-  
19 existing illnesses, low-income populations,  
20 and unhoused individuals, and the develop-  
21 ment of strategic response plans to be car-  
22 ried out by public health and health care  
23 professionals for those communities;

24 (iv) the improvement of health status  
25 and health equity through efforts to pre-

1           pare for and respond to climate change;

2           and

3           (v) the inclusion of health impacts in

4           the development of climate change re-

5           sponses;

6           (C) to encourage further research, inter-

7           disciplinary partnership, and collaboration

8           among stakeholders in order to—

9           (i) understand and monitor the health

10          impacts of climate change;

11          (ii) improve public health knowledge

12          and response strategies to climate change;

13          (iii) identify actions and policies that

14          are beneficial to health and that mitigate

15          climate health impacts; and

16          (iv) develop strategies to address

17          water-, food-, and vector-borne infectious

18          diseases and other public health emer-

19          gencies;

20          (D) to enhance preparedness activities, and

21          health care and public health infrastructure, re-

22          lating to climate change and health;

23          (E) to encourage each and every commu-

24          nity to learn about the impacts of climate

25          change on health; and

1 (F) to assist the efforts of developing na-  
2 tions to incorporate measures to prepare public  
3 health and health care systems to respond to  
4 the impacts of climate change.

5 **SEC. 632. RELATIONSHIP TO OTHER LAWS.**

6 Nothing in this subtitle limits the authority provided  
7 to or responsibility conferred on any Federal department  
8 or agency by any provision of any law (including regula-  
9 tions) or authorizes any violation of any provision of any  
10 law (including regulations), including any health, energy,  
11 environmental, transportation, or any other law or regula-  
12 tion.

13 **SEC. 633. NATIONAL STRATEGIC ACTION PLAN AND PRO-**  
14 **GRAM.**

15 (a) REQUIREMENT.—

16 (1) IN GENERAL.—The Secretary of Health and  
17 Human Services (referred to in this subtitle as the  
18 “Secretary”), on the basis of the best available  
19 science, and in consultation pursuant to paragraph  
20 (2), shall publish a strategic action plan and estab-  
21 lish a program to ensure the public health and  
22 health care systems are prepared for and can re-  
23 spond to the impacts of climate change on health in  
24 the United States and other nations.

1           (2) CONSULTATION.—In developing or making  
2           any revision to the national strategic action plan and  
3           program, the Secretary shall—

4                   (A) consult with the Director of the Cen-  
5                   ters for Disease Control and Prevention, the  
6                   Administrator of the Environmental Protection  
7                   Agency, the Director of the National Institutes  
8                   of Health, the Under Secretary of Commerce  
9                   for Oceans and Atmosphere, the Administrator  
10                  of the National Aeronautics and Space Admin-  
11                  istration, the Director of the Indian Health  
12                  Service, the Secretary of Defense, the Secretary  
13                  of State, the Secretary of Veterans Affairs, the  
14                  Secretary of Agriculture, the Secretary of En-  
15                  ergy, and the Director of the National Science  
16                  Foundation, other appropriate Federal agen-  
17                  cies, Indian Tribes, State and local govern-  
18                  ments, territories, public health organizations,  
19                  scientists, representatives of at-risk populations,  
20                  and other interested stakeholders; and

21                   (B) provide opportunity for public input  
22                   and consultation with Indian Tribes and Native  
23                   American organizations.

24           (b) ACTIVITIES.—



1           (1) NATIONAL STRATEGIC ACTION PLAN.—Not  
2 later than 2 years after the date of enactment of  
3 this Act, the Secretary, acting through the Director  
4 of the Centers for Disease Control and Prevention,  
5 and in collaboration with other Federal agencies as  
6 appropriate, shall, on the basis of the best available  
7 science, and in consultation with the entities de-  
8 scribed in subsection (a)(2), publish a national stra-  
9 tegic action plan under paragraph (2) to guide the  
10 climate and health program and assist public health  
11 and health care professionals in preparing for and  
12 responding to the impacts of climate change on pub-  
13 lic health in the United States and other nations,  
14 particularly developing nations.

15           (2) ASSESSMENT OF HEALTH SYSTEM CAPAC-  
16 ITY.—The national strategic action plan shall in-  
17 clude an assessment of the health system capacity of  
18 the United States to address climate change includ-  
19 ing—

20                   (A) identifying and prioritizing commu-  
21 nities and populations vulnerable to the health  
22 impacts of climate change;

23                   (B) providing outreach and communication  
24 aimed at public health and health care profes-

1           sionals and the public to promote preparedness  
2           and response strategies;

3           (C) providing for programs across Federal  
4           agencies to advance research related to the im-  
5           pacts of climate change on health;

6           (D) identifying and assessing existing pre-  
7           paredness and response strategies for the health  
8           impacts of climate change;

9           (E) prioritizing critical public health and  
10          health care infrastructure projects;

11          (F) providing modeling and forecasting  
12          tools of climate change health impacts, includ-  
13          ing local impacts where possible;

14          (G) establishing academic and regional  
15          centers of excellence;

16          (H) providing technical assistance and sup-  
17          port for preparedness and response plans for  
18          the health threats of climate change in States,  
19          municipalities, territories, Indian Tribes, and  
20          developing nations; and

21          (I) developing, improving, integrating, and  
22          maintaining domestic and international disease  
23          surveillance systems and monitoring capacity to  
24          respond to health-related impacts of climate  
25          change, including on topics addressing—

- 1 (i) water-, food-, and vector-borne in-
- 2 fectious diseases and climate change;
- 3 (ii) pulmonary effects, including re-
- 4 sponses to aeroallergens and toxic expo-
- 5 sures;
- 6 (iii) cardiovascular effects, including
- 7 impacts of temperature extremes;
- 8 (iv) air pollution health effects, includ-
- 9 ing heightened sensitivity to air pollution;
- 10 (v) harmful algal blooms;
- 11 (vi) mental and behavioral health im-
- 12 pacts of climate change;
- 13 (vii) the health of migrants, refugees,
- 14 displaced persons, and vulnerable commu-
- 15 nities;
- 16 (viii) the implications for communities
- 17 and populations vulnerable to the health
- 18 effects of climate change, as well as strate-
- 19 gies for responding to climate change with-
- 20 in these communities;
- 21 (ix) Tribal, local, and community-
- 22 based health interventions for climate-re-
- 23 lated health impacts;
- 24 (x) extreme heat and weather events,
- 25 including drought;

1 (xi) decreased nutritional value of  
2 crops; and

3 (xii) disruptions in access to routine  
4 and acute medical care.

5 (3) CLIMATE AND HEALTH PROGRAM.—The  
6 Secretary, acting through the Director of the Cen-  
7 ters for Disease Control and Prevention, and in col-  
8 laboration with other Federal agencies, as appro-  
9 priate, shall ensure that the climate and health pro-  
10 gram established under this section addresses pri-  
11 ority health actions including the following:

12 (A) Serve as a credible source of informa-  
13 tion on the physical, mental, and behavioral  
14 health consequences of climate change for the  
15 United States population and globally.

16 (B) Track data on environmental condi-  
17 tions, disease risks, and disease occurrence re-  
18 lated to climate change.

19 (C) Expand capacity for modeling and  
20 forecasting health effects that may be climate-  
21 related.

22 (D) Enhance the science base to better un-  
23 derstand the relationship between climate  
24 change and health outcomes.

1 (E) Identify locations and population  
2 groups at greatest risk for specific health  
3 threats and effects, such as increased heat  
4 stress, degraded air and water quality, food- or  
5 water-related infections, vector-borne illnesses,  
6 pulmonary and cardiovascular effects, mental  
7 and behavioral health effects, and food, water,  
8 and nutrient insecurity.

9 (F) Communicate the health-related as-  
10 pects of climate change, including risks and as-  
11 sociated costs and ways to reduce them, to the  
12 public, decision makers, public health profes-  
13 sionals, and health care providers.

14 (G) Develop partnerships with other gov-  
15 ernment agencies, the private sector, non-  
16 governmental organizations, universities, and  
17 international organizations to more effectively  
18 address domestic and global health aspects of  
19 climate change.

20 (H) Provide leadership to State and local  
21 governments, community leaders, health care  
22 professionals, nongovernmental organizations,  
23 environmental justice networks, faith-based  
24 communities, the private sector, and the public,

1           domestically and internationally, regarding  
2           health protection from climate change effects.

3           (I) Develop and implement preparedness  
4           and response plans for health threats such as  
5           heat waves, severe weather events, and infec-  
6           tious diseases.

7           (J) Provide technical advice and support to  
8           State and local health departments, the private  
9           sector, and others in developing and imple-  
10          menting national and global preparedness meas-  
11          ures related to the health effects of climate  
12          change.

13          (K) Promote workforce development by  
14          helping to ensure the training of a new genera-  
15          tion of competent, experienced public health  
16          and health care professionals to respond to the  
17          health threats posed by climate change.

18          (c) PERIODIC ASSESSMENT AND REVISION.—Not  
19          later than 4 years after the date of enactment of this Act,  
20          and every 4 years thereafter, the Secretary shall periodi-  
21          cally assess, and revise as necessary, the national strategic  
22          action plan under subsection (b)(1) and the climate and  
23          health program under subsection (b)(1), to reflect new in-  
24          formation collected pursuant to the implementation of the

1 national strategic action plan and program and otherwise,  
2 including information on—

3 (1) the status of critical environmental health  
4 indicators and related human health impacts;

5 (2) the impacts of climate change on public  
6 health; and

7 (3) advances in the development of strategies  
8 for preparing for and responding to the impacts of  
9 climate change on public health.

10 (d) IMPLEMENTATION.—

11 (1) IMPLEMENTATION THROUGH HHS.—The  
12 Secretary shall exercise the Secretary’s authority  
13 under this Act and other Federal statutes to achieve  
14 the goals and measures of the national strategic ac-  
15 tion plan and climate and health program.

16 (2) OTHER PUBLIC HEALTH PROGRAMS AND  
17 INITIATIVES.—The Secretary and Federal officials of  
18 other relevant Federal agencies shall administer  
19 public health programs and initiatives authorized by  
20 laws other than this Act, subject to the requirements  
21 of such laws, in a manner designed to achieve the  
22 goals of the national strategic action plan and cli-  
23 mate and health program.

1 **SEC. 634. ADVISORY BOARD.**

2 (a) ESTABLISHMENT.—The Secretary shall, pursuant  
3 to the Federal Advisory Committee Act (5 U.S.C. App.),  
4 establish a permanent science advisory board to be com-  
5 prised of not less than 10 and not more than 20 members.

6 (b) APPOINTMENT OF MEMBERS.—The Secretary  
7 shall appoint the members of the science advisory board  
8 from among individuals who—

9 (1) are recommended by the President of the  
10 National Academy of Sciences and the President of  
11 the National Academy of Medicine; and

12 (2) have expertise in essential public health and  
13 health care services, including those related to vul-  
14 nerable populations, climate change, and other rel-  
15 evant disciplines.

16 (c) EXPERIENCE.—In appointing the members of the  
17 science advisory board, the Secretary shall ensure that the  
18 science advisory board includes members with practical or  
19 lived experience with relevant issues.

