

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Energy Infrastructure Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

## TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

### Subtitle A—Grid Infrastructure Resilience and Reliability

- Sec. 1001. Preventing outages and enhancing the resilience of the electric grid.
- Sec. 1002. Hazard mitigation using disaster assistance.
- Sec. 1003. Electric grid reliability and resilience research, development, and demonstration.
- Sec. 1004. Utility demand response.
- Sec. 1005. Siting of interstate electric transmission facilities.
- Sec. 1006. Rulemaking to increase the effectiveness of interregional transmission planning.
- Sec. 1007. Transmission facilitation program.
- Sec. 1008. Deployment of technologies to enhance grid flexibility.
- Sec. 1009. State energy security plans.
- Sec. 1010. State energy program.
- Sec. 1011. Power marketing administration transmission borrowing authority.
- Sec. 1012. Study of codes and standards for use of energy storage systems across sectors.
- Sec. 1013. Demonstration of electric vehicle battery second-life applications for grid services.

### Subtitle B—Cybersecurity

- Sec. 1101. Enhancing grid security through public-private partnerships.
- Sec. 1102. Energy Cyber Sense program.
- Sec. 1103. Incentives for advanced cybersecurity technology investment.
- Sec. 1104. Rural and municipal utility advanced cybersecurity grant and technical assistance program.
- Sec. 1105. Enhanced grid security.
- Sec. 1106. Cybersecurity plan.
- Sec. 1107. Savings provision.

## TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

- Sec. 2001. Earth Mapping Resources Initiative.
- Sec. 2002. National Cooperative Geologic Mapping Program.
- Sec. 2003. National Geological and Geophysical Data Preservation Program.
- Sec. 2004. USGS energy and minerals research facility.
- Sec. 2005. Rare earth elements demonstration facility.
- Sec. 2006. Critical minerals supply chains and reliability.
- Sec. 2007. Battery processing and manufacturing.
- Sec. 2008. Electric drive vehicle battery recycling and second-life applications program.
- Sec. 2009. Advanced energy manufacturing and recycling grant program.

## TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS

### Subtitle A—Carbon Capture, Utilization, Storage, and Transportation Infrastructure

- Sec. 3001. Findings.
- Sec. 3002. Carbon utilization program.

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- Sec. 3003. Carbon capture technology program.
- Sec. 3004. Carbon dioxide transportation infrastructure finance and innovation.
- Sec. 3005. Carbon storage validation and testing.
- Sec. 3006. Secure geologic storage permitting.
- Sec. 3007. Geologic carbon sequestration on the outer Continental Shelf.
- Sec. 3008. Carbon removal.

Subtitle B—Hydrogen Research and Development

- Sec. 3101. Findings; purpose.
- Sec. 3102. Definitions.
- Sec. 3103. Clean hydrogen research and development program.
- Sec. 3104. Additional clean hydrogen programs.
- Sec. 3105. Clean hydrogen production qualifications.

Subtitle C—Nuclear Energy Infrastructure

- Sec. 3201. Infrastructure planning for micro and small modular nuclear reactors.
- Sec. 3202. Property interests relating to certain projects and protection of information relating to certain agreements.
- Sec. 3203. Civil nuclear credit program.

Subtitle D—Hydropower

- Sec. 3301. Hydroelectric production incentives.
- Sec. 3302. Hydroelectric efficiency improvement incentives.
- Sec. 3303. Maintaining and enhancing hydroelectricity incentives.
- Sec. 3304. Pumped storage hydropower wind and solar integration and system reliability initiative.

Subtitle E—Miscellaneous

- Sec. 3401. Solar energy technologies on current and former mine land.
- Sec. 3402. Clean energy demonstration program on current and former mine land.

TITLE IV—ENABLING ENERGY INFRASTRUCTURE INVESTMENT  
AND DATA COLLECTION

Subtitle A—Department of Energy Loan Program

- Sec. 4001. Department of Energy loan programs.

Subtitle B—Energy Information Administration

- Sec. 4101. Definitions.
- Sec. 4102. Data collection in the electricity sector.
- Sec. 4103. Expansion of energy consumption surveys.
- Sec. 4104. Data collection on electric vehicle integration with the electricity grids.
- Sec. 4105. Plan for the modeling and forecasting of demand for minerals used in the energy sector.
- Sec. 4106. Expansion of international energy data.
- Sec. 4107. Plan for the National Energy Modeling System.
- Sec. 4108. Report on costs of carbon abatement in the electricity sector.
- Sec. 4109. Harmonization of efforts and data.

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## Subtitle C—Miscellaneous

- Sec. 4201. Consideration of measures to promote greater electrification of the transportation sector.
- Sec. 4202. Office of public participation.

TITLE V—ENERGY EFFICIENCY AND BUILDING  
INFRASTRUCTURE

## Subtitle A—Residential and Commercial Energy Efficiency

- Sec. 5001. Definitions.
- Sec. 5002. Energy efficiency revolving loan fund capitalization grant program.
- Sec. 5003. Energy auditor training grant program.

## Subtitle B—Buildings

- Sec. 5101. Cost-effective codes implementation for efficiency and resilience.
- Sec. 5102. Building, training, and assessment centers.
- Sec. 5103. Career skills training.
- Sec. 5104. Commercial building energy consumption information sharing.

## Subtitle C—Industrial Energy Efficiency

## PART I—INDUSTRY

- Sec. 5201. Future of industry program and industrial research and assessment centers.
- Sec. 5202. Sustainable manufacturing initiative.

## PART II—SMART MANUFACTURING

- Sec. 5211. Definitions.
- Sec. 5212. Leveraging existing agency programs to assist small and medium manufacturers.
- Sec. 5213. Leveraging smart manufacturing infrastructure at National Laboratories.
- Sec. 5214. State manufacturing leadership.
- Sec. 5215. Report.

## Subtitle D—Schools and Nonprofits

- Sec. 5301. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.
- Sec. 5302. Energy efficiency materials pilot program.

## Subtitle E—Miscellaneous

- Sec. 5401. Weatherization assistance program.
- Sec. 5402. Energy Efficiency and Conservation Block Grant Program.
- Sec. 5403. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States.
- Sec. 5404. Assisting Federal Facilities with Energy Conservation Technologies grant program.
- Sec. 5405. Rebates.
- Sec. 5406. Model guidance for combined heat and power systems and waste heat to power systems.

## TITLE VI—METHANE REDUCTION INFRASTRUCTURE

Sec. 6001. Orphaned well site plugging, remediation, and restoration.

## TITLE VII—ABANDONED MINE LAND RECLAMATION

Sec. 7001. Abandoned Mine Reclamation Fund authorization of appropriations.

Sec. 7002. Abandoned mine reclamation fee.

Sec. 7003. Amounts distributed from Abandoned Mine Reclamation Fund.

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

Sec. 8001. Forest Service Legacy Road and Trail Remediation Program.

Sec. 8002. Study and report on feasibility of revegetating reclaimed mine sites.

Sec. 8003. Wildfire risk reduction.

Sec. 8004. Ecosystem restoration.

Sec. 8005. GAO study.

## TITLE IX—WESTERN WATER INFRASTRUCTURE

Sec. 9001. Authorizations of appropriations.

Sec. 9002. Water storage, groundwater storage, and conveyance projects.

Sec. 9003. Small water storage and groundwater storage projects.

Sec. 9004. Critical maintenance and repair.

Sec. 9005. Competitive grant program for large-scale water recycling and reuse program.

Sec. 9006. Drought contingency plan funding requirements.

Sec. 9007. Multi-benefit projects to improve watershed health.

Sec. 9008. Eligible desalination projects.

Sec. 9009. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-Federal matching requirement for authorized Bureau of Reclamation water projects.

TITLE X—AUTHORIZATION OF APPROPRIATIONS FOR ENERGY  
ACT OF 2020

Sec. 10001. Energy storage demonstration projects.

Sec. 10002. Advanced reactor demonstration program.

Sec. 10003. Mineral security projects.

Sec. 10004. Carbon capture demonstration and pilot programs.

Sec. 10005. Direct air capture technologies prize competitions.

Sec. 10006. Water power projects.

Sec. 10007. Renewable energy projects.

Sec. 10008. Industrial emissions demonstration projects.

## TITLE XI—WAGE RATE REQUIREMENTS

Sec. 11001. Wage rate requirements.

**1 SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”

4 means the Department of Energy.

1           (2) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

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

7           **TITLE I—GRID INFRASTRUC-**  
8           **TURE AND RESILIENCY**  
9           **Subtitle A—Grid Infrastructure**  
10          **Resilience and Reliability**

11          **SEC. 1001. PREVENTING OUTAGES AND ENHANCING THE**  
12          **RESILIENCE OF THE ELECTRIC GRID.**

13          (a) DEFINITIONS.—In this section:

14               (1) DISRUPTIVE EVENT.—The term “disruptive  
15               event” means an event in which operations of the  
16               electric grid are disrupted, preventively shut off, or  
17               cannot operate safely due to extreme weather, wild-  
18               fire, or a natural disaster.

19               (2) ELIGIBLE ENTITY.—The term “eligible enti-  
20               ty” means—

21                       (A) an electric grid operator;

22                       (B) an electricity generator;

23                       (C) a transmission owner or operator;

24                       (D) a distribution provider;

25                       (E) a fuel supplier; and

1 (F) any other relevant entity, as deter-  
2 mined by the Secretary.

3 (3) NATURAL DISASTER.—The term “natural  
4 disaster” has the meaning given the term in section  
5 602(a) of the Robert T. Stafford Disaster Relief and  
6 Emergency Assistance Act (42 U.S.C. 5195a(a)).

7 (4) POWER LINE.—The term “power line” in-  
8 cludes a transmission line or a distribution line, as  
9 applicable.

10 (5) PROGRAM.—The term “program” means  
11 the program established under subsection (b).

12 (b) ESTABLISHMENT OF PROGRAM.—Not later than  
13 180 days after the date of enactment of this Act, the Sec-  
14 retary shall establish a program under which the Secretary  
15 shall make grants to eligible entities, States, and Indian  
16 Tribes in accordance with this section.

17 (c) GRANTS TO ELIGIBLE ENTITIES.—

18 (1) IN GENERAL.—The Secretary may make a  
19 grant under the program to an eligible entity to  
20 carry out activities that—

21 (A) are supplemental to existing hardening  
22 efforts of the eligible entity planned for any  
23 given year; and

1 (B)(i) reduce the risk of any power lines  
2 owned or operated by the eligible entity causing  
3 a wildfire; or

4 (ii) increase the ability of the eligible entity  
5 to reduce the likelihood and consequences of  
6 disruptive events.

7 (2) APPLICATION.—

8 (A) IN GENERAL.—An eligible entity desir-  
9 ing a grant under the program shall submit to  
10 the Secretary an application at such time, in  
11 such manner, and containing such information  
12 as the Secretary may require.

13 (B) REQUIREMENT.—As a condition of re-  
14 ceiving a grant under the program, an eligible  
15 entity shall submit to the Secretary, as part of  
16 the application of the eligible entity submitted  
17 under subparagraph (A), a report detailing  
18 past, current, and future efforts by the eligible  
19 entity to reduce the likelihood and consequences  
20 of disruptive events.

21 (3) LIMITATION.—The Secretary may not  
22 award a grant to an eligible entity in an amount  
23 that is greater than the total amount that the eligi-  
24 ble entity has spent in the previous 3 years on ef-



1       forts to reduce the likelihood and consequences of  
2       disruptive events.

3           (4) PRIORITY.—In making grants to eligible en-  
4       tities under the program, the Secretary shall give  
5       priority to projects that, in the determination of the  
6       Secretary, will generate the greatest community ben-  
7       efit in reducing the likelihood and consequences of  
8       disruptive events.

9           (5) SMALL UTILITIES SET ASIDE.—The Sec-  
10      retary shall ensure that not less than 30 percent of  
11      the amounts made available to eligible entities under  
12      the program are made available to eligible entities  
13      that sell not more than 4,000,000 megawatt hours  
14      of electricity per year.

15      (d) GRANTS TO STATES AND INDIAN TRIBES.—

16           (1) IN GENERAL.—The Secretary, in accord-  
17      ance with this subsection, may make grants under  
18      the program to States and Indian Tribes, which  
19      each State or Indian Tribe may use to award grants  
20      to eligible entities.

21           (2) ANNUAL APPLICATION.—

22           (A) IN GENERAL.—For each fiscal year, to  
23      be eligible to receive a grant under this sub-  
24      section, a State or Indian Tribe shall submit to

1 the Secretary an application that includes a  
2 plan described in subparagraph (B).

3 (B) PLAN REQUIRED.—A plan prepared by  
4 a State or Indian Tribe for purposes of an ap-  
5 plication described in subparagraph (A) shall—

6 (i) describe the criteria and methods  
7 that will be used by the State or Indian  
8 Tribe to award grants to eligible entities;

9 (ii) be adopted after notice and a pub-  
10 lic hearing; and

11 (iii) describe the proposed funding  
12 distributions and recipients of the grants  
13 to be provided by the State or Indian  
14 Tribe.

15 (3) DISTRIBUTION OF FUNDS.—

16 (A) IN GENERAL.—The Secretary shall  
17 provide grants to States and Indian Tribes  
18 under this subsection based on a formula deter-  
19 mined by the Secretary, in accordance with sub-  
20 paragraph (B).

21 (B) REQUIREMENT.—The formula referred  
22 to in subparagraph (A) shall be based on the  
23 following factors:

24 (i) The total population of the State  
25 or Indian Tribe.

1           (ii) The probability of disruptive  
2 events in the State or on the land of the  
3 Indian Tribe during the previous 10 years,  
4 as determined based on the number of fed-  
5 erally declared disasters or emergencies in  
6 the State or on the land of the Indian  
7 Tribe, as applicable, including—

8           (I) disasters for which Fire Man-  
9 agement Assistance Grants are pro-  
10 vided under section 420 of the Robert  
11 T. Stafford Disaster Relief and Emer-  
12 gency Assistance Act (42 U.S.C.  
13 5187);

14           (II) major disasters declared by  
15 the President under section 401 of  
16 that Act (42 U.S.C. 5170);

17           (III) emergencies declared by the  
18 President under section 501 of that  
19 Act (42 U.S.C. 5191); and

20           (IV) any other federally declared  
21 disaster or emergency in the State or  
22 on the land of the Indian Tribe.

23           (iii) The number and severity, meas-  
24 ured by population and economic impacts,  
25 of disruptive events experienced by the

1 State or Indian Tribe on or after January  
2 1, 2011.

3 (iv) The total amount, on a per capita  
4 basis, of public and private expenditures  
5 during the previous 10 years to carry out  
6 mitigation efforts to reduce the likelihood  
7 and consequences of disruptive events in  
8 the State or on the land of the Indian  
9 Tribe, with States or Indian Tribes with  
10 higher per capita expenditures receiving  
11 additional weight or consideration as com-  
12 pared to States or Indian Tribes with  
13 lower per capita expenditures.

14 (C) ANNUAL UPDATE OF DATA USED IN  
15 DISTRIBUTION OF FUNDS.—Beginning 1 year  
16 after the date of enactment of this Act, the Sec-  
17 retary shall annually update—

18 (i) all data relating to the factors de-  
19 scribed in subparagraph (B); and

20 (ii) all other data used in distributing  
21 grants to States and Indian Tribes under  
22 this subsection.

23 (4) OVERSIGHT.—The Secretary shall ensure  
24 that each grant provided to a State or Indian Tribe  
25 under the program is allocated, pursuant to the ap-

1 applicable plan of the State or Indian Tribe, to eligible  
2 entities for projects within the State or on the land  
3 of the Indian Tribe.

4 (5) PRIORITY.—In making grants to eligible en-  
5 tities using funds made available to the applicable  
6 State or Indian Tribe under the program, the State  
7 or Indian Tribe shall give priority to projects that,  
8 in the determination of the State or Indian Tribe,  
9 will generate the greatest community benefit in re-  
10 ducing the likelihood and consequences of disruptive  
11 events.

12 (6) SMALL UTILITIES SET ASIDE.—A State or  
13 Indian Tribe receiving a grant under the program  
14 shall ensure that, of the amounts made available to  
15 eligible entities from funds made available to the  
16 State or Indian Tribe under the program, the per-  
17 centage made available to eligible entities that sell  
18 not more than 4,000,000 megawatt hours of elec-  
19 tricity per year is not less than the percentage of all  
20 customers in the State or Indian Tribe that are  
21 served by those eligible entities.

22 (7) TECHNICAL ASSISTANCE AND ADMINISTRA-  
23 TIVE EXPENSES.—Of the amounts made available to  
24 a State or Indian Tribe under the program each fis-

1 cal year, the State or Indian Tribe may use not  
2 more than 5 percent for—

3 (A) providing technical assistance under  
4 subsection (g)(1)(A); and

5 (B) administrative expenses associated  
6 with the program.

7 (8) MATCHING REQUIREMENT.—Each State  
8 and Indian Tribe shall be required to match 15 per-  
9 cent of the amount of each grant provided to the  
10 State or Indian Tribe under the program.

11 (e) USE OF GRANTS.—

12 (1) IN GENERAL.—A grant awarded to an eligi-  
13 ble entity under the program may be used for activi-  
14 ties, technologies, equipment, and hardening meas-  
15 ures to reduce the likelihood and consequences of  
16 disruptive events, including—

17 (A) weatherization technologies and equip-  
18 ment;

19 (B) fire-resistant technologies and fire pre-  
20 vention systems;

21 (C) monitoring and control technologies;

22 (D) the undergrounding of electrical equip-  
23 ment;

24 (E) utility pole management;

1 (F) the relocation of power lines or the  
2 reconductoring of power lines with low-sag, ad-  
3 vanced conductors;

4 (G) vegetation and fuel-load management;

5 (H) the use or construction of distributed  
6 energy resources for enhancing system adaptive  
7 capacity during disruptive events, including—

8 (i) microgrids; and

9 (ii) battery-storage subcomponents;

10 (I) adaptive protection technologies;

11 (J) advanced modeling technologies;

12 (K) hardening of power lines, facilities,  
13 substations, of other systems; and

14 (L) the replacement of old overhead con-  
15 ductors and underground cables.

16 (2) PROHIBITIONS AND LIMITATIONS.—

17 (A) IN GENERAL.—A grant awarded to an  
18 eligible entity under the program may not be  
19 used for—

20 (i) construction of a new—

21 (I) electric generating facility; or

22 (II) large-scale battery-storage  
23 facility that is not used for enhancing  
24 system adaptive capacity during dis-  
25 ruptive events; or

1 (ii) cybersecurity.

2 (B) CERTAIN INVESTMENTS ELIGIBLE FOR  
3 RECOVERY.—

4 (i) IN GENERAL.—An eligible entity  
5 may not seek cost recovery for the portion  
6 of the cost of any system, technology, or  
7 equipment that is funded through a grant  
8 awarded under the program.

9 (ii) SAVINGS PROVISION.—Nothing in  
10 this subparagraph prohibits an eligible en-  
11 tity from recovering through traditional or  
12 incentive-based ratemaking any portion of  
13 an investment in a system, technology, or  
14 equipment that is not funded by a grant  
15 awarded under the program.

16 (C) APPLICATION LIMITATIONS.—An eligi-  
17 ble entity may not submit an application for a  
18 grant provided by the Secretary under sub-  
19 section (c) and a grant provided by a State or  
20 Indian Tribe pursuant to subsection (d) during  
21 the same application cycle.

22 (f) DISTRIBUTION OF FUNDING.—Of the amounts  
23 made available to carry out the program for a fiscal year,  
24 the Secretary shall ensure that—



1 (1) 50 percent is used to award grants to eligi-  
2 ble entities under subsection (c); and

3 (2) 50 percent is used to make grants to States  
4 and Indian Tribes under subsection (d).

5 (g) TECHNICAL AND OTHER ASSISTANCE.—

6 (1) IN GENERAL.—The Secretary, States, and  
7 Indian Tribes may—

8 (A) provide technical assistance and facili-  
9 tate the distribution and sharing of information  
10 to reduce the likelihood and consequences of  
11 disruptive events; and

12 (B) promulgate consumer-facing informa-  
13 tion and resources to inform the public of best  
14 practices and resources relating to reducing the  
15 likelihood and consequences of disruptive  
16 events.

17 (2) USE OF FUNDS BY THE SECRETARY.—Of  
18 the amounts made available to the Secretary to  
19 carry out the program each fiscal year, the Secretary  
20 may use not more than 5 percent for—

21 (A) providing technical assistance under  
22 paragraph (1)(A); and

23 (B) administrative expenses associated  
24 with the program.

25 (h) MATCHING REQUIREMENT.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), an eligible entity that receives a grant  
3           under this section shall be required to match 100  
4           percent of the amount of the grant.

5           (2) EXCEPTION FOR SMALL UTILITIES.—An eli-  
6           gible entity that sells not more than 4,000,000  
7           megawatt hours of electricity per year shall be re-  
8           quired to match  $\frac{1}{3}$  of the amount of the grant.

9           (i) BIENNIAL REPORT TO CONGRESS.—

10           (1) IN GENERAL.—Not later than 2 years after  
11           the date of enactment of this Act, and every 2 years  
12           thereafter through 2026, the Secretary shall submit  
13           to the Committee on Energy and Natural Resources  
14           of the Senate and the Committee on Energy and  
15           Commerce of the House of Representatives a report  
16           describing the program.

17           (2) REQUIREMENTS.—The report under para-  
18           graph (1) shall include information and data on—

19                   (A) the costs of the projects for which  
20                   grants are awarded to eligible entities;

21                   (B) the types of activities, technologies,  
22                   equipment, and hardening measures funded by  
23                   those grants; and

1 (C) the extent to which the ability of the  
2 power grid to withstand disruptive events has  
3 increased.

4 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to the Secretary to carry  
6 out the program \$5,000,000,000 for the period of fiscal  
7 years 2022 through 2026.

8 **SEC. 1002. HAZARD MITIGATION USING DISASTER ASSIST-**  
9 **ANCE.**

10 Section 404(f)(12) of the Robert T. Stafford Disaster  
11 Relief and Emergency Assistance Act (42 U.S.C.  
12 5170c(f)(12)) is amended—

13 (1) by inserting “and wildfire” after “wind-  
14 storm”;

15 (2) by striking “including replacing” and in-  
16 serting the following: “including—

17 “(A) replacing”;

18 (3) in subparagraph (A) (as so designated)—

19 (A) by inserting “, wildfire,” after “ex-  
20 treme wind”; and

21 (B) by adding “and” after the semicolon  
22 at the end; and

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

1                   “(B) the installation of fire-resistant wires  
2                   and infrastructure and the undergrounding of  
3                   wires;”.

4 **SEC. 1003. ELECTRIC GRID RELIABILITY AND RESILIENCE**  
5                   **RESEARCH, DEVELOPMENT, AND DEM-**  
6                   **ONSTRATION.**

7           (a) DEFINITION OF FEDERAL FINANCIAL ASSIST-  
8 ANCE.—In this section, the term “Federal financial assist-  
9 ance” has the meaning given the term in section 200.1  
10 of title 2, Code of Federal Regulations.

11           (b) ENERGY INFRASTRUCTURE FEDERAL FINANCIAL  
12 ASSISTANCE PROGRAM.—

13                   (1) DEFINITIONS.—In this subsection:

14                           (A) ELIGIBLE ENTITY.—The term “eligible  
15                           entity” means each of—

16                                   (i) a State;

17                                   (ii) a combination of 2 or more  
18                           States;

19                                   (iii) an Indian Tribe;

20                                   (iv) a unit of local government; and

21                                   (v) a public utility commission.

22                           (B) PROGRAM.—The term “program”  
23                           means the competitive Federal financial assist-  
24                           ance program established under paragraph (2).

1           (2) ESTABLISHMENT.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall establish a program, to be known as the  
4 “Program Upgrading Our Electric Grid and Ensuring  
5 Reliability and Resiliency”, to provide, on a com-  
6 petitive basis, Federal financial assistance to eligible  
7 entities to carry out the purpose described in para-  
8 graph (3).

9           (3) PURPOSE.—The purpose of the program is  
10 to coordinate and collaborate with electric sector  
11 owners and operators—

12                   (A) to demonstrate innovative approaches  
13 to transmission, storage, and distribution infra-  
14 structure to harden and enhance resilience and  
15 reliability; and

16                   (B) to demonstrate new approaches to en-  
17 hance regional grid resilience, implemented  
18 through States by public and rural electric co-  
19 operative entities on a cost-shared basis.

20           (4) APPLICATIONS.—To be eligible to receive  
21 Federal financial assistance under the program, an  
22 eligible entity shall submit to the Secretary an appli-  
23 cation at such time, in such manner, and containing  
24 such information as the Secretary may require, in-  
25 cluding a description of—

1 (A) how the Federal financial assistance  
2 would be used;

3 (B) the expected beneficiaries, and

4 (C) in the case of a proposal from an eligi-  
5 ble entity described in paragraph (1)(A)(ii),  
6 how the proposal would improve regional energy  
7 infrastructure.

8 (5) SELECTION.—The Secretary shall select eli-  
9 gible entities to receive Federal financial assistance  
10 under the program on a competitive basis.

11 (6) COST SHARE.—Section 988 of the Energy  
12 Policy Act of 2005 (42 U.S.C. 16352) shall apply to  
13 Federal financial assistance provided under the pro-  
14 gram.

15 (7) AUTHORIZATION OF APPROPRIATIONS.—  
16 There is authorized to be appropriated to the Sec-  
17 retary to carry out this subsection, \$5,000,000,000  
18 for the period of fiscal years 2022 through 2026.

19 (c) ENERGY IMPROVEMENT IN RURAL OR REMOTE  
20 AREAS.—

21 (1) DEFINITION OF RURAL OR REMOTE  
22 AREA.—In this subsection, the term “rural or re-  
23 mote area” means a city, town, or unincorporated  
24 area that has a population of not more than 10,000  
25 inhabitants.

1           (2) REQUIRED ACTIVITIES.—The Secretary  
2 shall carry out activities to improve in rural or re-  
3 mote areas of the United States—

4           (A) the resilience, safety, reliability, and  
5 availability of energy; and

6           (B) environmental protection from adverse  
7 impacts of energy generation.

8           (3) FEDERAL FINANCIAL ASSISTANCE.—The  
9 Secretary, in consultation with the Secretary of the  
10 Interior, may provide Federal financial assistance to  
11 rural or remote areas for the purpose of—

12           (A) overall cost-effectiveness of energy gen-  
13 eration, transmission, or distribution systems;

14           (B) siting or upgrading transmission and  
15 distribution lines;

16           (C) reducing greenhouse gas emissions  
17 from energy generation by rural or remote  
18 areas;

19           (D) providing or modernizing electric gen-  
20 eration facilities;

21           (E) developing microgrids; and

22           (F) increasing energy efficiency.

23           (4) AUTHORIZATION OF APPROPRIATIONS.—  
24 There is authorized to be appropriated to the Sec-

1       retary to carry out this subsection, \$1,000,000,000  
2       for the period of fiscal years 2022 through 2026.

3       (d) ENERGY INFRASTRUCTURE RESILIENCE FRAME-  
4 WORK.—

5           (1) IN GENERAL.—The Secretary, in collabora-  
6       tion with the Secretary of Homeland Security, the  
7       Federal Energy Regulatory Commission, the North  
8       American Electric Reliability Corporation, and inter-  
9       ested energy infrastructure stakeholders, shall de-  
10      velop common analytical frameworks, tools, metrics,  
11      and data to assess the resilience, reliability, safety,  
12      and security of energy infrastructure in the United  
13      States, including by developing and storing an inven-  
14      tory of easily transported high-voltage recovery  
15      transformers and other required equipment.

16           (2) ASSESSMENT AND REPORT.—

17           (A) ASSESSMENT.—The Secretary shall  
18      carry out an assessment of—

19           (i) with respect to the inventory of  
20      high-voltage recovery transformers, new  
21      transformers, and other equipment pro-  
22      posed to be developed and stored under  
23      paragraph (1)—

24           (I) the policies, technical speci-  
25      fications, and logistical and program



1 structures necessary to mitigate the  
2 risks associated with the loss of high-  
3 voltage recovery transformers;

4 (II) the technical specifications  
5 for high-voltage recovery trans-  
6 formers;

7 (III) where inventory of high-  
8 voltage recovery transformers should  
9 be stored;

10 (IV) the quantity of high-voltage  
11 recovery transformers necessary for  
12 the inventory;

13 (V) how the stored inventory of  
14 high-voltage recovery transformers  
15 would be secured and maintained;

16 (VI) how the high-voltage recov-  
17 ery transformers may be transported;

18 (VII) opportunities for developing  
19 new flexible advanced transformer de-  
20 signs; and

21 (VIII) whether new Federal regu-  
22 lations or cost-sharing requirements  
23 are necessary to carry out the storage  
24 of high-voltage recovery transformers;  
25 and

1 (ii) any efforts carried out by industry  
2 as of the date of the assessment—

3 (I) to share transformers and  
4 equipment;

5 (II) to develop plans for next  
6 generation transformers; and

7 (III) to plan for surge and long-  
8 term manufacturing of, and long-term  
9 standardization of, transformer de-  
10 signs.

11 (B) REPORT.—Not later than 180 days  
12 after the date of enactment of this Act, the Sec-  
13 retary shall submit to Congress a report de-  
14 scribing the results of the assessment carried  
15 out under subparagraph (A).

16 **SEC. 1004. UTILITY DEMAND RESPONSE.**

17 (a) CONSIDERATION OF DEMAND-RESPONSE STAND-  
18 ARD.—

19 (1) IN GENERAL.—Section 111(d) of the Public  
20 Utility Regulatory Policies Act of 1978 (16 U.S.C.  
21 2621(d)) is amended by adding at the end the fol-  
22 lowing:

23 “(20) DEMAND-RESPONSE PRACTICES.—

24 “(A) IN GENERAL.—Each electric utility  
25 shall promote the use of demand-response and

1 demand flexibility practices by commercial, resi-  
2 dential, and industrial consumers to reduce  
3 electricity consumption during periods of un-  
4 usually high demand.

5 “(B) RATE RECOVERY.—

6 “(i) IN GENERAL.—Each State regu-  
7 latory authority shall consider establishing  
8 rate mechanisms allowing an electric utility  
9 with respect to which the State regulatory  
10 authority has ratemaking authority to  
11 timely recover the costs of promoting de-  
12 mand-response and demand flexibility  
13 practices in accordance with subparagraph  
14 (A).

15 “(ii) NONREGULATED ELECTRIC UTIL-  
16 ITIES.—A nonregulated electric utility may  
17 establish rate mechanisms for the timely  
18 recovery of the costs of promoting demand-  
19 response and demand flexibility practices  
20 in accordance with subparagraph (A).”.

21 (2) COMPLIANCE.—

22 (A) TIME LIMITATIONS.—Section 112(b)  
23 of the Public Utility Regulatory Policies Act of  
24 1978 (16 U.S.C. 2622(b)) is amended by add-  
25 ing at the end the following:



1 (15) of section 111(d), the reference  
2 contained in this subsection to the  
3 date of enactment of this Act shall be  
4 deemed to be a reference to the date  
5 of enactment of that paragraph (15).  
6 In the case of the standards estab-  
7 lished by paragraphs (16)’; and

8 (II) by adding at the end the fol-  
9 lowing: “In the case of the standard  
10 established by paragraph (20) of sec-  
11 tion 111(d), the reference contained in  
12 this subsection to the date of enact-  
13 ment of this Act shall be deemed to be  
14 a reference to the date of enactment  
15 of that paragraph (20).”.

16 (ii) TECHNICAL CORRECTION.—Para-  
17 graph (2) of section 1254(b) of the Energy  
18 Policy Act of 2005 (Public Law 109–58;  
19 119 Stat. 971) is repealed and the amend-  
20 ment made by that paragraph (as in effect  
21 on the day before the date of enactment of  
22 this Act) is void, and section 112(d) of the  
23 Public Utility Regulatory Policies Act of  
24 1978 (16 U.S.C. 2622(d)) shall be in ef-

1                   fect as if that amendment had not been en-  
2                   acted.

3                   (C) PRIOR STATE ACTIONS.—

4                   (i) IN GENERAL.—Section 112 of the  
5                   Public Utility Regulatory Policies Act of  
6                   1978 (16 U.S.C. 2622) is amended by add-  
7                   ing at the end the following:

8                   “(g) PRIOR STATE ACTIONS.—Subsections (b) and  
9                   (c) shall not apply to the standard established by para-  
10                  graph (20) of section 111(d) in the case of any electric  
11                  utility in a State if, before the date of enactment of this  
12                  subsection—

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

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

20                  “(3) the State legislature has voted on the im-  
21                  plementation of the standard (or a comparable  
22                  standard) for the electric utility.”.

23                  (ii) CROSS-REFERENCE.—Section 124  
24                  of the Public Utility Regulatory Policies

1 Act of 1978 (16 U.S.C. 2634) is amend-  
2 ed—

3 (I) by striking “this subsection”  
4 each place it appears and inserting  
5 “this section”; and

6 (II) by adding at the end the fol-  
7 lowing: “In the case of the standard  
8 established by paragraph (20) of sec-  
9 tion 111(d), the reference contained in  
10 this section to the date of enactment  
11 of this Act shall be deemed to be a  
12 reference to the date of enactment of  
13 that paragraph (20).”.

14 (b) OPTIONAL FEATURES OF STATE ENERGY CON-  
15 SERVATION PLANS.—Section 362(d) of the Energy Policy  
16 and Conservation Act (42 U.S.C. 6322(d)) is amended—

17 (1) in paragraph (16), by striking “and” at the  
18 end;

19 (2) by redesignating paragraph (17) as para-  
20 graph (18); and

21 (3) by inserting after paragraph (16) the fol-  
22 lowing:

23 “(17) programs that promote the installation  
24 and use of demand-response technology and de-  
25 mand-response practices; and”.

1 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—  
2 Section 543(i) of the National Energy Conservation Policy  
3 Act (42 U.S.C. 8253(i)) is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (A), by striking  
6 “and” at the end;

7 (B) in subparagraph (B), by striking the  
8 period at the end and inserting “; and”; and

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

10 “(C) to reduce energy consumption during  
11 periods of unusually high electricity or natural  
12 gas demand.”; and

13 (2) in paragraph (3)(A)—

14 (A) in clause (v), by striking “and” at the  
15 end;

16 (B) in clause (vi), by striking the period at  
17 the end and inserting “; and”; and

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

19 “(vii) promote the installation of de-  
20 mand-response technology and the use of  
21 demand-response practices in Federal  
22 buildings.”.

23 (d) COMPONENTS OF ZERO-NET-ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(d)(3) of the  
24 Energy Independence and Security Act of 2007 (42  
25



1 U.S.C. 17082(d)) is amended by inserting “(including de-  
2 mand-response technologies, practices, and policies)” after  
3 “policies”.

4 **SEC. 1005. SITING OF INTERSTATE ELECTRIC TRANS-**  
5 **MISSION FACILITIES.**

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

9 (1) in paragraph (1)—

10 (A) by inserting “and Indian Tribes” after  
11 “affected States”; and

12 (B) by inserting “capacity constraints  
13 and” before “congestion”;

14 (2) in paragraph (2)—

15 (A) by striking “After” and inserting “Not  
16 less frequently than once every 3 years, the Sec-  
17 retary, after”; and

18 (B) by striking “affected States” and all  
19 that follows through the period at the end and  
20 inserting the following: “affected States and In-  
21 dian Tribes), shall issue a report, based on the  
22 study under paragraph (1) or other information  
23 relating to electric transmission capacity con-  
24 straints and congestion, which may designate as

1 a national interest electric transmission corridor  
2 any geographic area that—

3 “(i) is experiencing electric energy  
4 transmission capacity constraints or con-  
5 gestion that adversely affects consumers;  
6 or

7 “(ii) is expected to experience such  
8 energy transmission capacity constraints or  
9 congestion.”;

10 (3) in paragraph (3)—

11 (A) by striking “The Secretary shall con-  
12 duct the study and issue the report in consulta-  
13 tion” and inserting “Not less frequently than  
14 once every 3 years, the Secretary, in conducting  
15 the study under paragraph (1) and issuing the  
16 report under paragraph (2), shall consult”; and

17 (4) in paragraph (4)—

18 (A) in subparagraph (C), by inserting “or  
19 energy security” after “independence”;

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

22 (C) in subparagraph (E), by striking the  
23 period at the end and inserting a semicolon;  
24 and

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

1           “(F) the designation would enhance the ability  
2 of facilities that generate or transmit firm or inter-  
3 mittent energy to connect to the electric grid;

4           “(G) the designation—

5                 “(i) maximizes existing rights-of-way; and

6                 “(ii) avoids and minimizes, to the max-  
7 imum extent practicable, and offsets to the ex-  
8 tent appropriate and practicable, sensitive envi-  
9 ronmental areas and cultural heritage sites; and

10           “(H) the designation would result in a reduc-  
11 tion in the cost to purchase electric energy for con-  
12 sumers.”.

13           (b) CONSTRUCTION PERMIT.—Section 216(b) of the  
14 Federal Power Act (16 U.S.C. 824p(b)) is amended—

15                 (1) in paragraph (1)—

16                     (A) in subparagraph (A)(ii), by inserting  
17 “or interregional benefits” after “interstate  
18 benefits”; and

19                     (B) by striking subparagraph (C) and in-  
20 serting the following:

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

23                     “(i) has not made a determination on an  
24 application seeking approval pursuant to appli-

1 cable law by the date that is 1 year after the  
2 later of—

3 “(I) the date on which the application  
4 was filed; and

5 “(II) the date on which the relevant  
6 national interest electric transmission cor-  
7 ridor was designated by the Secretary  
8 under subsection (a);

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

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

17 (c) RIGHTS-OF-WAY.—Section 216(e)(1) of the Fed-  
18 eral Power Act (16 U.S.C. 824p(e)(1)) is amended by  
19 striking “modify the transmission facilities, the” and in-  
20 serting “modify, and operate and maintain, the trans-  
21 mission facilities and, in the determination of the Commis-  
22 sion, the permit holder has made good faith efforts to en-  
23 gage with landowners and other stakeholders early in the  
24 applicable permitting process, the”.

1 (d) INTERSTATE COMPACTS.—Section 216(i) of the  
2 Federal Power Act (16 U.S.C. 824p(i)) is amended—

3 (1) in paragraph (2), by striking “may” and in-  
4 serting “shall”; and

5 (2) in paragraph (4), by striking “the mem-  
6 bers” and all that follows through the period at the  
7 end and inserting the following: “the Secretary de-  
8 termines that the members of the compact are in  
9 disagreement after the later of—

10 “(A) the date that is 1 year after the date  
11 on which the relevant application for the facility  
12 was filed; and

13 “(B) the date that is 1 year after the date  
14 on which the relevant national interest electric  
15 transmission corridor was designated by the  
16 Secretary under subsection (a).”.

17 **SEC. 1006. RULEMAKING TO INCREASE THE EFFECTIVE-**  
18 **NESS OF INTERREGIONAL TRANSMISSION**  
19 **PLANNING.**

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of enactment of this Act, the Federal Energy Regu-  
22 latory Commission shall initiate a rulemaking address-  
23 ing—

24 (1) the effectiveness of existing planning proc-  
25 esses for identifying interregional transmission

1 projects that provide economic, reliability, oper-  
2 ational, and public policy benefits, taking into con-  
3 sideration the public interest, the integrity of mar-  
4 kets, and the protection of consumers;

5 (2) changes to the processes described in para-  
6 graph (1) to ensure that efficient, cost-effective, and  
7 broadly beneficial interregional transmission solu-  
8 tions are selected for cost allocation, taking into con-  
9 sideration—

10 (A) the public interest;

11 (B) the protection of consumers;

12 (C) the broad range of economic, reli-  
13 ability, operational, and public policy benefits  
14 that interregional transmission provides;

15 (D) the needs of load-serving entities to  
16 satisfy their native load service obligations;

17 (E) the need for single projects to secure  
18 approvals based on a comprehensive assessment  
19 of the multiple benefits provided;

20 (F) the importance of synchronization of  
21 planning processes in neighboring regions, such  
22 as using a joint model on a consistent timeline  
23 with a single set of needs, input assumptions,  
24 and benefit metrics;

1 (G) that evaluation of long-term scenarios  
2 should align with the expected life of a trans-  
3 mission asset;

4 (H) that transmission planning authorities  
5 should allow for the identification and joint  
6 evaluation of alternatives; and

7 (I) that interregional planning should be  
8 done regularly and not less frequently than  
9 once every 5 years; and

10 (3) cost allocation methodologies that reflect  
11 the multiple benefits provided by interregional trans-  
12 mission solutions, including economic, reliability,  
13 operational, and public policy benefits.

14 (b) TIMING.—Not later than 18 months after the  
15 date of enactment of this Act, the Federal Energy Regu-  
16 latory Commission shall promulgate a final rule to com-  
17 plete the rulemaking initiated under subsection (a).

18 (c) SAVINGS PROVISION.—Nothing in this section  
19 modifies the obligations of the Commission under section  
20 217(b)(4) of the Federal Power Act (16 U.S.C.  
21 824q(b)(4)).

22 **SEC. 1007. TRANSMISSION FACILITATION PROGRAM.**

23 (a) DEFINITIONS.—In this section:

24 (1) CAPACITY CONTRACT.—The term “capacity  
25 contract” means a contract entered into by the Sec-

1       retary and an eligible entity under subsection  
2       (e)(1)(A) for the right to the use of the transmission  
3       capacity of an eligible project.

4               (2) ELIGIBLE ELECTRIC POWER TRANSMISSION  
5       LINE.—The term “eligible electric power trans-  
6       mission line” means an electric power transmission  
7       line that is capable of transmitting not less than—

8               (A) 1,000 megawatts; or

9               (B) in the case of a project that consists  
10       of upgrading an existing transmission line or  
11       constructing a new transmission line in an ex-  
12       isting transmission, transportation, or tele-  
13       communications infrastructure corridor, 500  
14       megawatts.

15              (3) ELIGIBLE ENTITY.—The term “eligible enti-  
16       ty” means a non-Federal entity seeking to carry out  
17       an eligible project.

18              (4) ELIGIBLE PROJECT.—The term “eligible  
19       project” means a project (including any related facil-  
20       ity)—

21              (A) to construct a new or replace an exist-  
22       ing eligible electric power transmission line;

23              (B) to increase the transmission capacity  
24       of an existing eligible electric power trans-  
25       mission line; or



1 (C) to connect an isolated microgrid to an  
2 existing transmission, transportation, or tele-  
3 communications infrastructure corridor located  
4 in Alaska, Hawaii, or a territory of the United  
5 States.

6 (5) FUND.—The term “Fund” means the  
7 Transmission Facilitation Fund established by sub-  
8 section (d)(1).

9 (6) PROGRAM.—The term “program” means  
10 the Transmission Facilitation Program established  
11 by subsection (b).

12 (7) RELATED FACILITY.—

13 (A) IN GENERAL.—The term “related fa-  
14 cility” means a facility related to an eligible  
15 project described in paragraph (4).

16 (B) EXCLUSIONS.—The term “related fa-  
17 cility” does not include—

18 (i) facilities used primarily to generate  
19 electric energy; or

20 (ii) facilities used in the local distribu-  
21 tion of electric energy.

22 (b) ESTABLISHMENT.—There is established a pro-  
23 gram, to be known as the “Transmission Facilitation Pro-  
24 gram”, under which the Secretary shall facilitate the con-

1 struction of non-Federal electric power transmission lines  
2 and related facilities in accordance with subsection (e).

3 (c) APPLICATIONS.—

4 (1) IN GENERAL.—To be eligible for assistance  
5 under this section, an eligible entity shall submit to  
6 the Secretary an application at such time, in such  
7 manner, and containing such information as the Sec-  
8 retary may require.

9 (2) PROCEDURES.—The Secretary shall estab-  
10 lish procedures for the solicitation and review of ap-  
11 plications from eligible entities.

12 (d) FUNDING.—

13 (1) TRANSMISSION FACILITATION FUND.—  
14 There is established in the Treasury a fund, to be  
15 known as the “Transmission Facilitation Fund”,  
16 consisting of—

17 (A) all amounts received by the Secretary,  
18 including receipts, collections, and recoveries,  
19 from any source relating to expenses incurred  
20 by the Secretary in carrying out the program,  
21 including—

22 (i) costs recovered pursuant to para-  
23 graph (4);

1 (ii) amounts received as repayment of  
2 a loan issued to an eligible entity under  
3 subsection (e)(1)(B); and

4 (iii) amounts contributed by eligible  
5 entities for the purpose of carrying out an  
6 eligible project with respect to which the  
7 Secretary is participating with the eligible  
8 entity under subsection (e)(1)(C);

9 (B) all amounts borrowed from the Sec-  
10 retary of the Treasury by the Secretary for the  
11 program under paragraph (2); and

12 (C) any amounts appropriated to the Sec-  
13 retary for the program.

14 (2) BORROWING AUTHORITY.—The Secretary of  
15 the Treasury may, without further appropriation  
16 and without fiscal year limitation, loan to the Sec-  
17 retary on such terms as may be fixed by the Sec-  
18 retary and the Secretary of the Treasury, such sums  
19 as, in the judgment of the Secretary, are from time  
20 to time required for the purpose of carrying out the  
21 program, not to exceed, in the aggregate (including  
22 deferred interest), \$2,500,000,000 in outstanding  
23 repayable balances at any 1 time.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—  
25 There is authorized to be appropriated to the Sec-



1 Treasury under this section, the balance  
2 shall be forgiven.

3 (ii) UNCONSTRUCTED PROJECTS.—

4 Funds expended to study projects that are  
5 considered pursuant to this section but  
6 that are not constructed shall be forgiven.

7 (C) RECOVERY OF COSTS OF ELIGIBLE  
8 PROJECTS.—The Secretary may collect the  
9 costs of any activities carried out by the Sec-  
10 retary with respect to an eligible project in  
11 which the Secretary participates with an eligible  
12 entity under subsection (e)(1)(C) through rates  
13 charged to customers benefitting from the new  
14 transmission capability provided by the eligible  
15 project.

16 (e) FACILITATION OF ELIGIBLE PROJECTS.—

17 (1) IN GENERAL.—To facilitate eligible  
18 projects, the Secretary may—

19 (A) subject to subsections (f) and (i), enter  
20 into a capacity contract with respect to an eligi-  
21 ble project prior to the date on which the eligi-  
22 ble project is completed;

23 (B) subject to subsections (g) and (i), issue  
24 a loan to an eligible entity for the costs of car-  
25 rying out an eligible project; or

1 (C) subject to subsections (h) and (i), par-  
2 ticipate with an eligible entity in designing, de-  
3 veloping, constructing, operating, maintaining,  
4 or owning an eligible project.

5 (2) REQUIREMENT.—The provision and receipt  
6 of assistance for an eligible project under paragraph  
7 (1) shall be subject to such terms and conditions as  
8 the Secretary determines to be appropriate—

9 (A) to ensure the success of the program;  
10 and

11 (B) to protect the interests of the United  
12 States.

13 (f) CAPACITY CONTRACTS.—

14 (1) PURPOSE.—In entering into capacity con-  
15 tracts under subsection (e)(1)(A), the Secretary  
16 shall seek to enter into capacity contracts that will  
17 encourage other entities to enter into contracts for  
18 the transmission capacity of the eligible project.