20 (d) FUNCTIONS.—The science advisory board shall—

21 (1) provide scientific and technical advice and  
22 recommendations to the Secretary on the domestic  
23 and international impacts of climate change on pub-  
24 lic health, populations and regions particularly vul-  
25 nerable to the effects of climate change, and strate-



1       gies and mechanisms to prepare for and respond to  
2       the impacts of climate change on public health; and  
3           (2) advise the Secretary regarding the best  
4       science available for purposes of issuing the national  
5       strategic action plan and conducting the climate and  
6       health program.

7   **SEC. 635. CLIMATE CHANGE HEALTH PROTECTION AND**  
8                   **PROMOTION REPORTS.**

9       (a) IN GENERAL.—The Secretary shall offer to enter  
10      into an agreement with the National Academies, under  
11      which the National Academies will prepare periodic re-  
12      ports to aid public health and health care professionals  
13      in preparing for and responding to the adverse health ef-  
14      fects of climate change that—

15           (1) review scientific developments on health im-  
16      pacts of climate change; and

17           (2) recommend changes to the national stra-  
18      tegic action plan and climate and health program.

19      (b) SUBMISSION.—The agreement under subsection  
20      (a) shall require a report to be submitted to Congress and  
21      the Secretary and made publicly available not later than  
22      2 years after the date of enactment of this Act, and every  
23      4 years thereafter.

1 **TITLE VII—SUPER POLLUTANTS**

2 **Subtitle A—Methane**

3 **SEC. 701. CONTROLLING METHANE EMISSIONS FROM THE**  
4 **OIL AND NATURAL GAS SECTOR.**

5 (a) NATIONAL GOALS.—The goals of this section are  
6 to steadily reduce the quantity of United States methane  
7 emissions from the oil and natural gas sector such that—

8 (1) in calendar year 2025, the quantity of  
9 United States methane emissions from the oil and  
10 natural gas sector is at least 65 percent below cal-  
11 endar year 2012 emissions; and

12 (2) in calendar year 2030, the quantity of  
13 United States methane emissions from the oil and  
14 natural gas sector is at least 90 percent below cal-  
15 endar year 2012 emissions.

16 (b) MAINTAINING FINAL NSPS RULE.—The final  
17 rule titled “Oil and Natural Gas Sector: Emission Stand-  
18 ards for New, Reconstructed, and Modified Sources” as  
19 published by the Environmental Protection Agency in the  
20 Federal Register on June 3, 2016, shall remain in effect  
21 without revision unless and until a regulation is promul-  
22 gated pursuant to the national goals specified in sub-  
23 section (a) to replace or amend such rule.

24 (c) REGULATIONS TO MEET THE NATIONAL  
25 GOALS.—

1           (1) IN GENERAL.—The Administrator shall  
2 issue regulations pursuant to section 111 of the  
3 Clean Air Act (42 U.S.C. 7411) to control methane  
4 emissions from the oil and natural gas sector to  
5 achieve the national goals established in subsection  
6 (a).

7           (2) COVERED SOURCES.—The regulations pro-  
8 mulgated pursuant to this subsection shall apply to  
9 sources of methane from every segment of oil and  
10 natural gas systems, including oil and natural gas  
11 production, processing, transmission, and storage.

12           (3) MEETING THE GOAL FOR 2025.—

13           (A) DEADLINE FOR ISSUANCE.—Not later  
14 than 18 months after the date of enactment of  
15 this Act, and no later than December 31, 2021,  
16 the Administrator shall finalize regulations pur-  
17 suant to section 111(d) of the Clean Air Act  
18 (42 U.S.C. 7411(d)) to achieve the national  
19 goal established in subsection (a)(1).

20           (B) CONTENTS.—The regulations required  
21 by subparagraph (A) shall include the following:

22           (i) The regulations shall provide for  
23 the establishment, implementation, and en-  
24 forcement of standards of performance for  
25 existing sources and guidelines for States.

1 (ii) The regulations shall require  
2 States to submit plans in accordance with  
3 section 111(d) of the Clean Air Act (42  
4 U.S.C. 7411(d)) no later than 30 months  
5 after the date of enactment of this Act.

6 (iii) The regulations shall provide for  
7 the Administrator to prescribe, not later  
8 than 42 months after the date of enact-  
9 ment of this Act, a plan in accordance with  
10 such section 111(d)—

11 (I) for a State that fails to sub-  
12 mit a plan by the deadline specified in  
13 clause (ii); or

14 (II) for a State for which the Ad-  
15 ministrator disapproves the State  
16 plan.

17 (4) MEETING THE GOAL FOR 2030.—

18 (A) IN GENERAL.—Not later than Decem-  
19 ber 31, 2022, the Administrator shall finalize  
20 regulations pursuant to section 111 of the  
21 Clean Air Act (42 U.S.C. 7411) to achieve the  
22 national goal established in subsection (a)(2).

23 (B) CONTENTS.—The regulations required  
24 by subparagraph (A) shall provide for the es-  
25 tablishment, implementation, and enforcement

1 of standards of performance for new sources  
2 and existing sources, and guidelines for States,  
3 that require—

4 (i) new and existing natural gas  
5 transmission and distribution pipelines to  
6 reduce methane emissions by application of  
7 the best system of venting and leakage re-  
8 duction;

9 (ii) new sources, and existing sources,  
10 with equipment that handles liquefied nat-  
11 ural gas to reduce methane emissions from  
12 that equipment by application of the best  
13 system of emission reduction; and

14 (iii) new and existing offshore petro-  
15 leum and natural gas production facilities  
16 to reduce methane emissions by application  
17 of the best system of emission reduction.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “Administrator” means the Ad-  
20 ministrator of the Environmental Protection Agency.

21 (2) The term “existing source” means an exist-  
22 ing source (as defined in section 111(a) of the Clean  
23 Air Act (42 U.S.C. 7411(a))).

1           (3) The term “new source” means a new source  
2           (as defined in section 111(a) of the Clean Air Act  
3           (42 U.S.C. 7411(a))).

4           (4) The term “standard of performance” has  
5           the meaning given to such term in section 111(a) of  
6           the Clean Air Act (42 U.S.C. 7411(a)).

7 **SEC. 702. CONTROLLING UNNECESSARY FLARING.**

8           (a) **REGULATION OF ROUTINE FLARING.**—The Ad-  
9           ministrators shall propose no later than December 31,  
10          2020, and finalize no later than December 31, 2021—

11           (1) regulations pursuant to section 111(b) of  
12          the Clean Air Act (42 U.S.C. 7411(b)) for the estab-  
13          lishment, implementation, and enforcement of stand-  
14          ards of performance for new sources that prohibit  
15          routine flaring of natural gas from such sources; and

16           (2) regulations pursuant to section 111(d) of  
17          the Clean Air Act (42 U.S.C. 7411(d)) for the estab-  
18          lishment, implementation, and enforcement of stand-  
19          ards of performance for sources, and guidelines for  
20          States, that require existing sources to—

21           (A) reduce greenhouse gas emissions from  
22          routine flaring such that nationwide flaring is  
23          reduced by at least 80 percent below 2017 lev-  
24          els no later than 2025; and

1 (B) reduce greenhouse gas emissions from  
2 routine flaring such that nationwide flaring is  
3 reduced by 100 percent below 2017 levels no  
4 later than 2028.

5 (b) DEFINITIONS.—In this section:

6 (1) The term “Administrator” means the Ad-  
7 ministrator of the Environmental Protection Agency.

8 (2) The term “existing source” means an exist-  
9 ing source as defined in section 111(a) of the Clean  
10 Air Act (42 U.S.C. 7411(a)).

11 (3) The term “new source” means a new source  
12 as defined in section 111(a) of the Clean Air Act (42  
13 U.S.C. 7411(a)).

14 (4) The term “routine flaring”—

15 (A) means flaring of natural gas during  
16 normal oil and natural gas production oper-  
17 ations in the absence of sufficient facilities to  
18 reinject the produced gas, utilize it onsite, or  
19 dispatch it to a market; and

20 (B) does not include safety flaring.

21 (5) The term “safety flaring” means flaring of  
22 natural gas that is required to ensure safe operation  
23 of the facility due to some unforeseen condition.

1 **SEC. 703. EMERGING OIL AND NATURAL GAS GREENHOUSE**  
2 **GAS EMISSION REDUCTION TECHNOLOGIES**  
3 **PROGRAM.**

4 (a) ESTABLISHMENT.—As soon as possible after the  
5 date of enactment of this Act, the Secretary of Energy  
6 (in this section referred to as the “Secretary”) shall estab-  
7 lish a technology commercialization program to reduce  
8 greenhouse gas emissions from the oil and natural gas sec-  
9 tor, and to improve existing technologies and practices to  
10 reduce such emissions.

11 (b) PRIORITY.—In carrying out the program under  
12 subsection (a), the Secretary shall give priority to projects  
13 that develop and bring to market approaches to reduce  
14 carbon dioxide emissions from natural gas system com-  
15 pression, including the use of electrification.

16 (c) CONDUCT OF PROGRAM.—In carrying out the  
17 program under subsection (a), the Secretary shall carry  
18 out science-based activities to pursue—

19 (1) improved efficiency of natural gas pipeline  
20 systems, including gas gathering systems and gas  
21 transmission systems, in order to reduce compressor  
22 fuel consumption in these systems, through improved  
23 technology and operational practice; and

24 (2) lowered barriers to electrification of com-  
25 pression in pipeline systems.



1 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
2 out this section, there is authorized to be appropriated  
3 \$10,000,000, to remain available until expended.

4 **SEC. 704. IMPROVING THE NATURAL GAS DISTRIBUTION**  
5 **SYSTEM.**

6 (a) ESTABLISHMENT OF PROGRAM.—Not later than  
7 1 year after the date of enactment of this Act, the Sec-  
8 retary of Energy shall establish a program to award  
9 grants to States, in accordance with this section, for the  
10 purpose of improving public safety and environmental per-  
11 formance of the natural gas distribution system by—

12 (1) offsetting rate increases to low-income  
13 households; and

14 (2) providing incentives for natural gas dis-  
15 tribution companies to accelerate, expand, or en-  
16 hance improvements to the natural gas distribution  
17 system.

18 (b) GRANTS TO STATES.—

19 (1) IN GENERAL.—A State may apply for a  
20 grant under this section to provide funds to natural  
21 gas distribution companies in the State that are car-  
22 rying out an eligible project described in subsection  
23 (c).

24 (2) REQUIREMENTS.—In applying for a grant  
25 under this section, a State shall demonstrate how

1 the State rate-setting commission will ensure that  
2 funds provided under this section are used in accord-  
3 ance with the requirements of this section.

4 (c) ELIGIBLE PROJECTS.—A project that is eligible  
5 to be funded through a grant to a State under this section  
6 is a project carried out by a natural gas distribution com-  
7 pany to accelerate, expand, or enhance the implementation  
8 of a plan, approved by the State before the date on which  
9 an application for a grant under this section is submitted  
10 to the Secretary, for—

11 (1) replacement of cast and wrought iron and  
12 bare steel pipes and other leak-prone components of  
13 the natural gas distribution system; or

14 (2) inspection and maintenance programs for  
15 the natural gas distribution system.