19 (2) PAYMENT.—The amount paid by the Sec-  
20 retary to an eligible entity under a capacity contract  
21 for the right to the use of the transmission capacity  
22 of an eligible project shall be—

23 (A) the fair market value for the use of the  
24 transmission capacity, as determined by the  
25 Secretary, taking into account, as the Secretary

1 determines to be necessary, the comparable  
2 value for the use of the transmission capacity of  
3 other electric power transmission lines; and

4 (B) on a schedule and in such divided  
5 amounts, which may be a single amount, that  
6 the Secretary determines are likely to facilitate  
7 construction of the eligible project, taking into  
8 account standard industry practice and factors  
9 specific to each applicant, including, as applica-  
10 ble—

11 (i) potential review by a State regu-  
12 latory entity of the revenue requirement of  
13 an electric utility; and

14 (ii) the financial model of an inde-  
15 pendent transmission developer.

16 (3) LIMITATIONS.—A capacity contract shall—

17 (A) be for a term of not more than 40  
18 years; and

19 (B) be for not more than 50 percent of the  
20 total proposed transmission capacity of the ap-  
21 plicable eligible project.

22 (4) TRANSMISSION MARKETING.—

23 (A) IN GENERAL.—If the Secretary has  
24 not terminated a capacity contract under para-  
25 graph (5) before the applicable eligible project

1 enters into service, the Secretary may enter into  
2 1 or more contracts with a third party to mar-  
3 ket the transmission capacity of the eligible  
4 project to which the Secretary holds rights  
5 under the capacity contract.

6 (B) RETURN.—The Secretary shall seek to  
7 ensure that any contract entered into under  
8 subparagraph (A) maximizes the financial re-  
9 turn to the Federal Government.

10 (C) COMPETITIVE SOLICITATION.—The  
11 Secretary shall only select third parties for con-  
12 tracts under this paragraph through a competi-  
13 tive solicitation.

14 (5) TERMINATION.—

15 (A) IN GENERAL.—The Secretary shall  
16 seek to terminate a capacity contract as soon as  
17 practicable after determining that sufficient  
18 transmission capacity of the eligible project has  
19 been secured by other entities to ensure the  
20 long-term financial viability of the eligible  
21 project, including through 1 or more transfers  
22 under subparagraph (B).

23 (B) TRANSFER.—On payment to the Sec-  
24 retary by a third party for transmission capac-  
25 ity to which the Secretary has rights under a



1 capacity contract, the Secretary may transfer  
2 the rights to that transmission capacity to that  
3 third party.

4 (C) RELINQUISHMENT.—On payment to  
5 the Secretary by the applicable eligible entity  
6 for transmission capacity to which the Sec-  
7 retary has rights under a capacity contract, the  
8 Secretary may relinquish the rights to that  
9 transmission capacity to the eligible entity.

10 (D) REQUIREMENT.—A payment under  
11 subparagraph (B) or (C) shall be in an amount  
12 sufficient for the Secretary to recover any re-  
13 maining costs incurred by the Secretary with  
14 respect to the quantity of transmission capacity  
15 affected by the transfer under subparagraph  
16 (B) or the relinquishment under subparagraph  
17 (C), as applicable.

18 (6) OTHER FEDERAL CAPACITY POSITIONS.—  
19 The existence of a capacity contract does not pre-  
20 clude a Federal entity, including a Federal power  
21 marketing administration, from otherwise securing  
22 transmission capacity at any time from an eligible  
23 project, to the extent that the Federal entity is au-  
24 thorized to secure that transmission capacity.

1           (7) FORM OF FINANCIAL ASSISTANCE.—Enter-  
2           ing into a capacity contract under subsection  
3           (e)(1)(A) shall be considered a form of financial as-  
4           sistance described in section 1508.1(q)(1)(vii) of title  
5           40, Code of Federal Regulations (as in effect on the  
6           date of enactment of this Act).

7           (g) INTEREST RATE ON LOANS.—The rate of interest  
8           to be charged in connection with any loan made by the  
9           Secretary to an eligible entity under subsection (e)(1)(B)  
10          shall be fixed by the Secretary, taking into consideration  
11          market yields on outstanding marketable obligations of the  
12          United States of comparable maturities as of the date of  
13          the loan.

14          (h) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-  
15          retary may participate with an eligible entity with respect  
16          to an eligible project under subsection (e)(1)(C) if the Sec-  
17          retary determines that the eligible project—

18                (1) is located in an area designated as a na-  
19                tional interest electric transmission corridor pursu-  
20                ant to section 216(a) of the Federal Power Act 16  
21                U.S.C. 824p(a);

22                (2) is necessary to accommodate an actual or  
23                projected increase in demand for electric trans-  
24                mission capacity across more than 1 State or trans-  
25                mission planning region;

1           (3) is consistent with efficient and reliable oper-  
2           ation of the transmission grid;

3           (4) will be operated in conformance with pru-  
4           dent utility practices;

5           (5) will be operated in conformance with the  
6           rules of—

7                   (A) a Transmission Organization (as de-  
8                   fined in section 3 of the Federal Power Act (16  
9                   U.S.C. 796)), if applicable; or

10                   (B) a regional reliability organization; and

11           (6) is not duplicative of the functions of exist-  
12           ing transmission facilities that are the subject of on-  
13           going siting and related permitting proceedings.

14           (i) CERTIFICATION.—Prior to taking action to facili-  
15           tate an eligible project under subparagraph (A), (B), or  
16           (C) of subsection (e)(1), the Secretary shall certify that—

17                   (1) the eligible project is in the public interest;

18                   (2) the eligible project is unlikely to be con-  
19           structed in as timely a manner or with as much  
20           transmission capacity in the absence of facilitation  
21           under this section, including with respect to an eligi-  
22           ble project for which a Federal investment tax credit  
23           may be allowed; and

1           (3) it is reasonable to expect that the proceeds  
2           from the eligible project will be adequate, as applica-  
3           ble—

4                   (A) to recover the cost of a capacity con-  
5                   tract entered into under subsection (e)(1)(A);

6                   (B) to repay a loan provided under sub-  
7                   section (e)(1)(B); or

8                   (C) to repay any amounts borrowed from  
9                   the Secretary of the Treasury under subsection  
10                  (d)(2).

11          (j) OTHER AUTHORITIES, LIMITATIONS, AND EF-  
12          FECTS.—

13                  (1) PARTICIPATION.—The Secretary may per-  
14                  mit other entities to participate in the financing,  
15                  construction, and ownership of eligible projects fa-  
16                  cilitated under this section.

17                  (2) OPERATIONS AND MAINTENANCE.—Facilita-  
18                  tion by the Secretary of an eligible project under  
19                  this section does not create any obligation on the  
20                  part of the Secretary to operate or maintain the eli-  
21                  gible project.

22                  (3) FEDERAL FACILITIES.—For purposes of  
23                  cost recovery under subsection (d)(4) and repayment  
24                  of a loan issued under subsection (e)(1)(B), each eli-  
25                  gible project facilitated by the Secretary under this

1 section shall be treated as separate and distinct  
2 from—

3 (A) each other eligible project; and

4 (B) all other Federal power and trans-  
5 mission facilities.

6 (4) EFFECT ON ANCILLARY SERVICES AUTHOR-  
7 ITY AND OBLIGATIONS.—Nothing in this section con-  
8 fers on the Secretary or any Federal power mar-  
9 keting administration any additional authority or ob-  
10 ligation to provide ancillary services to users of  
11 transmission facilities constructed or upgraded  
12 under this section.

13 (5) EFFECT ON WESTERN AREA POWER ADMIN-  
14 ISTRATION PROJECTS.—Nothing in this section af-  
15 fects—

16 (A) any pending project application before  
17 the Western Area Power Administration under  
18 section 301 of the Hoover Power Plant Act of  
19 1984 (42 U.S.C. 16421a); or

20 (B) any agreement entered into by the  
21 Western Power Administration under that sec-  
22 tion.

23 (6) THIRD-PARTY FINANCE.—Nothing in this  
24 section precludes an eligible project facilitated under  
25 this section from being eligible as a project under

1 section 1222 of the Energy Policy Act of 2005 (42  
2 U.S.C. 16421).

3 (7) LIMITATION ON LOANS.—An eligible project  
4 may not be the subject of both—

5 (A) a loan under subsection (e)(1)(B); and

6 (B) a Federal loan under section 301 of  
7 the Hoover Power Plant Act of 1984 (42  
8 U.S.C. 16421a).

9 (8) CONSIDERATIONS.—In evaluating eligible  
10 projects for possible facilitation under this section,  
11 the Secretary shall prioritize projects that, to the  
12 maximum extent practicable—

13 (A) use technology that enhances the ca-  
14 pacity, efficiency, resiliency, or reliability of an  
15 electric power transmission system, including—

16 (i) reconductoring of an existing elec-  
17 tric power transmission line with advanced  
18 conductors; and

19 (ii) hardware or software that enables  
20 dynamic line ratings, advanced power flow  
21 control, or grid topology optimization;

22 (B) will improve the resiliency and reli-  
23 ability of an electric power transmission system;

1 (C) facilitate interregional transfer capac-  
2 ity that supports strong and equitable economic  
3 growth; and

4 (D) contribute to national or subnational  
5 goals to lower electricity sector greenhouse gas  
6 emissions.

7 **SEC. 1008. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE**  
8 **GRID FLEXIBILITY.**

9 (a) IN GENERAL.—Section 1306 of the Energy Inde-  
10 pendence and Security Act of 2007 (42 U.S.C. 17386) is  
11 amended—

12 (1) in subsection (b)—

13 (A) in the matter preceding paragraph (1),  
14 by striking “the date of enactment of this Act”  
15 and inserting “the date of enactment of the En-  
16 ergy Infrastructure Act”;

17 (B) by redesignating paragraph (9) as  
18 paragraph (14); and

19 (C) by inserting after paragraph (8) the  
20 following:

21 “(9) In the case of data analytics that enable  
22 software to engage in Smart Grid functions, the doc-  
23 umented purchase costs of the data analytics.

24 “(10) In the case of buildings, the documented  
25 expenses for devices and software, including for in-

1       stallation, that allow buildings to engage in demand  
2       flexibility or Smart Grid functions.

3               “(11) In the case of utility communications,  
4       operational fiber and wireless broadband commu-  
5       nications networks to enable data flow between dis-  
6       tribution system components.

7               “(12) In the case of advanced transmission  
8       technologies such as dynamic line rating, flow con-  
9       trol devices, advanced conductors, network topology  
10      optimization, or other hardware, software, and asso-  
11      ciated protocols applied to existing transmission fa-  
12      cilities that increase the operational transfer capaci-  
13      ty of a transmission network, the documented ex-  
14      penditures to purchase and install those advanced  
15      transmission technologies.

16              “(13) In the case of extreme weather or natural  
17      disasters, the ability to redirect or shut off power to  
18      minimize blackouts and avoid further damage.”; and

19              (2) in subsection (d)—

20                      (A) by redesignating paragraph (9) as  
21              paragraph (16); and

22                      (B) by inserting after paragraph (8) the  
23              following:

24                      “(9) The ability to use data analytics and soft-  
25              ware-as-service to provide flexibility by improving



1 the visibility of the electrical system to grid opera-  
2 tors that can help quickly rebalance the electrical  
3 system with autonomous controls.

4 “(10) The ability to facilitate the aggregation  
5 or integration of distributed energy resources to  
6 serve as assets for the grid.

7 “(11) The ability to provide energy storage to  
8 meet fluctuating electricity demand, provide voltage  
9 support, and integrate intermittent generation  
10 sources, including vehicle-to-grid technologies.

11 “(12) The ability of hardware, software, and as-  
12 sociated protocols applied to existing transmission  
13 facilities to increase the operational transfer capacity  
14 of a transmission network.

15 “(13) The ability to anticipate and mitigate im-  
16 pacts of extreme weather or natural disasters on  
17 grid resiliency.

18 “(14) The ability to facilitate the integration of  
19 renewable energy resources, electric vehicle charging  
20 infrastructure, and vehicle-to-grid technologies.

21 “(15) The ability to reliably meet increased de-  
22 mand from electric vehicles and the electrification of  
23 appliances and other sectors.”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to the Secretary to carry

1 out the Smart Grid Investment Matching Grant Program  
2 established under section 1306(a) of the Energy Inde-  
3 pendence and Security Act of 2007 (42 U.S.C. 17386(a))  
4 \$3,000,000,000 for fiscal year 2022, to remain available  
5 through September 30, 2026.

6 **SEC. 1009. STATE ENERGY SECURITY PLANS.**

7 (a) IN GENERAL.—Part D of title III of the Energy  
8 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is  
9 amended—

10 (1) in section 361—

11 (A) by striking the section designation and  
12 heading and all that follows through “The Con-  
13 gress” and inserting the following:

14 **“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.**

15 “(a) FINDINGS.—Congress”;

16 (B) in subsection (b), by striking “(b) It  
17 is” and inserting the following:

18 “(b) PURPOSE.—It is”; and

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

20 “(c) DEFINITIONS.—In this part:”;

21 (2) in section 366—

22 (A) in paragraph (3)(B)(i), by striking  
23 “approved under section 367, and” ; and insert-  
24 ing “; and”;

1 (B) in each of paragraphs (1) through (8),  
2 by inserting a paragraph heading, the text of  
3 which is comprised of the term defined in the  
4 paragraph; and

5 (C) by redesignating paragraphs (6) and  
6 (7) as paragraphs (7) and (6), respectively, and  
7 moving the paragraphs so as to appear in nu-  
8 merical order;

9 (3) by moving paragraphs (1) through (8) of  
10 section 366 (as so redesignated) so as to appear  
11 after subsection (c) of section 361 (as designated by  
12 paragraph (1)(C)); and

13 (4) by amending section 366 to read as follows:

14 **“SEC. 366. STATE ENERGY SECURITY PLANS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) BULK-POWER SYSTEM.—The term ‘bulk-  
17 power system’ has the meaning given the term in  
18 section 215(a) of the Federal Power Act (16 U.S.C.  
19 824o(a)).

20 “(2) STATE ENERGY SECURITY PLAN.—The  
21 term ‘State energy security plan’ means a State en-  
22 ergy security plan described in subsection (b).

23 “(b) FINANCIAL ASSISTANCE FOR STATE ENERGY  
24 SECURITY PLANS.—Federal financial assistance made  
25 available to a State under this part may be used for the

1 development, implementation, review, and revision of a  
2 State energy security plan that—

3 “(1) assesses the existing circumstances in the  
4 State; and

5 “(2) proposes methods to strengthen the ability  
6 of the State, in consultation with owners and opera-  
7 tors of energy infrastructure in the State—

8 “(A) to secure the energy infrastructure of  
9 the State against all physical and cybersecurity  
10 threats;

11 “(B)(i) to mitigate the risk of energy sup-  
12 ply disruptions to the State; and

13 “(ii) to enhance the response to, and recov-  
14 ery from, energy disruptions; and

15 “(C) to ensure that the State has reliable,  
16 secure, and resilient energy infrastructure.

17 “(c) CONTENTS OF PLAN.—A State energy security  
18 plan shall—

19 “(1) address all energy sources and regulated  
20 and unregulated energy providers;

21 “(2) provide a State energy profile, including  
22 an assessment of energy production, transmission,  
23 distribution, and end-use;

24 “(3) address potential hazards to each energy  
25 sector or system, including—

1           “(A) physical threats and vulnerabilities;

2           and

3           “(B) cybersecurity threats and

4           vulnerabilities;

5           “(4) provide a risk assessment of energy infra-  
6           structure and cross-sector interdependencies;

7           “(5) provide a risk mitigation approach to en-  
8           hance reliability and end-use resilience; and

9           “(6)(A) address—

10           “(i) multi-State and regional coordination,  
11           planning, and response; and

12           “(ii) coordination with Indian Tribes with  
13           respect to planning and response; and

14           “(B) to the extent practicable, encourage mu-  
15           tual assistance in cyber and physical response plans.

16           “(d) COORDINATION.—In developing or revising a  
17           State energy security plan, the State energy office of the  
18           State shall coordinate, to the extent practicable, with—

19           “(1) the public utility or service commission of  
20           the State;

21           “(2) energy providers from the private and pub-  
22           lic sectors; and

23           “(3) other entities responsible for—

24           “(A) maintaining fuel or electric reliability;

25           and

1                   “(B) securing energy infrastructure.

2           “(e) FINANCIAL ASSISTANCE.—A State is not eligible  
3 to receive Federal financial assistance under this part for  
4 any purpose for a fiscal year unless the Governor of the  
5 State submits to the Secretary, with respect to that fiscal  
6 year—

7                   “(1) a State energy security plan that meets  
8 the requirements of subsection (c); or

9                   “(2) after an annual review, carried out by the  
10 Governor, of a State energy security plan—

11                   “(A) any necessary revisions to the State  
12 energy security plan; or

13                   “(B) a certification that no revisions to the  
14 State energy security plan are necessary.

15           “(f) TECHNICAL ASSISTANCE.—On request of the  
16 Governor of a State, the Secretary, in consultation with  
17 the Secretary of Homeland Security, may provide informa-  
18 tion, technical assistance, and other assistance in the de-  
19 velopment, implementation, or revision of a State energy  
20 security plan.

21           “(g) REQUIREMENT.—Each State receiving Federal  
22 financial assistance under this part shall provide reason-  
23 able assurance to the Secretary that the State has estab-  
24 lished policies and procedures designed to assure that the  
25 financial assistance will be used—

1           “(1) to supplement, and not to supplant, State  
2           and local funds; and

3           “(2) to the maximum extent practicable, to in-  
4           crease the amount of State and local funds that oth-  
5           erwise would be available, in the absence of the Fed-  
6           eral financial assistance, for the implementation of a  
7           State energy security plan.

8           “(h) PROTECTION OF INFORMATION.—Information  
9           provided to, or collected by, the Federal Government pur-  
10          suant to this section the disclosure of which the Secretary  
11          reasonably foresees could be detrimental to the physical  
12          security or cybersecurity of any electric utility or the bulk-  
13          power system—

14                 “(1) shall be exempt from disclosure under sec-  
15                 tion 552(b)(3) of title 5, United States Code; and

16                 “(2) shall not be made available by any Federal  
17                 agency, State, political subdivision of a State, or  
18                 Tribal authority pursuant to any Federal, State, po-  
19                 litical subdivision of a State, or Tribal law, respec-  
20                 tively, requiring public disclosure of information or  
21                 records.

22           “(i) SUNSET.—The requirements of this section shall  
23           expire on October 31, 2025.”.

1 (b) CLERICAL AMENDMENTS.—The table of contents  
2 of the Energy Policy and Conservation Act (Public Law  
3 94–163; 89 Stat. 872) is amended—

4 (1) by striking the item relating to section 361  
5 and inserting the following:

“Sec. 361. Findings; purpose; definitions.”; and

6 (2) by striking the item relating to section 366  
7 and inserting the following:

“Sec. 366. State energy security plans.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 509(i)(3) of the Housing and Urban  
10 Development Act of 1970 (12 U.S.C. 1701z–8(i)(3))  
11 is amended by striking “prescribed for such terms in  
12 section 366 of the Energy Policy and Conservation  
13 Act” and inserting “given the terms in section  
14 361(c) of the Energy Policy and Conservation Act”.

15 (2) Section 363 of the Energy Policy and Con-  
16 servation Act (42 U.S.C. 6323) is amended—

17 (A) by striking subsection (e); and

18 (B) by redesignating subsection (f) as sub-  
19 section (e).

20 (3) Section 451(i)(3) of the Energy Conserva-  
21 tion and Production Act (42 U.S.C. 6881(i)(3)) is  
22 amended by striking “prescribed for such terms in  
23 section 366 of the Federal Energy Policy and Con-  
24 servation Act” and inserting “given the terms in sec-



1           tion 361(c) of the Energy Policy and Conservation  
2           Act”.

3   **SEC. 1010. STATE ENERGY PROGRAM.**

4           (a) COLLABORATIVE TRANSMISSION SITING.—Sec-  
5           tion 362(c) of the Energy Policy and Conservation Act (42  
6           U.S.C. 6322(c)) is amended—

7                   (1) in paragraph (5), by striking “and” at the  
8                   end;

9                   (2) in paragraph (6), by striking the period at  
10                  the end and inserting “; and”; and

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

12                   “(7) the mandatory conduct of activities to sup-  
13                  port transmission and distribution planning, includ-  
14                  ing—

15                           “(A) support for local governments and In-  
16                           dian Tribes;

17                           “(B) feasibility studies for transmission  
18                           line routes and alternatives;

19                           “(C) preparation of necessary project de-  
20                           sign and permits; and

21                           “(D) outreach to affected stakeholders.”.

22           (b) STATE ENERGY CONSERVATION PLANS.—Section  
23           362(d) of the Energy Policy and Conservation Act (42  
24           U.S.C. 6322(d)) is amended by striking paragraph (3) and  
25           inserting the following:

1           “(3) programs to increase transportation energy  
2           efficiency, including programs to help reduce carbon  
3           emissions in the transportation sector by 2050 and  
4           accelerate the use of alternative transportation fuels  
5           for, and the electrification of, State government ve-  
6           hicles, fleet vehicles, taxis and ridesharing services,  
7           mass transit, school buses, ferries, and privately  
8           owned passenger and medium- and heavy-duty vehi-  
9           cles;”.

10           (c) AUTHORIZATION OF APPROPRIATIONS FOR STATE  
11 ENERGY PROGRAM.—Section 365 of the Energy Policy  
12 and Conservation Act (42 U.S.C. 6325) is amended by  
13 striking subsection (f) and inserting the following:

14           “(f) AUTHORIZATION OF APPROPRIATIONS.—

15           “(1) IN GENERAL.—There is authorized to be  
16           appropriated to carry out this part \$500,000,000 for  
17           the period of fiscal years 2022 through 2026.

18           “(2) DISTRIBUTION.—Amounts made available  
19           under paragraph (1)—

20           “(A) shall be distributed to the States in  
21           accordance with the applicable distribution for-  
22           mula in effect on January 1, 2021; and

23           “(B) shall not be subject to the matching  
24           requirement described in the first proviso of the  
25           matter under the heading ‘ENERGY CONSERVA-

1           TION’ under the heading ‘DEPARTMENT OF  
2           ENERGY’ in title II of the Department of the  
3           Interior and Related Agencies Appropriations  
4           Act, 1985 (42 U.S.C. 6323a).”.

5 **SEC. 1011. POWER MARKETING ADMINISTRATION TRANS-**  
6                                   **MISSION BORROWING AUTHORITY.**

7           (a) IN GENERAL.—For the purposes of providing  
8 funds to assist in the financing of the construction, acqui-  
9 sition, and replacement of the Federal Columbia River  
10 Power System and to implement the authority of the Ad-  
11 ministrator of the Bonneville Power Administration (re-  
12 ferred to in this section as the “Administrator”) under  
13 the Pacific Northwest Electric Power Planning and Con-  
14 servation Act (16 U.S.C. 839 et seq.), an additional  
15 \$2,000,000,000 in borrowing authority is made available  
16 under the Federal Columbia River Transmission System  
17 Act (16 U.S.C. 838 et seq.), to remain outstanding at any  
18 1 time.

19           (b) FINANCIAL PLAN.—

20                   (1) IN GENERAL.—The Administrator shall  
21 issue an updated financial plan by September 30,  
22 2022.

23                   (2) REQUIREMENT.—As part of the process of  
24 issuing an updated financial plan under paragraph  
25 (1), the Administrator shall—

1 (A) consistent with asset management  
2 planning and sound business principles, con-  
3 sider the projected and planned use and alloca-  
4 tion of the borrowing authority of the Adminis-  
5 trator across the mission responsibilities of the  
6 Bonneville Power Administration; and

7 (B) before issuing the final updated finan-  
8 cial plan—

9 (i) engage, in a manner determined by  
10 the Administrator, with customers with re-  
11 spect to a draft of the updated financial  
12 plan; and

13 (ii) consider as a relevant factor any  
14 recommendations received from those cus-  
15 tomers regarding the prioritization of asset  
16 investments.

17 (c) **STAKEHOLDER ENGAGEMENT.**—The Adminis-  
18 trator shall—

19 (1) engage, in a manner determined by the Ad-  
20 ministrator, with customers and stakeholders with  
21 respect to the financial and cost management efforts  
22 of the Administrator through periodic program re-  
23 views; and

24 (2) to the maximum extent practicable, imple-  
25 ment those policies that would be expected to be

1 consistent with the lowest possible power and trans-  
2 mission rates consistent with sound business prin-  
3 ciples.

4 **SEC. 1012. STUDY OF CODES AND STANDARDS FOR USE OF**  
5 **ENERGY STORAGE SYSTEMS ACROSS SEC-**  
6 **TORS.**

7 (a) IN GENERAL.—The Secretary shall conduct a  
8 study of types and commercial applications of codes and  
9 standards applied to—

- 10 (1) stationary energy storage systems;  
11 (2) mobile energy storage systems; and  
12 (3) energy storage systems that move between  
13 stationary and mobile applications, such as electric  
14 vehicle batteries or batteries repurposed for new ap-  
15 plications.

16 (b) PURPOSES.—The purposes of the study con-  
17 ducted under subsection (a) shall be—

- 18 (1) to identify barriers, foster collaboration, and  
19 increase conformity across sectors relating to—  
20 (A) use of emerging energy storage tech-  
21 nologies; and  
22 (B) use cases, such as vehicle-to-grid inte-  
23 gration;  
24 (2) to identify all existing codes and standards  
25 that apply to energy storage systems;

1           (3) to identify codes and standards that require  
2           revision or enhancement;

3           (4) to enhance the safe implementation of en-  
4           ergy storage systems; and

5           (5) to receive formal input from stakeholders  
6           regarding—

7                 (A) existing codes and standards; and

8                 (B) new or revised codes and standards.

9           (c) CONSULTATION.—In conducting the study under  
10          subsection (a), the Secretary shall consult with all relevant  
11          standards-developing organizations and other entities with  
12          expertise regarding energy storage system safety.

13          (d) REPORT.—Not later than 18 months after the  
14          date of enactment of this Act, the Secretary shall submit  
15          to Congress a report describing the results of the study  
16          conducted under subsection (a).

17          **SEC. 1013. DEMONSTRATION OF ELECTRIC VEHICLE BAT-**  
18                                 **TERY SECOND-LIFE APPLICATIONS FOR GRID**  
19                                 **SERVICES.**

20          Section 3201(c) of the Energy Act of 2020 (42  
21          U.S.C. 17232(c)) is amended—

22                 (1) in paragraph (1)—

23                         (A) by striking the period at the end and  
24                         inserting “; and”;

1 (B) by striking “including at” and insert-  
2 ing the following: “including—

3 “(A) at”; and

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

5 “(B) 1 project to demonstrate second-life  
6 applications of electric vehicle batteries as ag-  
7 gregated energy storage installations to provide  
8 services to the electric grid, in accordance with  
9 paragraph (3).”;

10 (2) by redesignating paragraphs (3) and (4) as  
11 paragraphs (4) and (5), respectively; and

12 (3) by inserting after paragraph (2) the fol-  
13 lowing:

14 “(3) DEMONSTRATION OF ELECTRIC VEHICLE  
15 BATTERY SECOND-LIFE APPLICATIONS FOR GRID  
16 SERVICES.—

17 “(A) IN GENERAL.—The Secretary shall  
18 enter into an agreement to carry out a project  
19 to demonstrate second-life applications of elec-  
20 tric vehicle batteries as aggregated energy stor-  
21 age installations to provide services to the elec-  
22 tric grid.

23 “(B) PURPOSES.—The purposes of the  
24 project under subparagraph (A) shall be—

1                   “(i) to demonstrate power safety and  
2                   the reliability of the applications dem-  
3                   onstrated under the program;

4                   “(ii) to demonstrate the ability of  
5                   electric vehicle batteries—

6                                 “(I) to provide ancillary services  
7                                 for grid stability and management;  
8                                 and

9                                 “(II) to reduce the peak loads of  
10                                homes and businesses;

11                               “(iii) to extend the useful life of elec-  
12                               tric vehicle batteries and the components  
13                               of electric vehicle batteries prior to the col-  
14                               lection, recycling, and reprocessing of the  
15                               batteries and components; and

16                               “(iv) to increase acceptance of, and  
17                               participation in, the use of second-life ap-  
18                               plications of electric vehicle batteries by  
19                               utilities.

20                               “(C) PRIORITY.—In selecting a project to  
21                               carry out under subparagraph (A), the Sec-  
22                               retary shall give priority to projects in which  
23                               the demonstration of the applicable second-life  
24                               applications is paired with 1 or more facilities  
25                               that could particularly benefit from increased



1           resiliency and lower energy costs, such as a  
2           multi-family affordable housing facility, a senior  
3           care facility, and a community health center.”.

## 4           **Subtitle B—Cybersecurity**

### 5   **SEC. 1101. ENHANCING GRID SECURITY THROUGH PUBLIC-** 6           **PRIVATE PARTNERSHIPS.**

7           (a) DEFINITIONS.—In this section:

8                   (1) BULK-POWER SYSTEM; ELECTRIC RELI-  
9           ABILITY ORGANIZATION.—The terms “bulk-power  
10          system” and “Electric Reliability Organization” has  
11          the meaning given the terms in section 215(a) of the  
12          Federal Power Act (16 U.S.C. 824o(a)).

13                   (2) ELECTRIC UTILITY; STATE REGULATORY  
14          AUTHORITY.—The terms “electric utility” and  
15          “State regulatory authority” have the meanings  
16          given the terms in section 3 of the Federal Power  
17          Act (16 U.S.C. 796).

18           (b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL  
19          SECURITY AND CYBERSECURITY OF ELECTRIC UTILI-  
20          TIES.—

21                   (1) ESTABLISHMENT.—The Secretary, in con-  
22          sultation with the Secretary of Homeland Security  
23          and, as the Secretary determines to be appropriate,  
24          the heads of other relevant Federal agencies, State  
25          regulatory authorities, industry stakeholders, and

1 the Electric Reliability Organization, shall carry out  
2 a program—

3 (A) to develop, and provide for voluntary  
4 implementation of, maturity models, self-assess-  
5 ments, and auditing methods for assessing the  
6 physical security and cybersecurity of electric  
7 utilities;

8 (B) to assist with threat assessment and  
9 cybersecurity training for electric utilities;

10 (C) to provide technical assistance for elec-  
11 tric utilities subject to the program;

12 (D) to provide training to electric utilities  
13 to address and mitigate cybersecurity supply  
14 chain management risks;

15 (E) to advance, in partnership with electric  
16 utilities, the cybersecurity of third-party ven-  
17 dors that manufacture components of the elec-  
18 tric grid; and

19 (F) to increase opportunities for sharing  
20 best practices and data collection within the  
21 electric sector.

22 (2) SCOPE.—In carrying out the program under  
23 paragraph (1), the Secretary shall—

24 (A) take into consideration—

1 (i) the different sizes of electric utili-  
2 ties; and

3 (ii) the regions that electric utilities  
4 serve;

5 (B) prioritize electric utilities with fewer  
6 available resources due to size or region; and

7 (C) to the maximum extent practicable,  
8 use and leverage—

9 (i) existing Department and Depart-  
10 ment of Homeland Security programs; and

11 (ii) existing programs of the Federal  
12 agencies determined to be appropriate  
13 under paragraph (1).

14 (c) REPORT ON CYBERSECURITY OF DISTRIBUTION  
15 SYSTEMS.—Not later than 1 year after the date of enact-  
16 ment of this Act, the Secretary, in consultation with the  
17 Secretary of Homeland Security and, as the Secretary de-  
18 termines to be appropriate, the heads of other Federal  
19 agencies, State regulatory authorities, and industry stake-  
20 holders, shall submit to Congress a report that assesses—

21 (1) priorities, policies, procedures, and actions  
22 for enhancing the physical security and cybersecurity  
23 of electricity distribution systems, including behind-  
24 the-meter generation, storage, and load management

1 devices, to address threats to, and vulnerabilities of,  
2 electricity distribution systems; and

3 (2) the implementation of the priorities, poli-  
4 cies, procedures, and actions assessed under para-  
5 graph (1), including—

6 (A) an estimate of potential costs and ben-  
7 efits of the implementation; and

8 (B) an assessment of any public-private  
9 cost-sharing opportunities.

10 (d) PROTECTION OF INFORMATION.—Information  
11 provided to, or collected by, the Federal Government pur-  
12 suant to this section the disclosure of which the Secretary  
13 reasonably foresees could be detrimental to the physical  
14 security or cybersecurity of any electric utility or the bulk-  
15 power system—

16 (1) shall be exempt from disclosure under sec-  
17 tion 552(b)(3) of title 5, United States Code; and

18 (2) shall not be made available by any Federal  
19 agency, State, political subdivision of a State, or  
20 Tribal authority pursuant to any Federal, State, po-  
21 litical subdivision of a State, or Tribal law, respec-  
22 tively, requiring public disclosure of information or  
23 records.

24 **SEC. 1102. ENERGY CYBER SENSE PROGRAM.**

25 (a) DEFINITIONS.—In this section:

1           (1) BULK-POWER SYSTEM.—The term “bulk-  
2           power system” has the meaning given the term in  
3           section 215(a) of the Federal Power Act (16 U.S.C.  
4           824o(a)).

5           (2) PROGRAM.—The term “program” means  
6           the voluntary Energy Cyber Sense program estab-  
7           lished under subsection (b).

8           (b) ESTABLISHMENT.—The Secretary, in consulta-  
9           tion with the Secretary of Homeland Security and the  
10          heads of other relevant Federal agencies, shall establish  
11          a voluntary Energy Cyber Sense program to test the cy-  
12          bersecurity of products and technologies intended for use  
13          in the bulk-power system.

14          (c) PROGRAM REQUIREMENTS.—In carrying out sub-  
15          section (b), the Secretary, in consultation with the Sec-  
16          retary of Homeland Security and the heads of other rel-  
17          evant Federal agencies, shall—

18               (1) establish a testing process under the pro-  
19               gram to test the cybersecurity of products and tech-  
20               nologies intended for use in the bulk-power system,  
21               including products relating to industrial control sys-  
22               tems and operational technologies, such as super-  
23               visory control and data acquisition systems;

24               (2) for products and technologies tested under  
25               the program, establish and maintain cybersecurity

1 vulnerability reporting processes and a related data-  
2 base that are integrated with Federal vulnerability  
3 coordination processes;

4 (3) provide technical assistance to electric utili-  
5 ties, product manufacturers, and other electricity  
6 sector stakeholders to develop solutions to mitigate  
7 identified cybersecurity vulnerabilities in products  
8 and technologies tested under the program;

9 (4) biennially review products and technologies  
10 tested under the program for cybersecurity  
11 vulnerabilities and provide analysis with respect to  
12 how those products and technologies respond to and  
13 mitigate cyber threats;

14 (5) develop guidance that is informed by anal-  
15 ysis and testing results under the program for elec-  
16 tric utilities for the procurement of products and  
17 technologies;

18 (6) provide reasonable notice to, and solicit  
19 comments from, the public prior to establishing or  
20 revising the testing process under the program;

21 (7) oversee the testing of products and tech-  
22 nologies under the program; and

23 (8) consider incentives to encourage the use of  
24 analysis and results of testing under the program in

1 the design of products and technologies for use in  
2 the bulk-power system.

3 (d) PROTECTION OF INFORMATION.—Information  
4 provided to, or collected by, the Federal Government pur-  
5 suant to this section the disclosure of which the Secretary  
6 reasonably foresees could be detrimental to the physical  
7 security or cybersecurity of any electric utility or the bulk-  
8 power system—

9 (1) shall be exempt from disclosure under sec-  
10 tion 552(b)(3) of title 5, United States Code; and

11 (2) shall not be made available by any Federal  
12 agency, State, political subdivision of a State, or  
13 Tribal authority pursuant to any Federal, State, po-  
14 litical subdivision of a State, or Tribal law, respec-  
15 tively, requiring public disclosure of information or  
16 records.

17 (e) FEDERAL GOVERNMENT LIABILITY.—Nothing in  
18 this section authorizes the commencement of an action  
19 against the United States with respect to the testing of  
20 a product or technology under the program.

21 **SEC. 1103. INCENTIVES FOR ADVANCED CYBERSECURITY**  
22 **TECHNOLOGY INVESTMENT.**

23 Part II of the Federal Power Act is amended by in-  
24 serting after section 219 (16 U.S.C. 824s) the following:

1 **“SEC. 219A. INCENTIVES FOR CYBERSECURITY INVEST-**  
2 **MENTS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ADVANCED CYBERSECURITY TECH-  
5 NOLOGY.—The term ‘advanced cybersecurity tech-  
6 nology’ means any technology, operational capability,  
7 or service, including computer hardware, software,  
8 or a related asset, that enhances the security posture  
9 of public utilities through improvements in the abil-  
10 ity to protect against, detect, respond to, or recover  
11 from a cybersecurity threat (as defined in section  
12 102 of the Cybersecurity Act of 2015 (6 U.S.C.  
13 1501)).

14 “(2) ADVANCED CYBERSECURITY TECHNOLOGY  
15 INFORMATION.—The term ‘advanced cybersecurity  
16 technology information’ means information relating  
17 to advanced cybersecurity technology or proposed  
18 advanced cybersecurity technology that is generated  
19 by or provided to the Commission or another Fed-  
20 eral agency.

21 “(b) STUDY.—Not later than 180 days after the date  
22 of enactment of this section, the Commission, in consulta-  
23 tion with the Secretary of Energy, the North American  
24 Electric Reliability Corporation, the Electricity Subsector  
25 Coordinating Council, and the National Association of  
26 Regulatory Utility Commissioners, shall conduct a study



1 to identify incentive-based, including performance-based,  
2 rate treatments for the transmission and sale of electric  
3 energy subject to the jurisdiction of the Commission that  
4 could be used to encourage—

5           “(1) investment by public utilities in advanced  
6           cybersecurity technology; and

7           “(2) participation by public utilities in cyberse-  
8           curity threat information sharing programs.

9           “(c) INCENTIVE-BASED RATE TREATMENT.—Not  
10 later than 1 year after the completion of the study under  
11 subsection (b), the Commission shall establish, by rule, in-  
12 centive-based, including performance-based, rate treat-  
13 ments for the transmission of electric energy in interstate  
14 commerce and the sale of electric energy at wholesale in  
15 interstate commerce by public utilities for the purpose of  
16 benefitting consumers by encouraging—

17           “(1) investments by public utilities in advanced  
18           cybersecurity technology; and

19           “(2) participation by public utilities in cyberse-  
20           curity threat information sharing programs.

21           “(d) FACTORS FOR CONSIDERATION.—In issuing a  
22 rule pursuant to this section, the Commission may provide  
23 additional incentives beyond those identified in subsection  
24 (c) in any case in which the Commission determines that  
25 an investment in advanced cybersecurity technology or in-

1 formation sharing program costs will reduce cybersecurity  
2 risks to—

3 “(1) defense critical electric infrastructure (as  
4 defined in section 215A(a)) and other facilities sub-  
5 ject to the jurisdiction of the Commission that are  
6 critical to public safety, national defense, or home-  
7 land security, as determined by the Commission in  
8 consultation with—

9 “(A) the Secretary of Energy;

10 “(B) the Secretary of Homeland Security;

11 and

12 “(C) other appropriate Federal agencies;

13 and

14 “(2) facilities of small or medium-sized public  
15 utilities with limited cybersecurity resources, as de-  
16 termined by the Commission.

17 “(e) RATEPAYER PROTECTION.—

18 “(1) IN GENERAL.—Any rate approved under a  
19 rule issued pursuant to this section, including any  
20 revisions to that rule, shall be subject to the require-  
21 ments of sections 205 and 206 that all rates,  
22 charges, terms, and conditions—

23 “(A) shall be just and reasonable; and

24 “(B) shall not be unduly discriminatory or  
25 preferential.

1           “(2) PROHIBITION OF DUPLICATE RECOVERY.—

2           Any rule issued pursuant to this section shall pre-  
3           clude rate treatments that allow unjust and unrea-  
4           sonable double recovery for advanced cybersecurity  
5           technology.

6           “(f) SINGLE-ISSUE RATE FILINGS.—The Commis-  
7           sion shall permit public utilities to apply for incentive-  
8           based rate treatment under a rule issued under this sec-  
9           tion on a single-issue basis by submitting to the Commis-  
10          sion a tariff schedule under section 205 that permits re-  
11          covery of costs and incentives over the depreciable life of  
12          the applicable assets, without regard to changes in receipts  
13          or other costs of the public utility.

14          “(g) PROTECTION OF INFORMATION.—Advanced cy-  
15          bersecurity technology information that is provided to,  
16          generated by, or collected by the Federal Government  
17          under subsection (b), (c), or (f) shall be considered to be  
18          critical electric infrastructure information under section  
19          215A.”.

20   **SEC. 1104. RURAL AND MUNICIPAL UTILITY ADVANCED CY-**  
21                   **BERSECURITY GRANT AND TECHNICAL AS-**  
22                   **SISTANCE PROGRAM.**

23          (a) DEFINITIONS.—In this section:

24                  (1)    ADVANCED    CYBERSECURITY    TECH-  
25                  NOLOGY.—The term “advanced cybersecurity tech-

1 nology” means any technology, operational capa-  
2 bility, or service, including computer hardware, soft-  
3 ware, or a related asset, that enhances the security  
4 posture of electric utilities through improvements in  
5 the ability to protect against, detect, respond to, or  
6 recover from a cybersecurity threat (as defined in  
7 section 102 of the Cybersecurity Act of 2015 (6  
8 U.S.C. 1501)).

9 (2) BULK-POWER SYSTEM.—The term “bulk-  
10 power system” has the meaning given the term in  
11 section 215(a) of the Federal Power Act (16 U.S.C.  
12 824o(a)).

13 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
14 ty” means—

15 (A) a rural electric cooperative;

16 (B) a utility owned by a political subdivi-  
17 sion of a State, such as a municipally owned  
18 electric utility;

19 (C) a utility owned by any agency, author-  
20 ity, corporation, or instrumentality of 1 or more  
21 political subdivisions of a State;

22 (D) a not-for-profit entity that is in a part-  
23 nership with not fewer than 6 entities described  
24 in subparagraph (A), (B), or (C); and

1                   (E) an investor-owned electric utility that  
2                   sells less than 4,000,000 megawatt hours of  
3                   electricity per year.

4                   (4) PROGRAM.—The term “Program” means  
5                   the Rural and Municipal Utility Advanced Cyberse-  
6                   curity Grant and Technical Assistance Program es-  
7                   tablished under subsection (b).

8                   (b) ESTABLISHMENT.—Not later than 180 days after  
9                   the date of enactment of this Act, the Secretary, in con-  
10                  sultation with the Secretary of Homeland Security, the  
11                  Federal Energy Regulatory Commission, the North Amer-  
12                  ican Electric Reliability Corporation, and the Electricity  
13                  Subsector Coordinating Council, shall establish a program,  
14                  to be known as the “Rural and Municipal Utility Advanced  
15                  Cybersecurity Grant and Technical Assistance Program”,  
16                  to provide grants and technical assistance to, and enter  
17                  into cooperative agreements with, eligible entities to pro-  
18                  tect against, detect, respond to, and recover from cyberse-  
19                  curity threats.

20                  (c) OBJECTIVES.—The objectives of the Program  
21                  shall be—

22                       (1) to deploy advanced cybersecurity tech-  
23                       nologies for electric utility systems; and

1           (2) to increase the participation of eligible enti-  
2           ties in cybersecurity threat information sharing pro-  
3           grams.

4           (d) AWARDS.—

5           (1) IN GENERAL.—The Secretary—

6           (A) shall award grants and provide tech-  
7           nical assistance under the Program to eligible  
8           entities on a competitive basis;

9           (B) shall develop criteria and a formula for  
10          awarding grants and providing technical assist-  
11          ance under the Program;

12          (C) may enter into cooperative agreements  
13          with eligible entities that can facilitate the ob-  
14          jectives described in subsection (c); and

15          (D) shall establish a process to ensure that  
16          all eligible entities are informed about and can  
17          become aware of opportunities to receive grants  
18          or technical assistance under the Program.

19          (2) PRIORITY FOR GRANTS AND TECHNICAL AS-  
20          SISTANCE.—In awarding grants and providing tech-  
21          nical assistance under the Program, the Secretary  
22          shall give priority to an eligible entity that, as deter-  
23          mined by the Secretary—

24                 (A) has limited cybersecurity resources;

1 (B) owns assets critical to the reliability of  
2 the bulk-power system; or

3 (C) owns defense critical electric infra-  
4 structure (as defined in section 215A(a) of the  
5 Federal Power Act (16 U.S.C. 824o-1(a))).

6 (e) PROTECTION OF INFORMATION.—Information  
7 provided to, or collected by, the Federal Government pur-  
8 suant to this section the disclosure of which the Secretary  
9 reasonably foresees could be detrimental to the physical  
10 security or cybersecurity of any electric utility or the bulk-  
11 power system—

12 (1) shall be exempt from disclosure under sec-  
13 tion 552(b)(3) of title 5, United States Code; and

14 (2) shall not be made available by any Federal  
15 agency, State, political subdivision of a State, or  
16 Tribal authority pursuant to any Federal, State, po-  
17 litical subdivision of a State, or Tribal law, respec-  
18 tively, requiring public disclosure of information or  
19 records.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Secretary to carry  
22 out this section \$250,000,000 for the period of fiscal years  
23 2022 through 2026.

24 **SEC. 1105. ENHANCED GRID SECURITY.**

25 (a) DEFINITIONS.—In this section:

1           (1) ELECTRIC UTILITY.—The term “electric  
2 utility” has the meaning given the term in section  
3 3 of the Federal Power Act (16 U.S.C. 796).

4           (2) E-ISAC.—The term “E-ISAC” means the  
5 Electricity Information Sharing and Analysis Center.

6           (b) CYBERSECURITY FOR THE ENERGY SECTOR RE-  
7 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-  
8 GRAM.—

9           (1) IN GENERAL.—The Secretary, in consulta-  
10 tion with the Secretary of Homeland Security and,  
11 as determined appropriate, other Federal agencies,  
12 the energy sector, the States, Indian Tribes, Tribal  
13 organizations, territories or freely associated states,  
14 and other stakeholders, shall develop and carry out  
15 a program—

16           (A) to develop advanced cybersecurity ap-  
17 plications and technologies for the energy sec-  
18 tor—

19           (i) to identify and mitigate  
20 vulnerabilities, including—

21           (I) dependencies on other critical  
22 infrastructure;

23           (II) impacts from weather and  
24 fuel supply;



1 (III) increased dependence on in-  
2 verter-based technologies; and

3 (IV) vulnerabilities from  
4 unpatched hardware and software sys-  
5 tems; and

6 (ii) to advance the security of field de-  
7 vices and third-party control systems, in-  
8 cluding—

9 (I) systems for generation, trans-  
10 mission, distribution, end use, and  
11 market functions;

12 (II) specific electric grid elements  
13 including advanced metering, demand  
14 response, distribution, generation, and  
15 electricity storage;

16 (III) forensic analysis of infected  
17 systems; and

18 (IV) secure communications;

19 (B) to leverage electric grid architecture as  
20 a means to assess risks to the energy sector, in-  
21 cluding by implementing an all-hazards ap-  
22 proach to communications infrastructure, con-  
23 trol systems architecture, and power systems  
24 architecture;

1 (C) to perform pilot demonstration projects  
2 with the energy sector to gain experience with  
3 new technologies;

4 (D) to develop workforce development cur-  
5 ricula for energy sector-related cybersecurity;  
6 and

7 (E) to develop improved supply chain con-  
8 cepts for secure design of emerging digital com-  
9 ponents and power electronics.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to the Sec-  
12 retary to carry out this subsection \$250,000,000 for  
13 the period of fiscal years 2022 through 2026.