16 (d) RATE ASSISTANCE.—A natural gas distribution  
17 company receiving funds through a grant to a State under  
18 this section may use such funds only to offset the near-  
19 term incremental costs to low-income households as re-  
20 flected in utility rate increases and the near-term incre-  
21 mental costs of accelerating, expanding, or enhancing im-  
22 provements to the natural gas distribution system included  
23 in the State-approved plan.

1 (e) LIMIT TO TRANSITIONAL ASSISTANCE.—A State  
2 may provide funds to a natural gas distribution company  
3 under this section for a period not to exceed 4 years.

4 (f) PRIORITIZATION.—In awarding grants under this  
5 section, the Secretary shall prioritize applications based  
6 on the expected results of an eligible project carried out  
7 pursuant to the State proposal with respect to—

8 (1) quantifiable benefits for public safety;

9 (2) the magnitude of methane emissions reduc-  
10 tions;

11 (3) innovation in technical or policy approaches;

12 (4) the number of low-income households antici-  
13 pated to benefit from the assistance; and

14 (5) overall cost-effectiveness of the project.

15 (g) AUDITING AND REPORTING REQUIREMENTS.—  
16 The Secretary shall establish auditing and reporting re-  
17 quirements for States with respect to the performance of  
18 eligible projects funded pursuant to grants awarded under  
19 this section with respect to meeting the criteria listed in  
20 subsection (f).

21 (h) DEFINITIONS.—In this section:

22 (1) The term “low-income household” means a  
23 household that is eligible to receive payments under  
24 section 2605(b)(2) of the Low-Income Home Energy  
25 Assistance Act of 1981 (42 U.S.C. 8624(b)(2)).

1           (2) The term “natural gas distribution com-  
2           pany” means a person or municipality engaged in  
3           the local distribution of natural gas to the public.

4           (3) The term “Secretary” means the Secretary  
5           of Energy.

6           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
7           authorized to be appropriated to the Secretary  
8           \$250,000,000 to carry out this section for each of fiscal  
9           years 2021 through 2030.

## 10           **Subtitle B—Black Carbon**

### 11           **SEC. 711. DEFINITIONS.**

12           In this subtitle:

13           (1) The term “Administrator” means the Ad-  
14           ministrator of the Environmental Protection Agency.

15           (2) The term “black carbon” means the pri-  
16           mary light absorbing aerosols, as defined by the Ad-  
17           ministrator, based on the best available science.

### 18           **SEC. 712. REDUCTION OF BLACK CARBON EMISSIONS.**

19           (a) BLACK CARBON ABATEMENT REPORT.—

20           (1) IN GENERAL.—Not later than 1 year after  
21           the date of enactment of this Act, the Administrator  
22           shall, in consultation with other appropriate Federal  
23           agencies, submit to Congress a report regarding  
24           black carbon emissions.

1           (2) CONTENTS.—The report under paragraph  
2           (1) shall include the following:

3           (A) A summary of the current information  
4           and research that identifies—

5           (i) an inventory of the major sources  
6           of black carbon emissions in the United  
7           States, including—

8           (I) an estimate of the quantity of  
9           current and projected future black  
10          carbon emissions; and

11          (II) the net climate forcing of  
12          such emissions from such sources, in-  
13          cluding consideration of co-emissions  
14          of other pollutants;

15          (ii) effective and cost-effective control  
16          technologies, operations, and strategies for  
17          additional domestic black carbon emissions  
18          reductions, such as diesel retrofit tech-  
19          nologies on existing onroad, nonroad, and  
20          stationary engines, programs to address  
21          residential cookstoves, and programs to ad-  
22          dress forest and agriculture-based burning;

23          (iii) potential metrics and approaches  
24          for quantifying the climatic effects of black  
25          carbon emissions, including the radiative

1 forcing and warming effects of such emis-  
2 sions, that may be used to compare the cli-  
3 mate benefits of different mitigation strat-  
4 egies, including an assessment of the un-  
5 certainty in such metrics and approaches;  
6 and

7 (iv) the public health and environ-  
8 mental benefits associated with additional  
9 controls for black carbon emissions.

10 (B) Recommendations regarding—

11 (i) development of additional emis-  
12 sions monitoring techniques and capabili-  
13 ties, modeling, and other black carbon-re-  
14 lated areas of study;

15 (ii) areas of focus for additional study  
16 of technologies, operations, and strategies  
17 with the greatest potential to reduce emis-  
18 sions of black carbon and associated public  
19 health, economic, and environmental im-  
20 pacts associated with these emissions; and

21 (iii) actions, in addition to those iden-  
22 tified by the Administrator pursuant to  
23 subsections (b) and (c), that the Federal  
24 Government may take to encourage or re-  
25 quire reductions in black carbon emissions.

1 (b) DOMESTIC BLACK CARBON MITIGATION.—

2 (1) PROPOSED REGULATIONS OR FINDING.—

3 Not later than 1 year after the date of enactment  
4 of this Act, the Administrator, taking into consider-  
5 ation the public health and environmental impacts of  
6 black carbon emissions, including the effects on  
7 global and regional warming, the Arctic, and other  
8 snow and ice-covered surfaces, shall propose—

9 (A) regulations under the authorities of  
10 the Clean Air Act (42 U.S.C. 7401 et seq.) (as  
11 such authorities exist as of the enactment of  
12 this Act) to reduce emissions of black carbon by  
13 70 percent relative to 2013 levels by 2025; or

14 (B) a finding that regulations that have  
15 been promulgated as of the enactment of this  
16 Act pursuant to such authorities adequately  
17 regulate black carbon emissions.

18 (2) FINAL REGULATIONS OR FINDING.—Not  
19 later than 2 years after the date of enactment of  
20 this Act, the Administrator shall promulgate—

21 (A) final regulations described in para-  
22 graph (1)(A); or

23 (B) a final finding described in paragraph  
24 (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 ministrators); 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 ministrators);

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           (d) DEFINITION.—In this section, the term “Admin-  
16           istrator” means the Administrator of the Environmental  
17           Protection Agency.

## 18           **TITLE VIII—ECONOMYWIDE**

### 19                   **POLICIES**

#### 20                   **Subtitle A—State Climate Plans**

##### 21           **SEC. 801. STATE CLIMATE PLANS.**

22           The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-  
23           ed by adding after title VI the following new title:



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 \$100,000,000.

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                   ministrators 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  
19 and 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 811 of such Act.

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—National Climate Bank**

13 **SEC. 811. NATIONAL CLIMATE BANK.**

14 Title XVI of the Energy Policy Act of 2005 (Public  
15 Law 109–58, as amended) is amended by adding at the  
16 end the following new subtitle:

17 **“Subtitle C—National Climate**  
18 **Bank**

19 **“SEC. 1621. DEFINITIONS.**

20 “In this subtitle:

21 “(1) BANK.—The term ‘Bank’ means the Na-  
22 tional Climate Bank established under section 1622.

23 “(2) BOARD.—The term ‘Board’ means the  
24 Board of Directors of the Bank.

1           “(3) CHIEF EXECUTIVE OFFICER.—The term  
2           ‘chief executive officer’ means the chief executive of-  
3           ficer of the Bank.

4           “(4) CLIMATE-IMPACTED COMMUNITIES.—The  
5           term ‘climate-impacted communities’ includes—

6                   “(A) communities of color, which include  
7                   any geographically distinct area the population  
8                   of color of which is higher than the average  
9                   population of color of the State in which the  
10                  community is located;

11                  “(B) communities that are already or are  
12                  likely to be the first communities to feel the di-  
13                  rect negative effects of climate change;

14                  “(C) distressed neighborhoods, dem-  
15                  onstrated by indicators of need, including pov-  
16                  erty, childhood obesity rates, academic failure,  
17                  and rates of juvenile delinquency, adjudication,  
18                  or incarceration;

19                  “(D) low-income communities, defined as  
20                  any census block group in which 30 percent or  
21                  more of the population are individuals with low  
22                  income;

23                  “(E) low-income households, defined as a  
24                  household with annual income equal to, or less  
25                  than, the greater of—

1 “(i) an amount equal to 80 percent of  
2 the median income of the area in which the  
3 household is located, as reported by the  
4 Department of Housing and Urban Devel-  
5 opment; and

6 “(ii) 200 percent of the Federal pov-  
7 erty line; and

8 “(F) rural areas, which include any area  
9 other than—

10 “(i) a city or town that has a popu-  
11 lation of greater than 50,000 inhabitants;  
12 and

13 “(ii) any urbanized area contiguous  
14 and adjacent to a city or town described in  
15 clause (i).

16 “(5) CLIMATE RESILIENT INFRASTRUCTURE.—  
17 The term ‘climate resilient infrastructure’ means  
18 any project that builds or enhances infrastructure so  
19 that such infrastructure—

20 “(A) is planned, designed, and operated in  
21 a way that anticipates, prepares for, and adapts  
22 to changing climate conditions; and

23 “(B) can withstand, respond to, and re-  
24 cover rapidly from disruptions caused by these  
25 climate conditions.



1           “(6) **ELECTRIFICATION.**—The term ‘electrifica-  
2           tion’ means the installation, construction, or use of  
3           end-use electric technology that replaces existing fos-  
4           sil fuel-based technology.

5           “(7) **ENERGY EFFICIENCY.**—The term ‘energy  
6           efficiency’ means any project, technology, function,  
7           or measure that results in the reduction of energy  
8           use required to achieve the same level of service or  
9           output prior to the application of such project, tech-  
10          nology, function, or measure, or substantially re-  
11          duces greenhouse gas emissions relative to emissions  
12          that would have occurred prior to the application of  
13          such project, technology, function, or measure.

14          “(8) **FUEL SWITCHING.**—The term ‘fuel switch-  
15          ing’ means any project that replaces a fossil fuel-  
16          based heating system with an electric-powered sys-  
17          tem or one powered by biomass-generated heat.

18          “(9) **GREEN BANK.**—The term ‘green bank’  
19          means a dedicated public or nonprofit specialized fi-  
20          nance entity that—

21                  “(A) is designed to drive private capital  
22                  into market gaps for low- and zero-emission  
23                  goods and services;

24                  “(B) uses finance tools to mitigate climate  
25                  change;

1 “(C) does not take deposits;

2 “(D) is funded by government, public, pri-  
3 vate, or charitable contributions; and

4 “(E) invests or finances projects—

5 “(i) alone; or

6 “(ii) in conjunction with other inves-  
7 tors.

8 “(10) QUALIFIED PROJECTS.—The terms  
9 ‘qualified projects’ means the following kinds of  
10 technologies and activities that are eligible for fi-  
11 nancing and investment from the National Climate  
12 Bank, either directly or through State and local  
13 green banks funded by the National Climate Bank:

14 “(A) Renewable energy generation, includ-  
15 ing the following:

16 “(i) Solar.

17 “(ii) Wind.

18 “(iii) Geothermal.

19 “(iv) Hydropower.

20 “(v) Ocean and hydrokinetic.

21 “(vi) Fuel cell.

22 “(B) Building energy efficiency, fuel  
23 switching, and electrification.