14 (c) ENERGY SECTOR OPERATIONAL SUPPORT FOR  
15 CYBERRESILIENCE PROGRAM.—

16 (1) IN GENERAL.—The Secretary may develop  
17 and carry out a program—

18 (A) to enhance and periodically test—

19 (i) the emergency response capabilities  
20 of the Department; and

21 (ii) the coordination of the Depart-  
22 ment with other agencies, the National  
23 Laboratories, and private industry;

24 (B) to expand cooperation of the Depart-  
25 ment with the intelligence community for en-

1           energy sector-related threat collection and anal-  
2           ysis;

3           (C) to enhance the tools of the Department  
4           and E-ISAC for monitoring the status of the  
5           energy sector;

6           (D) to expand industry participation in E-  
7           ISAC; and

8           (E) to provide technical assistance to small  
9           electric utilities for purposes of assessing and  
10          improving cybermaturity levels and addressing  
11          gaps identified in the assessment.

12          (2) AUTHORIZATION OF APPROPRIATIONS.—

13          There is authorized to be appropriated to the Sec-  
14          retary to carry out this subsection \$50,000,000 for  
15          the period of fiscal years 2022 through 2026.

16          (d) MODELING AND ASSESSING ENERGY INFRA-  
17          STRUCTURE RISK.—

18           (1) IN GENERAL.—The Secretary, in consulta-  
19           tion with the Secretary of Homeland Security, shall  
20           develop and carry out an advanced energy security  
21           program to secure energy networks, including—

22           (A) electric networks;

23           (B) natural gas networks; and

24           (C) oil exploration, transmission, and deliv-  
25           ery networks.

1           (2) SECURITY AND RESILIENCY OBJECTIVE.—

2           The objective of the program developed under para-  
3           graph (1) is to increase the functional preservation  
4           of electric grid operations or natural gas and oil op-  
5           erations in the face of natural and human-made  
6           threats and hazards, including electric magnetic  
7           pulse and geomagnetic disturbances.

8           (3) ELIGIBLE ACTIVITIES.—In carrying out the  
9           program developed under paragraph (1), the Sec-  
10          retary may—

11           (A) develop capabilities to identify  
12           vulnerabilities and critical components that pose  
13           major risks to grid security if destroyed or im-  
14           paired;

15           (B) provide modeling at the national level  
16           to predict impacts from natural or human-made  
17           events;

18           (C) add physical security to the cybersecu-  
19           rity maturity model;

20           (D) conduct exercises and assessments to  
21           identify and mitigate vulnerabilities to the elec-  
22           tric grid, including providing mitigation rec-  
23           ommendations;

24           (E) conduct research on hardening solu-  
25           tions for critical components of the electric grid;

1 (F) conduct research on mitigation and re-  
2 covery solutions for critical components of the  
3 electric grid; and

4 (G) provide technical assistance to States  
5 and other entities for standards and risk anal-  
6 ysis.

7 (4) SAVINGS PROVISION.—Nothing in this sec-  
8 tion authorizes new regulatory requirements.

9 (5) AUTHORIZATION OF APPROPRIATIONS.—  
10 There is authorized to be appropriated to the Sec-  
11 retary to carry out this subsection \$50,000,000 for  
12 the period of fiscal years 2022 through 2026.

13 **SEC. 1106. CYBERSECURITY PLAN.**

14 (a) IN GENERAL.—The Secretary may require, as the  
15 Secretary determines appropriate, a recipient of any  
16 award or other funding under this Act—

17 (1) to submit to the Secretary, prior to the  
18 issuance of the award or other funding, a cybersecu-  
19 rity plan that demonstrates the cybersecurity matu-  
20 rity of the recipient in the context of the project for  
21 which that award or other funding was provided;  
22 and

23 (2) establish a plan for maintaining and im-  
24 proving cybersecurity throughout the life of the pro-  
25 posed solution of the project.

1 (b) CONTENTS OF CYBERSECURITY PLAN.—A cyber-  
2 security plan described in subsection (a) shall, at a min-  
3 imum, describe how the recipient described in that sub-  
4 section—

5 (1) plans to maintain cybersecurity between  
6 networks, systems, devices, applications, or compo-  
7 nents—

8 (A) within the proposed solution of the  
9 project; and

10 (B) at the necessary external interfaces at  
11 the proposed solution boundaries;

12 (2) will perform ongoing evaluation of cyberse-  
13 curity risks to address issues as the issues arise  
14 throughout the life of the proposed solution;

15 (3) will report known or suspected network or  
16 system compromises of the project to the Secretary;  
17 and

18 (4) will leverage applicable cybersecurity pro-  
19 grams of the Department, including cyber vulner-  
20 ability testing and security engineering evaluations.

21 (c) ADDITIONAL GUIDANCE.—Each recipient de-  
22 scribed in subsection (a) should—

23 (1) maximize the use of open guidance and  
24 standards, including, wherever possible—

1 (A) the Cybersecurity Capability Maturity  
2 Model of the Department (or a successor  
3 model); and

4 (B) the Framework for Improving Critical  
5 Infrastructure Cybersecurity of the National In-  
6 stitute of Standards and Technology; and

7 (2) document —

8 (A) any deviation from open standards;  
9 and

10 (B) the utilization of proprietary standards  
11 where the recipient determines that such devi-  
12 ation necessary.

13 (d) COORDINATION.—The Office of Cybersecurity,  
14 Energy Security, and Emergency Response of the Depart-  
15 ment shall review each cybersecurity plan submitted under  
16 subsection (a) to ensure integration with Department re-  
17 search, development, and demonstration programs.

18 (e) PROTECTION OF INFORMATION.—Information  
19 provided to, or collected by, the Federal Government pur-  
20 suant to this section the disclosure of which the Secretary  
21 reasonably foresees could be detrimental to the physical  
22 security or cybersecurity of any electric utility or the bulk-  
23 power system—

24 (1) shall be exempt from disclosure under sec-  
25 tion 552(b)(3) of title 5, United States Code; and

1           (2) shall not be made available by any Federal  
2           agency, State, political subdivision of a State, or  
3           Tribal authority pursuant to any Federal, State, po-  
4           litical subdivision of a State, or Tribal law, respec-  
5           tively, requiring public disclosure of information or  
6           records.

7 **SEC. 1107. SAVINGS PROVISION.**

8           Nothing in this subtitle affects the authority, existing  
9           on the day before the date of enactment of this Act, of  
10          any other Federal department or agency, including the au-  
11          thority provided to the Secretary of Homeland Security  
12          and the Director of the Cybersecurity and Infrastructure  
13          Security Agency in title XXII of the Homeland Security  
14          Act of 2002 (6 U.S.C. 651 et seq.).

15       **TITLE II—SUPPLY CHAINS FOR**  
16       **CLEAN ENERGY TECHNOLOGIES**

17 **SEC. 2001. EARTH MAPPING RESOURCES INITIATIVE.**

18          (a) DEFINITION OF CRITICAL MINERAL.—In this  
19          section, the term “critical mineral” has the meaning given  
20          the term in section 7002(a) of the Energy Act of 2020  
21          (30 U.S.C. 1606(a)).

22          (b) ESTABLISHMENT.—There is established within  
23          the United States Geological Survey an initiative, to be  
24          known as the “Earth Mapping Resources Initiative” (re-  
25          ferred to in this section as the “Initiative”).



1 (c) PURPOSE.—The purpose of the Initiative shall be  
2 to accelerate efforts to carry out the fundamental re-  
3 sources and mapping mission of the United States Geo-  
4 logical Survey by—

5 (1) providing integrated topographic, geologic,  
6 geochemical, and geophysical mapping;

7 (2) accelerating the integration and consolida-  
8 tion of geospatial and resource data; and

9 (3) providing interpretation of subsurface and  
10 above-ground mineral resources data.

11 (d) COOPERATIVE AGREEMENTS.—

12 (1) IN GENERAL.—In carrying out the Initia-  
13 tive, the Director of the United States Geological  
14 Survey may enter into cooperative agreements with  
15 State geological surveys.

16 (2) EFFECT.—Nothing in paragraph (1) pre-  
17 cludes the Director of the United States Geological  
18 Survey from using existing contracting authorities in  
19 carrying out the Initiative.

20 (e) COMPREHENSIVE MAPPING MODERNIZATION.—

21 (1) IN GENERAL.—Not later than 10 years  
22 after the date of enactment of this Act, the Initiative  
23 shall complete an initial comprehensive national  
24 modern surface and subsurface mapping and data  
25 integration effort.

1           (2) APPROACH.—In carrying out paragraph (1)  
2 with regard to minerals, mineralization, and mineral  
3 deposits, the Initiative shall focus on the full range  
4 of minerals, using a whole ore body approach rather  
5 than a single commodity approach, to emphasize all  
6 of the recoverable critical minerals in a given surface  
7 or subsurface deposit.

8           (3) PRIORITY.—In carrying out paragraph (1)  
9 with regard to minerals, mineralization, and mineral  
10 deposits, the Initiative shall prioritize mapping and  
11 assessing critical minerals.

12           (4) INCLUSIONS.—In carrying out paragraph  
13 (1), the Initiative shall also—

14           (A) map and collect data for areas con-  
15 taining mine waste to increase understanding of  
16 above-ground critical mineral resources in pre-  
17 viously disturbed areas; and

18           (B) provide for analysis of samples, includ-  
19 ing samples within the National Geological and  
20 Geophysical Data Preservation Program estab-  
21 lished under section 351(b) of the Energy Pol-  
22 icy Act of 2005 (42 U.S.C. 15908(b)) for the  
23 occurrence of critical minerals.

24           (f) AVAILABILITY.—The Initiative shall make the  
25 geospatial data and metadata gathered by the Initiative

1 under subsection (e)(1) electronically publicly accessible  
2 on an ongoing basis.

3 (g) INTEGRATION OF DATA SOURCES.—The Initia-  
4 tive shall integrate data sources, including data from—

5 (1) the National Cooperative Geologic Mapping  
6 Program established by section 4(a)(1) of the Na-  
7 tional Geologic Mapping Act of 1992 (43 U.S.C.  
8 31c(a)(1));

9 (2) the National Geological and Geophysical  
10 Data Preservation Program established under sec-  
11 tion 351(b) of the Energy Policy Act of 2005 (42  
12 U.S.C. 15908(b));

13 (3) the USMIN Mineral Deposit Database of  
14 the United States Geological Survey;

15 (4) the 3D Elevation Program established  
16 under section 5(a) of the National Landslide Pre-  
17 paredness Act (43 U.S.C. 3104(a)); and

18 (5) other relevant sources, including sources  
19 providing geothermal resources data.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Secretary to carry  
22 out this section \$320,000,000 for the period of fiscal years  
23 2022 through 2026, to remain available until expended.

1 **SEC. 2002. NATIONAL COOPERATIVE GEOLOGIC MAPPING**  
2 **PROGRAM.**

3 (a) IN GENERAL.—Section 4(d) of the National Geo-  
4 logic Mapping Act of 1992 (43 U.S.C. 31c(d)) is amended  
5 by adding at the end the following:

6 “(4) ABANDONED MINE LAND AND MINE WASTE  
7 COMPONENT.—

8 “(A) IN GENERAL.—The geologic mapping  
9 program shall include an abandoned mine land  
10 and mine waste geologic mapping component,  
11 the objective of which shall be to establish the  
12 geologic framework of abandoned mine land  
13 and other land containing mine waste.

14 “(B) MAPPING PRIORITIES.—For the com-  
15 ponent described in subparagraph (A), the pri-  
16 ority shall be mapping abandoned mine land  
17 and other land containing mine waste where  
18 multiple critical mineral (as defined in section  
19 7002(a) of the Energy Act of 2020 (30 U.S.C.  
20 1606(a))) and metal commodities are antici-  
21 pated to be present, rather than single mineral  
22 resources.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 9(a) of the National Geologic Mapping Act of 1992 (43  
25 U.S.C. 31h(a)) is amended by striking “2023” and insert-  
26 ing “2031”.

1 **SEC. 2003. NATIONAL GEOLOGICAL AND GEOPHYSICAL**  
2 **DATA PRESERVATION PROGRAM.**

3 Section 351(b) of the Energy Policy Act of 2005 (42  
4 U.S.C. 15908(b)) is amended—

5 (1) in paragraph (2), by striking “and” after  
6 the semicolon;

7 (2) in paragraph (3), by striking the period at  
8 the end and inserting “; and”; and

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

10 “(4) to provide for preservation of samples to  
11 track geochemical signatures from critical mineral  
12 (as defined in section 7002(a) of the Energy Act of  
13 2020 (30 U.S.C. 1606(a))) ore bodies for use in  
14 provenance tracking frameworks.”.

15 **SEC. 2004. USGS ENERGY AND MINERALS RESEARCH FACIL-**  
16 **ITY.**

17 (a) **ESTABLISHMENT.**—The Director of the United  
18 States Geological Survey (referred to in this section as the  
19 “Director”), shall fund, through a cooperative agreement  
20 with an academic partner, the design, construction, and  
21 tenant build-out of a facility to support energy and min-  
22 erals research and appurtenant associated structures.

23 (b) **OWNERSHIP.**—The United States Geological Sur-  
24 vey shall retain ownership of the facility and associated  
25 structures described in subsection (a).

1           (c) AGREEMENTS.—The Director may enter into  
2 agreements with, and to collect and expend funds or in-  
3 kind contributions from, academic, Federal, State, or  
4 other tenants over the life of the facility described in sub-  
5 section (a) for the purposes of—

6           (1) facility planning;

7           (2) design;

8           (3) maintenance;

9           (4) operation; or

10          (5) facility improvements.

11          (d) LEASES.—The Director may enter into a lease  
12 or other agreement with the academic partner with which  
13 the Director has entered into a cooperative agreement  
14 under subsection (a), at no cost to the Federal Govern-  
15 ment, to obtain land on which to construct the facility de-  
16 scribed in that subsection for a term of not less than 99  
17 years.

18          (e) REPORTS.—The Director shall submit to Con-  
19 gress annual reports on—

20           (1) the facility described in subsection (a); and

21           (2) the authorities used under this section.

22          (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Secretary of the Inte-  
24 rior to carry out this section \$167,000,000 for fiscal year  
25 2022, to remain available until expended.

1 **SEC. 2005. RARE EARTH ELEMENTS DEMONSTRATION FA-**  
2 **CILITY.**

3 Section 7001 of the Energy Act of 2020 (42 U.S.C.  
4 13344) is amended—

5 (1) in subsection (b), by inserting “and annu-  
6 ally thereafter while the facility established under  
7 subsection (c) remains in operation,” after “enact-  
8 ment of this Act,”;

9 (2) by redesignating subsection (c) as sub-  
10 section (d); and

11 (3) by inserting after subsection (b) the fol-  
12 lowing:

13 “(c) RARE EARTH DEMONSTRATION FACILITY.—

14 “(1) ESTABLISHMENT.—In coordination with  
15 the research program under subsection (a)(1)(A),  
16 the Secretary shall fund, through an agreement with  
17 an academic partner, the design, construction, and  
18 build-out of a facility to demonstrate the commercial  
19 feasibility of a full-scale integrated rare earth ele-  
20 ment extraction and separation facility and refinery.

21 “(2) FACILITY ACTIVITIES.—The facility estab-  
22 lished under paragraph (1) shall—

23 “(A) provide environmental benefits  
24 through use of feedstock derived from acid mine  
25 drainage, mine waste, or other deleterious ma-  
26 terial;

1           “(B) separate mixed rare earth oxides into  
2           pure oxides of each rare earth element;

3           “(C) refine rare earth oxides into rare  
4           earth metals; and

5           “(D) provide for separation of rare earth  
6           oxides and refining into rare earth metals at a  
7           single site.

8           “(3) AUTHORIZATION OF APPROPRIATIONS.—  
9           There is authorized to be appropriated to the Sec-  
10          retary to carry out this subsection \$140,000,000 for  
11          fiscal year 2022, to remain available until ex-  
12          pended.”.

13 **SEC. 2006. CRITICAL MINERALS SUPPLY CHAINS AND RELI-**  
14 **ABILITY.**

15          (a) DEFINITION OF CRITICAL MINERAL.—In this  
16          section, the term “critical mineral” has the meaning given  
17          the term in section 7002(a) of the Energy Act of 2020  
18          (30 U.S.C. 1606(a)).

19          (b) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that—

21                 (1) critical minerals are fundamental to the  
22                 economy, competitiveness, and security of the United  
23                 States;



1           (2) many critical minerals are only economic to  
2           recover when combined with the production of a host  
3           mineral;

4           (3) to the maximum extent practicable, the crit-  
5           ical mineral needs of the United States should be  
6           satisfied by minerals responsibly produced and recy-  
7           cled in the United States; and

8           (4) the Federal permitting process has been  
9           identified as an impediment to mineral production  
10          and the mineral security of the United States.

11          (c) FEDERAL PERMITTING AND REVIEW PERFORM-  
12          ANCE IMPROVEMENTS.—To improve the quality and time-  
13          liness of Federal permitting and review processes with re-  
14          spect to critical mineral production on Federal land, the  
15          Secretary of the Interior, acting through the Director of  
16          the Bureau of Land Management, and the Secretary of  
17          Agriculture, acting through the Chief of the Forest Service  
18          (referred to in this section as the “Secretaries”), to the  
19          maximum extent practicable, shall complete the Federal  
20          permitting and review processes with maximum efficiency  
21          and effectiveness, while supporting vital economic growth,  
22          by—

23                (1) establishing and adhering to timelines and  
24                schedules for the consideration of, and final deci-  
25                sions regarding, applications, operating plans, leases,

1 licenses, permits, and other use authorizations for  
2 critical mineral-related activities on Federal land;

3 (2) establishing clear, quantifiable, and tem-  
4 poral permitting performance goals and tracking  
5 progress against those goals;

6 (3) engaging in early collaboration among agen-  
7 cies, project sponsors, and affected stakeholders—

8 (A) to incorporate and address the inter-  
9 ests of those parties; and

10 (B) to minimize delays;

11 (4) ensuring transparency and accountability by  
12 using cost-effective information technology to collect  
13 and disseminate information regarding individual  
14 projects and agency performance;

15 (5) engaging in early and active consultation  
16 with State, local, and Tribal governments—

17 (A) to avoid conflicts or duplication of ef-  
18 fort;

19 (B) to resolve concerns; and

20 (C) to allow for concurrent, rather than se-  
21 quential, reviews;

22 (6) providing demonstrable improvements in the  
23 performance of Federal permitting and review proc-  
24 esses, including lower costs and more timely deci-  
25 sions;

1           (7) expanding and institutionalizing Federal  
2           permitting and review process improvements that  
3           have proven effective;

4           (8) developing mechanisms to better commu-  
5           nicate priorities and resolve disputes among agencies  
6           at the national, regional, State, and local levels; and

7           (9) developing other practices, such as  
8           preapplication procedures.

9           (d) REVIEW AND REPORT.—Not later than 1 year  
10          after the date of enactment of this Act, the Secretaries  
11          shall submit to Congress a report that—

12           (1) identifies additional measures, including  
13           regulatory and legislative proposals, if appropriate,  
14           that would increase the timeliness of permitting ac-  
15           tivities for the exploration and development of do-  
16           mestic critical minerals;

17           (2) identifies options, including cost recovery  
18           paid by permit applicants, for ensuring adequate  
19           staffing and training of Federal entities and per-  
20           sonnel responsible for the consideration of applica-  
21           tions, operating plans, leases, licenses, permits, and  
22           other use authorizations for critical mineral-related  
23           activities on Federal land;

24           (3) quantifies the period of time typically re-  
25           quired to complete each step associated with the de-

1       velopment and processing of applications, operating  
2       plans, leases, licenses, permits, and other use au-  
3       thorizations for critical mineral-related activities on  
4       Federal land, including by—

5               (A) calculating the range, the mean, the  
6               median, the variance, and other statistical  
7               measures or representations of the period of  
8               time; and

9               (B) taking into account other aspects that  
10              affect the period of time that are outside the  
11              control of the Executive branch, such as judicial  
12              review, applicant decisions, or State and local  
13              government involvement; and

14             (4) describes actions carried out pursuant to  
15             subsection (c).

16             (e) PERFORMANCE METRIC.—Not later than 90 days  
17             after the date of submission of the report under subsection  
18             (d), and after providing public notice and an opportunity  
19             to comment, the Secretaries, using as a baseline the period  
20             of time quantified under paragraph (3) of that subsection,  
21             shall develop and publish a performance metric for evalu-  
22             ating the progress made by the Executive branch to expe-  
23             dite the permitting of activities that will increase explo-  
24             ration for, and development of, domestic critical minerals,  
25             while maintaining environmental standards.

1 (f) ANNUAL REPORTS.—Not later than the date on  
2 which the President submits the first budget of the Presi-  
3 dent under section 1105 of title 31, United States Code,  
4 after publication of the performance metric required under  
5 subsection (e), and annually thereafter, the Secretaries  
6 shall submit to Congress a report that—

7 (1) summarizes the implementation of rec-  
8 ommendations, measures, and options identified in  
9 paragraphs (1) and (2) of subsection (d);

10 (2) using the performance metric developed  
11 under subsection (e), describes progress made by the  
12 Executive branch, as compared to the baseline devel-  
13 oped pursuant to subsection (d)(3), in expediting the  
14 permitting of activities that will increase exploration  
15 for, and development of, domestic critical minerals;  
16 and

17 (3) compares the United States to other coun-  
18 tries in terms of permitting efficiency and any other  
19 criteria relevant to the globally competitive critical  
20 minerals industry.

21 (g) INDIVIDUAL PROJECTS.—Each year, using data  
22 contained in the reports submitted under subsection (f),  
23 the Director of the Office of Management and Budget  
24 shall prioritize inclusion of individual critical mineral  
25 projects on the website operated by the Office of Manage-

1 ment and Budget in accordance with section 1122 of title  
2 31, United States Code.

3 **SEC. 2007. BATTERY PROCESSING AND MANUFACTURING.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADVANCED BATTERY.—The term “advanced  
6 battery” means a high-capacity battery that—

7 (A) has a robust battery cell and module;  
8 and

9 (B) is used in energy storage applications,  
10 including electric vehicles and the electric grid.

11 (2) ADVANCED BATTERY COMPONENT.—

12 (A) IN GENERAL.—The term “advanced  
13 battery component” means a component of an  
14 advanced battery.

15 (B) INCLUSIONS.—The term “advanced  
16 battery component” includes materials, en-  
17 hancements, enclosures, anodes, cathodes, elec-  
18 trolytes, cells, and other associated technologies  
19 that comprise an advanced battery.

20 (3) BATTERY MATERIAL.—The term “battery  
21 material” means the raw and processed form of a  
22 mineral, metal, chemical, or other material used in  
23 an advanced battery component.

24 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
25 ty” means an entity described in any of paragraphs

1 (1) through (5) of section 989(b) of the Energy Pol-  
2 icy Act of 2005 (42 U.S.C. 16353(b)).

3 (5) FOREIGN ENTITY OF CONCERN.—The term  
4 “foreign entity of concern” means a foreign entity  
5 that is—

6 (A) designated as a foreign terrorist orga-  
7 nization by the Secretary of State under section  
8 219(a) of the Immigration and Nationality Act  
9 (8 U.S.C. 1189(a));

10 (B) included on the list of specially des-  
11 ignated nationals and blocked persons main-  
12 tained by the Office of Foreign Assets Control  
13 of the Department of the Treasury (commonly  
14 known as the “SDN list”);

15 (C) owned by, controlled by, or subject to  
16 the jurisdiction or direction of a government of  
17 a foreign country that is a covered nation (as  
18 defined in section 2533c(d) of title 10, United  
19 States Code);

20 (D) alleged by the Attorney General to  
21 have been involved in activities for which a con-  
22 viction was obtained under—

23 (i) chapter 37 of title 18, United  
24 States Code (commonly known as the “Es-  
25 pionage Act”);

1 (ii) section 951 or 1030 of title 18,  
2 United States Code;

3 (iii) chapter 90 of title 18, United  
4 States Code (commonly known as the  
5 “Economic Espionage Act of 1996”);

6 (iv) the Arms Export Control Act (22  
7 U.S.C. 2751 et seq.);

8 (v) section 224, 225, 226, 227, or 236  
9 of the Atomic Energy Act of 1954 (42  
10 U.S.C. 2274, 2275, 2276, 2277, and  
11 2284);

12 (vi) the Export Control Reform Act of  
13 2018 (50 U.S.C. 4801 et seq.); or

14 (vii) the International Emergency  
15 Economic Powers Act (50 U.S.C. 1701 et  
16 seq.); or

17 (E) determined by the Secretary, in con-  
18 sultation with the Secretary of Defense and the  
19 Director of National Intelligence, to be engaged  
20 in unauthorized conduct that is detrimental to  
21 the national security or foreign policy of the  
22 United States.

23 (6) MANUFACTURING.—The term “manufac-  
24 turing”, with respect to an advanced battery and an  
25 advanced battery component, means the industrial



1 and chemical steps taken to produce that advanced  
2 battery or advanced battery component, respectively.

3 (7) PROCESSING.—The term “processing”, with  
4 respect to battery material, means the refining of  
5 critical materials, including the treating, baking, and  
6 coating processes used to convert raw products into  
7 constituent materials employed directly in advanced  
8 battery manufacturing.

9 (8) RECYCLING.—The term “recycling” means  
10 the recovery of critical materials from batteries to be  
11 reused in similar applications, including the extract-  
12 ing, processing, and recoating of battery materials  
13 and advanced battery components.

14 (b) BATTERY MATERIAL PROCESSING GRANTS.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of enactment of this Act, the Sec-  
17 retary shall establish within the Office of Fossil En-  
18 ergy a program, to be known as the “Battery Mate-  
19 rial Processing Grant Program” (referred to in this  
20 subsection as the “program”), under which the Sec-  
21 retary shall award grants in accordance with this  
22 subsection.

23 (2) PURPOSES.—The purposes of the program  
24 are—

1 (A) to ensure that the United States has  
2 a viable battery materials processing industry to  
3 supply the North American battery supply  
4 chain;

5 (B) to expand the capabilities of the  
6 United States in advanced battery manufac-  
7 turing;

8 (C) to enhance national security by reduc-  
9 ing the reliance of the United States on foreign  
10 competitors for critical materials and tech-  
11 nologies; and

12 (D) to enhance the domestic processing ca-  
13 pacity of minerals necessary for battery mate-  
14 rials and advanced batteries.

15 (3) GRANTS.—

16 (A) IN GENERAL.—Under the program,  
17 the Secretary shall award grants to eligible en-  
18 tities—

19 (i) to carry out demonstration projects  
20 in the United States for the processing of  
21 battery materials or critical minerals for  
22 battery materials;

23 (ii) to construct new commercial-scale  
24 battery material processing facilities in the  
25 United States; and

1 (iii) to retool, retrofit, or expand exist-  
2 ing battery material processing facilities lo-  
3 cated in the United States and determined  
4 qualified by the Secretary.

5 (B) AMOUNT LIMITATION.—The amount of  
6 a grant awarded under the program shall be  
7 not less than—

8 (i) \$50,000,000 for projects described  
9 in subparagraph (A)(i);

10 (ii) \$100,000,000 for projects de-  
11 scribed in subparagraph (A)(ii); and

12 (iii) \$50,000,000 for projects de-  
13 scribed in subparagraph (A)(iii).

14 (C) PRIORITY; CONSIDERATION.—In  
15 awarding grants to eligible entities under the  
16 program, the Secretary shall—

17 (i) give priority to an eligible entity  
18 that—

19 (I) is located and operates in the  
20 United States;

21 (II) is owned by a United States  
22 entity;

23 (III) deploys United States-  
24 owned intellectual property and con-  
25 tent; and

1 (IV) will not use battery material  
2 supplied by or originating from a for-  
3 eign entity of concern; and

4 (ii) take into consideration whether a  
5 project—

6 (I) provides workforce opportuni-  
7 ties in low- and moderate-income com-  
8 munities;

9 (II) encourages partnership with  
10 universities and laboratories to spur  
11 innovation and drive down costs;

12 (III) partners with Indian Tribes;  
13 and

14 (IV) takes into account green-  
15 house gas emissions reductions and  
16 energy efficient battery material proc-  
17 essing opportunities.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated to the Sec-  
20 retary to carry out the program \$3,000,000,000 for  
21 the period of fiscal years 2022 through 2026, to re-  
22 main available until expended.

23 (c) BATTERY MANUFACTURING AND RECYCLING  
24 GRANTS.—

1           (1) IN GENERAL.—Not later than 180 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall establish within the Office of Energy Ef-  
4 ficiency and Renewable Energy a battery manufac-  
5 turing and recycling grant program (referred to in  
6 this subsection as the “program”).

7           (2) PURPOSE.—The purpose of the program is  
8 to ensure that the United States has a viable domes-  
9 tic manufacturing and recycling capability to sup-  
10 port and sustain a North American battery supply  
11 chain.

12           (3) GRANTS.—

13           (A) IN GENERAL.—Under the program,  
14 the Secretary shall award grants to eligible en-  
15 tities—

16                   (i) to carry out demonstration projects  
17 in the United States for advanced battery  
18 component manufacturing, advanced bat-  
19 tery manufacturing, and battery recycling;

20                   (ii) to construct new commercial-scale  
21 advanced battery component manufac-  
22 turing, advanced battery manufacturing, or  
23 battery recycling facilities in the United  
24 States; and

1 (iii) to retool, retrofit, or expand exist-  
2 ing facilities located in the United States  
3 and determined qualified by the Secretary  
4 for advanced battery component manufac-  
5 turing, advanced battery manufacturing, or  
6 battery recycling.

7 (B) AMOUNT LIMITATION.—The amount of  
8 a grant awarded under the program shall be  
9 not less than—

10 (i) \$50,000,000 for projects described  
11 in subparagraph (A)(i);

12 (ii) \$100,000,000 for projects de-  
13 scribed in subparagraph (A)(ii); and

14 (iii) \$50,000,000 for projects de-  
15 scribed in subparagraph (A)(iii).

16 (C) PRIORITY; CONSIDERATION.—In  
17 awarding grants to eligible entities under the  
18 program, the Secretary shall—

19 (i) give priority to an eligible entity  
20 that—

21 (I) is located and operates in the  
22 United States;

23 (II) deploys United States-owned  
24 intellectual property and content; and

1 (III)(aa) if the eligible entity will  
2 use the grant for advanced battery  
3 component manufacturing or ad-  
4 vanced battery manufacturing, will  
5 not use battery material supplied by  
6 or originating from a foreign entity of  
7 concern; or

8 (bb) if the eligible entity will use  
9 the grant for battery recycling, will  
10 not export recovered critical materials  
11 to a foreign entity of concern; and

12 (ii) take into consideration whether a  
13 project—

14 (I) provides workforce opportuni-  
15 ties in low- and moderate-income or  
16 rural communities;

17 (II) provides workforce opportu-  
18 nities in communities that have lost  
19 jobs due to the displacement of fossil  
20 energy jobs;

21 (III) encourages partnership with  
22 universities and laboratories to spur  
23 innovation and drive down costs;

24 (IV) takes into account green-  
25 house gas emissions reductions and

1 energy efficient manufacturing oppor-  
2 tunities; and

3 (V) utilizes feedstock produced in  
4 the United States.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to the Sec-  
7 retary to carry out the program \$3,000,000,000 for  
8 the period of fiscal years 2022 through 2026, to re-  
9 main available until expended.

10 (d) REPORTING REQUIREMENTS.—Not later than 1  
11 year after the date of enactment of this Act, and annually  
12 thereafter, the Secretary shall submit to Congress a report  
13 on the grant programs established under subsections (b)  
14 and (c), including, with respect to each grant program,  
15 a description of—

16 (1) the number of grant applications received;

17 (2) the number of grants awarded and the  
18 amount of each award; and

19 (3) the purpose and status of each project car-  
20 ried out using a grant.

21 (e) LITHIUM-ION BATTERY RECYCLING PRIZE COM-  
22 PETITION.—

23 (1) IN GENERAL.—The Secretary shall continue  
24 to carry out the Lithium-Ion Battery Recycling  
25 Prize Competition of the Department established



1 pursuant to section 24 of the Stevenson-Wydler  
2 Technology Innovation Act of 1980 (15 U.S.C.  
3 3719) (referred to in this subsection as the “com-  
4 petition”).

5 (2) AUTHORIZATION OF APPROPRIATIONS FOR  
6 PILOT PROJECTS.—

7 (A) IN GENERAL.—There is authorized to  
8 be appropriated to the Secretary to carry out  
9 Phase III of the competition, \$10,000,000 for  
10 fiscal year 2022, to remain available until ex-  
11 pended.

12 (B) USE OF FUNDS.—The Secretary may  
13 use amounts made available under subpara-  
14 graph (A)—

15 (i) to increase the number of winners  
16 of Phase III of the competition;

17 (ii) to increase the amount awarded to  
18 each winner of Phase III of the competi-  
19 tion; and

20 (iii) to carry out any other activity  
21 that is consistent with the goals of Phase  
22 III of the competition, as determined by  
23 the Secretary.

24 (f) BATTERY AND CRITICAL MINERAL RECYCLING.—

25 (1) DEFINITIONS.—In this subsection:

1 (A) ADMINISTRATOR.—The term “Admin-  
2 istrator” means the Administrator of the Envi-  
3 ronmental Protection Agency.

4 (B) BATTERY.—The term “battery” means  
5 a device that—

6 (i) consists of 1 or more electro-  
7 chemical cells that are electrically con-  
8 nected; and

9 (ii) is designed to store and deliver  
10 electric energy.

11 (C) BATTERY PRODUCER.—The term “bat-  
12 tery producer” means, with respect to a covered  
13 battery or covered battery-containing product  
14 that is sold, offered for sale, or distributed for  
15 sale in the United States, including through re-  
16 tail, wholesale, business-to-business, and online  
17 sale, the following applicable entity:

18 (i) A person who—

19 (I) manufactures the covered bat-  
20 tery or covered battery-containing  
21 product; and

22 (II) sells or offers for sale the  
23 covered battery or covered battery-  
24 containing product under the brand of  
25 that person.

1 (ii) If there is no person described in  
2 clause (i) with respect to the covered bat-  
3 tery or covered battery-containing product,  
4 the owner or licensee of the brand under  
5 which the covered battery or covered bat-  
6 tery-containing product is sold, offered for  
7 sale, or distributed, regardless of whether  
8 the trademark of the brand is registered.

9 (iii) If there is no person described in  
10 clause (i) or (ii) with respect to the covered  
11 battery or covered battery-containing prod-  
12 uct, a person that imports the covered bat-  
13 tery or covered battery-containing product  
14 into the United States for sale or distribu-  
15 tion.

16 (D) COVERED BATTERY.—The term “cov-  
17 ered battery” means a new or unused primary  
18 battery or rechargeable battery.

19 (E) COVERED BATTERY-CONTAINING  
20 PRODUCT.—The term “covered battery-con-  
21 taining product” means a new or unused prod-  
22 uct that contains or is packaged with a primary  
23 battery or rechargeable battery.

24 (F) CRITICAL MINERAL.—The term “crit-  
25 ical mineral” has the meaning given the term in

1 section 7002(a) of the Energy Act of 2020 (30  
2 U.S.C. 1606(a)).

3 (G) PRIMARY BATTERY.—The term “pri-  
4 mary battery” means a nonrechargeable battery  
5 that weighs not more than 4.4 pounds, includ-  
6 ing an alkaline, carbon-zinc, and lithium metal  
7 battery.

8 (H) RECHARGEABLE BATTERY.—

9 (i) IN GENERAL.—The term “re-  
10 chargeable battery” means a battery  
11 that—

12 (I) contains 1 or more voltaic or  
13 galvanic cells that are electrically con-  
14 nected to produce electric energy;

15 (II) is designed to be recharged;

16 (III) weighs not more than 11  
17 pounds; and

18 (IV) has a watt-hour rating of  
19 not more than 300 watt-hours.

20 (ii) EXCLUSIONS.—The term “re-  
21 chargeable battery” does not include a bat-  
22 tery that—

23 (I) contains electrolyte as a free  
24 liquid; or

1 (II) employs lead-acid technology,  
2 unless that battery is sealed and does  
3 not contain electrolyte as a free liquid.

4 (I) RECYCLING.—The term “recycling”  
5 means the series of activities—

6 (i) during which recyclable materials  
7 are processed into specification-grade com-  
8 modities, and consumed as raw-material  
9 feedstock, in lieu of virgin materials, in the  
10 manufacturing of new products;

11 (ii) that may include collection, proc-  
12 essing, and brokering; and

13 (iii) that result in subsequent con-  
14 sumption by a materials manufacturer, in-  
15 cluding for the manufacturing of new prod-  
16 ucts.

17 (2) BATTERY RECYCLING RESEARCH, DEVELOP-  
18 MENT, AND DEMONSTRATION GRANTS.—

19 (A) IN GENERAL.—The Secretary, in co-  
20 ordination with the Administrator, shall award  
21 multiyear grants to eligible entities for research,  
22 development, and demonstration projects to cre-  
23 ate innovative and practical approaches to in-  
24 crease the reuse and recycling of batteries, in-  
25 cluding by addressing—

1 (i) recycling activities;

2 (ii) the development of methods to  
3 promote the design and production of bat-  
4 teries that take into full account and facili-  
5 tate the dismantling, reuse, recovery, and  
6 recycling of battery components and mate-  
7 rials;

8 (iii) strategies to increase consumer  
9 acceptance of, and participation in, the re-  
10 cycling of batteries;

11 (iv) the extraction or recovery of crit-  
12 ical minerals from batteries that are recy-  
13 cled;

14 (v) the integration of increased quan-  
15 tities of recycled critical minerals in bat-  
16 teries and other products to develop mar-  
17 kets for recycled battery materials and  
18 critical minerals;

19 (vi) safe disposal of waste materials  
20 and components recovered during the recy-  
21 cling process;

22 (vii) the protection of the health and  
23 safety of all persons involved in, or in  
24 proximity to, recycling and reprocessing  
25 activities, including communities located

1 near recycling and materials reprocessing  
2 facilities;

3 (viii) mitigation of environmental im-  
4 pacts that arise from recycling batteries,  
5 including disposal of toxic reagents and by-  
6 products related to recycling processes;

7 (ix) protection of data privacy associ-  
8 ated with collected covered battery-con-  
9 taining products;

10 (x) the optimization of the value of  
11 material derived from recycling batteries;  
12 and

13 (xi) the cost-effectiveness and benefits  
14 of the reuse and recycling of batteries and  
15 critical minerals.

16 (B) ELIGIBLE ENTITIES.—The Secretary,  
17 in coordination with the Administrator, may  
18 award a grant under subparagraph (A) to—

19 (i) an institution of higher education;

20 (ii) a National Laboratory;

21 (iii) a Federal research agency;

22 (iv) a State research agency;

23 (v) a nonprofit organization;

24 (vi) an industrial entity;

25 (vii) a manufacturing entity;

1 (viii) a private battery-collection enti-  
2 ty;

3 (ix) an entity operating 1 or more  
4 battery recycling activities;

5 (x) a State or municipal government  
6 entity;

7 (xi) a battery producer;

8 (xii) a battery retailer; or

9 (xiii) a consortium of 2 or more enti-  
10 ties described in clauses (i) through (xii).

11 (C) APPLICATIONS.—

12 (i) IN GENERAL.—To be eligible to re-  
13 ceive a grant under subparagraph (A), an  
14 eligible entity described in subparagraph  
15 (B) shall submit to the Secretary an appli-  
16 cation at such time, in such manner, and  
17 containing such information as the Sec-  
18 retary may require.

19 (ii) CONTENTS.—An application sub-  
20 mitted under clause (i) shall describe how  
21 the project will promote collaboration  
22 among—

23 (I) battery producers and manu-  
24 facturers;



1 (II) battery material and equip-  
2 ment manufacturers;

3 (III) battery recyclers, collectors,  
4 and refiners; and

5 (IV) retailers.

6 (D) AUTHORIZATION OF APPROPRIA-  
7 TIONS.—There is authorized to be appropriated  
8 to the Secretary to carry out this paragraph  
9 \$60,000,000 for the period of fiscal years 2022  
10 through 2026.

11 (3) STATE AND LOCAL PROGRAMS.—

12 (A) IN GENERAL.—The Secretary, in co-  
13 ordination with the Administrator, shall estab-  
14 lish a program under which the Secretary shall  
15 award grants, on a competitive basis, to States  
16 and units of local government to assist in the  
17 establishment or enhancement of State battery  
18 collection, recycling, and reprocessing programs.

19 (B) NON-FEDERAL COST SHARE.—The  
20 non-Federal share of the cost of a project car-  
21 ried out using a grant under this paragraph  
22 shall be 50 percent of the cost of the project.

23 (C) REPORT.—Not later than 2 years after  
24 the date of enactment of this Act, and annually  
25 thereafter, the Secretary shall submit to Con-

1           gress a report that describes the number of bat-  
2           tery collection points established or enhanced,  
3           an estimate of jobs created, and the quantity of  
4           material collected as a result of the grants  
5           awarded under subparagraph (A).

6           (D) AUTHORIZATION OF APPROPRIA-  
7           TIONS.—There is authorized to be appropriated  
8           to the Secretary to carry out this paragraph  
9           \$50,000,000 for the period of fiscal years 2022  
10          through 2026.

11          (4) RETAILERS AS COLLECTION POINTS.—

12           (A) IN GENERAL.—The Secretary shall  
13           award grants, on a competitive basis, to retail-  
14           ers that sell covered batteries or covered bat-  
15           tery-containing products to establish and imple-  
16           ment a system for the acceptance and collection  
17           of covered batteries and covered battery-con-  
18           taining products, as applicable, for reuse, recy-  
19           cling, or proper disposal.

20           (B) COLLECTION SYSTEM.—A system de-  
21           scribed in subparagraph (A) shall include take-  
22           back of covered batteries—

23                   (i) at no cost to the consumer; and

24                   (ii) on a regular, convenient, and ac-  
25                  cessible basis.

1 (C) AUTHORIZATION OF APPROPRIA-  
2 TIONS.—There is authorized to be appropriated  
3 to the Secretary to carry out this paragraph  
4 \$15,000,000 for the period of fiscal years 2022  
5 through 2026.

6 (5) TASK FORCE ON PRODUCER RESPONSIBIL-  
7 ITIES.—

8 (A) IN GENERAL.—The Secretary, in co-  
9 ordination with the Administrator, shall con-  
10 vene a task force to develop an extended battery  
11 producer responsibility framework that—

12 (i) addresses battery recycling goals,  
13 cost structures for mandatory recycling, re-  
14 porting requirements, product design, col-  
15 lection models, and transportation of col-  
16 lected materials;

17 (ii) provides sufficient flexibility to  
18 allow battery producers to determine cost-  
19 effective strategies for compliance with the  
20 framework; and

21 (iii) outlines regulatory pathways for  
22 effective recycling.

23 (B) TASK FORCE MEMBERS.—Members of  
24 the task force convened under subparagraph  
25 (A) shall include—

1 (i) battery producers, manufacturers,  
2 retailers, recyclers, and collectors or proc-  
3 essors;

4 (ii) States and municipalities; and

5 (iii) other relevant stakeholders, such  
6 as environmental, energy, or consumer or-  
7 ganizations, as determined by the Sec-  
8 retary.

9 (C) REPORT.—Not later than 1 year after  
10 the date on which the Secretary, in coordination  
11 with Administrator, convenes the task force  
12 under subparagraph (A), the Secretary shall  
13 submit to Congress a report that—

14 (i) describes the extended producer re-  
15 sponsibility framework developed by the  
16 task force;

17 (ii) includes the recommendations of  
18 the task force on how best to implement a  
19 mandatory pay-in or other enforcement  
20 mechanism to ensure that battery pro-  
21 ducers and sellers are contributing to the  
22 recycling of batteries; and

23 (iii) suggests regulatory pathways for  
24 effective recycling.

1           (6) EFFECT ON MERCURY-CONTAINING AND RE-  
2           CHARGEABLE BATTERY MANAGEMENT ACT.—Noth-  
3           ing in this subsection, or any regulation, guideline,  
4           framework, or policy adopted or promulgated pursu-  
5           ant to this subsection, shall modify or otherwise af-  
6           fect the provisions of the Mercury-Containing and  
7           Rechargeable Battery Management Act (42 U.S.C.  
8           14301 et seq.).

9   **SEC. 2008. ELECTRIC DRIVE VEHICLE BATTERY RECYCLING**  
10                                   **AND SECOND-LIFE APPLICATIONS PROGRAM.**

11           Section 641 of the Energy Independence and Security  
12   Act of 2007 (42 U.S.C. 17231) is amended—

13           (1) by striking subsection (k) and inserting the  
14           following:

15           “(k) ELECTRIC DRIVE VEHICLE BATTERY SECOND-  
16   LIFE APPLICATIONS AND RECYCLING.—

17           “(1) DEFINITIONS.—In this subsection:

18           “(A) BATTERY RECYCLING AND SECOND-  
19           LIFE APPLICATIONS PROGRAM.—The term ‘bat-  
20           tery recycling and second-life applications pro-  
21           gram’ means the electric drive vehicle battery  
22           recycling and second-life applications program  
23           established under paragraph (3).

24           “(B) CRITICAL MATERIAL.—The term  
25           ‘critical material’ has the meaning given the

1 term in section 7002(a) of the Energy Act of  
2 2020 (30 U.S.C. 1606(a)).

3 “(C) ECONOMICALLY DISTRESSED AREA.—  
4 The term ‘economically distressed area’ means  
5 an area described in section 301(a) of the Pub-  
6 lic Works and Economic Development Act of  
7 1965 (42 U.S.C. 3161(a)).

8 “(D) ELECTRIC DRIVE VEHICLE BAT-  
9 TERY.—The term ‘electric *drive* vehicle battery’  
10 means any battery that is a motive power  
11 source for an electric drive vehicle.

12 “(E) ELIGIBLE ENTITY.—The term ‘eligi-  
13 ble entity’ means an entity described in any of  
14 paragraphs (1) through (5) of section 989(b) of  
15 the Energy Policy Act of 2005 (42 U.S.C.  
16 16353(b)).

17 “(2) PROGRAM.—The Secretary shall carry out  
18 a program of research, development, and demonstra-  
19 tion of—

20 “(A) second-life applications for electric  
21 drive vehicle batteries that have been used to  
22 power electric drive vehicles; and

23 “(B) technologies and processes for final  
24 recycling and disposal of the devices described  
25 in subparagraph (A).

1           “(3) ELECTRIC DRIVE VEHICLE BATTERY RECY-  
2           CLING AND SECOND-LIFE APPLICATIONS.—

3           “(A) IN GENERAL.—In carrying out the  
4           program under paragraph (2), the Secretary  
5           shall establish an electric drive vehicle battery  
6           recycling and second-life applications program  
7           under which the Secretary shall—

8                   “(i) award grants under subparagraph  
9                   (D); and

10                   “(ii) carry out other activities in ac-  
11                   cordance with this paragraph.