24 “(C) Industrial decarbonization.

1           “(D) Grid technology such as trans-  
2 mission, distribution, and storage to support  
3 clean energy distribution, including smart-grid  
4 applications.

5           “(E) Agriculture projects that reduce net  
6 greenhouse gas emissions including reforest-  
7 ation, afforestation, forestry management, and  
8 regenerative agriculture.

9           “(F) Clean transportation, including the  
10 following:

11                   “(i) Battery electric vehicles.

12                   “(ii) Plug-in hybrid electric vehicles.

13                   “(iii) Hydrogen vehicles.

14                   “(iv) Other zero-emissions fueled vehi-  
15 cles.

16                   “(v) Related vehicle charging and  
17 fueling infrastructure.

18           “(G) Climate resilient infrastructure.

19           “(H) Any other key areas identified by the  
20 Board as consistent with the mandate of the  
21 Bank as described in section 1623.

22           “(11) RENEWABLE ENERGY GENERATION.—  
23 The term ‘renewable energy generation’ means elec-  
24 tricity created by sources that are continually replen-  
25 ished by nature, such as the sun, wind, and water.

1 **“SEC. 1622. ESTABLISHMENT.**

2 “(a) IN GENERAL.—Not later than 1 year after the  
3 date of enactment of this subtitle, there shall be estab-  
4 lished a nonprofit corporation to be known as the ‘Na-  
5 tional Climate Bank’.

6 “(b) LIMITATION.—The Bank shall not be an agency  
7 or instrumentality of the Federal Government.

8 “(c) FULL FAITH AND CREDIT.—The full faith and  
9 credit of the United States shall not extend to the Bank.

10 “(d) NONPROFIT STATUS.—The Bank shall—

11 “(1) be an organization described in section  
12 501(c) of the Internal Revenue Code of 1986 and  
13 exempt from taxation under section 501(a) of that  
14 Code;

15 “(2) ensure that no part of the income or assets  
16 of the Bank shall inure to the benefit of any direc-  
17 tor, officer, or employee, except as reasonable com-  
18 pensation for services or reimbursement for ex-  
19 penses; and

20 “(3) not contribute to or otherwise support any  
21 political party or candidate for elective office.

22 **“SEC. 1623. MANDATE.**

23 “The Bank shall make the United States a world  
24 leader in combating the causes and effects of climate  
25 change through the rapid deployment of mature tech-  
26 nologies and the commercialization and scaling of new

1 technologies by maximizing the reduction of emissions in  
2 the United States for every dollar deployed by the Bank,  
3 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 minimizing 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 Bank  
3 a finance and investment division, which shall be respon-  
4 sible for—

5 “(1) the Bank’s greenhouse gas emissions miti-  
6 gation efforts by directly financing qualifying  
7 projects or doing so indirectly by providing capital to  
8 State and local green banks;

9 “(2) originating, evaluating, underwriting, and  
10 closing the Bank’s financing and investment trans-  
11 actions in qualified projects;

12 “(3) partnering with private capital providers  
13 and capital markets to attract co-investment 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 Bank;

20 “(4) managing the Bank’s portfolio of assets to  
21 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 Bank may provide  
3 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 AND LOCAL GREEN BANK CAPITALIZA-  
12 TION.—The finance and investment division of the Bank  
13 shall make capital available to State and local green banks  
14 to enable such banks to finance qualifying projects in their  
15 markets that are better served by a locally based entity,  
16 rather than through direct investment by the Bank.

17          “(d) INVESTMENT COMMITTEE.—The debt, risk miti-  
18 gation, and equity investments made by the Bank shall  
19 be—

20           “(1) approved by the investment committee of  
21 the Board; and

22           “(2) consistent with an investment policy that  
23 has been established by the investment committee of  
24 the Board in consultation with the risk management  
25 committee of the Board.

1 **“SEC. 1625. STARTUP DIVISION.**

2 “There shall be within the Bank a Startup Division,  
3 which shall be responsible for providing technical assist-  
4 ance and startup funding to States and other political sub-  
5 divisions that do not have green banks to establish green  
6 banks in those States and political subdivisions, including  
7 by working with relevant stakeholders in those States and  
8 political subdivisions.

9 **“SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRA-  
10 STRUCTURE FINANCING PROGRAM.**

11 “Not later than 1 year after the date of establishment  
12 of the Bank, the Bank shall explore the establishment of  
13 a program to provide low- and zero-interest loans, up to  
14 30 years in length, to any school, metropolitan planning  
15 organization, or nonprofit organization seeking financing  
16 for the acquisition of zero-emissions vehicle fleets or asso-  
17 ciated infrastructure to support zero-emissions vehicle  
18 fleets.

19 **“SEC. 1627. PROJECT PRIORITIZATION AND REQUIRE-  
20 MENTS.**

21 “(a) EMISSIONS REDUCTION MANDATE.—In invest-  
22 ing in projects that mitigate greenhouse gas emissions, the  
23 Bank shall maximize the reduction of emissions in the  
24 United States for every dollar deployed by the Bank.

25 “(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—



1           “(1) IN GENERAL.—In order to address envi-  
2           ronmental justice needs, the Bank shall, as applica-  
3           ble, prioritize the provision of program benefits and  
4           investment activity that are expected to directly or  
5           indirectly result in the deployment of projects to  
6           serve, as a matter of official policy, climate-impacted  
7           communities.

8           “(2) MINIMUM PERCENTAGE.—The Bank shall  
9           ensure that over the 30-year period of its charter 20  
10          percent of its investment activity is directed to serve  
11          climate-impacted communities.

12          “(c) CONSUMER PROTECTION.—

13           “(1) PRIORITIZATION.—Consistent with man-  
14          date under section 1623 to maximize the reduction  
15          of emissions in the United States for every dollar de-  
16          ployed by the Bank, the Bank shall prioritize quali-  
17          fied projects according to benefits conferred on con-  
18          sumers and affected communities.

19           “(2) CONSUMER CREDIT PROTECTION.—The  
20          Bank shall ensure that any residential energy effi-  
21          ciency or distributed clean energy project in which  
22          the Bank invests directly or indirectly complies with  
23          the requirements of the Consumer Credit Protection  
24          Act (15 U.S.C. 1601 et seq.), including, in the case  
25          of a financial product that is a residential mortgage

1 loan, any requirements of title I of that Act relating  
2 to residential mortgage loans (including any regula-  
3 tions promulgated by the Bureau of Consumer Fi-  
4 nancial Protection under section 129C(b)(3)(C) of  
5 that Act (15 U.S.C. 1639c(b)(3)(C))).

6 “(d) LABOR.—

7 “(1) IN GENERAL.—The Bank shall ensure that  
8 laborers and mechanics employed by contractors and  
9 subcontractors in construction work financed directly  
10 by the Bank will be paid wages not less than those  
11 prevailing on similar construction in the locality, as  
12 determined by the Secretary of Labor under sections  
13 3141 through 3144, 3146, and 3147 of title 40,  
14 United States Code.

15 “(2) PROJECT LABOR AGREEMENT.—The Bank  
16 shall ensure that projects financed directly by the  
17 Bank with total capital costs of \$100,000,000 or  
18 greater utilize a project labor agreement.

19 **“SEC. 1628. BOARD OF DIRECTORS.**

20 “(a) IN GENERAL.—The Bank shall operate under  
21 the direction of a Board of Directors, which shall be com-  
22 posed of 7 members.

23 “(b) INITIAL COMPOSITION AND TERMS.—

24 “(1) SELECTION.—The initial members of the  
25 Board shall be selected as follows:

1           “(A) APPOINTED MEMBERS.—Three mem-  
2           bers shall be appointed by the President, with  
3           the advice and consent of the Senate, of whom  
4           no more than 2 shall belong to the same polit-  
5           ical party.

6           “(B) ELECTED MEMBERS.—Four members  
7           shall be elected unanimously by the 3 members  
8           appointed and confirmed pursuant to subpara-  
9           graph (A).

10          “(2) TERMS.—The terms of the initial members  
11          of the Board shall be as follows:

12                 “(A) The 3 members appointed and con-  
13                 firmed under paragraph (1)(A) shall have initial  
14                 5-year terms.

15                 “(B) Of the 4 members elected under  
16                 paragraph (1)(B), 2 shall have initial 3-year  
17                 terms, and 2 shall have initial 4-year terms.

18          “(c) SUBSEQUENT COMPOSITION AND TERMS.—

19                 “(1) SELECTION.—Except for the selection of  
20                 the initial members of the Board for their initial  
21                 terms under subsection (b), the members of the  
22                 Board shall be elected by the members of the Board.

23                 “(2) DISQUALIFICATION.—A member of the  
24                 Board shall be disqualified from voting for any posi-

1           tion on the Board for which such member is a can-  
2           didate.

3           “(3) TERMS.—All members elected pursuant to  
4           paragraph (1) shall have a term of 5 years.

5           “(d) QUALIFICATIONS.—The members of the Board  
6           shall collectively have expertise in—

7           “(1) the fields of clean energy, electric utilities,  
8           industrial decarbonization, clean transportation, re-  
9           siliency, and sustainable agriculture and forestry  
10          practices;

11          “(2) climate change science;

12          “(3) finance and investments; and

13          “(4) environmental justice and matters related  
14          to the energy and environmental needs of climate-  
15          impacted communities.

16          “(e) RESTRICTION ON MEMBERSHIP.—No officer or  
17          employee of the Federal or any other level of government  
18          may be appointed or elected as a member of the Board.

19          “(f) QUORUM.—Five members of the Board shall  
20          constitute a quorum.

21          “(g) BYLAWS.—

22          “(1) IN GENERAL.—The Board shall adopt, and  
23          may amend, such bylaws as are necessary for the  
24          proper management and functioning of the Bank.

1           “(2) OFFICERS.—In the bylaws described in  
2           paragraph (1), the Board shall—

3                   “(A) designate the officers of the Bank;  
4                   and

5                   “(B) prescribe the duties of those officers.

6           “(h) VACANCIES.—Any vacancy on the Board shall  
7           be filled through election by the Board.

8           “(i) INTERIM APPOINTMENTS.—A member elected to  
9           fill a vacancy occurring before the expiration of the term  
10          for which the predecessor of that member was appointed  
11          or elected shall serve for the remainder of the term for  
12          which the predecessor of that member was appointed or  
13          elected.

14          “(j) REAPPOINTMENT.—A member of the Board may  
15          be elected for not more than 1 additional term of service  
16          as a member of the Board.

17          “(k) CONTINUATION OF SERVICE.—A member of the  
18          Board whose term has expired may continue to serve on  
19          the Board until the date on which a successor member  
20          is elected.

21          “(l) CHIEF EXECUTIVE OFFICER.—The Board shall  
22          appoint a chief executive officer who shall be responsible  
23          for—

24                   “(1) hiring employees of the Bank;

1           “(2) establishing the 2 divisions of the Bank  
2 described in sections 1624 and 1625; and

3           “(3) performing any other tasks necessary for  
4 the day-to-day operations of the Bank.