12           “(B) PURPOSES.—The purposes of the  
13           battery recycling and second-life applications  
14           program are the following:

15                   “(i) To improve the recycling rates  
16                   and second-use adoption rates of electric  
17                   drive vehicle batteries.

18                   “(ii) To optimize the design and  
19                   adaptability of electric drive vehicle bat-  
20                   teries to make electric drive vehicle bat-  
21                   teries more easily recyclable.

22                   “(iii) To establish alternative supply  
23                   chains for critical materials that are found  
24                   in electric drive vehicle batteries.

1                   “(iv) To reduce the cost of manufac-  
2                   turing, installation, purchase, operation,  
3                   and maintenance of electric drive vehicle  
4                   batteries.

5                   “(v) To improve the environmental  
6                   impact of electric drive vehicle battery re-  
7                   cycling processes.

8                   “(C) TARGETS.—In carrying out the bat-  
9                   tery recycling and second-life applications pro-  
10                  gram, the Secretary shall address near-term (up  
11                  to 2 years), mid-term (up to 5 years), and long-  
12                  term (up to 10 years) challenges to the recy-  
13                  cling of electric drive vehicle batteries.

14                  “(D) GRANTS.—

15                  “(i) IN GENERAL.—In carrying out  
16                  the battery recycling and second-life appli-  
17                  cations program, the Secretary shall award  
18                  multiyear grants on a competitive, merit-  
19                  reviewed basis to eligible entities—

20                                 “(I) to conduct research, develop-  
21                                 ment, testing, and evaluation of solu-  
22                                 tions to increase the rate and produc-  
23                                 tivity of electric drive vehicle battery  
24                                 recycling; and



1                   “(II) for research, development,  
2                   and demonstration projects to create  
3                   innovative and practical approaches to  
4                   increase the recycling and second-use  
5                   of electric drive vehicle batteries, in-  
6                   cluding by addressing—

7                   “(aa) technology to increase  
8                   the efficiency of electric drive ve-  
9                   hicle battery recycling and maxi-  
10                  mize the recovery of critical ma-  
11                  terials for use in new products;

12                  “(bb) expanded uses for crit-  
13                  ical materials recovered from  
14                  electric drive vehicle batteries;

15                  “(cc) product design and  
16                  construction to facilitate the dis-  
17                  assembly and recycling of electric  
18                  drive vehicle batteries;

19                  “(dd) product design and  
20                  construction and other tools and  
21                  techniques to extend the lifecycle  
22                  of electric drive vehicle batteries,  
23                  including methods to promote the  
24                  safe second-use of electric drive  
25                  vehicle batteries;



1            tial for the recycling of electric drive  
2            vehicle batteries at high volumes;

3            “(III) support the development of  
4            advanced manufacturing technologies  
5            that have the potential to improve the  
6            competitiveness of the United States  
7            in the international electric drive vehi-  
8            cle battery manufacturing sector;

9            “(IV) provide the greatest poten-  
10           tial to reduce costs for consumers and  
11           promote accessibility and community  
12           implementation of demonstrated tech-  
13           nologies;

14           “(V) increase disclosure and  
15           transparency of information to con-  
16           sumers;

17           “(VI) support the development or  
18           demonstration of projects in economi-  
19           cally distressed areas; and

20           “(VII) support other relevant pri-  
21           orities, as determined to be appro-  
22           priate by the Secretary.

23           “(iii) SOLICITATION.—Not later than  
24           90 days after the date of enactment of the  
25           Energy Infrastructure Act, and annually



1 the battery recycling and second-life applica-  
2 tions program, the Secretary shall coordinate  
3 and leverage the resources of complementary ef-  
4 forts of the Department.

5 “(F) STUDY AND REPORT.—

6 “(i) STUDY.—The Secretary shall con-  
7 duct a study on the viable market opportu-  
8 nities available for the recycling, second-  
9 use, and manufacturing of electric drive  
10 vehicle batteries in the United States.

11 “(ii) REPORT.—Not later than 1 year  
12 after the date of enactment of the Energy  
13 Infrastructure Act, the Secretary shall sub-  
14 mit to the Committee on Energy and Nat-  
15 ural Resources of the Senate, the Com-  
16 mittee on Science, Space, and Technology  
17 of the House of Representatives, and any  
18 other relevant committee of Congress a re-  
19 port containing the results of the study  
20 under clause (i), including a description  
21 of—

22 “(I) the ability of relevant busi-  
23 nesses or other entities to competi-  
24 tively manufacture electric drive vehi-

1 cle batteries and recycle electric drive  
2 vehicle batteries in the United States;

3 “(II) any existing electric drive  
4 vehicle battery recycling and second-  
5 use practices and plans of electric  
6 drive vehicle manufacturing companies  
7 in the United States;

8 “(III) any barriers to electric  
9 drive vehicle battery recycling in the  
10 United States;

11 “(IV) opportunities and barriers  
12 in electric drive vehicle battery supply  
13 chains in the United States and inter-  
14 nationally, including with allies and  
15 trading partners;

16 “(V) opportunities for job cre-  
17 ation in the electric drive vehicle bat-  
18 tery recycling and manufacturing  
19 fields and the necessary skills employ-  
20 ees must acquire for growth of those  
21 fields in the United States;

22 “(VI) policy recommendations for  
23 enhancing electric drive vehicle bat-  
24 tery manufacturing and recycling in  
25 the United States;

1                   “(VII) any recommendations for  
2                   lowering logistics costs and creating  
3                   better coordination and efficiency with  
4                   respect to the removal, collection,  
5                   transportation, storage, and dis-  
6                   assembly of electric drive vehicle bat-  
7                   teries;

8                   “(VIII) any recommendations for  
9                   areas of coordination with other Fed-  
10                  eral agencies to improve electric drive  
11                  vehicle battery recycling rates in the  
12                  United States;

13                  “(IX) an aggressive 2-year target  
14                  and plan, the implementation of which  
15                  shall begin during the 90-day period  
16                  beginning on the date on which the  
17                  report is submitted, to enhance the  
18                  competitiveness of electric drive vehi-  
19                  cle battery manufacturing and recy-  
20                  cling in the United States; and

21                  “(X) needs for future research,  
22                  development, and demonstration  
23                  projects in electric drive vehicle bat-  
24                  tery manufacturing, recycling, and re-

1                   lated areas, as determined by the Sec-  
2                   retary.

3                   “(G) EVALUATION.—Not later than 3  
4                   years after the date on which the report under  
5                   subparagraph (F)(ii) is submitted, and every 4  
6                   years thereafter, the Secretary shall conduct,  
7                   and make available to the public and the rel-  
8                   evant committees of Congress, an independent  
9                   review of the progress of the grants awarded  
10                  under subparagraph (D) in meeting the rec-  
11                  ommendations and targets included in the re-  
12                  port.”; and

13                  (2) in subsection (p), by striking paragraph (6)  
14                  and inserting the following:

15                  “(6) the electric drive vehicle battery recycling  
16                  and second-life applications program under sub-  
17                  section (k) \$200,000,000 for the period of fiscal  
18                  years 2022 through 2026.”.

19 **SEC. 2009. ADVANCED ENERGY MANUFACTURING AND RE-**  
20 **CYCLING GRANT PROGRAM.**

21                  (a) DEFINITIONS.—In this section:

22                  (1) ADVANCED ENERGY PROPERTY.—The term  
23                  “advanced energy property” means—

24                          (A) property designed to be used to  
25                          produce energy from the sun, water, wind, geo-



1 thermal or hydrothermal (as those terms are  
2 defined in section 612 of the Energy Independ-  
3 ence and Security Act of 2007 (42 U.S.C.  
4 17191)) resources, enhanced geothermal sys-  
5 tems (as defined in that section), or other re-  
6 newable resources;

7 (B) fuel cells, microturbines, or energy  
8 storage systems and components;

9 (C) electric grid modernization equipment  
10 or components;

11 (D) property designed to capture, remove,  
12 use, or sequester carbon oxide emissions;

13 (E) equipment designed to refine,  
14 electrolyze, or blend any fuel, chemical, or prod-  
15 uct that is—

16 (i) renewable; or

17 (ii) low-carbon and low-emission;

18 (F) property designed to produce energy  
19 conservation technologies (including for residen-  
20 tial, commercial, and industrial applications);

21 (G)(i) light-, medium-, or heavy-duty elec-  
22 tric or fuel cell vehicles;

23 (ii) technologies, components, and mate-  
24 rials of those vehicles; and

1 (iii) charging or refueling infrastructure  
2 associated with those vehicles;

3 (H)(i) hybrid vehicles with a gross vehicle  
4 weight rating of not less than 14,000 pounds;  
5 and

6 (ii) technologies, components, and mate-  
7 rials for those vehicles; and

8 (I) other advanced energy property de-  
9 signed to reduce greenhouse gas emissions, as  
10 may be determined by the Secretary.

11 (2) COVERED CENSUS TRACT.—The term “cov-  
12 ered census tract” means a census tract—

13 (A) in which, after December 31, 1999, a  
14 coal mine had closed;

15 (B) in which, after December 31, 2009, a  
16 coal-fired electricity generating unit had been  
17 retired; or

18 (C) that is immediately adjacent to a cen-  
19 sus tract described in subparagraph (A) or (B).

20 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
21 ty” means a manufacturing firm—

22 (A) the gross annual sales of which are  
23 less than \$100,000,000;

24 (B) that has fewer than 500 employees at  
25 the plant site of the manufacturing firm; and

1 (C) the annual energy bills of which total  
2 more than \$100,000 but less than \$2,500,000.

3 (4) MINORITY-OWNED.—The term “minority-  
4 owned”, with respect to an eligible entity, means an  
5 eligible entity not less than 51 percent of which is  
6 owned by 1 or more individuals who are—

7 (A) citizens of the United States; and

8 (B) Asian American, Native Hawaiian, Pa-  
9 cific Islander, African American, Hispanic,  
10 Puerto Rican, Native American, or Alaska Na-  
11 tive.

12 (5) PROGRAM.—The term “Program” means  
13 the grant program established under subsection (b).

14 (6) QUALIFYING ADVANCED ENERGY  
15 PROJECT.—The term “qualifying advanced energy  
16 project” means a project that—

17 (A)(i) re-equips, expands, or establishes a  
18 manufacturing or recycling facility for the pro-  
19 duction or recycling, as applicable, of advanced  
20 energy property; or

21 (ii) re-equips an industrial or manufac-  
22 turing facility with equipment designed to re-  
23 duce the greenhouse gas emissions of that facil-  
24 ity substantially below the greenhouse gas emis-  
25 sions under current best practices, as deter-

1           mined by the Secretary, through the installation  
2           of—

3                   (I) low- or zero-carbon process heat  
4                   systems;

5                   (II) carbon capture, transport, utiliza-  
6                   tion, and storage systems;

7                   (III) technology relating to energy ef-  
8                   ficiency and reduction in waste from indus-  
9                   trial processes; or

10                   (IV) any other industrial technology  
11                   that significantly reduces greenhouse gas  
12                   emissions, as determined by the Secretary;

13                   (B) has a reasonable expectation of com-  
14                   mercial viability, as determined by the Sec-  
15                   retary; and

16                   (C) is located in a covered census tract.

17           (b) ESTABLISHMENT.—Not later than 180 days after  
18 the date of enactment of this Act, the Secretary shall es-  
19 tablish a program to award grants to eligible entities to  
20 carry out qualifying advanced energy projects.

21           (c) APPLICATIONS.—

22                   (1) IN GENERAL.—Each eligible entity seeking  
23 a grant under the Program shall submit to the Sec-  
24 retary an application at such time, in such manner,  
25 and containing such information as the Secretary



1 (iv) have higher potential for techno-  
2 logical innovation and commercial deploy-  
3 ment;

4 (v) have a lower levelized cost of—  
5 (I) generated or stored energy; or  
6 (II) measured reduction in en-  
7 ergy consumption or greenhouse gas  
8 emission (based on costs of the full  
9 supply chain); and

10 (vi) have a shorter project time.

11 (B) ELIGIBLE ENTITIES.—In selecting eli-  
12 gible entities to receive grants under the Pro-  
13 gram, the Secretary shall give priority to eligi-  
14 ble entities that are minority-owned.

15 (d) PROJECT COMPLETION AND LOCATION; RETURN  
16 OF UNOBLIGATED FUNDS.—

17 (1) COMPLETION; RETURN OF UNOBLIGATED  
18 FUNDS.—An eligible entity that receives a grant  
19 under the Program shall be required—

20 (A) to complete the qualifying advanced  
21 energy project funded by the grant not later  
22 than 3 years after the date of receipt of the  
23 grant funds; and

1 (B) to return to the Secretary any grant  
2 funds that remain unobligated at the end of  
3 that 3-year period.

4 (2) LOCATION.—If the Secretary determines  
5 that an eligible entity awarded a grant under the  
6 Program has carried out the applicable qualifying  
7 advanced energy project at a location that is materi-  
8 ally different from the location specified in the appli-  
9 cation for the grant, the eligible entity shall be re-  
10 quired to return the grant funds to the Secretary.

11 (e) TECHNICAL ASSISTANCE.—

12 (1) IN GENERAL.—Not later than 180 days  
13 after the date of enactment of this Act, the Sec-  
14 retary shall provide technical assistance on a selec-  
15 tive basis to eligible entities that are seeking a grant  
16 under the Program to enhance the impact of the  
17 qualifying advanced energy project to be carried out  
18 using the grant with respect to the selection criteria  
19 described in subsection (c)(2)(A).

20 (2) APPLICATIONS.—An eligible entity desiring  
21 technical assistance under paragraph (1) shall sub-  
22 mit to the Secretary an application at such time, in  
23 such manner, and containing such information as  
24 the Secretary may require.

1           (3) FACTORS FOR CONSIDERATION.—In select-  
2           ing eligible entities for technical assistance under  
3           paragraph (1), the Secretary shall give higher pri-  
4           ority to eligible entities that propose a qualifying ad-  
5           vanced energy project that has greater potential for  
6           enhancement of the impact of the project with re-  
7           spect to the selection criteria described in subsection  
8           (c)(2)(A).

9           (f) PUBLICATION OF GRANTS.—The Secretary shall  
10          make publicly available the identity of each eligible entity  
11          awarded a grant under the Program and the amount of  
12          the grant.

13          (g) REPORT.—Not later than 4 years after the date  
14          of enactment this Act, the Secretary shall—

15                (1) review the grants awarded under the Pro-  
16                gram; and

17                (2) submit to the Committee on Energy and  
18                Natural Resources of the Senate and the Committee  
19                on Energy and Commerce of the House of Rep-  
20                resentatives a report describing those grants.

21          (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
22          authorized to be appropriated to the Secretary to carry  
23          out the Program \$750,000,000 for the period of fiscal  
24          years 2022 through 2026.



1 **TITLE III—FUELS AND TECH-**  
2 **NOLOGY INFRASTRUCTURE**  
3 **INVESTMENTS**

4 **Subtitle A—Carbon Capture, Utili-**  
5 **zation, Storage, and Transpor-**  
6 **tation Infrastructure**

7 **SEC. 3001. FINDINGS.**

8 Congress finds that—

9 (1) the industrial sector is integral to the econ-  
10 omy of the United States—

11 (A) providing millions of jobs and essential  
12 products; and

13 (B) demonstrating global leadership in  
14 manufacturing and innovation;

15 (2) carbon capture and storage technologies are  
16 necessary for reducing hard-to-abate emissions from  
17 the industrial sector, which emits nearly 25 percent  
18 of carbon dioxide emissions in the United States;

19 (3) carbon removal and storage technologies, in-  
20 cluding direct air capture, must be deployed at  
21 large-scale in the coming decades to remove carbon  
22 dioxide directly from the atmosphere;

23 (4) large-scale deployment of carbon capture,  
24 removal, utilization, transport, and storage—

1 (A) is critical for achieving mid-century cli-  
2 mate goals; and

3 (B) will drive regional economic develop-  
4 ment, technological innovation, and high-wage  
5 employment;

6 (5) carbon capture, removal, and utilization  
7 technologies require a backbone system of shared  
8 carbon dioxide transport and storage infrastructure  
9 to enable large-scale deployment, realize economies  
10 of scale, and create an interconnected carbon man-  
11 agement market;

12 (6) carbon dioxide transport infrastructure and  
13 permanent geological storage are proven and safe  
14 technologies with existing Federal and State regu-  
15 latory frameworks;

16 (7) carbon dioxide transport and storage infra-  
17 structure share similar barriers to deployment pre-  
18 viously faced by other types of critical national infra-  
19 structure, such as high capital costs and chicken-  
20 and-egg challenges, that require Federal and State  
21 support, in combination with private investment, to  
22 be overcome; and

23 (8) each State should take into consideration,  
24 with respect to new carbon dioxide transportation in-  
25 frastructure—

1 (A) qualifying the infrastructure as pollu-  
2 tion control devices under applicable laws (in-  
3 cluding regulations) of the State; and

4 (B) establishing a waiver of ad valorem  
5 and property taxes for the infrastructure for a  
6 period of not less than 10 years.

7 **SEC. 3002. CARBON UTILIZATION PROGRAM.**

8 Section 969A of the Energy Policy Act of 2005 (42  
9 U.S.C. 16298a) is amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (3) and  
12 (4) as paragraphs (4) and (5), respectively; and

13 (B) by inserting after paragraph (2) the  
14 following:

15 “(3) to develop or obtain, in coordination with  
16 other applicable Federal agencies and standard-set-  
17 ting organizations, standards and certifications, as  
18 appropriate, to facilitate the commercialization of  
19 the products and technologies described in para-  
20 graph (2);”;

21 (2) in subsection (b)—

22 (A) by redesignating paragraph (2) as  
23 paragraph (3);

24 (B) by inserting after paragraph (1) the  
25 following:

1 “(2) GRANT PROGRAM.—

2 “(A) IN GENERAL.—Not later than 1 year  
3 after the date of enactment of the Energy In-  
4 frastructure Act, the Secretary shall establish a  
5 program to provide grants to eligible entities to  
6 use in accordance with subparagraph (D).

7 “(B) ELIGIBLE ENTITIES.—To be eligible  
8 to receive a grant under this paragraph, an en-  
9 tity shall be—

10 “(i) a State;

11 “(ii) a unit of local government; or

12 “(iii) a public utility or agency.

13 “(C) APPLICATIONS.—Eligible entities de-  
14 siring a grant under this paragraph shall sub-  
15 mit to the Secretary an application at such  
16 time, in such manner, and containing such in-  
17 formation as the Secretary determines to be ap-  
18 propriate.

19 “(D) USE OF FUNDS.—An eligible entity  
20 shall use a grant received under this paragraph  
21 to procure and use commercial or industrial  
22 products that—

23 “(i) use or are derived from anthropo-  
24 genic carbon oxides; and

1                   “(ii) demonstrate significant net re-  
2                   ductions in lifecycle greenhouse gas emis-  
3                   sions compared to incumbent technologies,  
4                   processes, and products.”; and

5                   (C) in paragraph (3) (as so redesignated),  
6                   by striking “paragraph (1)” and inserting “this  
7                   subsection”; and

8                   (3) by striking subsection (d) and inserting the  
9                   following:

10                  “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
11                  are authorized to be appropriated to the Secretary to carry  
12                  out this section—

13                         “(1) \$41,000,000 for fiscal year 2022;

14                         “(2) \$65,250,000 for fiscal year 2023;

15                         “(3) \$66,562,500 for fiscal year 2024;

16                         “(4) \$67,940,625 for fiscal year 2025; and

17                         “(5) \$69,387,656 for fiscal year 2026.”.

18                  **SEC. 3003. CARBON CAPTURE TECHNOLOGY PROGRAM.**

19                  Section 962 of the Energy Policy Act of 2005 (42  
20                  U.S.C. 16292) is amended—

21                         (1) in subsection (b)(2)—

22                                 (A) in subparagraph (C), by striking

23                                 “and” at the end;

1 (B) in subparagraph (D), by striking “pro-  
2 gram.” and inserting “program for carbon cap-  
3 ture technologies; and”; and

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

5 “(E) a front-end engineering and design  
6 program for carbon dioxide transport infra-  
7 structure necessary to enable deployment of  
8 carbon capture, utilization, and storage tech-  
9 nologies.”; and

10 (2) in subsection (d)(1)—

11 (A) in subparagraph (C), by striking  
12 “and” at the end;

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

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

16 “(E) for activities under the front-end en-  
17 gineering and design program described in sub-  
18 section (b)(2)(E), \$100,000,000 for the period  
19 of fiscal years 2022 through 2026.”.

20 **SEC. 3004. CARBON DIOXIDE TRANSPORTATION INFRA-**  
21 **STRUCTURE FINANCE AND INNOVATION.**

22 (a) IN GENERAL.—Title IX of the Energy Policy Act  
23 of 2005 (42 U.S.C. 16181 et seq.) is amended by adding  
24 at the end the following:

1 **“Subtitle J—Carbon Dioxide Trans-**  
2 **portation Infrastructure Fi-**  
3 **nance and Innovation**

4 **“SEC. 999A. DEFINITIONS.**

5 “In this subtitle:

6 “(1) CIFIA PROGRAM.—The term ‘CIFIA pro-  
7 gram’ means the carbon dioxide transportation in-  
8 frastructure finance and innovation program estab-  
9 lished under section 999B(a).

10 “(2) COMMON CARRIER.—The term ‘common  
11 carrier’ means a transportation infrastructure oper-  
12 ator or owner that—

13 “(A) publishes a publicly available tariff  
14 containing the just and reasonable rates, terms,  
15 and conditions of nondiscriminatory service;  
16 and

17 “(B) holds itself out to provide transpor-  
18 tation services to the public for a fee.

19 “(3) CONTINGENT COMMITMENT.—The term  
20 ‘contingent commitment’ means a commitment to  
21 obligate funds from future available budget author-  
22 ity that is—

23 “(A) contingent on those funds being made  
24 available in law at a future date; and

1                   “(B) not an obligation of the Federal Gov-  
2                   ernment.

3                   “(4) ELIGIBLE PROJECT COSTS.—The term ‘eli-  
4                   gible project costs’ means amounts substantially all  
5                   of which are paid by, or for the account of, an obli-  
6                   gor in connection with a project, including—

7                   “(A) the cost of—

8                   “(i) development-phase activities, in-  
9                   cluding planning, feasibility analysis, rev-  
10                  enue forecasting, environmental review,  
11                  permitting, preliminary engineering and  
12                  design work, and other preconstruction ac-  
13                  tivities;

14                  “(ii) construction, reconstruction, re-  
15                  habilitation, replacement, and acquisition  
16                  of real property (including land relating to  
17                  the project and improvements to land), en-  
18                  vironmental mitigation, construction con-  
19                  tingencies, and acquisition and installation  
20                  of equipment (including labor); and

21                  “(iii) capitalized interest necessary to  
22                  meet market requirements, reasonably re-  
23                  quired reserve funds, capital issuance ex-  
24                  penses, and other carrying costs during  
25                  construction; and



1           “(B) transaction costs associated with fi-  
2           nancing the project, including—

3                   “(i) the cost of legal counsel and tech-  
4                   nical consultants; and

5                   “(ii) any subsidy amount paid in ac-  
6                   cordance with section 999B(c)(3)(B)(ii) or  
7                   section 999C(b)(6)(B)(ii).

8           “(5) FEDERAL CREDIT INSTRUMENT.—The  
9           term ‘Federal credit instrument’ means a secured  
10          loan or loan guarantee authorized to be provided  
11          under the CIFIA program with respect to a project.

12          “(6) LENDER.—The term ‘lender’ means a  
13          qualified institutional buyer (as defined in section  
14          230.144A(a) of title 17, Code of Federal Regula-  
15          tions (or a successor regulation), commonly known  
16          as Rule 144A(a) of the Securities and Exchange  
17          Commission and issued under the Securities Act of  
18          1933 (15 U.S.C. 77a et seq.)), that is not a Federal  
19          qualified institutional buyer.

20          “(7) LETTER OF INTEREST.—The term ‘letter  
21          of interest’ means a letter submitted by a potential  
22          applicant prior to an application for credit assistance  
23          in a format prescribed by the Secretary on the  
24          website of the CIFIA program that—

1           “(A) describes the project and the location,  
2           purpose, and cost of the project;

3           “(B) outlines the proposed financial plan,  
4           including the requested credit and grant assist-  
5           ance and the proposed obligor;

6           “(C) provides a status of environmental re-  
7           view; and

8           “(D) provides information regarding satis-  
9           faction of other eligibility requirements of the  
10          CIFIA program.

11          “(8) LOAN GUARANTEE.—The term ‘loan guar-  
12          antee’ means any guarantee or other pledge by the  
13          Secretary to pay all or part of the principal of, and  
14          interest on, a loan made to an obligor, or debt obli-  
15          gation issued by an obligor, in each case funded by  
16          a lender.

17          “(9) MASTER CREDIT AGREEMENT.—The term  
18          ‘master credit agreement’ means a conditional agree-  
19          ment that—

20                 “(A) is for the purpose of extending credit  
21                 assistance for—

22                         “(i) a project of high priority under  
23                         section 999B(c)(3)(A); or

24                         “(ii) a project covered under section  
25                         999B(c)(3)(B);

1           “(B) does not provide for a current obliga-  
2           tion of Federal funds; and

3           “(C) would—

4                 “(i) make a contingent commitment of  
5                 a Federal credit instrument or grant at a  
6                 future date, subject to—

7                         “(I) the availability of future  
8                         funds being made available to carry  
9                         out the CIFIA program; and

10                                 “(II) the satisfaction of all condi-  
11                                 tions for the provision of credit assist-  
12                                 ance under the CIFIA program, in-  
13                                 cluding section 999C(b);

14                                 “(ii) establish the maximum amounts  
15                                 and general terms and conditions of the  
16                                 Federal credit instruments or grants;

17                                 “(iii) identify the 1 or more revenue  
18                                 sources that will secure the repayment of  
19                                 the Federal credit instruments;

20                                 “(iv) provide for the obligation of  
21                                 funds for the Federal credit instruments or  
22                                 grants after all requirements have been  
23                                 met for the projects subject to the agree-  
24                                 ment, including—

1                   “(I) compliance with all applica-  
2                   ble requirements specified under the  
3                   CIFIA program, including sections  
4                   999B(d) and 999C(b)(1); and

5                   “(II) the availability of funds to  
6                   carry out the CIFIA program; and

7                   “(v) require that contingent commit-  
8                   ments shall result in a financial close and  
9                   obligation of credit or grant assistance by  
10                  not later than 4 years after the date of  
11                  entry into the agreement or release of the  
12                  commitment, as applicable, unless other-  
13                  wise extended by the Secretary.

14                  “(10) OBLIGOR.—The term ‘obligor’ means a  
15                  corporation, partnership, joint venture, trust, non-  
16                  Federal governmental entity, agency, or instrumen-  
17                  tality, or other entity that is liable for payment of  
18                  the principal of, or interest on, a Federal credit in-  
19                  strument.

20                  “(11) PRODUCED IN THE UNITED STATES.—  
21                  The term ‘produced in the United States’, with re-  
22                  spect to iron and steel, means that all manufac-  
23                  turing processes for the iron and steel, including the  
24                  application of any coating, occurs within the United  
25                  States.

1           “(12) PROJECT.—The term ‘project’ means a  
2 project for common carrier carbon dioxide transpor-  
3 tation infrastructure or associated equipment, in-  
4 cluding pipeline, shipping, rail, or other transpor-  
5 tation infrastructure and associated equipment, that  
6 will transport or handle carbon dioxide captured  
7 from anthropogenic sources or ambient air, as the  
8 Secretary determines to be appropriate.

9           “(13) PROJECT OBLIGATION.—The term  
10 ‘project obligation’ means any note, bond, debenture,  
11 or other debt obligation issued by an obligor in con-  
12 nection with the financing of a project, other than  
13 a Federal credit instrument.

14           “(14) SECURED LOAN.—The term ‘secured  
15 loan’ means a direct loan to an obligor or a debt ob-  
16 ligation issued by an obligor and purchased by the  
17 Secretary, in each case funded by the Secretary in  
18 connection with the financing of a project under sec-  
19 tion 999C.

20           “(15) SUBSIDY AMOUNT.—The term ‘subsidy  
21 amount’ means the amount of budget authority suf-  
22 ficient to cover the estimated long-term cost to the  
23 Federal Government of a Federal credit instru-  
24 ment—

1           “(A) calculated on a net present value  
2 basis; and

3           “(B) excluding administrative costs and  
4 any incidental effects on governmental receipts  
5 or outlays in accordance with the Federal Cred-  
6 it Reform Act of 1990 (2 U.S.C. 661 et seq.).

7           “(16) SUBSTANTIAL COMPLETION.—The term  
8 ‘substantial completion’, with respect to a project,  
9 means the date—

10           “(A) on which the project commences  
11 transportation of carbon dioxide; or

12           “(B) of a comparable event to the event  
13 described in subparagraph (A), as determined  
14 by the Secretary and specified in the project  
15 credit agreement.

16 **“SEC. 999B. DETERMINATION OF ELIGIBILITY AND**  
17 **PROJECT SELECTION.**

18           “(a) ESTABLISHMENT OF PROGRAM.—The Secretary  
19 shall establish and carry out a carbon dioxide transpor-  
20 tation infrastructure finance and innovation program,  
21 under which the Secretary shall provide for eligible  
22 projects in accordance with this subtitle—

23           “(1) a Federal credit instrument under section  
24 999C;

25           “(2) a grant under section 999D; or

1           “(3) both a Federal credit instrument and a  
2 grant.

3           “(b) ELIGIBILITY.—

4           “(1) IN GENERAL.—A project shall be eligible  
5 to receive a Federal credit instrument or a grant  
6 under the CIFIA program if—

7           “(A) the entity proposing to carry out the  
8 project submits a letter of interest prior to sub-  
9 mission of an application under paragraph (3)  
10 for the project; and

11           “(B) the project meets the criteria de-  
12 scribed in this subsection.

13           “(2) CREDITWORTHINESS.—

14           “(A) IN GENERAL.—Each project and obli-  
15 gor that receives a Federal credit instrument or  
16 a grant under the CIFIA program shall be  
17 creditworthy, such that there exists a reason-  
18 able prospect of repayment of the principal and  
19 interest on the Federal credit instrument, as  
20 determined by the Secretary under subpara-  
21 graph (B).

22           “(B) REASONABLE PROSPECT OF REPAY-  
23 MENT.—The Secretary shall base a determina-  
24 tion of whether there is a reasonable prospect  
25 of repayment under subparagraph (A) on a

1 comprehensive evaluation of whether the obligor  
2 has a reasonable prospect of repaying the Fed-  
3 eral credit instrument for the eligible project,  
4 including evaluation of—

5 “(i) the strength of the contractual  
6 terms of an eligible project (if available for  
7 the applicable market segment);

8 “(ii) the forecast of noncontractual  
9 cash flows supported by market projections  
10 from reputable sources, as determined by  
11 the Secretary, and cash sweeps or other  
12 structural enhancements;

13 “(iii) the projected financial strength  
14 of the obligor—

15 “(I) at the time of loan close;  
16 and

17 “(II) throughout the loan term,  
18 including after the project is com-  
19 pleted;

20 “(iv) the financial strength of the in-  
21 vestors and strategic partners of the obli-  
22 gor, if applicable; and

23 “(v) other financial metrics and anal-  
24 yses that are relied on by the private lend-  
25 ing community and nationally recognized



1 credit rating agencies, as determined ap-  
2 propriate by the Secretary.

3 “(3) APPLICATIONS.—To be eligible for assist-  
4 ance under the CIFIA program, an obligor shall  
5 submit to the Secretary a project application at such  
6 time, in such manner, and containing such informa-  
7 tion as the Secretary determines to be appropriate.

8 “(4) ELIGIBLE PROJECT COSTS.—A project  
9 under the CIFIA program shall have eligible project  
10 costs that are reasonably anticipated to equal or ex-  
11 ceed \$100,000,000.

12 “(5) REVENUE SOURCES.—The applicable Fed-  
13 eral credit instrument shall be repayable, in whole or  
14 in part, from—

15 “(A) user fees;

16 “(B) payments owing to the obligor under  
17 a public-private partnership; or

18 “(C) other revenue sources that also secure  
19 or fund the project obligations.

20 “(6) OBLIGOR WILL BE IDENTIFIED LATER.—  
21 A State, local government, agency, or instrumen-  
22 tality of a State or local government, or a public au-  
23 thority, may submit to the Secretary an application  
24 under paragraph (3), under which a private party to  
25 a public-private partnership will be—

1           “(A) the obligor; and

2           “(B) identified at a later date through  
3           completion of a procurement and selection of  
4           the private party.

5           “(7) BENEFICIAL EFFECTS.—The Secretary  
6           shall determine that financial assistance for each  
7           project under the CIFIA program will—

8           “(A) attract public or private investment  
9           for the project; or

10           “(B) enable the project to proceed at an  
11           earlier date than the project would otherwise be  
12           able to proceed or reduce the lifecycle costs (in-  
13           cluding debt service costs) of the project.

14           “(8) PROJECT READINESS.—To be eligible for  
15           assistance under the CIFIA program, the applicant  
16           shall demonstrate a reasonable expectation that the  
17           contracting process for construction of the project  
18           can commence by not later than 90 days after the  
19           date on which a Federal credit instrument or grant  
20           is obligated for the project under the CIFIA pro-  
21           gram.

22           “(c) SELECTION AMONG ELIGIBLE PROJECTS.—

23           “(1) ESTABLISHMENT OF APPLICATION PROC-  
24           ESS.—The Secretary shall establish an application

1 process under which projects that are eligible to re-  
2 ceive assistance under subsection (b) may—

3 “(A) receive credit assistance on terms ac-  
4 ceptable to the Secretary, if adequate funds are  
5 available (including any funds provided on be-  
6 half of an eligible project under paragraph  
7 (3)(B)(ii)) to cover the subsidy amount associ-  
8 ated with the Federal credit instrument; and

9 “(B) receive grants under section 999D  
10 if—

11 “(i) adequate funds are available to  
12 cover the amount of the grant; and

13 “(ii) the Secretary determines that  
14 the project is eligible under subsection (b).

15 “(2) PRIORITY.—In selecting projects to receive  
16 credit assistance under subsection (b), the Secretary  
17 shall give priority to projects that—

18 “(A) are large-capacity, common carrier  
19 infrastructure;

20 “(B) have demonstrated demand for use of  
21 the infrastructure by associated projects that  
22 capture carbon dioxide from anthropogenic  
23 sources or ambient air;

24 “(C) enable geographical diversity in asso-  
25 ciated projects that capture carbon dioxide from

1 anthropogenic sources or ambient air, with the  
2 goal of enabling projects in all major carbon di-  
3 oxide-emitting regions of the United States; and

4 “(D) are sited within, or adjacent to, exist-  
5 ing pipeline or other linear infrastructure cor-  
6 ridors, in a manner that minimizes environ-  
7 mental disturbance and other siting concerns.

8 “(3) MASTER CREDIT AGREEMENTS.—

9 “(A) PRIORITY PROJECTS.—The Secretary  
10 may enter into a master credit agreement for a  
11 project that the Secretary determines—

12 “(i) will likely be eligible for credit as-  
13 sistance under subsection (b), on obtain-  
14 ing—

15 “(I) additional commitments  
16 from associated carbon capture  
17 projects to use the project; or

18 “(II) all necessary permits and  
19 approvals; and

20 “(ii) is a project of high priority, as  
21 determined in accordance with the criteria  
22 described in paragraph (2).

23 “(B) ADEQUATE FUNDING NOT AVAIL-  
24 ABLE.—If the Secretary fully obligates funding  
25 to eligible projects for a fiscal year and ade-

1           quate funding is not available to fund a Federal  
2           credit instrument, a project sponsor (including  
3           a unit of State or local government) of an eligi-  
4           ble project may elect—

5                   “(i)(I) to enter into a master credit  
6                   agreement in lieu of the Federal credit in-  
7                   strument; and

8                   “(II) to wait to execute a Federal  
9                   credit instrument until the fiscal year for  
10                  which additional funds are available to re-  
11                  ceive credit assistance; or

12                  “(ii) if the lack of adequate funding is  
13                  solely with respect to amounts available for  
14                  the subsidy amount, to pay the subsidy  
15                  amount to fund the Federal credit instru-  
16                  ment.

17           “(d) FEDERAL REQUIREMENTS.—

18                   “(1) IN GENERAL.—Nothing in this subtitle su-  
19                   persedes the applicability of any other requirement  
20                   under Federal law (including regulations).

21                   “(2) NEPA.—Federal credit assistance may  
22                   only be provided under this subtitle for a project  
23                   that has received an environmental categorical exclu-  
24                   sion, a finding of no significant impact, or a record

1 of decision under the National Environmental Policy  
2 Act of 1969 (42 U.S.C. 4321 et seq.).

3 “(e) USE OF AMERICAN IRON, STEEL, AND MANU-  
4 FACTURED GOODS.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), no Federal credit instrument or grant  
7 provided under the CIFIA program shall be made  
8 available for a project unless all iron, steel, and  
9 manufactured goods used in the project are pro-  
10 duced in the United States.

11 “(2) EXCEPTIONS.—Paragraph (1) shall not  
12 apply in any case or category of cases with respect  
13 to which the Secretary determines that—

14 “(A) the application would be inconsistent  
15 with the public interest;

16 “(B) iron, steel, or a relevant manufac-  
17 tured good is not produced in the United States  
18 in sufficient and reasonably available quantity,  
19 or of a satisfactory quality; or

20 “(C) the inclusion of iron, steel, or a man-  
21 ufactured good produced in the United States  
22 will increase the cost of the overall project by  
23 more than 25 percent.

1           “(3) WAIVERS.—If the Secretary receives a re-  
2           quest for a waiver under this subsection, the Sec-  
3           retary shall—

4                   “(A) make available to the public a copy of  
5           the request, together with any information  
6           available to the Secretary concerning the re-  
7           quest—

8                           “(i) on an informal basis; and

9                           “(ii) by electronic means, including on  
10           the official public website of the Depart-  
11           ment;

12                   “(B) allow for informal public comment re-  
13           lating to the request for not fewer than 15 days  
14           before making a determination with respect to  
15           the request; and

16                   “(C) approve or disapprove the request by  
17           not later than the date that is 120 days after  
18           the date of receipt of the request.

19           “(4) APPLICABILITY.—This subsection shall be  
20           applied in accordance with any applicable obligations  
21           of the United States under international agreements.

22           “(f) APPLICATION PROCESSING PROCEDURES.—

23                   “(1) NOTICE OF COMPLETE APPLICATION.—  
24           Not later than 30 days after the date of receipt of  
25           an application under this section, the Secretary shall

1 provide to the applicant a written notice describing  
2 whether—

3 “(A) the application is complete; or

4 “(B) additional information or materials  
5 are needed to complete the application.

6 “(2) APPROVAL OR DENIAL OF APPLICATION.—

7 Not later than 60 days after the date of issuance of  
8 a written notice under paragraph (1), the Secretary  
9 shall provide to the applicant a written notice in-  
10 forming the applicant whether the Secretary has ap-  
11 proved or disapproved the application.

12 “(g) DEVELOPMENT-PHASE ACTIVITIES.—Any Fed-  
13 eral credit instrument provided under the CIFIA program  
14 may be used to finance up to 100 percent of the cost of  
15 development-phase activities, as described in section  
16 999A(4)(A).

17 **“SEC. 999C. SECURED LOANS.**

18 “(a) AGREEMENTS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),  
20 the Secretary may enter into agreements with 1 or  
21 more obligors to make secured loans, the proceeds of  
22 which—

23 “(A) shall be used—

24 “(i) to finance eligible project costs of  
25 any project selected under section 999B;



1                   “(ii) to refinance interim construction  
2                   financing of eligible project costs of any  
3                   project selected under section 999B; or

4                   “(iii) to refinance long-term project  
5                   obligations or Federal credit instruments,  
6                   if the refinancing provides additional fund-  
7                   ing capacity for the completion, enhance-  
8                   ment, or expansion of any project that—

9                                 “(I) is selected under section  
10                                999B; or

11                               “(II) otherwise meets the re-  
12                               quirements of that section; and

13                   “(B) may be used in accordance with sub-  
14                   section (b)(7) to pay any fees collected by the  
15                   Secretary under subparagraph (B) of that sub-  
16                   section.

17                   “(2) RISK ASSESSMENT.—Before entering into  
18                   an agreement under this subsection, the Secretary,  
19                   in consultation with the Director of the Office of  
20                   Management and Budget, shall determine an appro-  
21                   priate credit subsidy amount for each secured loan,  
22                   taking into account all relevant factors, including the  
23                   creditworthiness factors under section 999B(b)(2).

24                   “(b) TERMS AND LIMITATIONS.—

1           “(1) IN GENERAL.—A secured loan under this  
2 section with respect to a project shall be on such  
3 terms and conditions and contain such covenants,  
4 representations, warranties, and requirements (in-  
5 cluding requirements for audits) as the Secretary de-  
6 termines to be appropriate.

7           “(2) MAXIMUM AMOUNT.—The amount of a se-  
8 cured loan under this section shall not exceed an  
9 amount equal to 80 percent of the reasonably antici-  
10 pated eligible project costs.

11           “(3) PAYMENT.—A secured loan under this sec-  
12 tion shall be payable, in whole or in part, from—

13                   “(A) user fees;

14                   “(B) payments owing to the obligor under  
15 a public-private partnership; or

16                   “(C) other revenue sources that also secure  
17 or fund the project obligations.

18           “(4) INTEREST RATE.—

19                   “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the interest rate on a se-  
21 cured loan under this section shall be not less  
22 than the interest rate reflected in the yield on  
23 United States Treasury securities of a similar  
24 maturity to the maturity of the secured loan on  
25 the date of execution of the loan agreement.

1 “(B) LIMITED BUYDOWNS.—

2 “(i) IN GENERAL.—Subject to clause  
3 (iii), the Secretary may lower the interest  
4 rate of a secured loan under this section to  
5 not lower than the interest rate described  
6 in clause (ii), if the interest rate has in-  
7 creased during the period—

8 “(I) beginning on, as applica-  
9 ble—

10 “(aa) the date on which an  
11 application acceptable to the Sec-  
12 retary is submitted for the appli-  
13 cable project; or

14 “(bb) the date on which the  
15 Secretary entered into a master  
16 credit agreement for the applica-  
17 ble project; and

18 “(II) ending on the date on  
19 which the Secretary executes the Fed-  
20 eral credit instrument for the applica-  
21 ble project that is the subject of the  
22 secured loan.

23 “(ii) DESCRIPTION OF INTEREST  
24 RATE.—The interest rate referred to in  
25 clause (i) is the interest rate reflected in

1 the yield on United States Treasury securi-  
2 ties of a similar maturity to the maturity  
3 of the secured loan in effect, as applicable  
4 to the project that is the subject of the se-  
5 cured loan, on—

6 “(I) the date described in clause  
7 (i)(I)(aa); or

8 “(II) the date described in clause  
9 (i)(I)(bb).

10 “(iii) LIMITATION.—The interest rate  
11 of a secured loan may not be lowered pur-  
12 suant to clause (i) by more than 1½ per-  
13 centage points (150 basis points).

14 “(5) MATURITY DATE.—The final maturity  
15 date of the secured loan shall be the earlier of—

16 “(A) the date that is 35 years after the  
17 date of substantial completion of the project;  
18 and

19 “(B) if the useful life of the capital asset  
20 being financed is of a lesser period, the date  
21 that is the end of the useful life of the asset.

22 “(6) NONSUBORDINATION.—

23 “(A) IN GENERAL.—Except as provided in  
24 subparagraph (B), the secured loan shall not be  
25 subordinated to the claims of any holder of

1 project obligations in the event of bankruptcy,  
2 insolvency, or liquidation of the obligor.

3 “(B) PREEXISTING INDENTURE.—

4 “(i) IN GENERAL.—The Secretary  
5 shall waive the requirement under subpara-  
6 graph (A) for a public agency borrower  
7 that is financing ongoing capital programs  
8 and has outstanding senior bonds under a  
9 preexisting indenture, if—

10 “(I) the secured loan is rated in  
11 the A category or higher; and

12 “(II) the secured loan is secured  
13 and payable from pledged revenues  
14 not affected by project performance,  
15 such as a tax-backed revenue pledge  
16 or a system-backed pledge of project  
17 revenues.

18 “(ii) LIMITATION.—If the Secretary  
19 waives the nonsubordination requirement  
20 under this subparagraph—

21 “(I) the maximum credit subsidy  
22 amount to be paid by the Federal  
23 Government shall be not more than  
24 10 percent of the principal amount of  
25 the secured loan; and

1                   “(II) the obligor shall be respon-  
2                   sible for paying the remainder of the  
3                   subsidy amount, if any.

4                   “(7) FEES.—

5                   “(A) IN GENERAL.—The Secretary may  
6                   collect a fee on or after the date of the financial  
7                   close of a Federal credit instrument under this  
8                   section in an amount equal to not more than  
9                   \$3,000,000 to cover all or a portion of the costs  
10                  to the Federal Government of providing the  
11                  Federal credit instrument.

12                  “(B) AMENDMENT TO ADD COST OF FEES  
13                  TO SECURED LOAN.—If the Secretary collects a  
14                  fee from an obligor under subparagraph (A) to  
15                  cover all or a portion of the costs to the Federal  
16                  Government of providing a secured loan, the ob-  
17                  ligor and the Secretary may amend the terms  
18                  of the secured loan to add to the principal of  
19                  the secured loan an amount equal to the  
20                  amount of the fee collected by the Secretary.

21                  “(8) MAXIMUM FEDERAL INVOLVEMENT.—The  
22                  total Federal assistance provided for a project under  
23                  the CIFIA program, including any grant provided  
24                  under section 999D, shall not exceed an amount  
25                  equal to 80 percent of the eligible project costs.

1 “(c) REPAYMENT.—

2 “(1) SCHEDULE.—The Secretary shall establish  
3 a repayment schedule for each secured loan under  
4 this section based on—

5 “(A) the projected cash flow from project  
6 revenues and other repayment sources; and

7 “(B) the useful life of the project.

8 “(2) COMMENCEMENT.—Scheduled loan repay-  
9 ments of principal or interest on a secured loan  
10 under this section shall commence not later than 5  
11 years after the date of substantial completion of the  
12 project.

13 “(3) DEFERRED PAYMENTS.—

14 “(A) IN GENERAL.—If, at any time after  
15 the date of substantial completion of a project,  
16 the project is unable to generate sufficient reve-  
17 nues in excess of reasonable and necessary op-  
18 erating expenses to pay the scheduled loan re-  
19 payments of principal and interest on the se-  
20 cured loan, the Secretary may, subject to sub-  
21 paragraph (C), allow the obligor to add unpaid  
22 principal and interest to the outstanding bal-  
23 ance of the secured loan.

24 “(B) INTEREST.—Any payment deferred  
25 under subparagraph (A) shall—

1           “(i) continue to accrue interest in ac-  
2 cordance with subsection (b)(4) until fully  
3 repaid; and

4           “(ii) be scheduled to be amortized  
5 over the remaining term of the loan.

6           “(C) CRITERIA.—

7           “(i) IN GENERAL.—Any payment de-  
8 ferral under subparagraph (A) shall be  
9 contingent on the project meeting criteria  
10 established by the Secretary.

11           “(ii) REPAYMENT STANDARDS.—The  
12 criteria established pursuant to clause (i)  
13 shall include standards for the reasonable  
14 prospect of repayment.

15           “(4) PREPAYMENT.—

16           “(A) USE OF EXCESS REVENUES.—Any  
17 excess revenues that remain after satisfying  
18 scheduled debt service requirements on the  
19 project obligations and secured loan and all de-  
20 posit requirements under the terms of any trust  
21 agreement, bond resolution, or similar agree-  
22 ment securing project obligations may be ap-  
23 plied annually to prepay the secured loan, with-  
24 out penalty.



1           “(B) USE OF PROCEEDS OF REFI-  
2           NANCING.—A secured loan may be prepaid at  
3           any time without penalty from the proceeds of  
4           refinancing from non-Federal funding sources.

5           “(d) SALE OF SECURED LOANS.—

6           “(1) IN GENERAL.—Subject to paragraph (2),  
7           as soon as practicable after substantial completion of  
8           a project and after notifying the obligor, the Sec-  
9           retary may sell to another entity or reoffer into the  
10          capital markets a secured loan for the project if the  
11          Secretary determines that the sale or reoffering can  
12          be made on favorable terms.

13          “(2) CONSENT OF OBLIGOR.—In making a sale  
14          or reoffering under paragraph (1), the Secretary  
15          may not change any original term or condition of the  
16          secured loan without the written consent of the obli-  
17          gor.

18          “(e) LOAN GUARANTEES.—

19          “(1) IN GENERAL.—The Secretary may provide  
20          a loan guarantee to a lender in lieu of making a se-  
21          cured loan under this section if the Secretary deter-  
22          mines that the budgetary cost of the loan guarantee  
23          is substantially the same as, or less than, that of a  
24          secured loan.

1           “(2) **TERMS.**—The terms of a loan guarantee  
2           under paragraph (1) shall be consistent with the  
3           terms required under this section for a secured loan,  
4           except that the rate on the guaranteed loan and any  
5           prepayment features shall be negotiated between the  
6           obligor and the lender, with the consent of the Sec-  
7           retary.

8           **“SEC. 999D. FUTURE GROWTH GRANTS.**

9           “(a) **ESTABLISHMENT.**—The Secretary may provide  
10          grants to pay a portion of the cost differential, with re-  
11          spect to any projected future increase in demand for car-  
12          bon dioxide transportation by an infrastructure project de-  
13          scribed in subsection (b), between—

14                 “(1) the cost of constructing the infrastructure  
15                 asset with the capacity to transport an increased  
16                 flow rate of carbon dioxide, as made practicable  
17                 under the project; and

18                 “(2) the cost of constructing the infrastructure  
19                 asset with the capacity to transport carbon dioxide  
20                 at the flow rate initially required, based on commit-  
21                 ments for the use of the asset.

22          “(b) **ELIGIBILITY.**—To be eligible to receive a grant  
23          under this section, an entity shall—

24                 “(1) be eligible to receive credit assistance  
25                 under the CIFIA program;

1           “(2) carry out, or propose to carry out, a  
2           project for large-capacity, common carrier infra-  
3           structure with a probable future increase in demand  
4           for carbon dioxide transportation; and

5           “(3) submit to the Secretary an application at  
6           such time, in such manner, and containing such in-  
7           formation as the Secretary determines to be appro-  
8           priate.

9           “(c) USE OF FUNDS.—A grant provided under this  
10          section may be used only to pay the costs of any additional  
11          flow rate capacity of a carbon dioxide transportation infra-  
12          structure asset that the project sponsor demonstrates to  
13          the satisfaction of the Secretary can reasonably be ex-  
14          pected to be used during the 20-year period beginning on  
15          the date of substantial completion of the project described  
16          in subsection (b)(2).

17          “(d) MAXIMUM AMOUNT.—The amount of a grant  
18          provided under this section may not exceed an amount  
19          equal to 80 percent of the cost of the additional capacity  
20          described in subsection (a).

21          **“SEC. 999E. PROGRAM ADMINISTRATION.**

22          “(a) REQUIREMENT.—The Secretary shall establish  
23          a uniform system to service the Federal credit instruments  
24          provided under the CIFIA program.

1       “(b) FEES.—If funding sufficient to cover the costs  
2 of services of expert firms retained pursuant to subsection  
3 (d) and all or a portion of the costs to the Federal Govern-  
4 ment of servicing the Federal credit instruments is not  
5 provided in an appropriations Act for a fiscal year, the  
6 Secretary, during that fiscal year, may collect fees on or  
7 after the date of the financial close of a Federal credit  
8 instrument provided under the CIFLA program at a level  
9 that is sufficient to cover those costs.

10       “(c) SERVICER.—

11           “(1) IN GENERAL.—The Secretary may appoint  
12 a financial entity to assist the Secretary in servicing  
13 the Federal credit instruments.

14           “(2) DUTIES.—A servicer appointed under  
15 paragraph (1) shall act as the agent for the Sec-  
16 retary.

17           “(3) FEE.—A servicer appointed under para-  
18 graph (1) shall receive a servicing fee, subject to ap-  
19 proval by the Secretary.

20       “(d) ASSISTANCE FROM EXPERT FIRMS.—The Sec-  
21 retary may retain the services of expert firms, including  
22 counsel, in the field of municipal and project finance to  
23 assist in the underwriting and servicing of Federal credit  
24 instruments.

1           “(e) EXPEDITED PROCESSING.—The Secretary shall  
2 implement procedures and measures to economize the time  
3 and cost involved in obtaining approval and the issuance  
4 of credit assistance under the CIFLA program.

5 **“SEC. 999F. STATE AND LOCAL PERMITS.**

6           “The provision of credit assistance under the CIFLA  
7 program with respect to a project shall not—

8                   “(1) relieve any recipient of the assistance of  
9 any project obligation to obtain any required State  
10 or local permit or approval with respect to the  
11 project;

12                   “(2) limit the right of any unit of State or local  
13 government to approve or regulate any rate of re-  
14 turn on private equity invested in the project; or

15                   “(3) otherwise supersede any State or local law  
16 (including any regulation) applicable to the construc-  
17 tion or operation of the project.

18 **“SEC. 999G. REGULATIONS.**

19           “The Secretary may promulgate such regulations as  
20 the Secretary determines to be appropriate to carry out  
21 the CIFLA program.

22 **“SEC. 999H. AUTHORIZATION OF APPROPRIATIONS; CON-**  
23 **TRACT AUTHORITY.**

24           “(a) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated to the Secretary to carry out this sub-  
3           title—

4                       “(A) \$600,000,000 for each of fiscal years  
5                       2022 and 2023; and

6                       “(B) \$300,000,000 for each of fiscal years  
7                       2024 through 2026.

8           “(2) SPENDING AND BORROWING AUTHOR-  
9           ITY.—Spending and borrowing authority for a fiscal  
10           year to enter into Federal credit instruments shall  
11           be promptly apportioned to the Secretary on a fiscal-  
12           year basis.

13           “(3) REESTIMATES.—If the subsidy amount of  
14           a Federal credit instrument is reestimated, the cost  
15           increase or decrease of the reestimate shall be borne  
16           by, or benefit, the general fund of the Treasury, con-  
17           sistent with section 504(f) of the Congressional  
18           Budget Act of 1974 (2 U.S.C. 661c(f)).

19           “(4) ADMINISTRATIVE COSTS.—Of the amounts  
20           made available to carry out the CIFIA program, the  
21           Secretary may use not more than \$9,000,000 (as in-  
22           dexed for United States dollar inflation from the  
23           date of enactment of the Energy Infrastructure Act  
24           (as measured by the Consumer Price Index)) each

1 fiscal year for the administration of the CIFIA pro-  
2 gram.

3 “(b) CONTRACT AUTHORITY.—

4 “(1) IN GENERAL.—Notwithstanding any other  
5 provision of law, execution of a term sheet by the  
6 Secretary of a Federal credit instrument that uses  
7 amounts made available under the CIFIA program  
8 shall impose on the United States a contractual obli-  
9 gation to fund the Federal credit investment.

10 “(2) AVAILABILITY.—Amounts made available  
11 to carry out the CIFIA program for a fiscal year  
12 shall be available for obligation on October 1 of the  
13 fiscal year.”.

14 (b) TECHNICAL AMENDMENTS.—The table of con-  
15 tents for the Energy Policy Act of 2005 (Public Law 109–  
16 58; 119 Stat. 600) is amended—

17 (1) in the item relating to section 917, by strik-  
18 ing “Efficiency”;

19 (2) by striking the items relating to subtitle J  
20 of title IX (relating to ultra-deepwater and uncon-  
21 ventional natural gas and other petroleum resources)  
22 and inserting the following:

“Subtitle J—Carbon Dioxide Transportation Infrastructure Finance and  
Innovation

“Sec. 999A. Definitions.

“Sec. 999B. Determination of eligibility and project selection.

“Sec. 999C. Secured loans.

“Sec. 999D. Future growth grants.

“Sec. 999E. Program administration.





1 ed, and developing strategies and re-  
2 sources to enable the deployment.”;

3 (3) by redesignating subsections (e) through (g)  
4 as subsections (f) through (h), respectively;

5 (4) by inserting after subsection (d) the fol-  
6 lowing:

7 “(e) LARGE-SCALE CARBON STORAGE COMMER-  
8 CIALIZATION PROGRAM.—

9 “(1) IN GENERAL.—The Secretary shall estab-  
10 lish a commercialization program under which the  
11 Secretary shall provide funding for the development  
12 of new or expanded commercial large-scale carbon  
13 sequestration projects and associated carbon dioxide  
14 transport infrastructure, including funding for the  
15 feasibility, site characterization, permitting, and con-  
16 struction stages of project development.

17 “(2) APPLICATIONS; SELECTION.—

18 “(A) IN GENERAL.—To be eligible to enter  
19 into an agreement with the Secretary for fund-  
20 ing under paragraph (1), an entity shall submit  
21 to the Secretary an application at such time, in  
22 such manner, and containing such information  
23 as the Secretary determines to be appropriate.

1           “(B) APPLICATION PROCESS.—The Sec-  
2           retary shall establish an application process  
3           that, to the maximum extent practicable—

4                   “(i) is open to projects at any stage of  
5                   development described in paragraph (1);  
6                   and

7                   “(ii) facilitates expeditious develop-  
8                   ment of projects described in that para-  
9                   graph.

10           “(C) PROJECT SELECTION.—In selecting  
11           projects for funding under paragraph (1), the  
12           Secretary shall give priority to—

13                   “(i) projects with substantial carbon  
14                   dioxide storage capacity; or

15                   “(ii) projects that will store carbon di-  
16                   oxide from multiple carbon capture facili-  
17                   ties.”;

18           (5) in subsection (f) (as so redesignated), in  
19           paragraph (1), by inserting “with respect to the re-  
20           search, development, demonstration program compo-  
21           nents described in subsections (b) through (d)” be-  
22           fore “give preference”; and

23           (6) by striking subsection (h) (as so redesign-  
24           ated) and inserting the following:

1       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to the Secretary to carry  
3 out this section \$2,500,000,000 for the period of fiscal  
4 years 2022 through 2026.”.

5 **SEC. 3006. SECURE GEOLOGIC STORAGE PERMITTING.**

6       (a) DEFINITIONS.—In this section:

7           (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Environ-  
9 mental Protection Agency.

10          (2) CLASS VI WELL.—The term “Class VI well”  
11 means a well described in section 144.6(f) of title  
12 40, Code of Federal Regulations (or successor regu-  
13 lations).

14       (b) AUTHORIZATION OF APPROPRIATIONS FOR GEO-  
15 LOGIC SEQUESTRATION PERMITTING.—There is author-  
16 ized to be appropriated to the Administrator for the per-  
17 mitting of Class VI wells by the Administrator for the in-  
18 jection of carbon dioxide for the purpose of geologic se-  
19 questration in accordance with the requirements of the  
20 Safe Drinking Water Act (42 U.S.C. 300f et seq.) and  
21 the final rule of the Administrator entitled “Federal Re-  
22 quirements Under the Underground Injection Control  
23 (UIC) Program for Carbon Dioxide (CO<sub>2</sub>) Geologic Se-  
24 questration (GS) Wells” (75 Fed. Reg. 77230 (December

1 10, 2010)), \$5,000,000 for each of fiscal years 2022  
2 through 2026.

3 (c) STATE PERMITTING PROGRAM GRANTS.—

4 (1) ESTABLISHMENT.—The Administrator shall  
5 award grants to States that, pursuant to section  
6 1422 of the Safe Drinking Water Act (42 U.S.C.  
7 300h–1), receive the approval of the Administrator  
8 for a State underground injection control program  
9 for permitting Class VI wells for the injection of car-  
10 bon dioxide.

11 (2) USE OF FUNDS.—A State that receives a  
12 grant under paragraph (1) shall use the amounts re-  
13 ceived under the grant to defray the expenses of the  
14 State related to the establishment and operation of  
15 a State underground injection control program de-  
16 scribed in paragraph (1).

17 (3) AUTHORIZATION OF APPROPRIATIONS.—  
18 There is authorized to be appropriated to the Ad-  
19 ministrator to carry out this subsection \$50,000,000  
20 for the period of fiscal years 2022 through 2026.

21 **SEC. 3007. GEOLOGIC CARBON SEQUESTRATION ON THE**  
22 **OUTER CONTINENTAL SHELF.**

23 (a) DEFINITIONS.—Section 2 of the Outer Conti-  
24 nental Shelf Lands Act (43 U.S.C. 1331) is amended—

1           (1) in the matter preceding subsection (a), by  
2 striking “When used in this Act—” and inserting  
3 “In this Act.”;

4           (2) in each subsection, by inserting a subsection  
5 heading, the text of which is comprised of the term  
6 defined in the subsection;

7           (3) by striking the semicolon at the end of each  
8 subsection (other than subsection (q)) and “; and”  
9 at the end of subsection (p) and inserting a period;  
10 and

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

12 “(r) CARBON DIOXIDE STREAM.—

13           “(1) IN GENERAL.—The term ‘carbon dioxide  
14 stream’ means carbon dioxide that—

15                   “(A) has been captured; and

16                   “(B) consists overwhelmingly of—

17                           “(i) carbon dioxide plus incidental as-  
18 sociated substances derived from the  
19 source material or capture process; and

20                           “(ii) any substances added to the  
21 stream for the purpose of enabling or im-  
22 proving the injection process.

23           “(2) EXCLUSIONS.—The term ‘carbon dioxide  
24 stream’ does not include additional waste or other

1 matter added to the carbon dioxide stream for the  
2 purpose of disposal.

3 “(s) CARBON SEQUESTRATION.—The term ‘carbon  
4 sequestration’ means the act of storing carbon dioxide that  
5 has been removed from the atmosphere or captured  
6 through physical, chemical, or biological processes that  
7 can prevent the carbon dioxide from reaching the atmos-  
8 phere.”.

9 (b) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR  
10 ENERGY AND RELATED PURPOSES.—Section 8(p)(1) of  
11 the Outer Continental Shelf Lands Act (43 U.S.C.  
12 1337(p)(1)) is amended—

13 (1) in subparagraph (C), by striking “or” after  
14 the semicolon;

15 (2) in subparagraph (D), by striking the period  
16 at the end and inserting “; or”; and

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

18 “(E) provide for, support, or are directly  
19 related to the injection of a carbon dioxide  
20 stream into sub-seabed geologic formations for  
21 the purpose of long-term carbon sequestra-  
22 tion.”.

23 (c) CLARIFICATION.—A carbon dioxide stream in-  
24 jected for the purpose of carbon sequestration under sub-  
25 paragraph (E) of section 8(p)(1) of the Outer Continental

1 Shelf Lands Act (43 U.S.C. 1337(p)(1)) shall not be con-  
2 sidered to be material (as defined in section 3 of the Ma-  
3 rine Protection, Research, and Sanctuaries Act of 1972  
4 (33 U.S.C. 1402)) for purposes of that Act (33 U.S.C.  
5 1401 et seq.).

6 (d) REGULATIONS.—Not later than 1 year after the  
7 date of enactment of this Act, the Secretary of the Interior  
8 shall promulgate regulations to carry out the amendments  
9 made by this section.

10 **SEC. 3008. CARBON REMOVAL.**

11 (a) IN GENERAL.—Section 969D of the Energy Pol-  
12 icy Act of 2005 (42 U.S.C. 16298d) is amended—

13 (1) by redesignating subsection (j) as sub-  
14 section (k); and

15 (2) by inserting after subsection (i) the fol-  
16 lowing:

17 “(j) REGIONAL DIRECT AIR CAPTURE HUBS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) ELIGIBLE PROJECT.—The term ‘eligi-  
20 ble project’ means a direct air capture project  
21 or a component project of a regional direct air  
22 capture hub.

23 “(B) REGIONAL DIRECT AIR CAPTURE  
24 HUB.—The term ‘regional direct air capture  
25 hub’ means a network of direct air capture

1 projects, potential carbon dioxide utilization off-  
2 takers, connective carbon dioxide transport in-  
3 frastructure, subsurface resources, and seques-  
4 tration infrastructure located within a region.

5 “(2) ESTABLISHMENT OF PROGRAM.—

6 “(A) IN GENERAL.—The Secretary shall  
7 establish a program under which the Secretary  
8 shall provide funding for eligible projects that  
9 contribute to the development of 4 regional di-  
10 rect air capture hubs described in subparagraph  
11 (B).

12 “(B) REGIONAL DIRECT AIR CAPTURE  
13 HUBS.—Each of the 4 regional direct air cap-  
14 ture hubs developed under the program under  
15 subparagraph (A) shall be a regional direct air  
16 capture hub that—

17 “(i) facilitates the deployment of di-  
18 rect air capture projects;

19 “(ii) has the capacity to capture and  
20 sequester, utilize, or sequester and utilize  
21 at least 1,000,000 metric tons of carbon  
22 dioxide from the atmosphere annually from  
23 a single unit or multiple interconnected  
24 units;



1           “(iii) demonstrates the capture, proc-  
2           essing, delivery, and sequestration or end-  
3           use of captured carbon; and

4           “(iv) could be developed into a re-  
5           gional or interregional carbon network to  
6           facilitate sequestration or carbon utiliza-  
7           tion.

8           “(3) SELECTION OF PROJECTS.—

9           “(A) SOLICITATION OF PROPOSALS.—

10           “(i) IN GENERAL.—Not later than  
11           180 days after the date of enactment of  
12           the Energy Infrastructure Act, the Sec-  
13           retary shall solicit applications for funding  
14           for eligible projects.

15           “(ii) ADDITIONAL SOLICITATIONS.—

16           The Secretary shall solicit applications for  
17           funding for eligible projects on a recurring  
18           basis after the first round of applications  
19           is received under clause (i) until all  
20           amounts appropriated to carry out this  
21           subsection are expended.

22           “(B) SELECTION OF PROJECTS FOR THE  
23           DEVELOPMENT OF REGIONAL DIRECT AIR CAP-  
24           TURE HUBS.—Not later than 3 years after the  
25           date of the deadline for the submission of pro-

1 posals under subparagraph (A)(i), the Secretary  
2 shall select eligible projects described in para-  
3 graph (2)(A).

4 “(C) CRITERIA.—The Secretary shall se-  
5 lect eligible projects under subparagraph (B)  
6 using the following criteria:

7 “(i) CARBON INTENSITY OF LOCAL IN-  
8 DUSTRY.—To the maximum extent prac-  
9 ticable, each eligible project shall be lo-  
10 cated in a region with—

11 “(I) existing carbon-intensive fuel  
12 production or industrial capacity; or

13 “(II) carbon-intensive fuel pro-  
14 duction or industrial capacity that has  
15 retired or closed in the preceding 10  
16 years.

17 “(ii) GEOGRAPHIC DIVERSITY.—To  
18 the maximum extent practicable, eligible  
19 projects shall contribute to the develop-  
20 ment of regional direct air capture hubs lo-  
21 cated in different regions of the United  
22 States.

23 “(iii) CARBON POTENTIAL.—To the  
24 maximum extent practicable, eligible  
25 projects shall contribute to the develop-

1                   ment of regional direct air capture hubs lo-  
2                   cated in regions with high potential for  
3                   carbon sequestration or utilization.

4                   “(iv) HUBS IN FOSSIL-PRODUCING RE-  
5                   GIONS.—To the maximum extent prac-  
6                   ticable, eligible projects shall contribute to  
7                   the development of at least 2 regional di-  
8                   rect air capture hubs located in economi-  
9                   cally distressed communities in the regions  
10                  of the United States with high levels of  
11                  coal, oil, or natural gas resources.

12                  “(v) SCALABILITY.—The Secretary  
13                  shall give priority to eligible projects that,  
14                  as compared to other eligible projects, will  
15                  contribute to the development of regional  
16                  direct air capture hubs with larger initial  
17                  capacity, greater potential for expansion,  
18                  and lower levelized cost per ton of carbon  
19                  dioxide removed from the atmosphere.

20                  “(vi) EMPLOYMENT.—The Secretary  
21                  shall give priority to eligible projects that  
22                  are likely to create opportunities for skilled  
23                  training and long-term employment to the  
24                  greatest number of residents of the region.

1                   “(vii) ADDITIONAL CRITERIA.—The  
2                   Secretary may take into consideration  
3                   other criteria that, in the judgment of the  
4                   Secretary, are necessary or appropriate to  
5                   carry out this subsection.

6                   “(D) COORDINATION.—To the maximum  
7                   extent practicable, in carrying out the program  
8                   under this subsection, the Secretary shall take  
9                   into account and coordinate with activities of  
10                  the carbon capture technology program estab-  
11                  lished under section 962(b)(1), the carbon stor-  
12                  age validation and testing program established  
13                  under section 963(b)(1), and the CIFIA pro-  
14                  gram established under section 999B(a) such  
15                  that funding from each of the programs is le-  
16                  veraged to contribute toward the development  
17                  of integrated regional and interregional carbon  
18                  capture, removal, transport, sequestration, and  
19                  utilization networks.

20                  “(E) FUNDING OF ELIGIBLE PROJECTS.—  
21                  The Secretary may make grants to, or enter  
22                  into cooperative agreements or contracts with,  
23                  each eligible project selected under subpara-  
24                  graph (B) to accelerate commercialization of,  
25                  and demonstrate the removal, processing, trans-

1 port, sequestration, and utilization of, carbon  
2 dioxide captured from the atmosphere.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
4 There is authorized to be appropriated to the Sec-  
5 retary to carry out this subsection \$3,500,000,000  
6 for the period of fiscal years 2022 through 2026, to  
7 remain available until expended.”.

8 **Subtitle B—Hydrogen Research**  
9 **and Development**

10 **SEC. 3101. FINDINGS; PURPOSE.**

11 (a) FINDINGS.—Congress finds that—

12 (1) hydrogen plays a critical part in the com-  
13 prehensive energy portfolio of the United States;

14 (2) the use of the hydrogen resources of the  
15 United States—

16 (A) promotes energy security and resil-  
17 ience; and

18 (B) provides economic value and environ-  
19 mental benefits for diverse applications across  
20 multiple sectors of the economy; and

21 (3) hydrogen can be produced from a variety of  
22 domestically available clean energy sources, includ-  
23 ing—

24 (A) renewable energy resources, including  
25 biomass;

1 (B) fossil fuels with carbon capture, utili-  
2 zation, and storage; and

3 (C) nuclear power.

4 (b) PURPOSE.—The purpose of this subtitle is to ac-  
5 celerate research, development, demonstration, and de-  
6 ployment of hydrogen from clean energy sources by—

7 (1) providing a statutory definition for the term  
8 “clean hydrogen”;

9 (2) establishing a clean hydrogen strategy and  
10 roadmap for the United States;

11 (3) establishing a clearing house for clean hy-  
12 drogen program information at the National Energy  
13 Technology Laboratory;

14 (4) developing a robust clean hydrogen supply  
15 chain and workforce by prioritizing clean hydrogen  
16 demonstration projects in major shale gas regions;

17 (5) establishing regional clean hydrogen hubs;  
18 and

19 (6) authorizing appropriations to carry out the  
20 Department of Energy Hydrogen Program Plan,  
21 dated November 2020, developed pursuant to title  
22 VIII of the Energy Policy Act of 2005 (42 U.S.C.  
23 16151 et seq.).

1 **SEC. 3102. DEFINITIONS.**

2 Section 803 of the Energy Policy Act of 2005 (42  
3 U.S.C. 16152) is amended—

4 (1) in paragraph (5), by striking the paragraph  
5 designation and heading and all that follows through  
6 “when” in the matter preceding subparagraph (A)  
7 and inserting the following:

8 “(5) PORTABLE; STORAGE.—The terms ‘port-  
9 able’ and ‘storage’, when”;

10 (2) by redesignating paragraphs (1) through  
11 (7) as paragraphs (2) through (8), respectively; and

12 (3) by inserting before paragraph (2) (as so re-  
13 designated) the following:

14 “(1) CLEAN HYDROGEN; HYDROGEN.—The  
15 terms ‘clean hydrogen’ and ‘hydrogen’ mean hydro-  
16 gen produced in compliance with the greenhouse gas  
17 emissions standard established under section 822(a),  
18 including production from any fuel source.”.

19 **SEC. 3103. CLEAN HYDROGEN RESEARCH AND DEVELOP-**  
20 **MENT PROGRAM.**

21 (a) IN GENERAL.—Section 805 of the Energy Policy  
22 Act of 2005 (42 U.S. 16154) is amended—

23 (1) in the section heading, by striking “**PRO-**  
24 **GRAMS**” and inserting “**CLEAN HYDROGEN RE-**  
25 **SEARCH AND DEVELOPMENT PROGRAM**”;

26 (2) in subsection (a)—

1 (A) by striking “research and development  
2 program” and inserting “crosscutting research  
3 and development program (referred to in this  
4 section as the ‘program’)”; and

5 (B) by inserting “processing,” after “pro-  
6 duction,”;

7 (3) by striking subsection (b) and inserting the  
8 following:

9 “(b) GOALS.—The goals of the program shall be—

10 “(1) to advance research and development to  
11 demonstrate and commercialize the use of clean hy-  
12 drogen in the transportation, utility, industrial, com-  
13 mercial, and residential sectors; and

14 “(2) to demonstrate a standard of clean hydro-  
15 gen production in the transportation, utility, indus-  
16 trial, commercial, and residential sectors by 2040.”;

17 (4) in subsection (c)(3), by striking “renewable  
18 fuels and biofuels” and inserting “fossil fuels with  
19 carbon capture, utilization, and sequestration, re-  
20 newable fuels, biofuels, and nuclear energy”;

21 (5) by striking subsection (e) and inserting the  
22 following:

23 “(e) ACTIVITIES.—In carrying out the program, the  
24 Secretary, in partnership with the private sector, shall  
25 conduct activities to advance and support—



1           “(1) the establishment of a series of technology  
2           cost goals oriented toward achieving the standard of  
3           clean hydrogen production developed under section  
4           822(a);

5           “(2) the production of clean hydrogen from di-  
6           verse energy sources, including—

7                   “(A) fossil fuels with carbon capture, utili-  
8                   zation, and sequestration;

9                   “(B) hydrogen-carrier fuels (including eth-  
10                  anol and methanol);

11                  “(C) renewable energy resources, including  
12                  biomass;

13                  “(D) nuclear energy; and

14                  “(E) any other methods the Secretary de-  
15                  termines to be appropriate;

16           “(3) the use of clean hydrogen for commercial,  
17           industrial, and residential electric power generation;

18           “(4) the use of clean hydrogen in industrial ap-  
19           plications, including steelmaking, cement, chemical  
20           feedstocks, and process heat;

21           “(5) the use of clean hydrogen for use as a fuel  
22           source for both residential and commercial comfort  
23           heating and hot water requirements;

24           “(6) the safe and efficient delivery of hydrogen  
25           or hydrogen-carrier fuels, including—

1           “(A) transmission by pipelines, including  
2           retrofitting the existing natural gas transpor-  
3           tation infrastructure system to enable a transi-  
4           tion to transport and deliver increasing levels of  
5           clean hydrogen, clean hydrogen blends, or clean  
6           hydrogen carriers;

7           “(B) tanks and other distribution methods;  
8           and

9           “(C) convenient and economic refueling of  
10          vehicles—

11                   “(i) at central refueling stations; or

12                   “(ii) through distributed onsite gen-  
13                  eration;

14          “(7) advanced vehicle technologies, including—

15                   “(A) engine and emission control systems;

16                   “(B) energy storage, electric propulsion,  
17                  and hybrid systems;

18                   “(C) automotive materials; and

19                   “(D) other advanced vehicle technologies;

20          “(8) storage of hydrogen or hydrogen-carrier  
21          fuels, including the development of materials for safe  
22          and economic storage in gaseous, liquid, or solid  
23          form;

24          “(9) the development of safe, durable, afford-  
25          able, and efficient fuel cells, including fuel-flexible

1 fuel cell power systems, improved manufacturing  
2 processes, high-temperature membranes, cost-effective  
3 fuel processing for natural gas, fuel cell stack  
4 and system reliability, low-temperature operation,  
5 and cold start capability;

6 “(10) the ability of domestic clean hydrogen  
7 equipment manufacturers to manufacture commercially  
8 available competitive technologies in the  
9 United States;

10 “(11) the use of clean hydrogen in the transportation  
11 sector, including in light-, medium-, and  
12 heavy-duty vehicles, rail transport, aviation, and  
13 maritime applications; and

14 “(12) in coordination with relevant agencies,  
15 the development of appropriate, uniform codes and  
16 standards for the safe and consistent deployment  
17 and commercialization of clean hydrogen production,  
18 processing, delivery, and end-use technologies.”; and

19 (6) by adding at the end the following:

20 “(j) TARGETS.—Not later than 180 days after the  
21 date of enactment of the Energy Infrastructure Act, the  
22 Secretary shall establish targets for the program to address  
23 near-term (up to 2 years), mid-term (up to 7 years),  
24 and long-term (up to 15 years) challenges to the advancement  
25 of clean hydrogen systems and technologies.”.

1 (b) CONFORMING AMENDMENT.—The table of con-  
2 tents for the Energy Policy Act of 2005 (Public Law 109–  
3 58; 119 Stat. 599) is amended by striking the item relat-  
4 ing to section 805 and inserting the following:

“Sec. 805. Clean hydrogen research and development program.”.

5 **SEC. 3104. ADDITIONAL CLEAN HYDROGEN PROGRAMS.**

6 Title VIII of the Energy Policy Act of 2005 (42  
7 U.S.C. 16151 et seq.) is amended—

8 (1) by redesignating sections 813 through 816  
9 as sections 818 through 821, respectively; and

10 (2) by inserting after section 812 the following:

11 **“SEC. 813. REGIONAL CLEAN HYDROGEN HUBS.**

12 “(a) DEFINITION OF REGIONAL CLEAN HYDROGEN  
13 HUB.—In this section, the term ‘regional clean hydrogen  
14 hub’ means a network of clean hydrogen producers, poten-  
15 tial clean hydrogen consumers, and connective infrastruc-  
16 ture located in close proximity.

17 “(b) ESTABLISHMENT OF PROGRAM.—The Secretary  
18 shall establish a program to support the development of  
19 at least 4 regional clean hydrogen hubs that—

20 “(1) demonstrably aid the achievement of the  
21 clean hydrogen production standard developed under  
22 section 822(a);

23 “(2) demonstrate the production, processing,  
24 delivery, storage, and end-use of clean hydrogen; and



1 of clean hydrogen from renewable energy;  
2 and

3 “(iii) at least 1 regional clean hydro-  
4 gen hub shall demonstrate the production  
5 of clean hydrogen from nuclear energy.

6 “(B) END-USE DIVERSITY.—To the max-  
7 imum extent practicable—

8 “(i) at least 1 regional clean hydrogen  
9 hub shall demonstrate the end-use of clean  
10 hydrogen in the electric power generation  
11 sector;

12 “(ii) at least 1 regional clean hydro-  
13 gen hub shall demonstrate the end-use of  
14 clean hydrogen in the industrial sector;

15 “(iii) at least 1 regional clean hydro-  
16 gen hub shall demonstrate the end-use of  
17 clean hydrogen in the residential and com-  
18 mercial heating sector; and

19 “(iv) at least 1 regional clean hydro-  
20 gen hub shall demonstrate the end-use of  
21 clean hydrogen in the transportation sec-  
22 tor.

23 “(C) GEOGRAPHIC DIVERSITY.—To the  
24 maximum extent practicable, each regional  
25 clean hydrogen hub—

1                   “(i) shall be located in a different re-  
2                   gion of the United States; and

3                   “(ii) shall use energy resources that  
4                   are abundant in that region.

5                   “(D) HUBS IN NATURAL GAS-PRODUCING  
6                   REGIONS.—To the maximum extent practicable,  
7                   at least 2 regional clean hydrogen hubs shall be  
8                   located in the regions of the United States with  
9                   the greatest natural gas resources.

10                  “(E) EMPLOYMENT.—The Secretary shall  
11                  give priority to regional clean hydrogen hubs  
12                  that are likely to create opportunities for skilled  
13                  training and long-term employment to the  
14                  greatest number of residents of the region.

15                  “(F) ADDITIONAL CRITERIA.—The Sec-  
16                  retary may take into consideration other cri-  
17                  teria that, in the judgment of the Secretary, are  
18                  necessary or appropriate to carry out this title

19                  “(4) FUNDING OF REGIONAL CLEAN HYDROGEN  
20                  HUBS.—The Secretary may make grants to each re-  
21                  gional clean hydrogen hub selected under paragraph  
22                  (2) to accelerate commercialization of, and dem-  
23                  onstrate the production, processing, delivery, stor-  
24                  age, and end-use of, clean hydrogen.





1           “(ii) identifying potential barriers, path-  
2 ways, and opportunities, including Federal pol-  
3 icy needs, to transition to a clean hydrogen  
4 economy;

5           “(C) identifying—

6           “(i) economic opportunities for the  
7 production, processing, transport, storage,  
8 and use of clean hydrogen that exist in the  
9 major shale natural gas-producing regions  
10 of the United States;

11           “(ii) economic opportunities for the  
12 production, processing, transport, storage,  
13 and use of clean hydrogen that exist for  
14 merchant nuclear power plants operating  
15 in deregulated markets; and

16           “(iii) environmental risks associated  
17 with potential deployment of clean hydro-  
18 gen technologies in those regions, and ways  
19 to mitigate those risks;

20           “(D) approaches, including substrategies,  
21 that reflect geographic diversity across the  
22 country, to advance clean hydrogen based on re-  
23 sources, industry sectors, environmental bene-  
24 fits, and economic impacts in regional econo-  
25 mies;

1           “(E) identifying opportunities to use, and  
2           barriers to using, existing infrastructure, in-  
3           cluding all components of the natural gas infra-  
4           structure system, the carbon dioxide pipeline in-  
5           frastructure system, end-use local distribution  
6           networks, end-use power generators, LNG ter-  
7           minals, industrial users of natural gas, and res-  
8           idential and commercial consumers of natural  
9           gas, for clean hydrogen deployment;

10           “(F) identifying the needs for and barriers  
11           and pathways to developing clean hydrogen  
12           hubs (including, where appropriate, clean hy-  
13           drogen hubs coupled with carbon capture, utili-  
14           zation, and storage hubs) that—

15                   “(i) are regionally dispersed across  
16                   the United States and can leverage natural  
17                   gas to the maximum extent practicable;

18                   “(ii) can demonstrate the efficient  
19                   production, processing, delivery, and use of  
20                   clean hydrogen;

21                   “(iii) include transportation corridors  
22                   and modes of transportation, including  
23                   transportation of clean hydrogen by pipe-  
24                   line and rail and through ports; and

1                   “(iv) where appropriate, could serve  
2                   as joint clean hydrogen and carbon cap-  
3                   ture, utilization, and storage hubs;

4                   “(G) prioritizing activities that improve the  
5                   ability of the Department to develop tools to  
6                   model, analyze, and optimize single-input, mul-  
7                   tiple-output integrated hybrid energy systems  
8                   and multiple-input, multiple-output integrated  
9                   hybrid energy systems that maximize efficiency  
10                  in providing hydrogen, high-value heat, elec-  
11                  tricity, and chemical synthesis services;

12                  “(H) identifying the appropriate points of  
13                  interaction between and among Federal agen-  
14                  cies involved in the production, processing, de-  
15                  livery, storage, and use of clean hydrogen and  
16                  clarifying the responsibilities of those Federal  
17                  agencies, and potential regulatory obstacles and  
18                  recommendations for modifications, in order to  
19                  support the deployment of clean hydrogen; and

20                  “(I) identifying geographic zones or re-  
21                  gions in which clean hydrogen technologies  
22                  could efficiently and economically be introduced  
23                  in order to transition existing infrastructure to  
24                  rely on clean hydrogen, in support of



1 production, processing, delivery, storage, and use  
2 equipment manufacturing technologies and tech-  
3 niques.

4 “(2) PRIORITY.—In awarding grants or enter-  
5 ing into contracts, cooperative agreements, or other  
6 agreements under paragraph (1), the Secretary, to  
7 the maximum extent practicable, shall give priority  
8 to clean hydrogen equipment manufacturing projects  
9 that—

10 “(A) increase efficiency and cost-effective-  
11 ness in—

12 “(i) the manufacturing process; and

13 “(ii) the use of resources, including  
14 existing energy infrastructure;

15 “(B) support domestic supply chains for  
16 materials and components;

17 “(C) identify and incorporate nonhaz-  
18 ardous alternative materials for components  
19 and devices;

20 “(D) operate in partnership with tribal en-  
21 ergy development organizations, Indian Tribes,  
22 Tribal organizations, Native Hawaiian commu-  
23 nity-based organizations, or territories or freely  
24 associated States; or

1           “(E) are located in economically distressed  
2           areas of the major natural gas-producing re-  
3           gions of the United States.

4           “(3) EVALUATION.—Not later than 3 years  
5           after the date of enactment of the Energy Infra-  
6           structure Act, and not less frequently than once  
7           every 4 years thereafter, the Secretary shall conduct,  
8           and make available to the public and the relevant  
9           committees of Congress, an independent review of  
10          the progress of the projects carried out through  
11          grants awarded, or contracts, cooperative agree-  
12          ments, or other agreements entered into, under  
13          paragraph (1).

14          “(b) CLEAN HYDROGEN TECHNOLOGY RECYCLING  
15          RESEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-  
16          GRAM.—

17                 “(1) IN GENERAL.—In carrying out the pro-  
18                 grams established under sections 805 and 813, the  
19                 Secretary shall award multiyear grants to, and enter  
20                 into contracts, cooperative agreements, or any other  
21                 agreements authorized under this Act or other Fed-  
22                 eral law with, eligible entities for research, develop-  
23                 ment, and demonstration projects to create innova-  
24                 tive and practical approaches to increase the reuse

1       and recycling of clean hydrogen technologies, includ-  
2       ing by—

3               “(A) increasing the efficiency and cost-ef-  
4               fectiveness of the recovery of raw materials  
5               from clean hydrogen technology components  
6               and systems, including enabling technologies  
7               such as electrolyzers and fuel cells;

8               “(B) minimizing environmental impacts  
9               from the recovery and disposal processes;

10              “(C) addressing any barriers to the re-  
11              search, development, demonstration, and com-  
12              mercialization of technologies and processes for  
13              the disassembly and recycling of devices used  
14              for clean hydrogen production, processing, de-  
15              livery, storage, and use;

16              “(D) developing alternative materials, de-  
17              signs, manufacturing processes, and other as-  
18              pects of clean hydrogen technologies;

19              “(E) developing alternative disassembly  
20              and resource recovery processes that enable effi-  
21              cient, cost-effective, and environmentally re-  
22              sponsible disassembly of, and resource recovery  
23              from, clean hydrogen technologies; and

1           “(F) developing strategies to increase con-  
2           sumer acceptance of, and participation in, the  
3           recycling of fuel cells.

4           “(2) DISSEMINATION OF RESULTS.—The Sec-  
5           retary shall make available to the public and the rel-  
6           evant committees of Congress the results of the  
7           projects carried out through grants awarded, or con-  
8           tracts, cooperative agreements, or other agreements  
9           entered into, under paragraph (1), including any  
10          educational and outreach materials developed by the  
11          projects.

12          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
13          is authorized to be appropriated to the Secretary to carry  
14          out this section \$500,000,000 for the period of fiscal years  
15          2022 through 2026.

16          **“SEC. 816. CLEAN HYDROGEN ELECTROLYSIS PROGRAM.**

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

18                 “(1) ELECTROLYSIS.—The term ‘electrolysis’  
19                 means a process that uses electricity to split water  
20                 into hydrogen and oxygen.

21                 “(2) ELECTROLYZER.—The term ‘electrolyzer’  
22                 means a system that produces hydrogen using elec-  
23                 trolysis.

24                 “(3) PROGRAM.—The term ‘program’ means  
25                 the program established under subsection (b).



1           “(b) ESTABLISHMENT.—Not later than 90 days after  
2 the date of enactment of the Energy Infrastructure Act,  
3 the Secretary shall establish a research, development,  
4 demonstration, commercialization, and deployment pro-  
5 gram for purposes of commercialization to improve the ef-  
6 ficiency, increase the durability, and reduce the cost of  
7 producing clean hydrogen using electrolyzers.

8           “(c) GOALS.—The goals of the program are—

9                   “(1) to reduce the cost of hydrogen produced  
10 using electrolyzers to less than \$2 per kilogram of  
11 hydrogen by 2026; and

12                   “(2) any other goals the Secretary determines  
13 are appropriate.

14           “(d) DEMONSTRATION PROJECTS.—In carrying out  
15 the program, the Secretary shall fund demonstration  
16 projects—

17                   “(1) to demonstrate technologies that produce  
18 clean hydrogen using electrolyzers; and

19                   “(2) to validate information on the cost, effi-  
20 ciency, durability, and feasibility of commercial de-  
21 ployment of the technologies described in paragraph  
22 (1).

23           “(e) FOCUS.—The program shall focus on research  
24 relating to, and the development, demonstration, and de-  
25 ployment of—

1           “(1) low-temperature electrolyzers, including  
2 liquid-alkaline electrolyzers, membrane-based  
3 electrolyzers, and other advanced electrolyzers, capa-  
4 ble of converting intermittent sources of electric  
5 power to clean hydrogen with enhanced efficiency  
6 and durability;

7           “(2) high-temperature electrolyzers that com-  
8 bine electricity and heat to improve the efficiency of  
9 clean hydrogen production;

10           “(3) advanced reversible fuel cells that combine  
11 the functionality of an electrolyzer and a fuel cell;

12           “(4) new highly active, selective, and durable  
13 electrolyzer catalysts and electro-catalysts that—

14                 “(A) greatly reduce or eliminate the need  
15 for platinum group metals; and

16                 “(B) enable electrolysis of complex mix-  
17 tures with impurities, including seawater;

18           “(5) modular electrolyzers for distributed en-  
19 ergy systems and the bulk-power system (as defined  
20 in section 215(a) of the Federal Power Act (16  
21 U.S.C. 824o(a)));

22           “(6) low-cost membranes or electrolytes and  
23 separation materials that are durable in the presence  
24 of impurities or seawater;

1           “(7) improved component design and material  
2 integration, including with respect to electrodes, po-  
3 rous transport layers and bipolar plates, and bal-  
4 ance-of-system components, to allow for scale-up and  
5 domestic manufacturing of electrolyzers at a high  
6 volume;

7           “(8) clean hydrogen storage technologies;

8           “(9) technologies that integrate hydrogen pro-  
9 duction with—

10           “(A) clean hydrogen compression and dry-  
11 ing technologies;

12           “(B) clean hydrogen storage; and

13           “(C) transportation or stationary systems;

14           and

15           “(10) integrated systems that combine hydro-  
16 gen production with renewable power or nuclear  
17 power generation technologies, including hybrid sys-  
18 tems with hydrogen storage.

19           “(f) GRANTS, CONTRACTS, COOPERATIVE AGREE-  
20 MENTS.—

21           “(1) GRANTS.—In carrying out the program,  
22 the Secretary shall award grants, on a competitive  
23 basis, to eligible entities for projects that the Sec-  
24 retary determines would provide the greatest

1 progress toward achieving the goal of the program  
2 described in subsection (c).

3 “(2) CONTRACTS AND COOPERATIVE AGREE-  
4 MENTS.—In carrying out the program, the Secretary  
5 may enter into contracts and cooperative agreements  
6 with eligible entities and Federal agencies for  
7 projects that the Secretary determines would further  
8 the purpose of the program described in subsection  
9 (b).

10 “(3) ELIGIBILITY; APPLICATIONS.—

11 “(A) IN GENERAL.—The eligibility of an  
12 entity to receive a grant under paragraph (1),  
13 to enter into a contract or cooperative agree-  
14 ment under paragraph (2), or to receive fund-  
15 ing for a demonstration project under sub-  
16 section (d) shall be determined by the Sec-  
17 retary.

18 “(B) APPLICATIONS.—An eligible entity  
19 desiring to receive a grant under paragraph (1),  
20 to enter into a contract or cooperative agree-  
21 ment under paragraph (2), or to receive fund-  
22 ing for a demonstration project under sub-  
23 section (d) shall submit to the Secretary an ap-  
24 plication at such time, in such manner, and

1 containing such information as the Secretary  
2 may require.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to the Secretary to carry  
5 out the program \$1,000,000,000 for the period of fiscal  
6 years 2022 through 2026, to remain available until ex-  
7 pended.

8 **“SEC. 817. LABORATORY MANAGEMENT.**

9 “(a) IN GENERAL.—The National Energy Tech-  
10 nology Laboratory shall be the lead National Laboratory  
11 for purposes of carrying out the programs established  
12 under sections 813 and 815.

13 “(b) COORDINATION; CLEARINGHOUSE.—In carrying  
14 out subsection (a), the National Energy Technology Lab-  
15 oratory shall—

16 “(1) coordinate with—

17 “(A) the Idaho National Laboratory, the  
18 National Renewable Energy Laboratory, and  
19 other National Laboratories in a cross-cutting  
20 manner;

21 “(B) institutions of higher education;

22 “(C) research institutes;

23 “(D) industrial researchers; and

24 “(E) international researchers; and



1 from renewable, fossil fuel with carbon capture, utiliza-  
 2 tion, and sequestration technologies, nuclear, and other  
 3 fuel sources using any applicable production technology.”.

4 (b) CONFORMING AMENDMENT.—The table of con-  
 5 tents for the Energy Policy Act of 2005 (Public Law 109–  
 6 58; 119 Stat. 599) is amended by striking the items relat-  
 7 ing to sections 813 through 816 and inserting the fol-  
 8 lowing:

“Sec. 813. Regional clean hydrogen hubs.

“Sec. 814. National clean hydrogen strategy and roadmap.

“Sec. 815. Clean hydrogen manufacturing and recycling.

“Sec. 816. Clean hydrogen electrolysis program.

“Sec. 817. Laboratory management.

“Sec. 818. Technology transfer

“Sec. 819. Miscellaneous provisions.

“Sec. 820. Cost sharing.

“Sec. 821. Savings clause.

“Sec. 822. Clean hydrogen production qualifications.”.