5           “(m) ADVISORY COMMITTEE.—

6           “(1) ESTABLISHMENT.—The Bank shall estab-  
7 lish an advisory committee (in this subsection re-  
8 ferred to as the ‘advisory committee’), which shall be  
9 composed of not more than 13 members appointed  
10 by the Board on the recommendation of the presi-  
11 dent of the Bank.

12           “(2) MEMBERS.—Members of the advisory com-  
13 mittee shall be broadly representative of interests  
14 concerned with the environment, production, com-  
15 merce, finance, agriculture, labor, services, and  
16 State government. Of such members—

17           “(A) not fewer than 3 shall be representa-  
18 tives of the small business community;

19           “(B) not fewer than 2 shall be representa-  
20 tives of the labor community, except that no 2  
21 members may be from the same labor union;

22           “(C) not fewer than 2 shall be representa-  
23 tives of the environmental nongovernmental or-  
24 ganization community, except that no 2 mem-

1           bers may be from the same environmental orga-  
2           nization;

3           “(D) not fewer than 2 shall be representa-  
4           tives of the environmental justice nongovern-  
5           mental organization community, except that no  
6           2 members may be from the same environ-  
7           mental organization; and

8           “(E) not fewer than 2 shall be representa-  
9           tives of the consumer protection and fair lend-  
10          ing community, except that no 2 members may  
11          be from the same consumer protection or fair  
12          lending organization.

13          “(3) MEETINGS.—The advisory committee shall  
14          meet not less frequently than once each quarter.

15          “(4) DUTIES.—The advisory committee shall—

16                 “(A) advise the Bank on the programs un-  
17                 dertaken by the Bank; and

18                 “(B) submit to the Congress an annual re-  
19                 port with comments from the advisory com-  
20                 mittee on the extent to which the Bank is meet-  
21                 ing the mandate described in section 1623, in-  
22                 cluding any suggestions for improvement.

23          “(n) CHIEF RISK OFFICER.—

24                 “(1) APPOINTMENT.—Subject to the approval  
25          of the Board, the chief executive officer shall appoint

1 a chief risk officer from among individuals with ex-  
2 perience at a senior level in financial risk manage-  
3 ment, who—

4 “(A) shall report directly to the Board;

5 and

6 “(B) shall be removable only by a majority  
7 vote of the Board.

8 “(2) DUTIES.—The chief risk officer, in coordi-  
9 nation with the risk management and audit commit-  
10 tees established under section 1631, shall develop,  
11 implement, and manage a comprehensive process for  
12 identifying, assessing, monitoring, and limiting risks  
13 to the Bank, including the overall portfolio diver-  
14 sification of the Bank.

15 **“SEC. 1629. ADMINISTRATION.**

16 “(a) CAPITALIZATION.—

17 “(1) IN GENERAL.—To the extent and in the  
18 amounts provided in advance in appropriations Acts,  
19 the Secretary of Energy shall transfer to the  
20 Bank—

21 “(A) \$10,000,000,000 on the date on  
22 which the Bank is established under section  
23 1622; and

24 “(B) \$5,000,000,000 on October 1 of each  
25 of the 5 fiscal years following that date.



1           “(2) AUTHORIZATION OF APPROPRIATIONS.—

2           For purposes of the transfers under paragraph (1),

3           there are authorized to be appropriated—

4                   “(A) \$10,000,000,000 for the fiscal year in

5                   which the Bank is established under section

6                   1622; and

7                   “(B) \$5,000,000,000 for each of the 5 suc-

8                   ceeding fiscal years.

9           “(b) CHARTER.—The Bank shall establish a charter,  
10 the term of which shall be 30 years.

11           “(c) OPERATIONAL FUNDS.—To sustain operations,  
12 the Bank shall manage revenue from financing fees, inter-  
13 est, repaid loans, and other types of funding.

14           “(d) REPORT.—The Bank shall submit on a quar-  
15 terly basis to the relevant committees of Congress a report  
16 that describes the financial activities, emissions reduc-  
17 tions, and private capital mobilization metrics of the Bank  
18 for the previous quarter.

19           “(e) RESTRICTION.—The Bank shall not accept de-  
20 posits.

21           “(f) COMMITTEES.—The Board shall establish com-  
22 mittees and subcommittees, including—

23                   “(1) an investment committee; and

24                   “(2) in accordance with section 1630—

25                   “(A) a risk management committee; and

1 “(B) an audit committee.

2 “(g) PRIVATE CONTRIBUTIONS.—The Bank may ac-  
3 cept and use philanthropic funds.

4 **“SEC. 1630. ESTABLISHMENT OF RISK MANAGEMENT COM-  
5 MITTEE AND AUDIT COMMITTEE.**

6 “(a) IN GENERAL.—To assist the Board in fulfilling  
7 the duties and responsibilities of the Board under this sub-  
8 title, the Board shall establish a risk management com-  
9 mittee and an audit committee.

10 “(b) DUTIES AND RESPONSIBILITIES OF RISK MAN-  
11 AGEMENT COMMITTEE.—Subject to the direction of the  
12 Board, the risk management committee established under  
13 subsection (a) shall establish policies for and have over-  
14 sight responsibility for—

15 “(1) formulating the risk management policies  
16 of the operations of the Bank;

17 “(2) reviewing and providing guidance on oper-  
18 ation of the global risk management framework of  
19 the Bank;

20 “(3) developing policies for—

21 “(A) investment;

22 “(B) enterprise risk management;

23 “(C) monitoring; and

24 “(D) management of strategic,  
25 reputational, regulatory, operational, develop-

1           mental, environmental, social, and financial  
2           risks; and

3           “(4) developing the risk profile of the Bank, in-  
4           cluding—

5                   “(A) a risk management and compliance  
6                   framework; and

7                   “(B) a governance structure to support  
8                   that framework.

9           “(c) DUTIES AND RESPONSIBILITIES OF AUDIT COM-  
10          MITTEE.—Subject to the direction of the Board, the audit  
11          committee established under subsection (a) shall have  
12          oversight responsibility for—

13                   “(1) the integrity of—

14                           “(A) the financial reporting of the Bank;  
15                           and

16                           “(B) the systems of internal controls re-  
17                           garding finance and accounting;

18                   “(2) the integrity of the financial statements of  
19          the Bank;

20                   “(3) the performance of the internal audit func-  
21          tion of the Bank; and

22                   “(4) compliance with the legal and regulatory  
23          requirements related to the finances of the Bank.

1 **“SEC. 1631. OVERSIGHT.**

2       “(a) EXTERNAL OVERSIGHT.—The inspector general  
3 of the Department of Energy shall have oversight respon-  
4 sibilities over the Bank.

5       “(b) REPORTS AND AUDIT.—

6           “(1) ANNUAL REPORT.—The Bank shall pub-  
7 lish an annual report which shall be transmitted by  
8 the Bank to the President and the Congress.

9           “(2) ANNUAL AUDIT OF ACCOUNTS.—The ac-  
10 counts of the Bank shall be audited annually. Such  
11 audits shall be conducted in accordance with gen-  
12 erally accepted auditing standards by independent  
13 certified public accountants who are certified by a  
14 regulatory authority of the jurisdiction in which the  
15 audit is undertaken.

16           “(3) ADDITIONAL AUDITS.—In addition to the  
17 annual audits under paragraph (2), the financial  
18 transactions of the Bank for any fiscal year during  
19 which Federal funds are available to finance any  
20 portion of its operations may be audited by the Gov-  
21 ernment Accountability Office in accordance with  
22 such rules and regulations as may be prescribed by  
23 the Comptroller General of the United States.

1 **“SEC. 1632. MAXIMUM CONTINGENT LIABILITY.**

2 “The maximum contingent liability of the Bank that  
3 may be outstanding at any time shall be not more than  
4 \$70,000,000,000 in the aggregate.”.

5 **Subtitle C—Clean Energy**  
6 **Workforce**

7 **SEC. 821. OFFICE OF ECONOMIC IMPACT, DIVERSITY, AND**  
8 **EMPLOYMENT.**

9 (a) NAME OF OFFICE.—

10 (1) IN GENERAL.—Section 211 of the Depart-  
11 ment of Energy Organization Act (42 U.S.C. 7141)  
12 is amended—

13 (A) in the section heading, by striking  
14 “**MINORITY ECONOMIC IMPACT**” and insert-  
15 ing “**ECONOMIC IMPACT, DIVERSITY, AND**  
16 **EMPLOYMENT**”; and

17 (B) in subsection (a), by striking “Office  
18 of Minority Economic Impact” and inserting  
19 “Office of Economic Impact, Diversity, and  
20 Employment”.

21 (2) CONFORMING AMENDMENT.—The table of  
22 contents for the Department of Energy Organization  
23 Act is amended by amending the item relating to  
24 section 211 to read as follows:

“Sec. 211. Office of Economic Impact, Diversity, and Employment.”.

1 (b) ENERGY WORKFORCE DEVELOPMENT PRO-  
2 GRAMS.—Section 211 of the Department of Energy Orga-  
3 nization Act (42 U.S.C. 7141) is further amended—

4 (1) by redesignating subsections (f) and (g) as  
5 subsections (g) and (h), respectively; and

6 (2) by inserting after subsection (e) the fol-  
7 lowing:

8 “(f) The Secretary, acting through the Director, shall  
9 establish and carry out the programs described in sections  
10 822 and 823 of the CLEAN Future Act.”.

11 (c) AUTHORIZATION.—Subsection (h) of section 211  
12 of the Department of Energy Organization Act (42 U.S.C.  
13 7141), as redesignated by subsection (b), is amended by  
14 striking “not to exceed \$3,000,000 for fiscal year 1979,  
15 not to exceed \$5,000,000 for fiscal year 1980, and not  
16 to exceed \$6,000,000 for fiscal year 1981. Of the amounts  
17 so appropriated each fiscal year, not less than 50 percent  
18 shall be available for purposes of financial assistance  
19 under subsection (e).” and inserting “\$100,000,000 for  
20 each of fiscal years 2021 through 2030.”.

21 **SEC. 822. ENERGY WORKFORCE DEVELOPMENT.**

22 (a) IN GENERAL.—Subject to the availability of ap-  
23 propriations, the Secretary, acting through the Director  
24 of the Office of Economic Impact, Diversity, and Employ-  
25 ment, shall establish and carry out a comprehensive, na-

1 tionwide program to improve education and training for  
2 jobs in energy-related industries, including manufacturing,  
3 engineering, construction, and retrofitting jobs in such en-  
4 ergy-related industries, in order to increase the number  
5 of skilled workers trained to work in such energy-related  
6 industries, including by—

7           (1) encouraging underrepresented groups, in-  
8           cluding religious and ethnic minorities, women, vet-  
9           erans, individuals with disabilities, unemployed en-  
10          ergy workers, and socioeconomically disadvantaged  
11          individuals to enter into the science, technology, en-  
12          gineering, and mathematics (in this section referred  
13          to as “STEM”) fields;

14          (2) encouraging the Nation’s educational insti-  
15          tutions to equip students with the skills,  
16          mentorships, training, and technical expertise nec-  
17          essary to fill the employment opportunities vital to  
18          managing and operating the Nation’s energy-related  
19          industries;

20          (3) providing students and other candidates for  
21          employment with the necessary skills and certifi-  
22          cations for skilled, semiskilled, and highly skilled  
23          jobs in such energy-related industries;

24          (4) strengthening and more fully engaging De-  
25          partment of Energy programs and laboratories in

1 carrying out the Department's Minorities in Energy  
2 Initiative; and

3 (5) to the greatest extent possible, collaborating  
4 with and supporting existing State workforce devel-  
5 opment programs to maximize program efficiency.

6 (b) PRIORITY.—In carrying out the program estab-  
7 lished under subsection (a), the Secretary shall prioritize  
8 the education and training of underrepresented groups for  
9 jobs in energy-related industries.

10 (c) DIRECT ASSISTANCE.—In carrying out the pro-  
11 gram established under subsection (a), the Secretary shall  
12 provide direct assistance (including financial assistance  
13 awards, technical expertise, and internships) to edu-  
14 cational institutions, local workforce development boards,  
15 State workforce development boards, nonprofit organiza-  
16 tions, labor organizations, and apprenticeship programs.  
17 The Secretary shall distribute such direct assistance in a  
18 manner proportional to the needs of, and demand for jobs  
19 in, energy-related industries, consistent with information  
20 obtained under subsections (e)(3) and (i).

21 (d) CLEARINGHOUSE.—In carrying out the program  
22 established under subsection (a), the Secretary shall estab-  
23 lish a clearinghouse to—

24 (1) maintain and update information and re-  
25 sources on training programs for jobs in energy-re-



1       lated industries, including manufacturing, engineer-  
2       ing, construction, and retrofitting jobs in such en-  
3       ergy-related industries; and

4           (2) act as a resource for educational institu-  
5       tions, local workforce development boards, State  
6       workforce development boards, nonprofit organiza-  
7       tions, labor organizations, and apprenticeship pro-  
8       grams that would like to develop and implement  
9       training programs for such jobs.

10       (e) COLLABORATION AND REPORT.—In carrying out  
11 the program established under subsection (a), the Sec-  
12 retary—

13           (1) shall collaborate with educational institu-  
14       tions, local workforce development boards, State  
15       workforce development boards, nonprofit organiza-  
16       tions, labor organizations, apprenticeship programs,  
17       and energy-related industries;

18           (2) shall encourage and foster collaboration,  
19       mentorships, and partnerships among industry, local  
20       workforce development boards, State workforce de-  
21       velopment boards, nonprofit organizations, labor or-  
22       ganizations, and apprenticeship programs that cur-  
23       rently provide effective training programs for jobs in  
24       energy-related industries and educational institutions  
25       that seek to establish these types of programs in

1 order to share best practices and approaches that  
2 best suit local, State, and national needs; and

3 (3) shall collaborate with the Bureau of Labor  
4 Statistics, the Department of Commerce, the Bureau  
5 of the Census, and energy-related industries to—

6 (A) develop a comprehensive and detailed  
7 understanding of the workforce needs of such  
8 energy-related industries, and job opportunities  
9 in such energy-related industries, by State and  
10 by region; and

11 (B) publish an annual report on job cre-  
12 ation in the energy-related industries described  
13 in subsection (i)(2).

14 (f) GUIDELINES FOR EDUCATIONAL INSTITU-  
15 TIONS.—

16 (1) IN GENERAL.—In carrying out the program  
17 established under subsection (a), the Secretary, in  
18 collaboration with the Secretary of Education, the  
19 Secretary of Commerce, the Secretary of Labor, and  
20 the National Science Foundation, shall develop vol-  
21 untary guidelines or best practices for educational  
22 institutions to help provide graduates with the skills  
23 necessary for jobs in energy-related industries, in-  
24 cluding manufacturing, engineering, construction,

1 and retrofitting jobs in such energy-related indus-  
2 tries.

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 teaching energy efficiency tech-  
10 nology, manufacturing efficiency technology, commu-  
11 nity energy resiliency, and conservation initiatives to  
12 educate students and families.

13 (4) STEM EDUCATION.—The guidelines or best  
14 practices developed under paragraph (1) shall pro-  
15 mote STEM education in educational institutions as  
16 it relates to job opportunities in energy-related in-  
17 dustries.

18 (g) OUTREACH TO MINORITY-SERVING INSTITU-  
19 TIONS.—In carrying out the program established under  
20 subsection (a), the Secretary shall—

21 (1) give special consideration to increasing out-  
22 reach to minority-serving institutions;

23 (2) make resources available to minority-serving  
24 institutions with the objective of increasing the num-  
25 ber of skilled minorities and women trained for jobs

1 in energy-related industries, including manufac-  
2 turing, engineering, construction, and retrofitting  
3 jobs in such energy-related industries;

4 (3) encourage energy-related industries to im-  
5 prove the opportunities for students of minority-  
6 serving institutions to participate in industry intern-  
7 ships and cooperative workstudy programs; and

8 (4) partner with the Department of Energy lab-  
9 oratories to increase underrepresented groups' par-  
10 ticipation in internships, fellowships, traineeships,  
11 and employment at all Department of Energy lab-  
12 oratories.

13 (h) OUTREACH TO DISPLACED AND UNEMPLOYED  
14 ENERGY WORKERS.—In carrying out the program estab-  
15 lished under subsection (a), the Secretary shall—

16 (1) give special consideration to increasing out-  
17 reach to employers and job trainers preparing dis-  
18 placed and unemployed energy workers for emerging  
19 jobs in energy-related industries, including manufac-  
20 turing, engineering, construction, and retrofitting  
21 jobs in such energy-related industries;

22 (2) make resources available to institutions  
23 serving displaced and unemployed energy workers  
24 with the objective of increasing the number of indi-  
25 viduals trained for jobs in energy-related industries,

1 including manufacturing, engineering, construction,  
2 and retrofitting jobs in such energy-related indus-  
3 tries; and

4 (3) encourage energy-related industries to im-  
5 prove opportunities for displaced and unemployed  
6 energy workers to participate in industry internships  
7 and cooperative workstudy programs.

8 (i) GUIDELINES TO DEVELOP SKILLS FOR AN EN-  
9 ERGY INDUSTRY WORKFORCE.—In carrying out the pro-  
10 gram established under subsection (a), the Secretary shall,  
11 in collaboration with energy-related industries—

12 (1) identify the areas with the greatest demand  
13 for workers in each such industry; and

14 (2) develop guidelines for the skills necessary  
15 for work in the following energy-related industries:

16 (A) Energy efficiency industry, including  
17 work in energy efficiency, conservation, weath-  
18 erization, retrofitting, or as inspectors or audi-  
19 tors.

20 (B) Renewable energy industry, including  
21 work in the development, engineering, manufac-  
22 turing, and production of renewable energy  
23 from renewable energy sources (such as solar,  
24 hydropower, wind, or geothermal energy).

1 (C) Community energy resiliency industry,  
2 including work in the installation of rooftop  
3 solar, in battery storage, and in microgrid tech-  
4 nologies.

5 (D) Fuel cell and hydrogen energy indus-  
6 try.

7 (E) Manufacturing industry, including  
8 work as operations technicians, in operations  
9 and design in additive manufacturing, 3-D  
10 printing, and advanced composites and ad-  
11 vanced aluminum and other metal alloys, indus-  
12 trial energy efficiency management systems, in-  
13 cluding power electronics, and other innovative  
14 technologies.

15 (F) Chemical manufacturing industry, in-  
16 cluding work in construction (such as welders,  
17 pipefitters, and tool and die makers) or as in-  
18 strument and electrical technicians, machinists,  
19 chemical process operators, engineers, quality  
20 and safety professionals, and reliability engi-  
21 neers.

22 (G) Utility industry, including work in the  
23 generation, transmission, and distribution of  
24 electricity and natural gas, such as utility tech-

1           nicians, operators, lineworkers, engineers, sci-  
2           entists, and information technology specialists.

3           (H) Alternative fuels industry, including  
4           work in biofuel development and production.

5           (I) Pipeline industry, including work in  
6           pipeline construction and maintenance or work  
7           as engineers or technical advisors.

8           (J) Nuclear industry, including work as  
9           scientists, engineers, technicians, mathemati-  
10          cians, or security personnel.

11          (K) Oil and gas industry, including work  
12          as scientists, engineers, technicians, mathemati-  
13          cians, petrochemical engineers, or geologists.

14          (L) Coal industry, including work as coal  
15          miners, engineers, developers and manufactur-  
16          ers of state-of-the-art coal facilities, technology  
17          vendors, coal transportation workers and opera-  
18          tors, or mining equipment vendors.

19          (j) ENROLLMENT IN TRAINING AND APPRENTICE-  
20          SHIP PROGRAMS.—In carrying out the program estab-  
21          lished under subsection (a), the Secretary shall work with  
22          industry, local workforce development boards, State work-  
23          force development boards, nonprofit organizations, labor  
24          organizations, and apprenticeship programs to help iden-  
25          tify students and other candidates, including from under-

1 represented communities such as minorities, women, and  
2 veterans, to enroll into training and apprenticeship pro-  
3 grams for jobs in energy-related industries.

4 (k) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to carry out this section  
6 \$20,000,000 for each of fiscal years 2021 through 2030.

7 **SEC. 823. ENERGY WORKFORCE GRANT PROGRAM.**

8 (a) PROGRAM.—

9 (1) ESTABLISHMENT.—Subject to the avail-  
10 ability of appropriations, the Secretary, acting  
11 through the Director of the Office of Economic Im-  
12 pact, Diversity, and Employment, shall establish and  
13 carry out a program to provide grants to eligible  
14 businesses to pay the wages of new and existing em-  
15 ployees during the time period that such employees  
16 are receiving training to work in the renewable en-  
17 ergy sector, energy efficiency sector, or grid mod-  
18 ernization sector.

19 (2) GUIDELINES.—Not later than 60 days after  
20 the date of enactment of this Act, the Secretary, in  
21 consultation with stakeholders, contractors, and or-  
22 ganizations that work to advance existing residential  
23 energy efficiency, shall establish guidelines to iden-  
24 tify training that is eligible for purposes of the pro-  
25 gram established pursuant to paragraph (1).



1 (b) ELIGIBILITY.—To be eligible to receive a grant  
2 under the program established under subsection (a) or a  
3 business or labor management organization that is directly  
4 involved with energy efficiency or renewable energy tech-  
5 nology, or working on behalf of any such business, shall  
6 provide services related to—

7 (1) renewable electric energy generation, includ-  
8 ing solar, wind, geothermal, hydropower, and other  
9 renewable electric energy generation technologies;

10 (2) energy efficiency, including energy-efficient  
11 lighting, heating, ventilation, and air conditioning,  
12 air source heat pumps, advanced building materials,  
13 insulation and air sealing, and other high-efficiency  
14 products and services, including auditing and inspec-  
15 tion;

16 (3) grid modernization or energy storage, in-  
17 cluding smart grid, microgrid and other distributed  
18 energy solutions, demand response management, and  
19 home energy management technology; or

20 (4) fuel cell and hybrid fuel cell generation.