9 **Subtitle C—Nuclear Energy**  
 10 **Infrastructure**

11 **SEC. 3201. INFRASTRUCTURE PLANNING FOR MICRO AND**  
 12 **SMALL MODULAR NUCLEAR REACTORS.**

13 (a) DEFINITIONS.—In this section:

14 (1) ADVANCED NUCLEAR REACTOR.— The term  
 15 “advanced nuclear reactor” has the meaning given  
 16 the term in section 951(b) of the Energy Policy Act  
 17 of 2005 (42 U.S.C. 16271(b)).

18 (2) ISOLATED COMMUNITY.—The term “iso-  
 19 lated community” has the meaning given the term in

1 section 8011(a) of the Energy Act of 2020 (42  
2 U.S.C. 17392(a)).

3 (3) MICRO-REACTOR.—The term “micro-reactor”  
4 means an advanced nuclear reactor that has an  
5 electric power production capacity that is not greater  
6 than 50 megawatts.

7 (4) NATIONAL LABORATORY.—The term “National  
8 Laboratory” has the meaning given the term  
9 in section 2 of the Energy Policy Act of 2005 (42  
10 U.S.C. 15801).

11 (5) SMALL MODULAR REACTOR.—The term  
12 “small modular reactor” means an advanced nuclear  
13 reactor—

14 (A) with a rated capacity of less than 300  
15 electrical megawatts; and

16 (B) that can be constructed and operated  
17 in combination with similar reactors at a single  
18 site.

19 (b) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the Secretary shall submit to  
21 the Committee on Energy and Natural Resources of the  
22 Senate and the Committees on Energy and Commerce and  
23 Science, Space, and Technology of the House of Rep-  
24 resentatives a report that describes how the Department  
25 could enhance energy resilience and reduce carbon emis-



1 sions with the use of micro-reactors and small modular  
2 reactors.

3 (c) ELEMENTS.—The report required by subsection  
4 (b) shall address the following:

5 (1) An evaluation by the Department of current  
6 resilience and carbon reduction requirements for en-  
7 ergy for facilities of the Department to determine  
8 whether changes are needed to address—

9 (A) the need to provide uninterrupted  
10 power to facilities of the Department for at  
11 least 3 days during power grid failures;

12 (B) the need for protection against cyber  
13 threats and electromagnetic pulses; and

14 (C) resilience to extreme natural events,  
15 including earthquakes, volcanic activity, tor-  
16 nados, hurricanes, floods, tsunamis, lahars,  
17 landslides, seiches, a large quantity of snowfall,  
18 and very low or high temperatures.

19 (2) A strategy of the Department for using nu-  
20 clear energy to meet resilience and carbon reduction  
21 goals of facilities of the Department.

22 (3) A strategy to partner with private industry  
23 to develop and deploy micro-reactors and small mod-  
24 ular reactors to remote communities in order to re-  
25 place diesel generation and other fossil fuels.

1           (4) An assessment by the Department of the  
2 value associated with enhancing the resilience of a  
3 facility of the Department by transitioning to power  
4 from micro-reactors and small modular reactors and  
5 to co-located nuclear facilities with the capability to  
6 provide dedicated power to the facility of the De-  
7 partment during a grid outage or failure.

8           (5) The plans of the Department—

9           (A) for deploying a micro-reactor and a  
10 small modular reactor to produce energy for use  
11 by a facility of the Department in the United  
12 States by 2026;

13           (B) for deploying a small modular reactor  
14 to produce energy for use by a facility of the  
15 Department in the United States by 2029; and

16           (C) to include micro-reactors and small  
17 modular reactors in the planning for meeting  
18 future facility energy needs.

19           (d) FINANCIAL AND TECHNICAL ASSISTANCE FOR  
20 SITING MICRO-REACTORS, SMALL MODULAR REACTORS,  
21 AND ADVANCED NUCLEAR REACTORS.—

22           (1) IN GENERAL.—The Secretary shall offer fi-  
23 nancial and technical assistance to entities to con-  
24 duct feasibility studies for the purpose of identifying  
25 suitable locations for the deployment of micro-reactors.

1       tors, small modular reactors, and advanced nuclear  
2       reactors in isolated communities.

3           (2) REQUIREMENT.—Prior to providing finan-  
4       cial and technical assistance under paragraph (1),  
5       the Secretary shall conduct robust community en-  
6       gagement and outreach for the purpose of identi-  
7       fying levels of interest in isolated communities.

8           (3) LIMITATION.—The Secretary shall not dis-  
9       burse more than 50 percent of the amounts available  
10      for financial assistance under this subsection to the  
11      National Laboratories.

12 **SEC. 3202. PROPERTY INTERESTS RELATING TO CERTAIN**  
13                   **PROJECTS AND PROTECTION OF INFORMA-**  
14                   **TION RELATING TO CERTAIN AGREEMENTS.**

15       (a) PROPERTY INTERESTS RELATING TO FEDER-  
16      ALLY FUNDED ADVANCED NUCLEAR REACTOR  
17      PROJECTS.—

18           (1) DEFINITIONS.—In this section:

19               (A) ADVANCED NUCLEAR REACTOR.—The  
20              term “advanced nuclear reactor” has the mean-  
21              ing given the term in section 951(b) of the En-  
22              ergy Policy Act of 2005 (42 U.S.C. 16271(b)).

23               (B) PROPERTY INTEREST.—

24                   (i) IN GENERAL.—Except as provided  
25                  in clause (ii), the term “property interest”

1 means any interest in real property or per-  
2 sonal property (as those terms are defined  
3 in section 200.1 of title 2, Code of Federal  
4 Regulations (as in effect on the date of en-  
5 actment of this Act)).

6 (ii) EXCLUSION.—The term “property  
7 interest” does not include any interest in  
8 intellectual property developed using fund-  
9 ing provided under a project described in  
10 paragraph (3).

11 (2) ASSIGNMENT OF PROPERTY INTERESTS.—  
12 The Secretary may assign to any entity, including  
13 the United States, fee title or any other property in-  
14 terest acquired by the Secretary under an agreement  
15 entered into with respect to a project described in  
16 paragraph (3).

17 (3) PROJECT DESCRIBED.—A project referred  
18 to in paragraph (2) is—

19 (A) a project for which funding is provided  
20 pursuant to the funding opportunity announce-  
21 ment of the Department numbered DE-FOA-  
22 0002271, including any project for which fund-  
23 ing has been provided pursuant to that an-  
24 nouncement as of the date of enactment of this  
25 Act;

1 (B) any other project for which funding is  
2 provided using amounts made available for the  
3 Advanced Reactor Demonstration Program of  
4 the Department under the heading “Nuclear  
5 Energy” under the heading “ENERGY PRO-  
6 GRAMS” in title III of division C of the Fur-  
7 ther Consolidated Appropriations Act, 2020  
8 (Public Law 116–94; 133 Stat. 2670);

9 (C) any other project for which Federal  
10 funding is provided under the Advanced Reac-  
11 tor Demonstration Program of the Department;  
12 or

13 (D) a project—

14 (i) relating to advanced nuclear reac-  
15 tors; and

16 (ii) for which Federal funding is pro-  
17 vided under a program focused on develop-  
18 ment and demonstration.

19 (4) RETROACTIVE VESTING.—The vesting of fee  
20 title or any other property interest assigned under  
21 paragraph (2) shall be retroactive to the date on  
22 which the applicable project first received Federal  
23 funding as described in any of subparagraphs (A)  
24 through (D) of paragraph (3).

1 (b) CONSIDERATIONS IN COOPERATIVE RESEARCH  
2 AND DEVELOPMENT AGREEMENTS.—

3 (1) IN GENERAL.—Section 12(c)(7)(B) of the  
4 Stevenson-Wydler Technology Innovation Act of  
5 1980 (15 U.S.C. 3710a(c)(7)(B)) is amended—

6 (A) by inserting “(i)” after “(B)”;

7 (B) in clause (i), as so designated, by  
8 striking “The director” and inserting “Subject  
9 to clause (ii), the director”; and

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

11 “(II) The agency may authorize  
12 the director to provide appropriate  
13 protections against dissemination de-  
14 scribed in clause (i) for a total period  
15 of not more than 30 years if the agen-  
16 cy determines that the nature of the  
17 information protected against dissemi-  
18 nation, including nuclear technology,  
19 could reasonably require an extended  
20 period of that protection to reach  
21 commercialization.”.

22 (2) APPLICABILITY.—

23 (A) DEFINITION.—In this subsection, the  
24 term “cooperative research and development  
25 agreement” has the meaning given the term in

1 section 12(d) of the Stevenson-Wydler Tech-  
2 nology Innovation Act of 1980 (15 U.S.C.  
3 3710a(d)).

4 (B) RETROACTIVE EFFECT.—Clause (ii) of  
5 section 12(c)(7)(B) of the Stevenson-Wydler  
6 Technology Innovation Act of 1980 (15 U.S.C.  
7 3710a(c)(7)(B)), as added by subsection (a) of  
8 this section, shall apply with respect to any co-  
9 operative research and development agreement  
10 that is in effect as of the day before the date  
11 of enactment of this Act.

12 (c) DEPARTMENT OF ENERGY CONTRACTS.—Section  
13 646(g)(5) of the Department of Energy Organization Act  
14 (42 U.S.C. 7256(g)(5)) is amended—

15 (1) by striking “(5) The Secretary” and insert-  
16 ing the following:

17 “(5) PROTECTION FROM DISCLOSURE.—

18 “(A) IN GENERAL.—The Secretary”; and

19 (2) in subparagraph (A) (as so designated)—

20 (A) by striking “, for up to 5 years after  
21 the date on which the information is devel-  
22 oped,”; and

23 (B) by striking “agency.” and inserting  
24 the following: “agency—

1                   “(i) for up to 5 years after the date  
2                   on which the information is developed; or

3                   “(ii) for up to 30 years after the date  
4                   on which the information is developed, if  
5                   the Secretary determines that the nature  
6                   of the technology under the transaction, in-  
7                   cluding nuclear technology, could reason-  
8                   ably require an extended period of protec-  
9                   tion from disclosure to reach commer-  
10                  cialization.

11                  “(B) EXTENSION DURING TERM.—The  
12                  Secretary may extend the period of protection  
13                  from disclosure during the term of any trans-  
14                  action described in subparagraph (A) in accord-  
15                  ance with that subparagraph.”.

16 **SEC. 3203. CIVIL NUCLEAR CREDIT PROGRAM.**

17                  (a) DEFINITIONS.—In this section:

18                   (1) CERTIFIED NUCLEAR REACTOR.—The term  
19                   “certified nuclear reactor” means a nuclear reactor  
20                   that—

21                   (A) competes in a competitive electricity  
22                   market; and

23                   (B) is certified under subsection  
24                   (c)(2)(A)(i) to submit a sealed bid in accord-  
25                   ance with subsection (d).



1           (2) CREDIT.—The term “credit” means a credit  
2           allocated to a certified nuclear reactor under sub-  
3           section (e)(2).

4           (b) ESTABLISHMENT OF PROGRAM.—The Secretary  
5           shall establish a civil nuclear credit program—

6           (1) to evaluate nuclear reactors that are pro-  
7           jected to cease operations due to economic factors;  
8           and

9           (2) to allocate credits to certified nuclear reac-  
10          tors that are selected under paragraph (1)(B) of  
11          subsection (e) to receive credits under paragraph (2)  
12          of that subsection.

13          (c) CERTIFICATION.—

14           (1) APPLICATION.—

15           (A) IN GENERAL.—In order to be certified  
16           under paragraph (2)(A)(i), the owner or oper-  
17           ator of a nuclear reactor that is projected to  
18           cease operations due to economic factors shall  
19           submit to the Secretary an application at such  
20           time, in such manner, and containing such in-  
21           formation as the Secretary determines to be ap-  
22           propriate, including—

23           (i) information on the operating costs  
24           necessary to make the determination de-

1 scribed in paragraph (2)(A)(ii)(I), includ-  
2 ing—

3 (I) the average projected annual  
4 operating loss in dollars per mega-  
5 watt-hour, inclusive of the cost of  
6 operational and market risks, ex-  
7 pected to be incurred by the nuclear  
8 reactor over the 4-year period for  
9 which credits would be allocated;

10 (II) any private or publicly avail-  
11 able data with respect to current or  
12 projected bulk power market prices;

13 (III) out-of-market revenue  
14 streams;

15 (IV) operations and maintenance  
16 costs;

17 (V) capital costs, including fuel;  
18 and

19 (VI) operational and market  
20 risks;

21 (ii) an estimate of the potential incre-  
22 mental air pollutants that would result if  
23 the nuclear reactor were to cease oper-  
24 ations;

1 (iii) known information on the source  
2 of produced uranium and the location  
3 where the uranium is converted, enriched,  
4 and fabricated into fuel assemblies for the  
5 nuclear reactor for the 4-year period for  
6 which credits would be allocated; and

7 (iv) a detailed plan to sustain oper-  
8 ations at the conclusion of the applicable  
9 4-year period for which credits would be  
10 allocated—

11 (I) without receiving additional  
12 credits; or

13 (II) with the receipt of additional  
14 credits of a lower amount than the  
15 credits allocated during that 4-year  
16 credit period.

17 (B) TIMELINE.—The Secretary shall ac-  
18 cept applications described in subparagraph

19 (A)—

20 (i) until the date that is 120 days  
21 after the date of enactment of this Act;  
22 and

23 (ii) not less frequently than every year  
24 thereafter.

25 (C) PAYMENTS FROM STATE PROGRAMS.—

1 (i) IN GENERAL.—The owner or oper-  
2 ator of a nuclear reactor that receives a  
3 payment from a State zero-emission credit,  
4 a State clean energy contract, or any other  
5 State program with respect to that nuclear  
6 reactor shall be eligible to submit an appli-  
7 cation under subparagraph (A) with re-  
8 spect to that nuclear reactor during any  
9 application period beginning after the 120-  
10 day period beginning on the date of enact-  
11 ment of this Act.

12 (ii) REQUIREMENT.—An application  
13 submitted by an owner or operator de-  
14 scribed in clause (i) with respect to a nu-  
15 clear reactor described in that clause shall  
16 include all projected payments from State  
17 programs in determining the average pro-  
18 jected annual operating loss described in  
19 subparagraph (A)(i)(I), unless the credits  
20 allocated to the nuclear reactor pursuant  
21 to that application will be used to reduce  
22 those payments.

23 (2) DETERMINATION TO CERTIFY.—

24 (A) DETERMINATION.—

1 (i) IN GENERAL.—Not later than 60  
2 days after the applicable date under sub-  
3 paragraph (B) of paragraph (1), the Sec-  
4 retary shall determine whether to certify,  
5 in accordance with clauses (ii) and (iii),  
6 each nuclear reactor for which an applica-  
7 tion is submitted under subparagraph (A)  
8 of that paragraph.

9 (ii) MINIMUM REQUIREMENTS.—To  
10 the maximum extent practicable, the Sec-  
11 retary shall only certify a nuclear reactor  
12 under clause (i) if—

13 (I) after considering the informa-  
14 tion submitted under paragraph  
15 (1)(A)(i), the Secretary determines  
16 that the nuclear reactor is projected  
17 to cease operations due to economic  
18 factors;

19 (II) after considering the esti-  
20 mate submitted under paragraph  
21 (1)(A)(ii), the Secretary determines  
22 that pollutants would increase if the  
23 nuclear reactor were to cease oper-  
24 ations and be replaced with other  
25 types of power generation; and

1 (III) the Nuclear Regulatory  
2 Commission has reasonable assurance  
3 that the nuclear reactor—

4 (aa) will continue to be oper-  
5 ated in accordance with the cur-  
6 rent licensing basis (as defined in  
7 section 54.3 of title 10, Code of  
8 Federal Regulations (or successor  
9 regulations) of the nuclear reac-  
10 tor; and

11 (bb) poses no significant  
12 safety hazards.

13 (iii) PRIORITY.—In determining  
14 whether to certify a nuclear reactor under  
15 clause (i), the Secretary shall give priority  
16 to a nuclear reactor that uses uranium  
17 that is produced, converted, enriched, and  
18 fabricated into fuel assemblies in the  
19 United States.

20 (B) NOTICE.—For each application re-  
21 ceived under paragraph (1)(A), the Secretary  
22 shall provide to the applicable owner or oper-  
23 ator, as applicable—

24 (i) a notice of the certification of the  
25 applicable nuclear reactor; or

1 (ii) a notice that describes the reasons  
2 why the certification of the applicable nu-  
3 clear reactor was denied.

4 (d) BIDDING PROCESS.—

5 (1) IN GENERAL.—Subject to paragraph (2),  
6 the Secretary shall establish a deadline by which  
7 each certified nuclear reactor shall submit to the  
8 Secretary a sealed bid that—

9 (A) describes the price per megawatt-hour  
10 of the credits desired by the certified nuclear  
11 reactor, which shall not exceed the average pro-  
12 jected annual operating loss described in sub-  
13 section (c)(1)(A)(i)(I); and

14 (B) includes a commitment, subject to the  
15 receipt of credits, to provide a specific number  
16 of megawatt-hours of generation during the 4-  
17 year period for which credits would be allocated.

18 (2) REQUIREMENT.—The deadline established  
19 under paragraph (1) shall be not later than 30 days  
20 after the first date on which the Secretary has made  
21 the determination described in paragraph (2)(A)(i)  
22 of subsection (c) with respect to each application  
23 submitted under paragraph (1)(A) of that sub-  
24 section.

25 (e) ALLOCATION.—

1           (1) AUCTION.—Notwithstanding section 169 of  
2           the Atomic Energy Act of 1954 (42 U.S.C. 2209),  
3           the Secretary shall—

4                   (A) in consultation with the heads of appli-  
5                   cable Federal agencies, establish a process for  
6                   evaluating bids submitted under subsection  
7                   (d)(1) through an auction process; and

8                   (B) select certified nuclear reactors to be  
9                   allocated credits.

10           (2) CREDITS.—Subject to subsection (f)(2), on  
11           selection under paragraph (1), a certified nuclear re-  
12           actor shall be allocated credits for a 4-year period  
13           beginning on the date of the selection.

14           (3) REQUIREMENT.—To the maximum extent  
15           practicable, the Secretary shall use the amounts  
16           made available for credits under this section to allo-  
17           cate credits to as many certified nuclear reactors as  
18           possible.

19           (f) RENEWAL.—

20                   (1) IN GENERAL.—The owner or operator of a  
21                   certified nuclear reactor may seek to recertify the  
22                   nuclear reactor in accordance with this section.

23                   (2) LIMITATION.—Notwithstanding any other  
24                   provision of this section, the Secretary may not allo-  
25                   cate any credits after September 30, 2031.



1 (g) ADDITIONAL REQUIREMENTS.—

2 (1) AUDIT.—During the 4-year period begin-  
3 ning on the date on which a certified nuclear reactor  
4 first receives a credit, the Secretary shall periodically  
5 audit the certified nuclear reactor.

6 (2) RECAPTURE.—The Secretary shall, by regu-  
7 lation, provide for the recapture of the allocation of  
8 any credit to a certified nuclear reactor that, during  
9 the period described in paragraph (1)—

10 (A) terminates operations; or

11 (B) does not operate at an annual loss in  
12 the absence of an allocation of credits to the  
13 certified nuclear reactor.

14 (3) CONFIDENTIALITY.—The Secretary shall es-  
15 tablish procedures to ensure that any confidential,  
16 private, proprietary, or privileged information that is  
17 included in a sealed bid submitted under this section  
18 is not publicly disclosed or otherwise improperly  
19 used.

20 (h) REPORT.—Not later than January 1, 2024, the  
21 Comptroller General of the United States shall submit to  
22 Congress a report with respect to the credits allocated to  
23 certified nuclear reactors, which shall include—

1           (1) an evaluation of the effectiveness of the  
2 credits in avoiding air pollutants while ensuring grid  
3 reliability;

4           (2) a quantification of the ratepayer savings  
5 achieved under this section; and

6           (3) any recommendations to renew or expand  
7 the credits.

8           (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to the Secretary to carry  
10 out this section \$6,000,000,000 for the period of fiscal  
11 years 2022 through 2026.

## 12                   **Subtitle D—Hydropower**

### 13   **SEC. 3301. HYDROELECTRIC PRODUCTION INCENTIVES.**

14           Section 242 of the Energy Policy Act of 2005 (42  
15 U.S.C. 15881) is amended—

16           (1) in subsection (b)(2), by striking “before the  
17 date of the enactment of this section” and inserting  
18 “before the date of enactment of the Energy Infra-  
19 structure Act”;

20           (2) in the undesignated matter following sub-  
21 section (b)(3), by striking “the date of the enact-  
22 ment of this section” and inserting “the date of en-  
23 actment of the Energy Infrastructure Act”;

1           (3) in subsection (e)(1), in the second sentence,  
2           by striking “\$750,000” and inserting “\$1,000,000”;  
3           and

4           (4) by striking subsection (g) and inserting the  
5           following:

6           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
7           is authorized to be appropriated to the Secretary to carry  
8           out this section \$125,000,000 for fiscal year 2022, to re-  
9           main available until expended.”.

10 **SEC. 3302. HYDROELECTRIC EFFICIENCY IMPROVEMENT**  
11 **INCENTIVES.**

12           (a) IN GENERAL.—Section 243 of the Energy Policy  
13 Act of 2005 (42 U.S.C. 15882) is amended—

14           (1) in the section heading, by inserting “incen-  
15           tives” after “improvement”;

16           (2) in subsection (b)—

17           (A) in the first sentence, by striking “10  
18           percent” and inserting “30 percent”;

19           (B) in the second sentence—

20           (i) by striking “\$750,000” and insert-  
21           ing “\$5,000,000”; and

22           (ii) by inserting “in any 1 fiscal year”  
23           before the period at the end; and

24           (3) by striking subsection (c) and inserting the  
25           following:



1           “(2) is placed into service before the date of en-  
2           actment of this section; and

3           “(3)(A) is in compliance with all applicable  
4           Federal, Tribal, and State requirements; or

5           “(B) would be brought into compliance with the  
6           requirements described in subparagraph (A) as a re-  
7           sult of the capital improvements carried out using  
8           an incentive payment under this section.

9           “(b) INCENTIVE PAYMENTS.—The Secretary shall  
10          make incentive payments to the owners or operators of  
11          qualified hydroelectric facilities for capital improvements  
12          directly related to—

13                 “(1) improving grid resiliency, including—

14                         “(A) adapting more quickly to changing  
15                         grid conditions;

16                         “(B) providing ancillary services (including  
17                         black start capabilities, voltage support, and  
18                         spinning reserves);

19                         “(C) integrating other variable sources of  
20                         electricity generation; and

21                         “(D) managing accumulated reservoir sedi-  
22                         ments;

23           “(2) improving dam safety to ensure acceptable  
24          performance under all loading conditions (including

1 static, hydrologic, and seismic conditions), includ-  
2 ing—

3 “(A) the maintenance or upgrade of spill-  
4 ways or other appurtenant structures;

5 “(B) dam stability improvements, includ-  
6 ing erosion repair and enhanced seepage con-  
7 trols; and

8 “(C) upgrades or replacements of flood-  
9 gates or natural infrastructure restoration or  
10 protection to improve flood risk reduction; or

11 “(3) environmental improvements, including—

12 “(A) adding or improving safe and effec-  
13 tive fish passage, including new or upgraded  
14 turbine technology, fish ladders, fishways, and  
15 all other associated technology, equipment, or  
16 other fish passage technology to a qualified hy-  
17 droelectric facility;

18 “(B) improving the quality of the water re-  
19 tained or released by a qualified hydroelectric  
20 facility;

21 “(C) promoting downstream sediment  
22 transport processes and habitat maintenance;  
23 and

24 “(D) improving recreational access to the  
25 project vicinity, including roads, trails, boat in-

1           gress and egress, flows to improve recreation,  
2           and infrastructure that improves river recre-  
3           ation opportunity.

4           “(c) LIMITATIONS.—

5                 “(1) COSTS.—Incentive payments under this  
6           section shall not exceed 30 percent of the costs of  
7           the applicable capital improvement.

8                 “(2) MAXIMUM AMOUNT.—Not more than 1 in-  
9           centive payment may be made under this section  
10          with respect to capital improvements at a single  
11          qualified hydroelectric facility in any 1 fiscal year,  
12          the amount of which shall not exceed \$5,000,000.

13          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
14          is authorized to be appropriated to the Secretary to carry  
15          out this section \$553,600,000 for fiscal year 2022, to re-  
16          main available until expended.”.

17          (b) CONFORMING AMENDMENT.—The table of con-  
18          tents for the Energy Policy Act of 2005 (Public Law 109–  
19          58; 119 Stat. 595) is amended by inserting after the item  
20          relating to section 246 the following:

          “247. Maintaining and enhancing hydroelectricity incentives.”.

21         **SEC. 3304. PUMPED STORAGE HYDROPOWER WIND AND**  
22                         **SOLAR INTEGRATION AND SYSTEM RELI-**  
23                         **ABILITY INITIATIVE.**

24          Section 3201 of the Energy Policy Act of 2020 (42  
25          U.S.C. 17232) is amended—

1           (1) by redesignating subsections (e) through (g)  
2           as subsections (f) through (h), respectively; and

3           (2) by inserting after subsection (d) the fol-  
4           lowing:

5           “(e) PUMPED STORAGE HYDROPOWER WIND AND  
6           SOLAR INTEGRATION AND SYSTEM RELIABILITY INITIA-  
7           TIVE.—

8           “(1) DEFINITION OF ELIGIBLE ENTITY.—In  
9           this subsection, the term ‘eligible entity’ means—

10           “(A)(i) an electric utility, including—

11                   “(I) a political subdivision of a State,  
12                   such as a municipally owned electric util-  
13                   ity; or

14                   “(II) an instrumentality of a State  
15                   composed of municipally owned electric  
16                   utilities;

17           “(ii) an electric cooperative; or

18           “(iii) an investor-owned utility;

19           “(B) an Indian Tribe or Tribal organiza-  
20           tion;

21           “(C) a State energy office;

22           “(D) an institution of higher education;

23           and

24           “(E) a consortium of the entities described  
25           in subparagraphs (A) through (D).



1 “(2) DEMONSTRATION PROJECT.—

2 “(A) IN GENERAL.—Not later than Sep-  
3 tember 30, 2023, the Secretary shall, to the  
4 maximum extent practicable, enter into an  
5 agreement with an eligible entity to provide fi-  
6 nancial assistance to the eligible entity to carry  
7 out project design, transmission studies, power  
8 market assessments, and permitting for a  
9 pumped storage hydropower project to facilitate  
10 the long-duration storage of intermittent renew-  
11 able electricity.

12 “(B) PROJECT REQUIREMENTS.—To be el-  
13 igible for financial assistance under subpara-  
14 graph (A), a project shall—

15 “(i) be designed to provide not less  
16 than 1,000 megawatts of storage capacity;

17 “(ii) be able to provide energy and ca-  
18 pacity for use in more than 1 organized  
19 electricity market;

20 “(iii) be able to store electricity gen-  
21 erated by intermittent renewable electricity  
22 projects located on Tribal land; and

23 “(iv) have received a preliminary per-  
24 mit from the Federal Energy Regulatory  
25 Commission.

1           “(C) MATCHING REQUIREMENT.—An eligi-  
2           ble entity receiving financial assistance under  
3           subparagraph (A) shall provide matching funds  
4           equal to or greater than the amount of financial  
5           assistance provided under that subparagraph.

6           “(3) AUTHORIZATION OF APPROPRIATIONS.—  
7           There is authorized to be appropriated to carry out  
8           this subsection \$2,000,000 for each of fiscal years  
9           2022 through 2026.”.

## 10           **Subtitle E—Miscellaneous**

### 11   **SEC. 3401. SOLAR ENERGY TECHNOLOGIES ON CURRENT** 12           **AND FORMER MINE LAND.**

13           Section 3004 of the Energy Act of 2020 (42 U.S.C.  
14   16238) is amended—

15           (1) in subsection (a)—

16           (A) by redesignating paragraphs (6)  
17           through (15) as paragraphs (7) through (16),  
18           respectively; and

19           (B) by inserting after paragraph (5) the  
20           following:

21           “(6) MINE LAND.—The term ‘mine land’  
22           means—

23           “(A) land subject to titles IV and V of the  
24           Surface Mining Control and Reclamation Act of

1 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251  
2 et seq.); and

3 “(B) land that has been claimed or pat-  
4 ented subject to sections 2319 through 2344 of  
5 the Revised Statutes (commonly known as the  
6 ‘Mining Law of 1872’) (30 U.S.C. 22 et seq.)”;  
7 and

8 (2) in subsection (b)(6)(B)—

9 (A) in the matter preceding clause (i), by  
10 inserting “, in consultation with the Secretary  
11 of the Interior and the Administrator of the  
12 Environmental Protection Agency for purposes  
13 of clause (iv),” after “the Secretary”;

14 (B) in clause (iii), by striking “and” after  
15 the semicolon;

16 (C) by redesignating clause (iv) as clause  
17 (v); and

18 (D) by inserting after clause (iii) the fol-  
19 lowing:

20 “(iv) a description of the technical  
21 and economic viability of siting solar en-  
22 ergy technologies on current and former  
23 mine land, including necessary interconnec-  
24 tion and transmission siting and the im-  
25 pact on local job creation; and”.

1 **SEC. 3402. CLEAN ENERGY DEMONSTRATION PROGRAM ON**  
2 **CURRENT AND FORMER MINE LAND.**

3 (a) DEFINITIONS.—In this section:

4 (1) CLEAN ENERGY PROJECT.—The term  
5 “clean energy project” means a project that dem-  
6 onstrates 1 or more of the following technologies:

7 (A) Solar.

8 (B) Micro-grids.

9 (C) Geothermal.

10 (D) Direct air capture.

11 (E) Fossil-fueled electricity generation with  
12 carbon capture, utilization, and sequestration.

13 (F) Energy storage, including pumped  
14 storage hydropower and compressed air storage.

15 (G) Advanced nuclear technologies.

16 (2) ECONOMICALLY DISTRESSED AREA.—The  
17 term “economically distressed area” means an area  
18 described in section 301(a) of the Public Works and  
19 Economic Development Act of 1965 (42 U.S.C.  
20 3161(a)).

21 (3) MINE LAND.—The term “mine land”  
22 means—

23 (A) land subject to titles IV and V of the  
24 Surface Mining Control and Reclamation Act of  
25 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251  
26 et seq.); and

1 (B) land that has been claimed or patented  
2 subject to sections 2319 through 2344 of the  
3 Revised Statutes (commonly known as the  
4 “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

5 (4) PROGRAM.—The term “program” means  
6 the demonstration program established under sub-  
7 section (b).

8 (b) ESTABLISHMENT.—The Secretary shall establish  
9 a program to demonstrate the technical and economic via-  
10 bility of carrying out clean energy projects on current and  
11 former mine land.

12 (c) SELECTION OF DEMONSTRATION PROJECTS.—

13 (1) IN GENERAL.—In carrying out the program,  
14 the Secretary shall select not more than 5 clean en-  
15 ergy projects, to be carried out in geographically di-  
16 verse regions, at least 2 of which shall be solar  
17 projects.

18 (2) ELIGIBILITY.—To be eligible to be selected  
19 for participation in the program under paragraph  
20 (1), a clean energy project shall demonstrate, as de-  
21 termined by the Secretary, a technology on a current  
22 or former mine land site with a reasonable expecta-  
23 tion of commercial viability.

24 (3) PRIORITY.—In selecting clean energy  
25 projects for participation in the program under

1 paragraph (1), the Secretary shall prioritize clean  
2 energy projects that will—

3 (A) be carried out in a location where the  
4 greatest number of jobs can be created from the  
5 successful demonstration of the clean energy  
6 project;

7 (B) provide the greatest net impact in  
8 avoiding or reducing greenhouse gas emissions;

9 (C) provide the greatest domestic job cre-  
10 ation (both directly and indirectly) during the  
11 implementation of the clean energy project;

12 (D) provide the greatest job creation and  
13 economic development in the vicinity of the  
14 clean energy project, particularly—

15 (i) in economically distressed areas;

16 and

17 (ii) with respect to dislocated workers  
18 who were previously employed in manufac-  
19 turing, coal power plants, or coal mining;

20 (E) have the greatest potential for techno-  
21 logical innovation and commercial deployment;

22 (F) have the lowest levelized cost of gen-  
23 erated or stored energy;

1                   (G) have the lowest rate of greenhouse gas  
2                   emissions per unit of electricity generated or  
3                   stored; and

4                   (H) have the shortest project time from  
5                   permitting to completion.

6                   (4) PROJECT SELECTION.—The Secretary shall  
7                   solicit proposals for clean energy projects and select  
8                   clean energy project finalists in consultation with the  
9                   Secretary of the Interior, the Administrator of the  
10                  Environmental Protection Agency, and the Secretary  
11                  of Labor.

12                 (d) CONSULTATION.—The Secretary shall consult  
13                 with the Director of the Office of Surface Mining Rec-  
14                 lamation and Enforcement and the Administrator of the  
15                 Environmental Protection Agency, acting through the Of-  
16                 fice of Brownfields and Land Revitalization, to determine  
17                 whether it is necessary to promulgate regulations or issue  
18                 guidance in order to prioritize and expedite the siting of  
19                 clean energy projects on current and former mine land  
20                 sites.

21                 (e) TECHNICAL ASSISTANCE.—The Secretary shall  
22                 provide technical assistance to project applicants selected  
23                 for participation in the program under subsection (c) to  
24                 assess the needed interconnection, transmission, and other  
25                 grid components and permitting and siting necessary to

1 interconnect, on current and former mine land where the  
2 project will be sited, any generation or storage with the  
3 electric grid.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to the Secretary to carry  
6 out this section \$500,000,000 for the period of fiscal years  
7 2022 through 2026.

8 **TITLE IV—ENABLING ENERGY**  
9 **INFRASTRUCTURE INVEST-**  
10 **MENT AND DATA COLLEC-**  
11 **TION**

12 **Subtitle A—Department of Energy**  
13 **Loan Program**

14 **SEC. 4001. DEPARTMENT OF ENERGY LOAN PROGRAMS.**

15 (a) TITLE XVII INNOVATIVE ENERGY LOAN GUAR-  
16 ANTEE PROGRAM.—

17 (1) REASONABLE PROSPECT OF REPAYMENT.—

18 Section 1702(d)(1) of the Energy Policy Act of 2005  
19 (42 U.S.C. 16512(d)(1)) is amended—

20 (A) by striking the paragraph designation  
21 and heading and all that follows through “No  
22 guarantee” and inserting the following:

23 “(1) REQUIREMENT.—

24 “(A) IN GENERAL.—No guarantee”; and

25 (B) by adding at the end the following:





1 “(v) the financial strength of the in-  
2 vestors and strategic partners of the bor-  
3 rower, if applicable; and

4 “(vi) other financial metrics and anal-  
5 yses that are relied on by the private lend-  
6 ing community and nationally recognized  
7 credit rating agencies, as determined ap-  
8 propriate by the Secretary.”.

9 (2) LOAN GUARANTEES FOR PROJECTS THAT  
10 INCREASE THE DOMESTICALLY PRODUCED SUPPLY  
11 OF CRITICAL MINERALS.—Section 1703(b) of the  
12 Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is  
13 amended by adding at the end the following:

14 “(13) Projects that increase the domestically  
15 produced supply of critical minerals (as defined in  
16 section 7002(a) of the Energy Act of 2020 (30  
17 U.S.C. 1606(a)), including through the production,  
18 processing, manufacturing, recycling, or fabrication  
19 of mineral alternatives.”.

20 (b) ADVANCED TECHNOLOGY VEHICLE MANUFAC-  
21 TURING.—

22 (1) ELIGIBILITY.—Section 136(a)(1) of the En-  
23 ergy Independence and Security Act of 2007 (42  
24 U.S.C. 17013(a)(1)) is amended—

1 (A) in subparagraph (C), by striking the  
2 period at the end and inserting a semicolon;

3 (B) by redesignating subparagraphs (A)  
4 through (C) as clauses (i) through (iii), respec-  
5 tively, and indenting appropriately;

6 (C) in the matter preceding clause (i) (as  
7 so redesignated), by striking “means an ultra”  
8 and inserting the following: “means—

9 “(A) an ultra”; and

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

11 “(B) a medium duty vehicle or a heavy  
12 duty vehicle that exceeds 125 percent of the  
13 greenhouse gas emissions and fuel efficiency  
14 standards established by the final rule of the  
15 Environmental Protection Agency entitled  
16 ‘Greenhouse Gas Emissions and Fuel Efficiency  
17 Standards for Medium- and Heavy-Duty En-  
18 gines and Vehicles—Phase 2’ (81 Fed. Reg.  
19 73478 (October 25, 2016));

20 “(C) a train or locomotive;

21 “(D) a maritime vessel;

22 “(E) an aircraft; and

23 “(F) hyperloop technology.”.

24 (2) REASONABLE PROSPECT OF REPAYMENT.—

25 Section 136(d) of the Energy Independence and Se-

1 security Act of 2007 (42 U.S.C. 17013(d)) is amend-  
2 ed—

3 (A) by striking paragraph (3) and insert-  
4 ing the following:

5 “(3) SELECTION OF ELIGIBLE PROJECTS.—

6 “(A) IN GENERAL.—The Secretary shall  
7 select eligible projects to receive loans under  
8 this subsection if the Secretary determines  
9 that—

10 “(i) the loan recipient—

11 “(I) has a reasonable prospect of  
12 repaying the principal and interest on  
13 the loan;

14 “(II) will provide sufficient infor-  
15 mation to the Secretary for the Sec-  
16 retary to ensure that the qualified in-  
17 vestment is expended efficiently and  
18 effectively; and

19 “(III) has met such other criteria  
20 as may be established and published  
21 by the Secretary; and

22 “(ii) the amount of the loan (when  
23 combined with amounts available to the  
24 loan recipient from other sources) will be  
25 sufficient to carry out the project.

1                   “(B) REASONABLE PROSPECT OF REPAY-  
2                   MENT.—The Secretary shall base a determina-  
3                   tion of whether there is a reasonable prospect  
4                   of repayment of the principal and interest on a  
5                   loan under subparagraph (A)(i)(I) on a com-  
6                   prehensive evaluation of whether the loan re-  
7                   cipient has a reasonable prospect of repaying  
8                   the principal and interest, including, as applica-  
9                   ble, an evaluation of—

10                   “(i) the strength of the contractual  
11                   terms of the eligible project (if commer-  
12                   cially reasonably available);

13                   “(ii) the forecast of noncontractual  
14                   cash flows supported by market projections  
15                   from reputable sources, as determined by  
16                   the Secretary;

17                   “(iii) cash sweeps and other structure  
18                   enhancements;

19                   “(iv) the projected financial strength  
20                   of the loan recipient—

21                   “(I) at the time of loan close;

22                   and

23                   “(II) throughout the loan term  
24                   after the project is completed;

1 “(v) the financial strength of the in-  
2 vestors and strategic partners of the loan  
3 recipient, if applicable; and

4 “(vi) other financial metrics and anal-  
5 yses that are relied on by the private lend-  
6 ing community and nationally recognized  
7 credit rating agencies, as determined ap-  
8 propriate by the Secretary.”; and

9 (B) in paragraph (4)—

10 (i) in subparagraph (C), by striking  
11 “and” after the semicolon;

12 (ii) in subparagraph (D), by striking  
13 the period at the end and inserting “;  
14 and”; and

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(E) shall be subject to the condition that  
18 the loan is not subordinate to other financing.”.

19 (3) ADDITIONAL REFORMS.—Section 136 of the  
20 Energy Independence and Security Act of 2007 (42  
21 U.S.C. 17013) is amended—

22 (A) in subsection (b) by striking “ultra ef-  
23 ficient vehicle manufacturers, and component  
24 suppliers” and inserting “ultra efficient vehicle

1 manufacturers, advanced technology vehicle  
2 manufacturers, and component suppliers”;

3 (B) in subsection (h)—

4 (i) in the subsection heading, by strik-  
5 ing “AUTOMOBILE” and inserting “AD-  
6 VANCED TECHNOLOGY VEHICLE”; and

7 (ii) in paragraph (1)(B), by striking  
8 “automobiles, or components of auto-  
9 mobiles” and inserting “advanced tech-  
10 nology vehicles, or components of advanced  
11 technology vehicles”;

12 (C) by striking subsection (i);

13 (D) by redesignating subsection (j) as sub-  
14 section (i); and

15 (E) by adding at the end the following:

16 “(j) COORDINATION.—In carrying out this section,  
17 the Secretary shall coordinate with relevant vehicle, bio-  
18 energy, and hydrogen and fuel cell demonstration project  
19 activities supported by the Department.

20 “(k) OUTREACH.—In carrying out this section, the  
21 Secretary shall—

22 “(1) provide assistance with the completion of  
23 applications for awards or loans under this section;  
24 and

1           “(2) conduct outreach, including through con-  
2           ferences and online programs, to disseminate infor-  
3           mation on awards and loans under this section to  
4           potential applicants.

5           “(1) REPORT.—Not later than 2 years after the date  
6           of enactment of this subsection, and every 3 years there-  
7           after, the Secretary shall submit to Congress a report on  
8           the status of projects supported by a loan under this sec-  
9           tion, including—

10           “(1) a list of projects receiving a loan under  
11           this section, including the loan amount and con-  
12           struction status of each project;

13           “(2) the status of the loan repayment for each  
14           project, including future repayment projections;

15           “(3) data regarding the number of direct and  
16           indirect jobs retained, restored, or created by fi-  
17           nanced projects;

18           “(4) the number of new projects projected to  
19           receive a loan under this section in the next 2 years,  
20           including the projected aggregate loan amount over  
21           the next 2 years;

22           “(5) evaluation of ongoing compliance with the  
23           assurances and commitments, and of the predictions,  
24           made by applicants pursuant to paragraphs (2) and  
25           (3) of subsection (d);



1           “(6) the total number of applications received  
2           by the Department each year; and

3           “(7) any other metrics the Secretary determines  
4           appropriate.”.

5           (c) STATE LOAN ELIGIBILITY.—

6           (1) DEFINITIONS.—Section 1701 of the Energy  
7           Policy Act of 2005 (42 U.S.C. 16511) is amended  
8           by adding at the end the following:

9           “(6) STATE.—The term ‘State’ has the mean-  
10          ing given the term in section 202 of the Energy  
11          Conservation and Production Act (42 U.S.C. 6802).

12          “(7) STATE ENERGY FINANCING INSTITU-  
13          TION.—

14                 “(A) IN GENERAL.—The term ‘State en-  
15                 ergy financing institution’ means a quasi-inde-  
16                 pendent entity or an entity within a State agen-  
17                 cy or financing authority established by a  
18                 State—

19                         “(i) to provide financing support or  
20                         credit enhancements, including loan guar-  
21                         antees and loan loss reserves, for eligible  
22                         projects; and

23                         “(ii) to create liquid markets for eligi-  
24                         ble projects, including warehousing and  
25                         securitization, or take other steps to reduce

1 financial barriers to the deployment of ex-  
2 isting and new eligible projects.

3 “(B) INCLUSION.—The term ‘State energy  
4 financing institution’ includes an entity or orga-  
5 nization established to achieve the purposes de-  
6 scribed in clauses (i) and (ii) of subparagraph  
7 (A) by an Indian Tribal entity or an Alaska  
8 Native Corporation.”.

9 (2) TERMS AND CONDITIONS.—Section 1702 of  
10 the Energy Policy Act of 2005 (42 U.S.C. 16512)  
11 is amended—

12 (A) in subsection (a), by inserting “, in-  
13 cluding projects receiving financial support or  
14 credit enhancements from a State energy fi-  
15 nancing institution,” after “for projects”;

16 (B) in subsection (d)(1), by inserting “, in-  
17 cluding a guarantee for a project receiving fi-  
18 nancial support or credit enhancements from a  
19 State energy financing institution,” after “No  
20 guarantee”; and

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

22 “(r) STATE ENERGY FINANCING INSTITUTIONS.—

23 “(1) ELIGIBILITY.—To be eligible for a guar-  
24 antee under this title, a project receiving financial

1 support or credit enhancements from a State energy  
2 financing institution—

3 “(A) shall meet the requirements of section  
4 1703(a)(1); and

5 “(B) shall not be required to meet the re-  
6 quirements of section 1703(a)(2).

7 “(2) PARTNERSHIPS AUTHORIZED.—In car-  
8 rying out a project receiving a loan guarantee under  
9 this title, State energy financing institutions may  
10 enter into partnerships with private entities, Tribal  
11 entities, and Alaska Native corporations.

12 “(3) PROHIBITION ON USE OF APPROPRIATED  
13 FUNDS.—Amounts appropriated to the Department  
14 of Energy before the date of enactment of this sub-  
15 section shall not be available to be used for the cost  
16 of loan guarantees made to State energy financing  
17 institutions under this subsection.”.

18 (d) LOAN GUARANTEES FOR CERTAIN ALASKA NAT-  
19 URAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—  
20 Section 116 of the Alaska Natural Gas Pipeline Act (15  
21 U.S.C. 720n) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by striking “to West  
24 Coast States”; and

1 (B) in paragraph (3), in the second sen-  
2 tence, by striking “to the continental United  
3 States”;

4 (2) in subsection (b)(1), in the first sentence,  
5 by striking “to West Coast States”; and

6 (3) in subsection (g)(4)—

7 (A) by inserting by striking “plants  
8 liquification plants and” and inserting “plants,  
9 liquification plants, and”;

10 (B) by striking “to the West Coast”; and

11 (C) by striking “to the continental United  
12 States”.

## 13 **Subtitle B—Energy Information** 14 **Administration**

### 15 **SEC. 4101. DEFINITIONS.**

16 In this subtitle:

17 (1) ADMINISTRATOR.—The term “Adminis-  
18 trator” means the Administrator of the Energy In-  
19 formation Administration.

20 (2) ANNUAL CRITICAL MINERALS OUTLOOK.—

21 The term “Annual Critical Minerals Outlook” means  
22 the Annual Critical Minerals Outlook prepared  
23 under section 7002(j)(1)(B) of the Energy Act of  
24 2020 (30 U.S.C. 1606(j)(1)(B)).

1           (3) CRITICAL MINERAL.—The term “critical  
2 mineral” has the meaning given the term in section  
3 7002(a) of the Energy Act of 2020 (30 U.S.C.  
4 1606(a)).

5           (4) HOUSEHOLD ENERGY BURDEN.—The term  
6 “household energy burden” means the quotient ob-  
7 tained by dividing—

8                   (A) the residential energy expenditures (as  
9 defined in section 440.3 of title 10, Code of  
10 Federal Regulations (as in effect on the date of  
11 enactment of this Act)) of the applicable house-  
12 hold; by

13                   (B) the annual income of that household.

14           (5) HOUSEHOLD WITH A HIGH ENERGY BUR-  
15 DEN.—The term “household with a high energy bur-  
16 den” has the meaning given the term in section  
17 440.3 of title 10, Code of Federal Regulations (as  
18 in effect on the date of enactment of this Act).

19           (6) LARGE MANUFACTURING FACILITY.—The  
20 term “large manufacturing facility” means a manu-  
21 facturing facility that—

22                   (A) annually consumes more than 35,000  
23 megawatt-hours of electricity; or

24                   (B) has a peak power demand of more  
25 than 10 megawatts.

1           (7) LOAD-SERVING ENTITY.—The term “load-  
2           serving entity” has the meaning given the term in  
3           section 217(a) of the Federal Power Act (16 U.S.C.  
4           824q(a)).