21 (c) USE OF GRANTS.—An eligible business with—

22 (1) 20 or fewer employees may use a grant pro-  
23 vided under the program established under sub-  
24 section (a) to pay up to—

1 (A) 45 percent of an employee's wages for  
2 the duration of the training, if the training is  
3 provided by the eligible business; and

4 (B) 90 percent of an employee's wages for  
5 the duration of the training, if the training is  
6 provided by an entity other than the eligible  
7 business;

8 (2) 21 to 99 employees may use a grant pro-  
9 vided under the program established under sub-  
10 section (a) to pay up to—

11 (A) 37.5 percent of an employee's wages  
12 for the duration of the training, if the training  
13 is provided by the eligible business; and

14 (B) 75 percent of an employee's wages for  
15 the duration of the training, if the training is  
16 provided by an entity other than the eligible  
17 business; and

18 (3) 100 employees or more may use a grant  
19 provided under the program established under sub-  
20 section (a) to pay up to—

21 (A) 25 percent of an employee's wages for  
22 the duration of the training, if the training is  
23 provided by the eligible business; and

24 (B) 50 percent of an employee's wages for  
25 the duration of the training, if the training is

1 provided by an entity other than the eligible  
2 business.

3 (d) PRIORITY FOR TARGETED COMMUNITIES.—In  
4 providing grants under the program established under  
5 subsection (a), the Secretary shall give priority to eligible  
6 businesses that—

7 (1) recruit employees—

8 (A) from the communities that the busi-  
9 nesses serve; and

10 (B) that are minorities, women, persons  
11 who are or were foster children, persons who  
12 are transitioning from fossil energy sector jobs,  
13 or veterans; and

14 (2) provide trainees with the opportunity to ob-  
15 tain real-world experience.

16 (e) LIMIT.—An eligible business may not receive  
17 more than \$100,000 under the program established under  
18 subsection (a) per fiscal year.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to carry out this section  
21 \$70,000,000 for each of fiscal years 2021 through 2030.

22 **SEC. 824. DEFINITIONS.**

23 In this subtitle:

24 (1) APPRENTICESHIP.—The term “apprentice-  
25 ship” means an apprenticeship registered under the

1 Act of August 16, 1937 (commonly known as the  
2 National Apprenticeship Act; 50 Stat. 664, chapter  
3 663; 29 U.S.C. 50 et seq.).

4 (2) EDUCATIONAL INSTITUTION.—The term  
5 “educational institution” means an elementary  
6 school, secondary school, or institution of higher  
7 education.

8 (3) ELEMENTARY SCHOOL AND SECONDARY  
9 SCHOOL.—The terms “elementary school” and “sec-  
10 ondary school” have the meanings given such terms  
11 in section 8101 of the Elementary and Secondary  
12 Education Act of 1965 (20 U.S.C. 7801).

13 (4) ENERGY-RELATED INDUSTRY.—The term  
14 “energy-related industry” includes each of the en-  
15 ergy efficiency, renewable energy, chemical manufac-  
16 turing, utility, alternative fuels, pipeline, nuclear en-  
17 ergy, oil, gas, and coal industries.

18 (5) INSTITUTION OF HIGHER EDUCATION.—The  
19 term “institution of higher education” has the  
20 meaning given such term in section 102 of the High-  
21 er Education Act of 1965 (20 U.S.C. 1002).

22 (6) LABOR ORGANIZATION.—The term “labor  
23 organization” has the meaning given such term in  
24 section 2 of the National Labor Relations Act (29  
25 U.S.C. 152).

1           (7) LOCAL WORKFORCE DEVELOPMENT  
2 BOARD.—The term “local workforce development  
3 board” means a local board, as defined in section 3  
4 of the Workforce Innovation and Opportunity Act  
5 (29 U.S.C. 3102).

6           (8) MINORITY-SERVING INSTITUTION.—The  
7 term “minority-serving institution” means an insti-  
8 tution of higher education that is of one of the fol-  
9 lowing:

10           (A) Hispanic-serving institution (as de-  
11 fined in section 502(a)(5) of the Higher Edu-  
12 cation Act of 1965 (20 U.S.C. 1101a(a)(5))).

13           (B) Tribal College or University (as de-  
14 fined in section 316(b) of the Higher Education  
15 Act of 1965 (20 U.S.C. 1059e(b))).

16           (C) Alaska Native-serving institution (as  
17 defined in section 317(b) of the Higher Edu-  
18 cation Act of 1965 (20 U.S.C. 1059d(b))).

19           (D) Native Hawaiian-serving institution  
20 (as defined in section 317(b) of the Higher  
21 Education Act of 1965 (20 U.S.C. 1059d(b))).

22           (E) Predominantly Black Institution (as  
23 defined in section 318(b) of the Higher Edu-  
24 cation Act of 1965 (20 U.S.C. 1059e(b))).

1 (F) Native American-serving nontribal in-  
2 stitution (as defined in section 319(b) of the  
3 Higher Education Act of 1965 (20 U.S.C.  
4 1059f(b))).

5 (G) Asian American and Native American  
6 Pacific Islander-serving institution (as defined  
7 in section 320(b) of the Higher Education Act  
8 of 1965 (20 U.S.C. 1059g(b))).

9 (9) SECRETARY.—The term “Secretary” means  
10 the Secretary of Energy.

11 (10) STATE WORKFORCE DEVELOPMENT  
12 BOARD.—The term “State workforce development  
13 board” means a State board, as defined in section  
14 3 of the Workforce Innovation and Opportunity Act  
15 (29 U.S.C. 3102).

## 16 **Subtitle D—National Security**

### 17 **SEC. 831. CLIMATE CHANGE NATIONAL SECURITY STRAT-** 18 **EGY.**

19 It is the policy of the Federal Government to ensure  
20 that the current impacts of climate change, and those an-  
21 ticipated in the coming decades, be identified and consid-  
22 ered in the development and implementation of relevant  
23 national security doctrine, policies, and plans.

1 **SEC. 832. COORDINATION ON CLIMATE CHANGE AND NA-**  
2 **TIONAL SECURITY.**

3 (a) ESTABLISHMENT.—The National Security Advi-  
4 sor and the Director of the Office of Science and Tech-  
5 nology Policy, acting jointly, shall establish an interagency  
6 working group, to be known as the Climate and National  
7 Security Working Group, to coordinate the development  
8 of a strategic approach to identify, assess, and share infor-  
9 mation on current and projected climate-related impacts  
10 on national security interests and to inform the develop-  
11 ment of national security doctrine, policies, and plans.

12 (b) FUNCTIONS.—The Working Group, in close col-  
13 laboration with the United States Global Change Research  
14 Program, shall—

15 (1) identify the U.S. national security priorities  
16 that are within the scope of the mission of the  
17 Working Group;

18 (2) develop recommendations for requirements  
19 for climate and social science data and intelligence  
20 analyses, as appropriate, that support national secu-  
21 rity interests;

22 (3) catalog climate science data, intelligence  
23 analyses, and other products and programs that sup-  
24 port or should be considered in the development of  
25 national security doctrine, policy, and plans, includ-  
26 ing—

1 (A) climate and social science data reposi-  
2 tories and analytical platforms;

3 (B) climate modeling, simulation, and pro-  
4 jection capabilities; and

5 (C) information-sharing tools and re-  
6 sources supporting climate risk analyses and as-  
7 sessments, such as the Climate Data Initiative,  
8 the Climate Resilience Toolkit, the Global  
9 Change Information System, and the National  
10 Climate Assessment;

11 (4) identify information and program gaps that  
12 limit consideration of climate change-related impacts  
13 in developing national security doctrine, policies, and  
14 plans and provide descriptions of these gaps to Fed-  
15 eral science agencies and the United States intel-  
16 ligence community to inform future research require-  
17 ments and priorities, including collection priorities  
18 on climate data, models, simulations, and projec-  
19 tions;

20 (5) facilitate the production and exchange of  
21 climate data and information with relevant stake-  
22 holders, including the United States intelligence  
23 community, and private sector partners, as appro-  
24 priate;



1           (6) produce, as appropriate, and make available  
2           science-informed intelligence assessments to agencies  
3           having responsibilities in the development of national  
4           security doctrine, policies, and plans in order to  
5           identify climate change-related impacts and  
6           prioritize actions related thereto;

7           (7) establish, by consensus, guidance for Work-  
8           ing Group members on coordinating, sharing, and  
9           exchanging climate science data among the mem-  
10          bers, and with the National Science and Technology  
11          Council;

12          (8) provide a venue for enhancing the under-  
13          standing of the links between climate change-related  
14          impacts and national security interests and dis-  
15          cussing the opportunities for climate mitigation and  
16          adaptation activities to address national security  
17          issues;

18          (9) work to improve the Federal Government's  
19          capability and capacity to characterize greenhouse  
20          gas sources and sinks accurately at subcontinental  
21          scales;

22          (10) recommend research guidelines, in coordi-  
23          nation with the National Science and Technology  
24          Council, concerning the Federal Government's abil-  
25          ity to detect climate intervention activities;

1           (11) develop, by consensus, guidance for Work-  
2           ing Group members on building climate resilience in  
3           countries vulnerable to climate change-related im-  
4           pacts;

5           (12) take into account defined requirements  
6           and current capabilities described in paragraphs (2)  
7           and (3) of this subsection to facilitate the consider-  
8           ation of climate change-related impacts into national  
9           security doctrine, policies, and plans;

10          (13) have classified and unclassified capabili-  
11          ties, as required and appropriate, to consolidate and  
12          make available climate change-related impact infor-  
13          mation, intelligence analyses, and assessments for  
14          access and use by Working Group member agencies;

15          (14) identify the most current information on  
16          regional, country, and geographic areas most vulner-  
17          able to current and projected impacts of climate var-  
18          iability in the near term, midterm, and long term (as  
19          defined in section 834), in order to support assess-  
20          ments of national security implications of climate  
21          change, and identify areas most vulnerable to these  
22          impacts during these timeframes;

23          (15) develop recommendations for the Secretary  
24          of State to help ensure that the work of United  
25          States embassies, including their planning processes,

1 is informed by relevant climate change-related anal-  
2 yses; and

3 (16) coordinate on the development of quan-  
4 titative models, predictive mapping products, and  
5 forecasts to anticipate the various pathways through  
6 which climate change may affect public health as an  
7 issue of national security.

8 (c) MEMBERSHIP.—

9 (1) IN GENERAL.—The members of the Work-  
10 ing Group shall include the following officials and  
11 representatives (or their designees):

12 (A) The National Security Advisor.

13 (B) The Director of the Office of Science  
14 and Technology Policy.

15 (C) The representatives, appointed by the  
16 National Security Advisor and the Director of  
17 the Office of Science and Technology Policy  
18 (acting jointly), at the Assistant Secretary or  
19 equivalent level, of—

20 (i) the Department of State;

21 (ii) the Department of the Treasury;

22 (iii) the Department of Defense;

23 (iv) the Department of Justice;

24 (v) the Department of the Interior;

25 (vi) the Department of Agriculture;

- 1 (vii) the Department of Commerce;
- 2 (viii) the Department of Health and
- 3 Human Services;
- 4 (ix) the Department of Transpor-
- 5 tation;
- 6 (x) the Department of Energy;
- 7 (xi) the Department of Homeland Se-
- 8 curity;
- 9 (xii) the United States Agency for
- 10 International Development;
- 11 (xiii) the Environmental Protection
- 12 Agency;
- 13 (xiv) the National Aeronautics and
- 14 Space Administration;
- 15 (xv) the Office of the Director of Na-
- 16 tional Intelligence;
- 17 (xvi) the U.S. Mission to the United
- 18 Nations;
- 19 (xvii) the Office of Management and
- 20 Budget;
- 21 (xviii) the Council on Environmental
- 22 Quality;
- 23 (xix) the Millennium Challenge Cor-
- 24 poration; and

1 (xx) any other agency or office as des-  
2 ignated by the co-chairs.

3 (2) CO-CHAIRS.—The National Security Advisor  
4 and the Director of the Office of Science and Tech-  
5 nology Policy, or their designees, shall co-chair the  
6 Working Group.

7 (d) ACTION PLAN.—Not later than 90 days after the  
8 date of enactment of this Act, the Working Group shall,  
9 by consensus, develop an action plan, that—

10 (1) identifies specific steps that are required to  
11 perform its functions;

12 (2) includes specific objectives, milestones,  
13 timelines, and identification of agencies responsible  
14 for completion of all actions described therein;

15 (3) includes recommendations to inform the de-  
16 velopment of agency implementation plans, as de-  
17 scribed in section 833; and

18 (4) shall be submitted to the co-chairs and the  
19 appropriate congressional committees, including—

20 (A) the House Committee on Oversight  
21 and Reform;

22 (B) the Senate Committee on Homeland  
23 Security and Governmental Affairs;

24 (C) the Senate Committee on Armed Serv-  
25 ices;

1 (D) the House Committee on Armed Serv-  
2 ices;

3 (E) the House Committee on Natural Re-  
4 sources;

5 (F) the Senate Committee on Environment  
6 and Public Works; and

7 (G) the House Committee on Energy and  
8 Commerce.

9 **SEC. 833. FEDERAL AGENCY IMPLEMENTATION PLAN.**

10 (a) IN GENERAL.—Not later than 150 days after the  
11 date of enactment of this Act, the departments and agen-  
12 cies listed in section 832(c) shall each develop an appro-  
13 priate implementation plan supporting the policy described  
14 in section 831. Such implementation plans may be classi-  
15 fied, as required, to meet specific agency requirements.

16 (b) CONTENTS OF IMPLEMENTATION PLANS.—Im-  
17 plementation plans shall consider for inclusion a descrip-  
18 tion of how the respective departments and agencies will  
19 accomplish the following:

20 (1) Identifying, sustaining, and strengthening  
21 climate-related data repositories, tools, and modeling  
22 products that inform climate change-related impacts  
23 on national security.

24 (2) Identifying climate change-related risks to  
25 departments and agency missions, and risks that

1        may be caused by departments and agency policies,  
2        programs, and actions concerning international de-  
3        velopment objectives, fragility, and regional stability.

4            (3) Pursuing departments and agency adapta-  
5        tion strategies and methods that address climate  
6        change-related impacts on national security and  
7        homeland defense.

8            (4) Identifying and implementing climate  
9        change-related information-sharing opportunities  
10       and arrangements through international develop-  
11       ment activities, military-to-military engagements,  
12       and government-to-government climate-related data  
13       exchanges.

14           (5) Identifying economic considerations arising  
15       from the impacts of climate change globally and the  
16       resulting specific impacts on national security, in-  
17       cluding macroeconomic analyses and data-sharing  
18       mechanisms.

19           (6) Identifying the potential impact of climate  
20       change on human mobility, including migration and  
21       displacement, and the resulting impacts on national  
22       security.

23           (7) Identifying climate change-related impacts  
24       on global water, food security, and nutrition and the

1 resulting impacts on national security, and recom-  
2 mending actions to mitigate these impacts.

3 (8) Identifying climate change-related global  
4 health security concerns affecting humans, animals,  
5 and plants, and developing options to address them.

6 (9) Developing a department or agency-specific  
7 approach to address climate-related hazards and  
8 threats to national security.

9 (10) Determining and acting on climate change-  
10 related threats to infrastructure at the asset, sys-  
11 tem, and regional level and acting to strengthen the  
12 safety, security, and resilience of infrastructure crit-  
13 ical to national security.

14 (11) Incorporating climate change-related im-  
15 pact information and considerations into department  
16 and agency technical and executive education and  
17 training programs.

18 (c) REPORTS.—Federal agencies shall update their  
19 implementation plans required by this section not less  
20 than annually.

21 **SEC. 834. DEFINITIONS.**

22 In this subtitle:

23 (1) ADAPTATION.—The term “adaptation” re-  
24 fers to the adjustment in natural or human systems  
25 in anticipation of or in response to a changing envi-



1       ronment in a way that effectively uses beneficial op-  
2       portunities or reduces negative effects.

3           (2) CLIMATE.—The term “climate” refers to  
4       the prevailing meteorological conditions over a pe-  
5       riod of several decades, including the typical fre-  
6       quency and duration of extreme storms, heat waves,  
7       precipitation, droughts, cloudiness, winds, ocean  
8       temperatures, and other events that a region is like-  
9       ly to encounter.

10          (3) CLIMATE CHANGE.—The term “climate  
11       change” refers to detectable changes in one or more  
12       climate system components over multiple decades,  
13       including—

14           (A) changes in the average temperature of  
15       the atmosphere or ocean;

16           (B) changes in regional precipitation,  
17       winds, and cloudiness; and

18           (C) changes in the severity or duration of  
19       extreme weather, including droughts, floods,  
20       and storms.

21          (4) CLIMATE MODELING.—The term “climate  
22       modeling” refers to the mathematical representation  
23       of the set of interdependent components of the cli-  
24       mate system, including the atmosphere and ocean,  
25       cryosphere, ecology, land use, natural greenhouse

1 gas emissions, and anthropogenic greenhouse emis-  
2 sions.

3 (5) FRAGILITY.—The term “fragility” refers to  
4 a condition that results from a dysfunctional rela-  
5 tionship between state and society and the extent to  
6 which that relationship fails to produce policy out-  
7 comes that are considered effective or legitimate.

8 (6) GLOBAL HEALTH SECURITY.—The term  
9 “global health security”—

10 (A) refers to activities required, both  
11 proactive and reactive, to minimize vulnerability  
12 to acute public health events that endanger the  
13 collective health of populations living across  
14 geographical regions and international bound-  
15 aries; and

16 (B) includes the efforts of the Global  
17 Health Security Agenda to establish capacity to  
18 prevent, detect, and respond to disease threats,  
19 whether naturally occurring, deliberate, or acci-  
20 dental.

21 (7) INTELLIGENCE COMMUNITY.—The term  
22 “intelligence community” has the meaning given to  
23 that term in section 3(4) of the National Security  
24 Act of 1947 (50 U.S.C. 3003(4)).

1 (8) NATIONAL SECURITY.—The term “National  
2 security” refers to the protection of the Nation and  
3 its people and interests.

4 (9) NEAR TERM, MIDTERM, AND LONG TERM.—  
5 The terms “near term”, “midterm”, and “long  
6 term” mean current to 10 years, 10 to 30 years, and  
7 more than 30 years, respectively.

8 (10) RESILIENCE.—The term “resilience” re-  
9 fers to the ability—

10 (A) to anticipate, prepare for, and adapt to  
11 changing conditions; and

12 (B) to withstand, respond to, and recover  
13 rapidly from disruptions.

14 (11) WORKING GROUP.—The term “Working  
15 Group” means the Climate and National Security  
16 Working Group established pursuant to section  
17 832(a).

## 18 **Subtitle E—Fairness for American** 19 **Workers**

### 20 **SEC. 841. WORKER PROTECTIONS.**

21 (a) USE OF AMERICAN IRON, STEEL, AND MANUFAC-  
22 TURED GOODS.—(1) None of the funds appropriated or  
23 otherwise made available by this Act may be used for a  
24 project for the construction, alteration, maintenance, or  
25 repair of a public building or public work unless all of the

1 iron, steel, and manufactured goods used in the project  
2 are produced in the United States.

3 (2) Paragraph (1) shall not apply in any case or cat-  
4 egory of cases in which the head of the Federal depart-  
5 ment or agency involved finds that—

6 (A) applying paragraph (1) would be incon-  
7 sistent with the public interest;

8 (B) iron, steel, and the relevant manufactured  
9 goods are not produced in the United States in suffi-  
10 cient and reasonably available quantities and of a  
11 satisfactory quality; or

12 (C) inclusion of iron, steel, and manufactured  
13 goods produced in the United States will increase  
14 the cost of the overall project by more than 25 per-  
15 cent.

16 (3) If the head of a Federal department or agency  
17 determines that it is necessary to waive the application  
18 of paragraph (1) based on a finding under paragraph (2),  
19 the head of the department or agency shall publish in the  
20 Federal Register a detailed written justification as to why  
21 the provision is being waived.

22 (4) This section shall be applied in a manner con-  
23 sistent with United States obligations under international  
24 agreements.

1 (b) DAVIS-BACON.—Notwithstanding any other pro-  
2 vision of law and in a manner consistent with other provi-  
3 sions in this Act, all laborers and mechanics employed by  
4 contractors and subcontractors on projects funded directly  
5 by or assisted in whole or in part by and through the Fed-  
6 eral Government pursuant to this Act shall be paid wages  
7 at rates not less than those prevailing on projects of a  
8 character similar in the locality as determined by the Sec-  
9 retary of Labor in accordance with subchapter IV of chap-  
10 ter 31 of title 40, United States Code. With respect to  
11 the labor standards specified in this section, the Secretary  
12 of Labor shall have the authority and functions set forth  
13 in Reorganization Plan Numbered 14 of 1950 (64 Stat.  
14 1267; 5 U.S.C. App.) and section 3145 of title 40, United  
15 States Code.

16 (c) PROJECT LABOR AGREEMENTS.—(1) In award-  
17 ing any contract in implementing this Act, a Federal de-  
18 partment or agency may, on a project-by-project basis, re-  
19 quire the use of a project labor agreement by a contractor  
20 where use of such an agreement will—

21 (A) advance the Federal Government's interest  
22 in achieving economy and efficiency in Federal pro-  
23 curement, producing labor-management stability,  
24 and ensuring compliance with laws and regulations  
25 governing safety and health, equal employment op-

1 portunity, labor and employment standards, and  
2 other matters; and

3 (B) be consistent with law.

4 (2) If a Federal department or agency determines  
5 under paragraph (1) that the use of a project labor agree-  
6 ment will satisfy the criteria in subparagraphs (A) and  
7 (B) of that paragraph, the department or agency may, if  
8 appropriate, require that every contractor or subcon-  
9 tractor on the project agree, for that project, to negotiate  
10 or become a party to a project labor agreement with one  
11 or more appropriate labor organizations.

12 (3) In this section, the term “project labor agree-  
13 ment” means a prehire collective bargaining agreement  
14 with one or more labor organizations that establishes the  
15 terms and conditions of employment for a specific con-  
16 struction project and is an agreement described in section  
17 8(f) of the National Labor Relations Act (29 U.S.C.  
18 158(f)).