5           (8) MISCELLANEOUS ELECTRIC LOAD.—The  
6           term “miscellaneous electric load” means electricity  
7           that—

8                   (A) is used by an appliance or device—

9                           (i) within a building; or

10                          (ii) to serve a building; and

11                   (B) is not used for heating, ventilation, air  
12                   conditioning, lighting, water heating, or refrig-  
13                   eration.

14           (9) REGIONAL TRANSMISSION ORGANIZATION.—  
15           The term “Regional Transmission Organization”  
16           has the meaning given the term in section 3 of the  
17           Federal Power Act (16 U.S.C. 796).

18           (10) RURAL AREA.—The term “rural area” has  
19           the meaning given the term in section 609(a) of the  
20           Public Utility Regulatory Policies Act of 1978 (7  
21           U.S.C. 918e(a)).

22 **SEC. 4102. DATA COLLECTION IN THE ELECTRICITY SEC-**  
23 **TOR.**

24           (a) DASHBOARD.—

25                   (1) ESTABLISHMENT.—

1 (A) IN GENERAL.—Not later than 90 days  
2 after the date of enactment of this Act, the Ad-  
3 ministrator shall establish an online database to  
4 track the operation of the bulk power system in  
5 the contiguous 48 States (referred to in this  
6 section as the “Dashboard”).

7 (B) IMPROVEMENT OF EXISTING DASH-  
8 BOARD.—The Dashboard may be established  
9 through the improvement, in accordance with  
10 this subsection, of an existing dashboard of the  
11 Energy Information Administration, such as—

12 (i) the U.S. Electric System Oper-  
13 ating Data dashboard; or

14 (ii) the Hourly Electric Grid Monitor.

15 (2) EXPANSION.—

16 (A) IN GENERAL.—Not later than 1 year  
17 after the date of enactment of this Act, the Ad-  
18 ministrator shall expand the Dashboard to in-  
19 clude, to the maximum extent practicable, hour-  
20 ly operating data collected from the electricity  
21 balancing authorities that operate the bulk  
22 power system in all of the several States, each  
23 territory of the United States, and the District  
24 of Columbia.

1 (B) TYPES OF DATA.—The hourly oper-  
2 ating data collected under subparagraph (A)  
3 may include data relating to—

4 (i) total electricity demand;  
5 (ii) electricity demand by subregion;  
6 (iii) short-term electricity demand  
7 forecasts;

8 (iv) total electricity generation;  
9 (v) net electricity generation by fuel  
10 type, including renewables;

11 (vi) electricity stored and discharged;  
12 (vii) total net electricity interchange;  
13 (viii) electricity interchange with di-  
14 rectly interconnected balancing authorities;

15 and

16 (ix) where available, the estimated  
17 marginal greenhouse gas emissions per  
18 megawatt hour of electricity generated—

19 (I) within the metered boundaries  
20 of each balancing authority; and

21 (II) for each pricing node.

22 (b) MIX OF ENERGY SOURCES.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of enactment of this Act, the Administrator  
25 shall establish, in accordance with section 4109 and



1 this subsection and to the extent the Administrator  
2 determines to be appropriate, a system to harmonize  
3 the operating data on electricity generation collected  
4 under subsection (a) with—

5 (A) measurements of greenhouse gas and  
6 other pollutant emissions collected by the Envi-  
7 ronmental Protection Agency;

8 (B) other data collected by the Environ-  
9 mental Protection Agency or other relevant  
10 Federal agencies, as the Administrator deter-  
11 mines to be appropriate; and

12 (C) data collected by State or regional en-  
13 ergy credit registries.

14 (2) OUTCOMES.—The system established under  
15 paragraph (1) shall result in an integrated dataset  
16 that includes, for any given time—

17 (A) the net generation of electricity by  
18 megawatt hour within the metered boundaries  
19 of each balancing authority; and

20 (B) where available, the average and mar-  
21 ginal greenhouse gas emissions by megawatt  
22 hour of electricity generated within the metered  
23 boundaries of each balancing authority.

1           (3) REAL-TIME DATA DISSEMINATION.—To the  
2           maximum extent practicable, the system established  
3           under paragraph (1) shall disseminate data—

4                   (A) on a real-time basis; and

5                   (B) through an application programming  
6           interface that is publicly accessible.

7           (4) COMPLEMENTARY EFFORTS.—The system  
8           established under paragraph (1) shall complement  
9           any existing data dissemination efforts of the Ad-  
10          ministrator that make use of electricity generation  
11          data, such as electricity demand by subregion and  
12          electricity interchange with directly interconnected  
13          balancing authorities.

14          (c) OBSERVED CHARACTERISTICS OF BULK POWER  
15          SYSTEM RESOURCE INTEGRATION.—

16               (1) IN GENERAL.—Not later than 1 year after  
17               the date of enactment of this Act, the Administrator  
18               shall establish a system to provide to the public  
19               timely data on the integration of energy resources  
20               into the bulk power system and the electric distribu-  
21               tion grids in the United States, and the observed ef-  
22               fects of that integration.

23               (2) REQUIREMENTS.—In carrying out para-  
24               graph (1), the Administrator shall seek to improve  
25               the temporal and spatial resolution of data relating

1 to how grid operations are changing, such as  
2 through—

3 (A) thermal generator cycling to accommo-  
4 date intermittent generation;

5 (B) generation unit self-scheduling prac-  
6 tices;

7 (C) renewable source curtailment;

8 (D) utility-scale storage;

9 (E) load response;

10 (F) aggregations of distributed energy re-  
11 sources at the distribution system level;

12 (G) power interchange between directly  
13 connected balancing authorities;

14 (H) expanding Regional Transmission Or-  
15 ganization balancing authorities;

16 (I) improvements in real-time—

17 (i) accuracy of locational marginal  
18 prices; and

19 (ii) signals to flexible demand; and

20 (J) disruptions to grid operations, includ-  
21 ing disruptions caused by cyber sources, phys-  
22 ical sources, extreme weather events, or other  
23 sources.

24 (d) DISTRIBUTION SYSTEM OPERATIONS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Administrator  
3           shall establish a system to provide to the public  
4           timely data on the operations of load-serving entities  
5           in the electricity grids of the United States.

6           (2) REQUIREMENTS.—

7           (A) IN GENERAL.—In carrying out para-  
8           graph (1), the Administrator shall—

9                   (i) not less frequently than annually,  
10                  provide data on—

11                           (I) the delivered generation re-  
12                           source mix for each load-serving enti-  
13                           ty; and

14                           (II) the distributed energy re-  
15                           sources operating within each service  
16                           area of a load-serving entity;

17                   (ii) harmonize the data on delivered  
18                   generation resource mix described in clause  
19                   (i)(I) with measurements of greenhouse  
20                   gas emissions collected by the Environ-  
21                   mental Protection Agency;

22                   (iii) to the maximum extent prac-  
23                   ticable, disseminate the data described in  
24                   clause (i)(I) and the harmonized data de-

1 scribed in clause (ii) on a real-time basis;  
2 and

3 (iv) provide historical data, beginning  
4 with the earliest calendar year practicable,  
5 but not later than calendar year 2020, on  
6 the delivered generation resource mix de-  
7 scribed in clause (i)(I).

8 (B) DATA ON THE DELIVERED GENERA-  
9 TION RESOURCE MIX.—In collecting the data  
10 described in subparagraph (A)(i)(I), the Admin-  
11 istrator shall—

12 (i) use existing voluntary industry  
13 methodologies, including reporting proto-  
14 cols, databases, and emissions and energy  
15 use tracking software that provide con-  
16 sistent, timely, and accessible carbon emis-  
17 sions intensity rates for delivered elec-  
18 tricity;

19 (ii) consider that generation and  
20 transmission entities may provide data on  
21 behalf of load-serving entities;

22 (iii) to the extent that the Adminis-  
23 trator determines necessary, and in a man-  
24 ner designed to protect confidential infor-  
25 mation, require each load-serving entity to

1 submit additional information as needed to  
2 determine the delivered generation re-  
3 source mix of the load-serving entity, in-  
4 cluding financial or contractual agreements  
5 for power and generation resource type at-  
6 tributes with respect to power owned by or  
7 retired by the load-serving entity; and

8 (iv) for any portion of the generation  
9 resource mix of a load-serving entity that  
10 is otherwise unaccounted for, develop a  
11 methodology to assign to the load-serving  
12 entity a share of the otherwise unac-  
13 counted for resource mix of the relevant  
14 balancing authority.

15 **SEC. 4103. EXPANSION OF ENERGY CONSUMPTION SUR-**  
16 **VEYS.**

17 (a) IN GENERAL.—Not later than 2 years after the  
18 date of enactment of this Act, the Administrator shall im-  
19 plement measures to expand the Manufacturing Energy  
20 Consumption Survey, the Commercial Building Energy  
21 Consumption Survey, and the Residential Energy Con-  
22 sumption Survey to include data on energy end use in  
23 order to facilitate the identification of—

24 (1) opportunities to improve energy efficiency  
25 and energy productivity;

1           (2) changing patterns of energy use; and

2           (3) opportunities to better understand and  
3 manage miscellaneous electric loads.

4       (b) REQUIREMENTS.—

5           (1) IN GENERAL.—In carrying out subsection  
6 (a), the Administrator shall—

7           (A) increase the scope and frequency of  
8 data collection on energy end uses and services;

9           (B) use new data collection methods and  
10 tools in order to obtain more comprehensive  
11 data and reduce the burden on survey respond-  
12 ents, including by—

13           (i) accessing other existing data  
14 sources; and

15           (ii) if feasible, developing online and  
16 real-time reporting systems;

17           (C) identify and report community-level  
18 economic and environmental impacts, including  
19 with respect to—

20           (i) the reliability and security of the  
21 energy supply; and

22           (ii) local areas with households with a  
23 high energy burden; and

24           (D) improve the presentation of data, in-  
25 cluding by—

1 (i) enabling the presentation of data  
2 in an interactive cartographic format on a  
3 national, regional, State, and local level  
4 with the functionality of viewing various  
5 economic, energy, and demographic meas-  
6 ures on an individual basis or in combina-  
7 tion; and

8 (ii) incorporating the results of the  
9 data collection, methods, and tools de-  
10 scribed in subparagraphs (A) and (B) into  
11 existing and new digital distribution meth-  
12 ods.

13 (2) MANUFACTURING ENERGY CONSUMPTION  
14 SURVEY.—With respect to the Manufacturing En-  
15 ergy Consumption Survey, the Administrator shall—

16 (A) implement measures to provide more  
17 detailed representations of data by region;

18 (B) for large manufacturing facilities,  
19 break out process heat use by required process  
20 temperatures in order to facilitate the identi-  
21 fication of opportunities for cost reductions and  
22 energy efficiency or energy productivity im-  
23 provements;

24 (C) collect information on—



1 (i) energy source-switching capabili-  
2 ties, especially with respect to thermal  
3 processes and the efficiency of thermal  
4 processes;

5 (ii) the use of electricity, biofuels, hy-  
6 drogen, or other alternative fuels to  
7 produce process heat; and

8 (iii) the use of demand response; and

9 (D) identify current and potential future  
10 industrial clusters in which multiple firms and  
11 facilities in a defined geographic area share the  
12 costs and benefits of infrastructure for clean  
13 manufacturing, such as—

14 (i) hydrogen generation, production,  
15 transport, use, and storage infrastructure;  
16 and

17 (ii) carbon dioxide capture, transport,  
18 use, and storage infrastructure.

19 (3) RESIDENTIAL ENERGY CONSUMPTION SUR-  
20 VEY.—With respect to the Residential Energy Con-  
21 sumption Survey, the Administrator shall—

22 (A) implement measures to provide more  
23 detailed representations of data by—

24 (i) geographic area, including by State  
25 (for each State);

- 1 (ii) building type, including multi-fam-  
2 ily buildings;
- 3 (iii) household income;
- 4 (iv) location in a rural area; and
- 5 (v) other demographic characteristics,  
6 as determined by the Administrator; and
- 7 (B) report measures of—
- 8 (i) household electrical service capac-  
9 ity;
- 10 (ii) access to utility demand-side man-  
11 agement programs and bill credits;
- 12 (iii) characteristics of the energy mix  
13 used to generate electricity in different re-  
14 gions; and
- 15 (iv) the household energy burden for  
16 households—
- 17 (I) in different geographic areas;
- 18 (II) by electricity, heating, and  
19 other end-uses; and
- 20 (III) with different demographic  
21 characteristics that correlate with in-  
22 creased household energy burden, in-  
23 cluding—
- 24 (aa) having a low household  
25 income;

- 1 (bb) being a minority house-  
2 hold;
- 3 (cc) residing in manufac-  
4 tured or multifamily housing;
- 5 (dd) being in a fixed or re-  
6 tirement income household;
- 7 (ee) residing in rental hous-  
8 ing; and
- 9 (ff) other factors, as deter-  
10 mined by the Administrator.

11 **SEC. 4104. DATA COLLECTION ON ELECTRIC VEHICLE INTE-**  
12 **GRATION WITH THE ELECTRICITY GRIDS.**

13 (a) IN GENERAL.—Not later than 1 year after the  
14 date of enactment of this Act, the Administrator shall de-  
15 velop and implement measures to expand data collection  
16 with respect to electric vehicle integration with the elec-  
17 tricity grids.

18 (b) SOURCES OF DATA.—The sources of the data col-  
19 lected pursuant to subsection (a) may include—

20 (1) host-owned or charging-network-owned elec-  
21 tric vehicle charging stations;

22 (2) aggregators of charging-network electricity  
23 demand;

24 (3) electric utilities offering managed-charging  
25 programs;

1           (4) individual, corporate, or public owners of  
2           electric vehicles; and

3           (5) balancing authority analyses of—

4                   (A) transformer loading congestion; and

5                   (B) distribution-system congestion.

6           (c) CONSULTATION AND COORDINATION.—In car-  
7           rying out subsection (a), the Administrator may consult  
8           and enter into agreements with other institutions having  
9           relevant data and data collection capabilities, such as—

10                   (1) the Secretary of Transportation;

11                   (2) the Secretary;

12                   (3) the Administrator of the Environmental  
13           Protection Agency;

14                   (4) States or State agencies; and

15                   (5) private entities.

16 **SEC. 4105. PLAN FOR THE MODELING AND FORECASTING**  
17 **OF DEMAND FOR MINERALS USED IN THE EN-**  
18 **ERGY SECTOR.**

19           (a) PLAN.—

20                   (1) IN GENERAL.—Not later than 180 days  
21           after the date of enactment of this Act, the Adminis-  
22           trator, in coordination with the Director of the  
23           United States Geological Survey, shall develop a  
24           plan for the modeling and forecasting of demand for  
25           energy technologies, including for energy production,

1 transmission, or storage purposes, that use minerals  
2 that are or could be designated as critical minerals.

3 (2) INCLUSIONS.—The plan developed under  
4 paragraph (1) shall identify—

5 (A) the type and quantity of minerals con-  
6 sumed, delineated by energy technology;

7 (B) existing markets for manufactured en-  
8 ergy-producing, energy-transmission, and en-  
9 ergy-storing equipment; and

10 (C) emerging or potential markets for new  
11 energy-producing, energy-transmission, and en-  
12 ergy-storing technologies entering commer-  
13 cialization.

14 (b) METRICS.—The plan developed under subsection  
15 (a)(1) shall produce forecasts of energy technology de-  
16 mand—

17 (1) over the 1-year, 5-year, and 10-year periods  
18 beginning on the date on which development of the  
19 plan is completed;

20 (2) by economic sector; and

21 (3) according to any other parameters that the  
22 Administrator, in collaboration with the Secretary of  
23 the Interior, acting through the Director of the  
24 United States Geological Survey, determines are  
25 needed for the Annual Critical Minerals Outlook.

1 (c) COLLABORATION.—The Administrator shall de-  
2 velop the plan under subsection (a)(1) in consultation  
3 with—

4 (1) the Secretary with respect to the possible  
5 trajectories of emerging energy-producing and en-  
6 ergy-storing technologies; and

7 (2) the Secretary of the Interior, acting through  
8 the Director of the United States Geological Sur-  
9 vey—

10 (A) to ensure coordination;

11 (B) to avoid duplicative effort; and

12 (C) to align the analysis of demand with  
13 data and analysis of where the minerals are  
14 produced, refined, and subsequently processed  
15 into materials and parts that are used to build  
16 energy technologies.

17 **SEC. 4106. EXPANSION OF INTERNATIONAL ENERGY DATA.**

18 (a) IN GENERAL.—Not later than 1 year after the  
19 date of enactment of this Act, the Administrator shall im-  
20 plement measures to expand and improve the international  
21 energy data resources of the Energy Information Adminis-  
22 tration in order to understand—

23 (1) the production and use of energy in various  
24 countries;

1           (2) changing patterns of energy use internation-  
2 ally;

3           (3) the relative costs and environmental impacts  
4 of energy production and use internationally; and

5           (4) plans for or construction of major energy  
6 facilities or infrastructure.

7       (b) REQUIREMENTS.—In carrying out subsection (a),  
8 the Administrator shall—

9           (1) work with, and leverage the data resources  
10 of, the International Energy Agency;

11          (2) include detail on energy consumption by  
12 fuel, economic sector, and end use within countries  
13 for which data are available;

14          (3) collect relevant measures of energy use, in-  
15 cluding—

16               (A) cost; and

17               (B) emissions intensity; and

18          (4) provide tools that allow for straightforward  
19 country-to-country comparisons of energy production  
20 and consumption across economic sectors and end  
21 uses.

22 **SEC. 4107. PLAN FOR THE NATIONAL ENERGY MODELING**  
23 **SYSTEM.**

24       Not later than 180 days after the date of enactment  
25 of this Act, the Administrator shall develop a plan to iden-

1 tify any need or opportunity to update or further the capa-  
2 bilities of the National Energy Modeling System, including  
3 with respect to—

4 (1) treating energy demand endogenously;

5 (2) increased natural gas usage and increased  
6 market penetration of renewable energy;

7 (3) flexible operating modes of nuclear power  
8 plants, such as load following and frequency control;

9 (4) tools to model multiple-output energy sys-  
10 tems that provide hydrogen, high-value heat, elec-  
11 tricity, and chemical synthesis services, including  
12 interactions of those energy systems with the elec-  
13 tricity grids, pipeline networks, and the broader  
14 economy;

15 (5) demand response and improved representa-  
16 tion of energy storage, including long-duration stor-  
17 age, in capacity expansion models;

18 (6) electrification, particularly with respect to  
19 the transportation, industrial, and buildings sectors;

20 (7) increasing model resolution to represent all  
21 hours of the year and all electricity generators;

22 (8) wholesale electricity market design and the  
23 appropriate valuation of all services that support the  
24 reliability of electricity grids, such as—

25 (A) battery storage; and



1 (B) synthetic inertia from grid-tied invert-  
2 ers;

3 (9) economic modeling of the role of energy effi-  
4 ciency, demand response, electricity storage, and a  
5 variety of distributed generation technologies;

6 (10) the production, transport, use, and storage  
7 of carbon dioxide, hydrogen, and hydrogen carriers;

8 (11) greater flexibility in—

9 (A) the modeling of the environmental im-  
10 pacts of electricity systems, such as—

11 (i) emissions of greenhouse gases and  
12 other pollutants; and

13 (ii) the use of land and water re-  
14 sources; and

15 (B) the ability to support climate mod-  
16 eling, such as the climate modeling performed  
17 by the Office of Biological and Environmental  
18 Research in the Office of Science of the Depart-  
19 ment;

20 (12) technologies that are in an early stage of  
21 commercial deployment and have been identified by  
22 the Secretary as candidates for large-scale dem-  
23 onstration projects, such as—

24 (A) carbon capture, transport, use, and  
25 storage from any source or economic sector;

1 (B) direct air capture;

2 (C) hydrogen production, including via  
3 electrolysis;

4 (D) synthetic and biogenic hydrocarbon  
5 liquid and gaseous fuels;

6 (E) supercritical carbon dioxide combus-  
7 tion turbines;

8 (F) industrial fuel cell and hydrogen com-  
9 bustion equipment; and

10 (G) industrial electric boilers;

11 (13) increased and improved data sources and  
12 tools, including—

13 (A) the establishment of technology and  
14 cost baselines, including technology learning  
15 rates;

16 (B) economic and employment impacts of  
17 energy system policies and energy prices on  
18 households, as a function of household income  
19 and region; and

20 (C) the use of behavioral economics to in-  
21 form demand modeling in all sectors; and

22 (14) striving to migrate toward a single, con-  
23 sistent, and open-source modeling platform, and in-  
24 creasing open access to model systems, data, and  
25 outcomes, for—

1 (A) disseminating reference scenarios that  
2 can be transparently and broadly replicated;  
3 and

4 (B) promoting the development of the re-  
5 searcher and analyst workforce needed to con-  
6 tinue the development and validation of im-  
7 proved energy system models in the future.

8 **SEC. 4108. REPORT ON COSTS OF CARBON ABATEMENT IN**  
9 **THE ELECTRICITY SECTOR.**

10 Not later than 270 days after the date of enactment  
11 of this Act, the Administrator shall submit to Congress  
12 a report on—

13 (1) the potential use of levelized cost of carbon  
14 abatement or a similar metric in analyzing genera-  
15 tors of electricity, including an identification of limi-  
16 tations and appropriate uses of the metric;

17 (2) the feasibility and impact of incorporating  
18 levelized cost of carbon abatement in long-term fore-  
19 casts—

20 (A) to compare technical approaches and  
21 understand real-time changes in fossil-fuel and  
22 nuclear dispatch;

23 (B) to compare the system-level costs of  
24 technology options to reduce emissions; and

1 (C) to compare the costs of policy options,  
2 including current policies, regarding valid and  
3 verifiable reductions and removals of carbon;  
4 and

5 (3)(A) a potential process to measure carbon  
6 dioxide emissions intensity per unit of output pro-  
7 duction for a range of—

8 (i) energy sources;

9 (ii) sectors; and

10 (iii) geographic regions; and

11 (B) a corresponding process to provide an  
12 empirical framework for reporting the status  
13 and costs of carbon dioxide reduction relative to  
14 specified goals.

15 **SEC. 4109. HARMONIZATION OF EFFORTS AND DATA.**

16 Not later than 1 year after the date of enactment  
17 of this Act, the Administrator shall establish a system to  
18 harmonize, to the maximum extent practicable and con-  
19 sistent with data integrity—

20 (1) the data collection efforts of the Adminis-  
21 trator, including any data collection required under  
22 this subtitle, with the data collection efforts of—

23 (A) the Environmental Protection Agency,  
24 as the Administrator determines to be appro-  
25 priate;

1 (B) other relevant Federal agencies, as the  
2 Administrator determines to be appropriate;  
3 and

4 (C) State or regional energy credit reg-  
5 istries, as the Administrator determines to be  
6 appropriate;

7 (2) the data collected under this subtitle, in-  
8 cluding the operating data on electricity generation  
9 collected under section 4102(a), with data collected  
10 by the entities described in subparagraphs (A)  
11 through (C) of paragraph (1), including any meas-  
12 urements of greenhouse gas and other pollutant  
13 emissions collected by the Environmental Protection  
14 Agency, as the Administrator determines to be ap-  
15 propriate; and

16 (3) the efforts of the Administrator to identify  
17 and report relevant impacts, opportunities, and pat-  
18 terns with respect to energy use, including the iden-  
19 tification of community-level economic and environ-  
20 mental impacts required under section  
21 4103(b)(1)(C), with the efforts of the Environmental  
22 Protection Agency and other relevant Federal agen-  
23 cies, as determined by the Administrator, to identify  
24 similar impacts, opportunities, and patterns.

1                   **Subtitle C—Miscellaneous**

2   **SEC. 4201. CONSIDERATION OF MEASURES TO PROMOTE**  
3                   **GREATER ELECTRIFICATION OF THE TRANS-**  
4                   **PORTATION SECTOR.**

5           (a) IN GENERAL.—Section 111(d) of the Public Util-  
6   ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))  
7   (as amended by section 1004(a)(1)) is amended by adding  
8   at the end the following:

9                   “(21) ELECTRIC VEHICLE CHARGING PRO-  
10                   GRAMS.—Each State shall consider measures to pro-  
11                   mote greater electrification of the transportation sec-  
12                   tor, including the establishment of rates that—

13                           “(A) promote affordable and equitable  
14                           electric vehicle charging options for residential,  
15                           commercial, and public electric vehicle charging  
16                           infrastructure;

17                           “(B) improve the customer experience as-  
18                           sociated with electric vehicle charging, including  
19                           by reducing charging times for light-, medium-  
20                           , and heavy-duty vehicles;

21                           “(C) accelerate third-party investment in  
22                           electric vehicle charging for light-, medium-,  
23                           and heavy-duty vehicles; and

1           “(D) appropriately recover the marginal  
2           costs of delivering electricity to electric vehicles  
3           and electric vehicle charging infrastructure.”.

4           (b) COMPLIANCE.—

5           (1) TIME LIMITATION.—Section 112(b) of the  
6           Public Utility Regulatory Policies Act of 1978 (16  
7           U.S.C. 2622(b)) (as amended by section  
8           1004(a)(2)(A)) is amended by adding at the end the  
9           following:

10           “(8)(A) Not later than 1 year after the date of  
11           enactment of this paragraph, each State regulatory  
12           authority (with respect to each electric utility for  
13           which the State has ratemaking authority) and each  
14           nonregulated utility shall commence consideration  
15           under section 111, or set a hearing date for consid-  
16           eration, with respect to the standard established by  
17           paragraph (21) of section 111(d).

18           “(B) Not later than 2 years after the date  
19           of enactment of this paragraph, each State reg-  
20           ulatory authority (with respect to each electric  
21           utility for which the State has ratemaking au-  
22           thority), and each nonregulated electric utility  
23           shall complete the consideration and make the  
24           determination under section 111 with respect to

1           the standard established by paragraph (21) of  
2           section 111(d).”.

3           (2) FAILURE TO COMPLY.—Section 112(c) of  
4           the Public Utility Regulatory Policies Act of 1978  
5           (16 U.S.C. 2622(c)) (as amended by section  
6           1004(a)(2)(B)(i)) is amended by adding at the end  
7           the following: “In the case of the standard estab-  
8           lished by paragraph (21) of section 111(d), the ref-  
9           erence contained in this subsection to the date of en-  
10          actment of this Act shall be deemed to be a ref-  
11          erence to the date of enactment of that paragraph  
12          (21).”.

13          (3) PRIOR STATE ACTIONS.—

14                (A) IN GENERAL.—Section 112 of the  
15                Public Utility Regulatory Policies Act of 1978  
16                (16 U.S.C. 2622) (as amended by section  
17                1004(a)(2)(C)(i)) is amended by adding at the  
18                end the following:

19          “(h) OTHER PRIOR STATE ACTIONS.—Subsections  
20          (b) and (c) shall not apply to the standard established by  
21          paragraph (21) of section 111(d) in the case of any elec-  
22          tric utility in a State if, before the date of enactment of  
23          this subsection—

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



1           “(2) the State regulatory authority for the  
2 State or the relevant nonregulated electric utility has  
3 conducted a proceeding to consider implementation  
4 of the standard (or a comparable standard) for the  
5 electric utility; or

6           “(3) the State legislature has voted on the im-  
7 plementation of the standard (or a comparable  
8 standard) for the electric utility during the 3-year  
9 period ending on that date of enactment.”.

10           (B) CROSS-REFERENCE.—Section 124 of  
11 the Public Utility Regulatory Policies Act of  
12 1978 (16 U.S.C. 2634) (as amended by section  
13 1004(a)(2)(C)(ii)(II)) is amended by adding at  
14 the end the following: “In the case of the stand-  
15 ard established by paragraph (21) of section  
16 111(d), the reference contained in this section  
17 to the date of enactment of this Act shall be  
18 deemed to be a reference to the date of enact-  
19 ment of that paragraph (21).”.

20 **SEC. 4202. OFFICE OF PUBLIC PARTICIPATION.**

21           Section 319 of the Federal Power Act (16 U.S.C.  
22 825q-1) is amended—

23           (1) in subsection (a)(2)—

24           (A) in subparagraph (A), by striking the  
25 third sentence; and

1 (B) in subparagraph (B)—

2 (i) by striking the third sentence and  
3 inserting the following: “The Director shall  
4 be compensated at a rate of pay not great-  
5 er than the maximum rate of pay pre-  
6 scribed for a senior executive in the Senior  
7 Executive Service under section 5382 of  
8 title 5, United States Code.”; and

9 (ii) by striking the first sentence; and  
10 (2) in subsection (b), by striking paragraph (4).

11 **TITLE V—ENERGY EFFICIENCY**  
12 **AND BUILDING INFRASTRUC-**  
13 **TURE**

14 **Subtitle A—Residential and**  
15 **Commercial Energy Efficiency**

16 **SEC. 5001. DEFINITIONS.**

17 In this subtitle:

18 (1) **PRIORITY STATE.**—The term “priority  
19 State” means a State that—

20 (A) is eligible for funding under the State  
21 Energy Program; and

22 (B)(i) is among the 15 States with the  
23 highest annual per-capita combined residential  
24 and commercial sector energy consumption, as

1 most recently reported by the Energy Informa-  
2 tion Administration; or

3 (ii) is among the 15 States with the high-  
4 est annual per-capita energy-related carbon di-  
5 oxide emissions by State, as most recently re-  
6 ported by the Energy Information Administra-  
7 tion.

8 (2) PROGRAM.—The term “program” means  
9 the program established under section 5002(a).

10 (3) STATE.—The term “State” means a State  
11 (as defined in section 3 of the Energy Policy and  
12 Conservation Act (42 U.S.C. 6202)), acting through  
13 a State energy office.

14 (4) STATE ENERGY PROGRAM.—The term  
15 “State Energy Program” means the State Energy  
16 Program established under part D of title III of the  
17 Energy Policy and Conservation Act (42 U.S.C.  
18 6321 et seq.).

19 **SEC. 5002. ENERGY EFFICIENCY REVOLVING LOAN FUND**  
20 **CAPITALIZATION GRANT PROGRAM.**

21 (a) IN GENERAL.—Not later than 1 year after the  
22 date of enactment of this Act, under the State Energy  
23 Program, the Secretary shall establish a program under  
24 which the Secretary shall provide capitalization grants to  
25 States to establish a revolving loan fund under which the

1 State shall provide loans and grants, as applicable, in ac-  
2 cordance with this section.

3 (b) DISTRIBUTION OF FUNDS.—

4 (1) ALL STATES.—

5 (A) IN GENERAL.—Of the amounts made  
6 available under subsection (j), the Secretary  
7 shall use 40 percent to provide capitalization  
8 grants to States that are eligible for funding  
9 under the State Energy Program, in accordance  
10 with the allocation formula established under  
11 section 420.11 of title 10, Code of Federal Reg-  
12 ulations (or successor regulations).

13 (B) REMAINING FUNDING.—After applying  
14 the allocation formula described in subpara-  
15 graph (A), the Secretary shall redistribute any  
16 unclaimed funds to the remaining States seek-  
17 ing capitalization grants under that subpara-  
18 graph.

19 (2) PRIORITY STATES.—

20 (A) IN GENERAL.—Of the amounts made  
21 available under subsection (j), the Secretary  
22 shall use 60 percent to provide supplemental  
23 capitalization grants to priority States in ac-  
24 cordance with an allocation formula determined  
25 by the Secretary.

1 (B) REMAINING FUNDING.—After applying  
2 the allocation formula described in subpara-  
3 graph (A), the Secretary shall redistribute any  
4 unclaimed funds to the remaining priority  
5 States seeking supplemental capitalization  
6 grants under that subparagraph.

7 (C) GRANT AMOUNT.—

8 (i) MAXIMUM AMOUNT.—The amount  
9 of a supplemental capitalization grant pro-  
10 vided to a State under this paragraph shall  
11 not exceed \$15,000,000.

12 (ii) SUPPLEMENT NOT SUPPLANT.—A  
13 supplemental capitalization grant received  
14 by a State under this paragraph shall sup-  
15 plement, not supplant, a capitalization  
16 grant received by that State under para-  
17 graph (1).

18 (c) APPLICATIONS FOR CAPITALIZATION GRANTS.—  
19 A State seeking a capitalization grant under the program  
20 shall submit to the Secretary an application at such time,  
21 in such manner, and containing such information as the  
22 Secretary may require, including—

23 (1) a detailed explanation of how the grant will  
24 be used, including a plan to establish a new revolv-  
25 ing loan fund or use an existing revolving loan fund;

1           (2) the need of eligible recipients for loans and  
2 grants in the State for assistance with conducting  
3 energy audits;

4           (3) a description of the expected benefits that  
5 building infrastructure and energy system upgrades  
6 and retrofits will have on communities in the State;  
7 and

8           (4) in the case of a priority State seeking a  
9 supplemental capitalization grant under subsection  
10 (b)(2), a justification for needing the supplemental  
11 funding.

12 (d) TIMING.—

13           (1) IN GENERAL.—The Secretary shall establish  
14 a timeline with dates by, or periods by the end of,  
15 which a State shall—

16           (A) on receipt of a capitalization grant  
17 under the program, deposit the grant funds into  
18 a revolving loan fund; and

19           (B) begin using the capitalization grant as  
20 described in subsection (e)(1).

21           (2) USE OF GRANT.—Under the timeline estab-  
22 lished under paragraph (1), a State shall be required  
23 to begin using a capitalization grant not more than  
24 180 days after the date on which the grant is re-  
25 ceived.

1 (e) USE OF GRANT FUNDS.—

2 (1) IN GENERAL.—A State that receives a cap-  
3 italization grant under the program—

4 (A) shall provide loans in accordance with  
5 paragraph (2); and

6 (B) may provide grants in accordance with  
7 paragraph (3).

8 (2) LOANS.—

9 (A) COMMERCIAL ENERGY AUDIT.—

10 (i) IN GENERAL.—A State that re-  
11 ceives a capitalization grant under the pro-  
12 gram may provide a loan to an eligible re-  
13 cipient described in clause (iv) to conduct  
14 a commercial energy audit.

15 (ii) AUDIT REQUIREMENTS.—A com-  
16 mercial energy audit conducted using a  
17 loan provided under clause (i) shall—

18 (I) determine the overall con-  
19 sumption of energy of the facility of  
20 the eligible recipient;

21 (II) identify and recommend  
22 lifecycle cost-effective opportunities to  
23 reduce the energy consumption of the  
24 facility of the eligible recipient, includ-  
25 ing through energy efficient—

- 1 (aa) lighting;
- 2 (bb) heating, ventilation,
- 3 and air conditioning systems;
- 4 (cc) windows;
- 5 (dd) appliances; and
- 6 (ee) insulation and building
- 7 envelopes;
- 8 (III) estimate the energy and
- 9 cost savings potential of the opportu-
- 10 nities identified in subclause (II)
- 11 using software approved by the Sec-
- 12 retary;
- 13 (IV) identify—
- 14 (aa) the period and level of
- 15 peak energy demand for each
- 16 building within the facility of the
- 17 eligible recipient; and
- 18 (bb) the sources of energy
- 19 consumption that are contrib-
- 20 uting the most to that period of
- 21 peak energy demand;
- 22 (V) recommend controls and
- 23 management systems to reduce or re-
- 24 distribute peak energy consumption;
- 25 and



1 (VI) estimate the total energy  
2 and cost savings potential for the fa-  
3 cility of the eligible recipient if all rec-  
4 ommended upgrades and retrofits are  
5 implemented, using software approved  
6 by the Secretary.

7 (iii) ADDITIONAL AUDIT INCLU-  
8 SIONS.—A commercial energy audit con-  
9 ducted using a loan provided under clause  
10 (i) may recommend strategies to increase  
11 energy efficiency of the facility of the eligi-  
12 ble recipient through use of electric sys-  
13 tems or other high-efficiency systems uti-  
14 lizing fuels, including natural gas and hy-  
15 drogen.

16 (iv) ELIGIBLE RECIPIENTS.—An eligi-  
17 ble recipient under clause (i) is a business  
18 that—

19 (I) conducts the majority of its  
20 business in the State that provides the  
21 loan under that clause; and

22 (II) owns or operates—

23 (aa) 1 or more commercial  
24 buildings; or

1 (bb) commercial space with-  
2 in a building that serves multiple  
3 functions, such as a building for  
4 commercial and residential oper-  
5 ations.

6 (B) RESIDENTIAL ENERGY AUDITS.—

7 (i) IN GENERAL.—A State that re-  
8 ceives a capitalization grant under the pro-  
9 gram may provide a loan to an eligible re-  
10 cipient described in clause (iv) to conduct  
11 a residential energy audit.

12 (ii) RESIDENTIAL ENERGY AUDIT RE-  
13 QUIREMENTS.—A residential energy audit  
14 conducted using a loan under clause (i)  
15 shall—

16 (I) utilize the same evaluation  
17 criteria as the Home Performance As-  
18 sessment used in the Energy Star  
19 program established under section  
20 324A of the Energy Policy and Con-  
21 servation Act (42 U.S.C. 6294a);

22 (II) recommend lifecycle cost-ef-  
23 fective opportunities to reduce energy  
24 consumption within the residential

1 building of the eligible recipient, in-  
2 cluding through energy efficient—  
3 (aa) lighting;  
4 (bb) heating, ventilation,  
5 and air conditioning systems;  
6 (cc) windows;  
7 (dd) appliances; and  
8 (ee) insulation and building  
9 envelopes;  
10 (III) recommend controls and  
11 management systems to reduce or re-  
12 distribute peak energy consumption;  
13 (IV) compare the energy con-  
14 sumption of the residential building of  
15 the eligible recipient to comparable  
16 residential buildings in the same geo-  
17 graphic area; and  
18 (V) provide a Home Energy  
19 Score, or equivalent score (as deter-  
20 mined by the Secretary), for the resi-  
21 dential building of the eligible recipi-  
22 ent by using the Home Energy Score  
23 Tool of the Department or an equiva-  
24 lent scoring tool.

1 (iii) ADDITIONAL AUDIT INCLU-  
2 SIONS.—A residential energy audit con-  
3 ducted using a loan provided under clause  
4 (i) may recommend strategies to increase  
5 energy efficiency of the facility of the eligi-  
6 ble recipient through use of electric sys-  
7 tems or other high-efficiency systems uti-  
8 lizing fuels, including natural gas and hy-  
9 drogen.

10 (iv) ELIGIBLE RECIPIENTS.—An eligi-  
11 ble recipient under clause (i) is—

12 (I) an individual who owns—  
13 (aa) a single family home;  
14 (bb) a condominium or du-  
15 plex; or  
16 (cc) a manufactured housing  
17 unit; or  
18 (II) a business that owns or oper-  
19 ates a multifamily housing facility.

20 (C) COMMERCIAL AND RESIDENTIAL EN-  
21 ERGY UPGRADES AND RETROFITS.—

22 (i) IN GENERAL.—A State that re-  
23 ceives a capitalization grant under the pro-  
24 gram may provide a loan to an eligible re-  
25 cipient described in clause (ii) to carry out

1 upgrades or retrofits of building infrastruc-  
2 ture and systems that—

3 (I) are recommended in the com-  
4 mercial energy audit or residential en-  
5 ergy audit, as applicable, completed  
6 for the building or facility of the eligi-  
7 ble recipient;

8 (II) satisfy at least 1 of the cri-  
9 teria in the Home Performance As-  
10 sessment used in the Energy Star  
11 program established under section  
12 324A of the Energy Policy and Con-  
13 servation Act (42 U.S.C. 6294a);

14 (III) improve, with respect to the  
15 building or facility of the eligible re-  
16 cipient—

17 (aa) the physical comfort of  
18 the building or facility occupants;

19 (bb) the energy efficiency of  
20 the building or facility; or

21 (cc) the quality of the air in  
22 the building or facility; and

23 (IV)(aa) are lifecycle cost-effec-  
24 tive; and

1 (bb)(AA) reduce the energy in-  
2 tensity of the building or facility of  
3 the eligible recipient; or

4 (BB) improve the control and  
5 management of energy usage of the  
6 building or facility to reduce demand  
7 during peak times.

8 (ii) ELIGIBLE RECIPIENTS.—An eligi-  
9 ble recipient under clause (i) is an eligible  
10 recipient described in subparagraph (A)(iv)  
11 or (B)(iv) that—

12 (I) has completed a commercial  
13 energy audit described in subpara-  
14 graph (A) or a residential energy  
15 audit described in subparagraph (B)  
16 using a loan provided under the appli-  
17 cable subparagraph; or

18 (II) has completed a commercial  
19 energy audit or residential energy  
20 audit that—

21 (aa) was not funded by a  
22 loan under this paragraph; and

23 (bb)(AA) meets the require-  
24 ments for the applicable audit

1 under subparagraph (A) or (B),  
2 as applicable; or

3 (BB) the Secretary deter-  
4 mines is otherwise satisfactory.

5 (iii) LOAN TERM.—

6 (I) IN GENERAL.—A loan pro-  
7 vided under this subparagraph shall  
8 be required to be fully amortized by  
9 the earlier of—

10 (aa) subject to subclause  
11 (II), the year in which the up-  
12 grades or retrofits carried out  
13 using the loan exceed their ex-  
14 pected useful life; and

15 (bb) 15 years after those up-  
16 grades or retrofits are installed.

17 (II) CALCULATION.—For pur-  
18 poses of subclause (I)(aa), in the case  
19 of a loan being used to fund multiple  
20 upgrades or retrofits, the longest-lived  
21 upgrade or retrofit shall be used to  
22 calculate the year in which the up-  
23 grades or retrofits carried out using  
24 the loan exceed their expected useful  
25 life.

1           (D) REFERRAL TO QUALIFIED CONTRAC-  
2           TORS.—Following the completion of an audit  
3           under subparagraph (A) or (B) by an eligible  
4           recipient of a loan under the applicable sub-  
5           paragraph, the State may refer the eligible re-  
6           cipient to a qualified contractor, as determined  
7           by the State, to estimate—

8                     (i) the upfront capital cost of each  
9                     recommended upgrade; and

10                    (ii) the total upfront capital cost of  
11                    implementing all recommended upgrades.

12           (E) LOAN RECIPIENTS.—Each State pro-  
13           viding loans under this paragraph shall, to the  
14           maximum extent practicable, provide loans to  
15           eligible recipients that do not have access to  
16           private capital.

17           (3) GRANTS AND TECHNICAL ASSISTANCE.—

18                     (A) IN GENERAL.—A State that receives a  
19                     capitalization grant under the program may use  
20                     not more than 25 percent of the grant funds to  
21                     provide grants or technical assistance to eligible  
22                     entities described in subparagraph (B) to carry  
23                     out the activities described in subparagraphs  
24                     (A), (B), and (C) of paragraph (2).



1 (B) ELIGIBLE ENTITY.—An entity eligible  
2 for a grant or technical assistance under sub-  
3 paragraph (A) is—

4 (i) a business that—

5 (I) is an eligible recipient de-  
6 scribed in paragraph (2)(A)(iv); and

7 (II) has fewer than 500 employ-  
8 ees; or

9 (ii) a low-income individual (as de-  
10 fined in section 3 of the Workforce Innova-  
11 tion and Opportunity Act (29 U.S.C.  
12 3102)) that owns a residential building.

13 (4) FINAL ASSESSMENT.—A State that provides  
14 a capitalization grant under paragraph (2)(C) to an  
15 eligible recipient described in clause (ii) of that para-  
16 graph may, not later than 1 year after the date on  
17 which the upgrades or retrofits funded by the grant  
18 under that paragraph are completed, provide to the  
19 eligible recipient a loan or, in accordance with para-  
20 graph (3), a grant to conduct a final energy audit  
21 that assesses the total energy savings from the up-  
22 grades or retrofits.

23 (5) ADMINISTRATIVE EXPENSES.—A State that  
24 receives a capitalization grant under the program

1        may use not more than 10 percent of the grant  
2        funds for administrative expenses.

3        (f) COORDINATION WITH EXISTING PROGRAMS.—A  
4        State receiving a capitalization grant under the program  
5        is encouraged to utilize and build on existing programs  
6        and infrastructure within the State that may aid the State  
7        in carrying out a revolving loan fund program.

8        (g) LEVERAGING PRIVATE CAPITAL.—A State receiv-  
9        ing a capitalization grant under the program shall, to the  
10       maximum extent practicable, use the grant to leverage pri-  
11       vate capital.

12       (h) OUTREACH.—The Secretary shall engage in out-  
13       reach to inform States of the availability of capitalization  
14       grants under the program.

15       (i) REPORT.—Each State that receives a capitaliza-  
16       tion grant under the program shall, not later than 2 years  
17       after a grant is received, submit to the Secretary a report  
18       that describes—

19                (1) the number of recipients to which the State  
20       has distributed—

21                        (A) loans for—

22                                (i) commercial energy audits under  
23                                subsection (e)(2)(A);

24                                (ii) residential energy audits under  
25                                subsection (e)(2)(B);

1 (iii) energy upgrades and retrofits  
2 under subsection (e)(2)(C); and

3 (B) grants under subsection (e)(3); and

4 (2) the average capital cost of upgrades and  
5 retrofits across all commercial energy audits and  
6 residential energy audits that were conducted in the  
7 State using loans provided by the State under sub-  
8 section (e).

9 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
10 authorized to be appropriated to the Secretary to carry  
11 out this section \$250,000,000 for fiscal year 2022, to re-  
12 main available until expended.

13 **SEC. 5003. ENERGY AUDITOR TRAINING GRANT PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) COVERED CERTIFICATION.—The term “cov-  
16 ered certification” means any of the following certifi-  
17 cations:

18 (A) The American Society of Heating, Re-  
19 frigerating and Air-Conditioning Engineers  
20 Building Energy Assessment Professional cer-  
21 tification.

22 (B) The Association of Energy Engineers  
23 Certified Energy Auditor certification.

1           (C) The Building Performance Institute  
2 Home Energy Professional Energy Auditor cer-  
3 tification.

4           (D) The Residential Energy Services Net-  
5 work Home Energy Rater certification.

6           (E) Any other third-party certification rec-  
7 ognized by the Department.

8           (F) Any third-party certification that the  
9 Secretary determines is equivalent to the certifi-  
10 cations described in subparagraphs (A) through  
11 (E).

12           (2) ELIGIBLE STATE.—The term “eligible  
13 State” means a State that—

14           (A) has a demonstrated need for assistance  
15 for training energy auditors; and

16           (B) meets any additional criteria deter-  
17 mined necessary by the Secretary.

18           (b) ESTABLISHMENT.—Under the State Energy Pro-  
19 gram, the Secretary shall establish a competitive grant  
20 program under which the Secretary shall award grants to  
21 eligible States to train individuals to conduct energy au-  
22 dits or surveys of commercial and residential buildings.

23           (c) APPLICATIONS.—

24           (1) IN GENERAL.—A State seeking a grant  
25 under subsection (b) shall submit to the Secretary

1 an application at such time, in such manner, and  
2 containing such information as the Secretary may  
3 require, including the energy auditor training pro-  
4 gram plan described in paragraph (2).

5 (2) ENERGY AUDITOR TRAINING PROGRAM  
6 PLAN.—An energy auditor training program plan  
7 submitted with an application under paragraph (1)  
8 shall include—

9 (A)(i) a proposed training curriculum for  
10 energy audit trainees; and

11 (ii) an identification of the covered certifi-  
12 cation that those trainees will receive on com-  
13 pletion of that training curriculum;

14 (B) the expected per-individual cost of  
15 training;

16 (C) a plan for connecting trainees with em-  
17 ployment opportunities; and

18 (D) any additional information required by  
19 the Secretary.

20 (d) AMOUNT OF GRANT.—The amount of a grant  
21 awarded to an eligible State under subsection (b)—

22 (1) shall be determined by the Secretary, taking  
23 into account the population of the eligible State; and

24 (2) shall not exceed \$2,000,000 for any eligible  
25 State.

1 (e) USE OF FUNDS.—

2 (1) IN GENERAL.—An eligible State that re-  
3 ceives a grant under subsection (b) shall use the  
4 grant funds—

5 (A) to cover any cost associated with indi-  
6 viduals being trained or certified to conduct en-  
7 ergy audits by—

8 (i) the State; or

9 (ii) a State-certified third party train-  
10 ing program; and

11 (B) subject to paragraph (2), to pay the  
12 wages of a trainee during the period in which  
13 the trainee receives training and certification.

14 (2) LIMITATION.—Not more than 10 percent of  
15 grant funds provided under subsection (b) to an eli-  
16 gible State may be used for the purpose described in  
17 paragraph (1)(B).

18 (f) CONSULTATION.—In carrying out this section, the  
19 Secretary shall consult with the Secretary of Labor.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Secretary to carry  
22 out this section \$40,000,000 for the period of fiscal years  
23 2022 through 2026.

1                   **Subtitle B—Buildings**

2   **SEC. 5101. COST-EFFECTIVE CODES IMPLEMENTATION FOR**  
3                   **EFFICIENCY AND RESILIENCE.**

4           (a) IN GENERAL.—Title III of the Energy Conserva-  
5 tion and Production Act (42 U.S.C. 6831 et seq.) is  
6 amended by adding at the end the following:

7   **“SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR**  
8                   **EFFICIENCY AND RESILIENCE.**

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

10                   “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
11 tity’ means—

12                           “(A) a relevant State agency, as deter-  
13 mined by the Secretary, such as a State build-  
14 ing code agency, State energy office, or Tribal  
15 energy office; and

16                           “(B) a partnership.

17                   “(2) PARTNERSHIP.—The term ‘partnership’  
18 means a partnership between an eligible entity de-  
19 scribed in paragraph (1)(A) and 1 or more of the  
20 following entities:

21                           “(A) Local building code agencies.

22                           “(B) Codes and standards developers.

23                           “(C) Associations of builders and design  
24 and construction professionals.

1                   “(D) Local and utility energy efficiency  
2 programs.

3                   “(E) Consumer, energy efficiency, and en-  
4 vironmental advocates.

5                   “(F) Other entities, as determined by the  
6 Secretary.

7                   “(3) SECRETARY.—The term ‘Secretary’ means  
8 the Secretary of Energy.

9                   “(b) ESTABLISHMENT.—

10                   “(1) IN GENERAL.—The Secretary shall estab-  
11 lish within the Building Technologies Office of the  
12 Department of Energy a program under which the  
13 Secretary shall award grants on a competitive basis  
14 to eligible entities to enable sustained cost-effective  
15 implementation of updated building energy codes.

16                   “(2) UPDATED BUILDING ENERGY CODE.—An  
17 update to a building energy code under this section,  
18 including an amendment that results in increased ef-  
19 ficiency compared to the previously adopted building  
20 energy code, shall include any update made available  
21 after the existing building energy code, even if it is  
22 not the most recent updated code available.

23                   “(c) CRITERIA; PRIORITY.—In awarding grants  
24 under subsection (b), the Secretary shall—

25                   “(1) consider—



1           “(A) prospective energy savings and plans  
2           to measure the savings, including utilizing the  
3           Environmental Protection Agency Portfolio  
4           Manager, the Home Energy Score rating of the  
5           Office of Energy Efficiency and Renewable En-  
6           ergy of the Department of Energy, the Energy  
7           Star Building rating methodologies of the Envi-  
8           ronmental Protection Agency, and other meth-  
9           odologies determined appropriate by the Sec-  
10          retary;

11          “(B) the long-term sustainability of those  
12          measures and savings;

13          “(C) prospective benefits, and plans to as-  
14          sess the benefits, including benefits relating  
15          to—

16                 “(i) resilience and peak load reduc-  
17                 tion;

18                 “(ii) occupant safety and health; and

19                 “(iii) environmental performance;

20          “(D) the demonstrated capacity of the eli-  
21          gible entity to carry out the proposed project;  
22          and

23          “(E) the need of the eligible entity for as-  
24          sistance; and

1           “(2) give priority to applications from partner-  
2           ships.

3           “(d) ELIGIBLE ACTIVITIES.—

4           “(1) IN GENERAL.—An eligible entity awarded  
5           a grant under this section may use the grant  
6           funds—

7           “(A) to create or enable State or regional  
8           partnerships to provide training and materials  
9           to—

10           “(i) builders, contractors and sub-  
11           contractors, architects, and other design  
12           and construction professionals, relating to  
13           meeting updated building energy codes in a  
14           cost-effective manner; and

15           “(ii) building code officials, relating to  
16           improving implementation of and compli-  
17           ance with building energy codes;

18           “(B) to collect and disseminate quan-  
19           titative data on construction and codes imple-  
20           mentation, including code pathways, perform-  
21           ance metrics, and technologies used;

22           “(C) to develop and implement a plan for  
23           highly effective codes implementation, including  
24           measuring compliance;

1           “(D) to address various implementation  
2 needs in rural, suburban, and urban areas; and

3           “(E) to implement updates in energy codes  
4 for—

5           “(i) new residential and commercial  
6 buildings (including multifamily buildings);  
7 and

8           “(ii) additions and alterations to ex-  
9 isting residential and commercial buildings  
10 (including multifamily buildings).

11           “(2) RELATED TOPICS.—Training and mate-  
12 rials provided using a grant under this section may  
13 include information on the relationship between en-  
14 ergy codes and—

15           “(A) cost-effective, high-performance, and  
16 zero-net-energy buildings;

17           “(B) improving resilience, health, and safe-  
18 ty;

19           “(C) water savings and other environ-  
20 mental impacts; and

21           “(D) the economic impacts of energy  
22 codes.

23           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
24 is authorized to be appropriated to the Secretary to carry

1 out this section \$225,000,000 for the period of fiscal years  
2 2022 through 2026.”.

3 (b) CONFORMING AMENDMENT.—Section 303 of the  
4 Energy Conservation and Production Act (42 U.S.C.  
5 6832) is amended, in the matter preceding paragraph (1),  
6 by striking “As used in” and inserting “Except as other-  
7 wise provided, in”.

8 **SEC. 5102. BUILDING, TRAINING, AND ASSESSMENT CEN-**  
9 **TERS.**

10 (a) IN GENERAL.—The Secretary shall provide  
11 grants to institutions of higher education (as defined in  
12 section 101 of the Higher Education Act of 1965 (20  
13 U.S.C. 1001)) and Tribal Colleges or Universities (as de-  
14 fined in section 316(b) of that Act (20 U.S.C. 1059c(b)))  
15 to establish building training and assessment centers—

16 (1) to identify opportunities for optimizing en-  
17 ergy efficiency and environmental performance in  
18 buildings;

19 (2) to promote the application of emerging con-  
20 cepts and technologies in commercial and institu-  
21 tional buildings;

22 (3) to train engineers, architects, building sci-  
23 entists, building energy permitting and enforcement  
24 officials, and building technicians in energy-efficient  
25 design and operation;

1           (4) to assist institutions of higher education  
2           and Tribal Colleges or Universities in training build-  
3           ing technicians;

4           (5) to promote research and development for  
5           the use of alternative energy sources and distributed  
6           generation to supply heat and power for buildings,  
7           particularly energy-intensive buildings; and

8           (6) to coordinate with and assist State-accred-  
9           ited technical training centers, community colleges,  
10          Tribal Colleges or Universities, and local offices of  
11          the National Institute of Food and Agriculture and  
12          ensure appropriate services are provided under this  
13          section to each region of the United States.

14          (b) COORDINATION AND NONDUPLICATION.—

15           (1) IN GENERAL.—The Secretary shall coordi-  
16           nate the program with the industrial research and  
17           assessment centers program under section 457 of  
18           the Energy Independence and Security Act of 2007  
19           (as added by section 5201(b)) and with other Fed-  
20           eral programs to avoid duplication of effort.

21           (2) COLLOCATION.—To the maximum extent  
22           practicable, building, training, and assessment cen-  
23           ters established under this section shall be collocated  
24           with industrial and research assessment centers (as  
25           defined in section 5211).

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Secretary to carry  
3 out this section \$10,000,000 for fiscal year 2022, to re-  
4 main available until expended.

5 **SEC. 5103. CAREER SKILLS TRAINING.**

6 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
7 tion, the term “eligible entity” means a nonprofit partner-  
8 ship that—

9 (1) includes the equal participation of industry,  
10 including public or private employers, and labor or-  
11 ganizations, including joint labor-management train-  
12 ing programs;

13 (2) may include workforce investment boards,  
14 community-based organizations, qualified service and  
15 conservation corps, educational institutions, small  
16 businesses, cooperatives, State and local veterans  
17 agencies, and veterans service organizations; and

18 (3) demonstrates—

19 (A) experience in implementing and oper-  
20 ating worker skills training and education pro-  
21 grams;

22 (B) the ability to identify and involve in  
23 training programs carried out under this sec-  
24 tion, target populations of individuals who  
25 would benefit from training and be actively in-

1           involved in activities relating to energy efficiency  
2           and renewable energy industries; and

3                   (C) the ability to help individuals achieve  
4           economic self-sufficiency.

5           (b) **ESTABLISHMENT.**—The Secretary shall award  
6 grants to eligible entities to pay the Federal share of asso-  
7 ciated career skills training programs under which stu-  
8 dents concurrently receive classroom instruction and on-  
9 the-job training for the purpose of obtaining an industry-  
10 related certification to install energy efficient buildings  
11 technologies.

12           (c) **FEDERAL SHARE.**—The Federal share of the cost  
13 of carrying out a career skills training program described  
14 in subsection (b) shall be 50 percent.

15           (d) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
16 authorized to be appropriated to the Secretary to carry  
17 out this section \$10,000,000 for fiscal year 2022, to re-  
18 main available until expended.

19 **SEC. 5104. COMMERCIAL BUILDING ENERGY CONSUMPTION**  
20 **INFORMATION SHARING.**

21           (a) **DEFINITIONS.**—In this section:

22                   (1) **ADMINISTRATOR.**—The term “Adminis-  
23 trator” means the Administrator of the Energy In-  
24 formation Administration.

1           (2) AGREEMENT.—The term “Agreement”  
2 means the agreement entered into under subsection  
3 (b).

4           (3) SURVEY.—The term “Survey” means the  
5 Commercial Building Energy Consumption Survey.

6           (b) AUTHORIZATION OF AGREEMENT.—Not later  
7 than 120 days after the date of enactment of this Act,  
8 the Administrator and the Administrator of the Environ-  
9 mental Protection Agency shall sign, and submit to Con-  
10 gress, an information sharing agreement relating to com-  
11 mercial building energy consumption data.

12          (c) CONTENT OF AGREEMENT.—The Agreement  
13 shall—

14           (1) provide that—

15               (A) the Administrator shall have access to  
16 building-specific data in the Portfolio Manager  
17 database of the Environmental Protection  
18 Agency; and

19               (B) the Administrator of the Environ-  
20 mental Protection Agency shall have access to  
21 unmasked, raw building-specific data collected  
22 by the Survey;

23           (2) describe the manner in which the Adminis-  
24 trator shall incorporate appropriate data (including  
25 the data described in subsection (d)) into any Survey



1 published for the 2018 Survey cycle and each subse-  
2 quent cycle for the purpose of analyzing and esti-  
3 mating building population, size, location, activity,  
4 energy usage, and any other relevant building char-  
5 acteristic;

6 (3) describe and compare—

7 (A) the methodologies that the Energy In-  
8 formation Administration, the Environmental  
9 Protection Agency, and State and local govern-  
10 ment managers use to maximize the quality, re-  
11 liability, and integrity of data collected through  
12 the Survey, the Portfolio Manager database of  
13 the Environmental Protection Agency, and  
14 State and local building energy disclosure laws  
15 (including regulations), respectively, and the  
16 manner in which those methodologies can be  
17 improved; and

18 (B) consistencies and variations in data for  
19 the same buildings captured in—

20 (i)(I) the 2018 Survey cycle; and

21 (II) each subsequent Survey cycle;

22 and

23 (ii) the Portfolio Manager database of  
24 the Environmental Protection Agency; and

1           (4) consider whether, and the methods by  
2           which, the Administrator may collect and publish  
3           new iterations of Survey data every 3 years—

4                   (A) using the Survey processes of the Ad-  
5           ministrator; or

6                   (B) as supplemented by information in the  
7           Portfolio Manager database of the Environ-  
8           mental Protection Agency.

9           (d) DATA.—The data referred in subsection (c)(2) in-  
10          cludes data that—

11                   (1) is collected through the Portfolio Manager  
12          database of the Environmental Protection Agency;

13                   (2) is required to be publicly available on the  
14          internet under State and local government building  
15          energy disclosure laws (including regulations); and

16                   (3) includes information on private sector build-  
17          ings that are not less than 250,000 square feet.

18          (e) PROTECTION OF INFORMATION.—In carrying out  
19          the agreement, the Administrator and the Administrator  
20          of the Environmental Protection Agency shall protect in-  
21          formation in accordance with—

22                   (1) section 552(b)(4) of title 5, United States  
23          Code (commonly known as the “Freedom of Infor-  
24          mation Act”);

1 (2) subchapter III of chapter 35 of title 44,  
2 United States Code; and

3 (3) any other applicable law (including regula-  
4 tions).

5 **Subtitle C—Industrial Energy**  
6 **Efficiency**

7 **PART I—INDUSTRY**

8 **SEC. 5201. FUTURE OF INDUSTRY PROGRAM AND INDUS-**  
9 **TRIAL RESEARCH AND ASSESSMENT CEN-**  
10 **TERS.**

11 (a) FUTURE OF INDUSTRY PROGRAM.—

12 (1) IN GENERAL.—Section 452 of the Energy  
13 Independence and Security Act of 2007 (42 U.S.C.  
14 17111) is amended—

15 (A) by striking the section heading and in-  
16 serting the following: “future of industry pro-  
17 gram”;

18 (B) in subsection (a)(2)—

19 (i) by redesignating subparagraph (E)  
20 as subparagraph (F); and

21 (ii) by inserting after subparagraph  
22 (D) the following:

23 “(E) water and wastewater treatment fa-  
24 cilities, including systems that treat municipal,  
25 industrial, and agricultural waste; and”;

1 (C) by striking subsection (e); and

2 (D) by redesignating subsection (f) as sub-  
3 section (e).

4 (2) CONFORMING AMENDMENT.—Section  
5 454(b)(2)(C) of the Energy Independence and Secu-  
6 rity Act of 2007 (42 U.S.C. 17113(b)(2)(C)) is  
7 amended by striking “energy-intensive industries”  
8 and inserting “Future of Industry”.

9 (b) INDUSTRIAL RESEARCH AND ASSESSMENT CEN-  
10 TERS.—Subtitle D of title IV of the Energy Independence  
11 and Security Act of 2007 (42 U.S.C. 17111 et seq.) is  
12 amended by adding at the end the following:

13 **“SEC. 457. INDUSTRIAL RESEARCH AND ASSESSMENT CEN-  
14 TERS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) COVERED PROJECT.—The term ‘covered  
17 project’ means a project—

18 “(A) that has been recommended in an en-  
19 ergy assessment described in paragraph (2)(A)  
20 conducted for an eligible entity; and

21 “(B) with respect to which the plant site  
22 of that eligible entity—

23 “(i) improves—

24 “(I) energy efficiency;

25 “(II) material efficiency;

1 “(III) cybersecurity; or

2 “(IV) productivity; or

3 “(ii) reduces—

4 “(I) waste production;

5 “(II) greenhouse gas emissions;

6 or

7 “(III) nongreenhouse gas pollu-

8 tion.

9 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means a small- or medium-sized manufacturer  
11 that has had an energy assessment completed by—

12 “(A) an industrial research and assessment  
13 center;

14 “(B) a Department of Energy Combined  
15 Heat and Power Technical Assistance Partner-  
16 ship jointly with an industrial research and as-  
17 sessment center; or

18 “(C) a third-party assessor that provides  
19 an assessment equivalent to an assessment de-  
20 scribed in subparagraph (A) or (B), as deter-  
21 mined by the Secretary.

22 “(3) ENERGY SERVICE PROVIDER.—The term  
23 ‘energy service provider’ means—

24 “(A) any business providing technology or  
25 services to improve the energy efficiency, water

1 efficiency, power factor, or load management of  
2 a manufacturing site or other industrial process  
3 in an energy-intensive industry (as defined in  
4 section 452(a)); and

5 “(B) any utility operating under a utility  
6 energy service project.

7 “(4) INDUSTRIAL RESEARCH AND ASSESSMENT  
8 CENTER.—The term ‘industrial research and assess-  
9 ment center’ means—

10 “(A) an institution of higher education-  
11 based industrial research and assessment center  
12 that is funded by the Secretary under sub-  
13 section (b); and

14 “(B) an industrial research and assess-  
15 ment center at a trade school, community col-  
16 lege, or union training program that is funded  
17 by the Secretary under subsection (f).

18 “(5) PROGRAM.—The term ‘Program’ means  
19 the program for implementation grants established  
20 under subsection (i)(1).

21 “(6) SMALL- OR MEDIUM-SIZED MANUFAC-  
22 Turer.—The term ‘small- or medium-sized manu-  
23 facturer’ means a manufacturing firm—

24 “(A) the gross annual sales of which are  
25 less than \$100,000,000;

1           “(B) that has fewer than 500 employees at  
2           the plant site of the manufacturing firm; and

3           “(C) the annual energy bills of which total  
4           more than \$100,000 but less than \$3,500,000.

5           “(b) INSTITUTION OF HIGHER EDUCATION-BASED  
6 INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—

7           “(1) IN GENERAL.—The Secretary shall provide  
8           funding to institution of higher education-based in-  
9           dustrial research and assessment centers.

10           “(2) PURPOSE.—The purpose of each institu-  
11           tion of higher education-based industrial research  
12           and assessment center shall be—

13           “(A) to provide in-depth assessments of  
14           small- and medium-sized manufacturer plant  
15           sites to evaluate the facilities, services, and  
16           manufacturing operations of the plant sites;

17           “(B) to identify opportunities for opti-  
18           mizing energy efficiency and environmental per-  
19           formance, including implementation of—

20           “(i) smart manufacturing;

21           “(ii) energy management systems;

22           “(iii) sustainable manufacturing;

23           “(iv) information technology advance-  
24           ments for supply chain analysis, logistics,  
25           system monitoring, industrial and manu-

1 facturing processes, and other purposes;

2 and

3 “(v) waste management systems;

4 “(C) to promote applications of emerging  
5 concepts and technologies in small- and me-  
6 dium-sized manufacturers (including water and  
7 wastewater treatment facilities and federally  
8 owned manufacturing facilities);

9 “(D) to promote research and development  
10 for the use of alternative energy sources to sup-  
11 ply heat, power, and new feedstocks for energy-  
12 intensive industries;

13 “(E) to coordinate with appropriate Fed-  
14 eral and State research offices;

15 “(F) to provide a clearinghouse for indus-  
16 trial process and energy efficiency technical as-  
17 sistance resources; and

18 “(G) to coordinate with State-accredited  
19 technical training centers and community col-  
20 leges, while ensuring appropriate services to all  
21 regions of the United States.

22 “(c) COORDINATION.—To increase the value and ca-  
23 pabilities of the industrial research and assessment cen-  
24 ters, the centers shall—



1           “(1) coordinate with Manufacturing Extension  
2 Partnership Centers of the National Institute of  
3 Standards and Technology;

4           “(2) coordinate with the Federal Energy Man-  
5 agement Program and the Building Technologies Of-  
6 fice of the Department of Energy to provide building  
7 assessment services to manufacturers;

8           “(3) increase partnerships with the National  
9 Laboratories of the Department of Energy to lever-  
10 age the expertise, technologies, and research and de-  
11 velopment capabilities of the National Laboratories  
12 for national industrial and manufacturing needs;

13           “(4) increase partnerships with energy service  
14 providers and technology providers to leverage pri-  
15 vate sector expertise and accelerate deployment of  
16 new and existing technologies and processes for en-  
17 ergy efficiency, power factor, and load management;

18           “(5) identify opportunities for reducing green-  
19 house gas emissions and other air emissions; and

20           “(6) promote sustainable manufacturing prac-  
21 tices for small- and medium-sized manufacturers.

22           “(d) OUTREACH.—The Secretary shall provide fund-  
23 ing for—

24           “(1) outreach activities by the industrial re-  
25 search and assessment centers to inform small- and

1 medium-sized manufacturers of the information,  
2 technologies, and services available; and

3 “(2) coordination activities by each industrial  
4 research and assessment center to leverage efforts  
5 with—

6 “(A) Federal, State, and Tribal efforts;

7 “(B) the efforts of utilities and energy  
8 service providers;

9 “(C) the efforts of regional energy effi-  
10 ciency organizations; and

11 “(D) the efforts of other industrial re-  
12 search and assessment centers.

13 “(e) CENTERS OF EXCELLENCE.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-  
15 tablish a Center of Excellence at not more than 5  
16 of the highest-performing industrial research and as-  
17 sessment centers, as determined by the Secretary.

18 “(2) DUTIES.—A Center of Excellence shall co-  
19 ordinate with and advise the industrial research and  
20 assessment centers located in the region of the Cen-  
21 ter of Excellence, including—

22 “(A) by mentoring new directors and staff  
23 of the industrial research and assessment cen-  
24 ters with respect to—

25 “(i) the availability of resources; and

1                   “(ii) best practices for carrying out  
2                   assessments, including through the partici-  
3                   pation of the staff of the Center of Excel-  
4                   lence in assessments carried out by new in-  
5                   dustrial research and assessment centers;

6                   “(B) by providing training to staff and  
7                   students at the industrial research and assess-  
8                   ment centers on new technologies, practices,  
9                   and tools to expand the scope and impact of the  
10                  assessments carried out by the centers;

11                  “(C) by assisting the industrial research  
12                  and assessment centers with specialized tech-  
13                  nical opportunities, including by providing a  
14                  clearinghouse of available expertise and tools to  
15                  assist the centers and clients of the centers in  
16                  assessing and implementing those opportunities;

17                  “(D) by identifying and coordinating with  
18                  regional, State, local, Tribal, and utility energy  
19                  efficiency programs for the purpose of facili-  
20                  tating efforts by industrial research and assess-  
21                  ment centers to connect industrial facilities re-  
22                  ceiving assessments from those centers with re-  
23                  gional, State, local, and utility energy efficiency  
24                  programs that could aid the industrial facilities

1 in implementing any recommendations resulting  
2 from the assessments;

3 “(E) by facilitating coordination between  
4 the industrial research and assessment centers  
5 and other Federal programs described in para-  
6 graphs (1) through (3) of subsection (c); and

7 “(F) by coordinating the outreach activi-  
8 ties of the industrial research and assessment  
9 centers under subsection (d)(1).

10 “(3) FUNDING.—For each fiscal year, out of  
11 any amounts made available to carry out this section  
12 under subsection (j), the Secretary shall use not less  
13 than \$500,000 to support each Center of Excellence.

14 “(f) EXPANSION OF INDUSTRIAL RESEARCH AND AS-  
15 SESSMENT CENTERS.—

16 “(1) IN GENERAL.—The Secretary shall provide  
17 funding to establish additional industrial research  
18 and assessment centers at trade schools, community  
19 colleges, and union training programs.

20 “(2) PURPOSE.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), to the maximum extent practicable,  
23 an industrial research and assessment center  
24 established under paragraph (1) shall have the  
25 same purpose as an institution of higher edu-

1 cation-based industrial research center that is  
2 funded by the Secretary under subsection  
3 (b)(1).

4 “(B) CONSIDERATION OF CAPABILITIES.—  
5 In evaluating or establishing the purpose of an  
6 industrial research and assessment center es-  
7 tablished under paragraph (1), the Secretary  
8 shall take into consideration the varying capa-  
9 bilities of trade schools, community colleges,  
10 and union training programs.

11 “(g) WORKFORCE TRAINING.—

12 “(1) INTERNSHIPS.—The Secretary shall pay  
13 the Federal share of associated internship programs  
14 under which students work with or for industries,  
15 manufacturers, and energy service providers to im-  
16 plement the recommendations of industrial research  
17 and assessment centers.

18 “(2) APPRENTICESHIPS.—The Secretary shall  
19 pay the Federal share of associated apprenticeship  
20 programs under which—

21 “(A) students work with or for industries,  
22 manufacturers, and energy service providers to  
23 implement the recommendations of industrial  
24 research and assessment centers; and

1           “(B) employees of facilities that have re-  
2           ceived an assessment from an industrial re-  
3           search and assessment center work with or for  
4           an industrial research and assessment center to  
5           gain knowledge on engineering practices and  
6           processes to improve productivity and energy  
7           savings.

8           “(3) FEDERAL SHARE.—The Federal share of  
9           the cost of carrying out internship programs de-  
10          scribed in paragraph (1) and apprenticeship pro-  
11          grams described in paragraph (2) shall be 50 per-  
12          cent.

13          “(h) SMALL BUSINESS LOANS.—The Administrator  
14          of the Small Business Administration shall, to the max-  
15          imum extent practicable, expedite consideration of applica-  
16          tions from eligible small business concerns for loans under  
17          the Small Business Act (15 U.S.C. 631 et seq.) to imple-  
18          ment recommendations developed by the industrial re-  
19          search and assessment centers.

20          “(i) IMPLEMENTATION GRANTS.—

21                 “(1) IN GENERAL.—The Secretary shall estab-  
22                 lish a program under which the Secretary shall pro-  
23                 vide grants to eligible entities to implement covered  
24                 projects.

1           “(2) APPLICATION.—An eligible entity seeking  
2 a grant under the Program shall submit to the Sec-  
3 retary an application at such time, in such manner,  
4 and containing such information as the Secretary  
5 may require, including a demonstration of need for  
6 financial assistance to implement the proposed cov-  
7 ered project.

8           “(3) PRIORITY.—In awarding grants under the  
9 Program, the Secretary shall give priority to eligible  
10 entities that—

11                   “(A) have had an energy assessment com-  
12 pleted by an industrial research and assessment  
13 center; and

14                   “(B) propose to carry out a covered project  
15 with a greater potential for—

16                           “(i) energy efficiency gains; or

17                           “(ii) greenhouse gas emissions reduc-  
18 tions.

19           “(4) GRANT AMOUNT.—

20                   “(A) MAXIMUM AMOUNT.—The amount of  
21 a grant provided to an eligible entity under the  
22 Program shall not exceed \$300,000.

23                   “(B) FEDERAL SHARE.—A grant awarded  
24 under the Program for a covered project shall

1           be in an amount that is not more than 50 per-  
2           cent of the cost of the covered project.

3           “(C) SUPPLEMENT.—A grant received by  
4           an eligible entity under the Program shall sup-  
5           plement, not supplant, any private or State  
6           funds available to the eligible entity to carry  
7           out the covered project.

8           “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
9           are authorized to be appropriated to the Secretary for the  
10          period of fiscal years 2022 through 2026—

11           “(1) \$150,000,000 to carry out subsections (a)  
12          through (h); and

13           “(2) \$400,000,000 to carry out subsection (i).”.

14          “(c) CLERICAL AMENDMENT.—The table of contents  
15          of the Energy Independence and Security Act of 2007 (42  
16          U.S.C. prec. 17001) is amended by adding at the end of  
17          the items relating to subtitle D of title IV the following:

          “457. Industrial research and assessment centers.”.

18       **SEC. 5202. SUSTAINABLE MANUFACTURING INITIATIVE.**

19          “(a) IN GENERAL.—Part E of title III of the Energy  
20          Policy and Conservation Act (42 U.S.C. 6341 et seq.) is  
21          amended by adding at the end the following:

22       **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

23          “(a) IN GENERAL.—As part of the Office of Energy  
24          Efficiency and Renewable Energy of the Department of  
25          Energy, the Secretary, on the request of a manufacturer,



1 shall carry out onsite technical assessments to identify op-  
2 portunities for—

3 “(1) maximizing the energy efficiency of indus-  
4 trial processes and cross-cutting systems;

5 “(2) preventing pollution and minimizing waste;

6 “(3) improving efficient use of water in manu-  
7 facturing processes;

8 “(4) conserving natural resources; and

9 “(5) achieving such other goals as the Secretary  
10 determines to be appropriate.

11 “(b) COORDINATION.—To implement any rec-  
12 ommendations resulting from an onsite technical assess-  
13 ment carried out under subsection (a) and to accelerate  
14 the adoption of new and existing technologies and proc-  
15 esses that improve energy efficiency, the Secretary shall  
16 coordinate with—

17 “(1) the Advanced Manufacturing Office of the  
18 Department of Energy;

19 “(2) the Building Technologies Office of the  
20 Department of Energy;

21 “(3) the Federal Energy Management Program  
22 of the Department of Energy; and

23 “(4) the private sector and other appropriate  
24 agencies, including the National Institute of Stand-  
25 ards and Technology.

1           “(c) RESEARCH AND DEVELOPMENT PROGRAM FOR  
2 SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-  
3 NOLOGIES AND PROCESSES.—As part of the industrial ef-  
4 ficiency programs of the Department of Energy, the Sec-  
5 retary shall carry out a joint industry-government partner-  
6 ship program to research, develop, and demonstrate new  
7 sustainable manufacturing and industrial technologies and  
8 processes that maximize the energy efficiency of industrial  
9 plants, reduce pollution, and conserve natural resources.”.

10           (b) CLERICAL AMENDMENT.—The table of contents  
11 of the Energy Policy and Conservation Act (42 U.S.C.  
12 prec. 6201) is amended by adding at the end of the items  
13 relating to part E of title III the following:

“376. Sustainable manufacturing initiative.”.

14           **PART II—SMART MANUFACTURING**

15           **SEC. 5211. DEFINITIONS.**

16           In this part:

17           (1) ENERGY MANAGEMENT SYSTEM.—The term  
18           “energy management system” means a business  
19           management process based on standards of the  
20           American National Standards Institute that enables  
21           an organization to follow a systematic approach in  
22           achieving continual improvement of energy perform-  
23           ance, including energy efficiency, security, use, and  
24           consumption.

1           (2) INDUSTRIAL AND RESEARCH ASSESSMENT  
2           CENTER.—The term “industrial and research assess-  
3           ment center” means a center located at an institu-  
4           tion of higher education, a trade school, a commu-  
5           nity college, or a union training program that—

6                   (A) receives funding from the Department;

7                   (B) provides an in-depth assessment of  
8           small- and medium-size manufacturer plant  
9           sites to evaluate the facilities, services, and  
10          manufacturing operations of the plant site; and

11                  (C) identifies opportunities for potential  
12          savings for small- and medium-size manufac-  
13          turer plant sites from energy efficiency improve-  
14          ments, waste minimization, pollution preven-  
15          tion, and productivity improvement.

16          (3) INFORMATION AND COMMUNICATION TECH-  
17          NOLOGY.—The term “information and communica-  
18          tion technology” means any electronic system or  
19          equipment (including the content contained in the  
20          system or equipment) used to create, convert, com-  
21          municate, or duplicate data or information, including  
22          computer hardware, firmware, software, communica-  
23          tion protocols, networks, and data interfaces.

24          (4) INSTITUTION OF HIGHER EDUCATION.—The  
25          term “institution of higher education” has the

1 meaning given the term in section 101(a) of the  
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (5) NORTH AMERICAN INDUSTRY CLASSIFICA-  
4 TION SYSTEM.—The term “North American Indus-  
5 try Classification System” means the standard used  
6 by Federal statistical agencies in classifying business  
7 establishments for the purpose of collecting, ana-  
8 lyzing, and publishing statistical data relating to the  
9 business economy of the United States.

10 (6) SMALL AND MEDIUM MANUFACTURERS.—  
11 The term “small and medium manufacturers”  
12 means manufacturing firms—

13 (A) classified in the North American In-  
14 dustry Classification System as any of sectors  
15 31 through 33;

16 (B) with gross annual sales of less than  
17 \$100,000,000;

18 (C) with fewer than 500 employees at the  
19 plant site; and

20 (D) with annual energy bills totaling more  
21 than \$100,000 and less than \$3,500,000.

22 (7) SMART MANUFACTURING.—The term  
23 “smart manufacturing” means advanced tech-  
24 nologies in information, automation, monitoring,

1 computation, sensing, modeling, artificial intel-  
2 ligence, analytics, and networking that—

3 (A) digitally—

4 (i) simulate manufacturing production  
5 lines;

6 (ii) operate computer-controlled man-  
7 ufacturing equipment;

8 (iii) monitor and communicate pro-  
9 duction line status; and

10 (iv) manage and optimize energy pro-  
11 ductivity and cost throughout production;

12 (B) model, simulate, and optimize the en-  
13 ergy efficiency of a factory building;

14 (C) monitor and optimize building energy  
15 performance;

16 (D) model, simulate, and optimize the de-  
17 sign of energy efficient and sustainable prod-  
18 ucts, including the use of digital prototyping  
19 and additive manufacturing to enhance product  
20 design;

21 (E) connect manufactured products in net-  
22 works to monitor and optimize the performance  
23 of the networks, including automated network  
24 operations; and

1 (F) digitally connect the supply chain net-  
2 work.

3 **SEC. 5212. LEVERAGING EXISTING AGENCY PROGRAMS TO**  
4 **ASSIST SMALL AND MEDIUM MANUFACTUR-**  
5 **ERS.**

6 (a) **EXPANSION OF TECHNICAL ASSISTANCE PRO-**  
7 **GRAMS.**—The Secretary shall expand the scope of tech-  
8 nologies covered by the industrial and research assessment  
9 centers of the Department—

10 (1) to include smart manufacturing technologies  
11 and practices; and

12 (2) to equip the directors of the industrial and  
13 research assessment centers with the training and  
14 tools necessary to provide technical assistance in  
15 smart manufacturing technologies and practices, in-  
16 cluding energy management systems, to manufactur-  
17 ers.

18 (b) **FUNDING.**—The Secretary shall use unobligated  
19 funds of the Department to carry out this section.

20 **SEC. 5213. LEVERAGING SMART MANUFACTURING INFRA-**  
21 **STRUCTURE AT NATIONAL LABORATORIES.**

22 (a) **STUDY.**—

23 (1) **IN GENERAL.**—Not later than 180 days  
24 after the date of enactment of this Act, the Sec-  
25 retary shall conduct a study on how the Department

1 can increase access to existing high-performance  
2 computing resources in the National Laboratories,  
3 particularly for small and medium manufacturers.

4 (2) INCLUSIONS.—In identifying ways to in-  
5 crease access to National Laboratories under para-  
6 graph (1), the Secretary shall—

7 (A) focus on increasing access to the com-  
8 puting facilities of the National Laboratories;  
9 and

10 (B) ensure that—

11 (i) the information from the manufac-  
12 turer is protected; and

13 (ii) the security of the National Lab-  
14 oratory facility is maintained.

15 (3) REPORT.—Not later than 1 year after the  
16 date of enactment of this Act, the Secretary shall  
17 submit to Congress a report describing the results of  
18 the study.

19 (b) ACTIONS FOR INCREASED ACCESS.—The Sec-  
20 retary shall facilitate access to the National Laboratories  
21 studied under subsection (a) for small and medium manu-  
22 facturers so that small and medium manufacturers can  
23 fully use the high-performance computing resources of the  
24 National Laboratories to enhance the manufacturing com-  
25 petitiveness of the United States.

1 **SEC. 5214. STATE MANUFACTURING LEADERSHIP.**

2 (a) FINANCIAL ASSISTANCE AUTHORIZED.—The  
3 Secretary may provide financial assistance on a competi-  
4 tive basis to States for the establishment of programs to  
5 be used as models for supporting the implementation of  
6 smart manufacturing technologies.

7 (b) APPLICATIONS.—

8 (1) IN GENERAL.—To be eligible to receive fi-  
9 nancial assistance under this section, a State shall  
10 submit to the Secretary an application at such time,  
11 in such manner, and containing such information as  
12 the Secretary may require.

13 (2) CRITERIA.—The Secretary shall evaluate an  
14 application for financial assistance under this section  
15 on the basis of merit using criteria identified by the  
16 Secretary, including—

17 (A) technical merit, innovation, and im-  
18 pact;

19 (B) research approach, workplan, and  
20 deliverables;

21 (C) academic and private sector partners;  
22 and

23 (D) alternate sources of funding.

24 (c) REQUIREMENTS.—



1           (1) TERM.—The term of an award of financial  
2 assistance under this section shall not exceed 3  
3 years.

4           (2) MAXIMUM AMOUNT.—The amount of an  
5 award of financial assistance under this section shall  
6 be not more than \$2,000,000.

7           (3) MATCHING REQUIREMENT.—Each State  
8 that receives financial assistance under this section  
9 shall contribute matching funds in an amount equal  
10 to not less than 30 percent of the amount of the fi-  
11 nancial assistance.

12          (d) USE OF FUNDS.—A State may use financial as-  
13 sistance provided under this section—

14           (1) to facilitate access to high-performance  
15 computing resources for small and medium manufac-  
16 turers; and

17           (2) to provide assistance to small and medium  
18 manufacturers to implement smart manufacturing  
19 technologies and practices.

20          (e) EVALUATION.—The Secretary shall conduct semi-  
21 annual evaluations of each award of financial assistance  
22 under this section—

23           (1) to determine the impact and effectiveness of  
24 programs funded with the financial assistance; and



- 1 (A) 1 local educational agency; and  
2 (B) 1 or more—  
3 (i) schools;  
4 (ii) nonprofit organizations that have  
5 the knowledge and capacity to partner and  
6 assist with energy improvements;  
7 (iii) for-profit organizations that have  
8 the knowledge and capacity to partner and  
9 assist with energy improvements; or  
10 (iv) community partners that have the  
11 knowledge and capacity to partner and as-  
12 sist with energy improvements.

13 (4) ENERGY IMPROVEMENT.—The term “en-  
14 ergy improvement” means—

- 15 (A) any improvement, repair, or renovation  
16 to a school that results in a direct reduction in  
17 school energy costs, including improvements to  
18 the envelope, air conditioning system, ventila-  
19 tion system, heating system, domestic hot water  
20 heating system, compressed air system, dis-  
21 tribution system, lighting system, power system,  
22 and controls of a building;  
23 (B) any improvement, repair, or renovation  
24 to, or installation in, a school that—

1 (i) leads to an improvement in teacher  
2 and student health, including indoor air  
3 quality; and

4 (ii) achieves energy savings;

5 (C) any improvement, repair, or renovation  
6 to a school involving the installation of renew-  
7 able energy technologies;

8 (D) the installation of alternative fueled  
9 vehicle infrastructure on school grounds for—

10 (i) exclusive use of school buses,  
11 school fleets, or students; or

12 (ii) the general public; and

13 (E) the purchase or lease of alternative  
14 fueled vehicles to be used by a school, including  
15 school buses, fleet vehicles, and other oper-  
16 ational vehicles.

17 (5) HIGH SCHOOL.—The term “high school”  
18 has the meaning given the term in section 8101 of  
19 the Elementary and Secondary Education Act of  
20 1965 (20 U.S.C. 7801).

21 (6) LOCAL EDUCATIONAL AGENCY.—The term  
22 “local educational agency” has the meaning given  
23 the term in section 8101 of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C. 7801).

1           (7) NONPROFIT ORGANIZATION.—The term  
2           “nonprofit organization” means a nonprofit organi-  
3           zation described in section 501(c)(3) of the Internal  
4           Revenue Code of 1986 that is exempt from tax  
5           under section 501(a) of such Code.

6           (8) PARTNERING LOCAL EDUCATIONAL AGEN-  
7           CY.—The term “partnering local educational agen-  
8           cy”, with respect to an eligible entity, means the  
9           local educational agency participating in the consor-  
10          tium of the eligible entity.

11          (b) GRANTS.—The Secretary shall award competitive  
12          grants to eligible entities to make energy improvements  
13          in accordance with this section.

14          (c) APPLICATIONS.—

15               (1) IN GENERAL.—An eligible entity desiring a  
16               grant under this section shall submit to the Sec-  
17               retary an application at such time, in such manner,  
18               and containing such information as the Secretary  
19               may require.

20               (2) CONTENTS.—The application submitted  
21               under paragraph (1) shall include each of the fol-  
22               lowing:

23                       (A) A needs assessment of the current con-  
24                       dition of the school and school facilities that

1 would receive the energy improvements if the  
2 application were approved.

3 (B) A draft work plan of the intended  
4 achievements of the eligible entity at the school.

5 (C) A description of the energy improve-  
6 ments that the eligible entity would carry out at  
7 the school if the application were approved.

8 (D) A description of the capacity of the eli-  
9 gible entity to provide services and comprehen-  
10 sive support to make the energy improvements  
11 referred to in subparagraph (C).

12 (E) An assessment of the expected needs  
13 of the eligible entity for operation and mainte-  
14 nance training funds, and a plan for use of  
15 those funds, if applicable.

16 (F) An assessment of the expected energy  
17 efficiency, energy savings, and safety benefits of  
18 the energy improvements.

19 (G) A cost estimate of the proposed energy  
20 improvements.

21 (H) An identification of other resources  
22 that are available to carry out the activities for  
23 which grant funds are requested under this sec-  
24 tion, including the availability of utility pro-  
25 grams and public benefit funds.

1 (d) PRIORITY.—

2 (1) IN GENERAL.—In awarding grants under  
3 this section, the Secretary shall give priority to an  
4 eligible entity—

5 (A) that has renovation, repair, and im-  
6 provement funding needs;

7 (B)(i) that, as determined by the Sec-  
8 retary, serves a high percentage of students, in-  
9 cluding students in a high school in accordance  
10 with paragraph (2), who are eligible for a free  
11 or reduced price lunch under the Richard B.  
12 Russell National School Lunch Act (42 U.S.C.  
13 1751 et seq.); or

14 (ii) the partnering local educational agency  
15 of which is designated with a school district lo-  
16 cale code of 41, 42, or 43, as determined by the  
17 National Center for Education Statistics in con-  
18 sultation with the Bureau of the Census; and

19 (C) that leverages private sector invest-  
20 ment through energy-related performance con-  
21 tracting.

22 (2) HIGH SCHOOL STUDENTS.—In the case of  
23 students in a high school, the percentage of students  
24 eligible for a free or reduced price lunch described

1 in paragraph (1)(B)(i) shall be calculated using data  
2 from the schools that feed into the high school.

3 (e) COMPETITIVE CRITERIA.—The competitive cri-  
4 teria used by the Secretary to award grants under this  
5 section shall include the following:

6 (1) The extent of the disparity between the fis-  
7 cal capacity of the eligible entity to carry out energy  
8 improvements at school facilities and the needs of  
9 the partnering local educational agency for those en-  
10 ergy improvements, including consideration of—

11 (A) the current and historic ability of the  
12 partnering local educational agency to raise  
13 funds for construction, renovation, moderniza-  
14 tion, and major repair projects for schools;

15 (B) the ability of the partnering local edu-  
16 cational agency to issue bonds or receive other  
17 funds to support the current infrastructure  
18 needs of the partnering local educational agency  
19 for schools; and

20 (C) the bond rating of the partnering local  
21 educational agency.

22 (2) The likelihood that the partnering local edu-  
23 cational agency or eligible entity will maintain, in  
24 good condition, any school and school facility that is  
25 the subject of improvements.



1           (3) The potential energy efficiency and safety  
2 benefits from the proposed energy improvements.

3           (f) USE OF GRANT AMOUNTS.—

4           (1) IN GENERAL.—Except as provided in this  
5 subsection, an eligible entity receiving a grant under  
6 this section shall use the grant amounts only to  
7 make the energy improvements described in the ap-  
8 plication submitted by the eligible entity under sub-  
9 section (c).

10           (2) OPERATION AND MAINTENANCE TRAIN-  
11 ING.—An eligible entity receiving a grant under this  
12 section may use not more than 5 percent of the  
13 grant amounts for operation and maintenance train-  
14 ing for energy efficiency and renewable energy im-  
15 provements, such as maintenance staff and teacher  
16 training, education, and preventative maintenance  
17 training.

18           (3) THIRD-PARTY INVESTIGATION AND ANAL-  
19 YSIS.—An eligible entity receiving a grant under this  
20 section may use a portion of the grant amounts for  
21 a third-party investigation and analysis of the en-  
22 ergy improvements carried out by the eligible entity,  
23 such as energy audits and existing building commis-  
24 sioning.

1           (4) CONTINUING EDUCATION.—An eligible enti-  
2           ty receiving a grant under this section may use not  
3           more than 3 percent of the grant amounts to develop  
4           a continuing education curriculum relating to energy  
5           improvements.

6           (g) COMPETITION IN CONTRACTING.—If an eligible  
7           entity receiving a grant under this section uses grant  
8           funds to carry out repair or renovation through a contract,  
9           the eligible entity shall be required to ensure that the con-  
10          tract process—

11           (1) through full and open competition, ensures  
12           the maximum practicable number of qualified bid-  
13           ders, including small, minority, and women-owned  
14           businesses; and

15           (2) gives priority to businesses located in, or re-  
16           sources common to, the State or geographical area  
17           in which the repair or renovation under the contract  
18           will be carried out.

19           (h) BEST PRACTICES.—The Secretary shall develop  
20           and publish guidelines and best practices for activities car-  
21           ried out under this section.

22           (i) REPORT BY ELIGIBLE ENTITY.—An eligible entity  
23           receiving a grant under this section shall submit to the  
24           Secretary, at such time as the Secretary may require, a  
25           report describing—



1           (1) APPLICANT.—The term “applicant” means  
2 a nonprofit organization that applies for a grant  
3 under this section.

4           (2) ENERGY-EFFICIENCY MATERIAL.—

5           (A) IN GENERAL.—The term “energy-effi-  
6 ciency material” means a material (including a  
7 product, equipment, or system) the installation  
8 of which results in a reduction in use by a non-  
9 profit organization of energy or fuel.

10           (B) INCLUSIONS.—The term “energy-effi-  
11 ciency material” includes—

12           (i) a roof or lighting system or compo-  
13 nent of the system;

14           (ii) a window;

15           (iii) a door, including a security door;

16           and

17           (iv) a heating, ventilation, or air con-  
18 ditioning system or component of the sys-  
19 tem (including insulation and wiring and  
20 plumbing improvements needed to serve a  
21 more efficient system).

22           (3) NONPROFIT BUILDING.—The term “non-  
23 profit building” means a building operated and  
24 owned by an organization that is described in section

1       501(c)(3) of the Internal Revenue Code of 1986 and  
2       exempt from tax under section 501(a) of such Code.

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 for the purpose  
6 of providing nonprofit buildings with energy-efficiency ma-  
7 terials.

8       (c) GRANTS.—

9           (1) IN GENERAL.—The Secretary may award  
10 grants under the program established under sub-  
11 section (b).

12           (2) APPLICATION.—The Secretary may award a  
13 grant under paragraph (1) if an applicant submits  
14 to the Secretary an application at such time, in such  
15 form, and containing such information as the Sec-  
16 retary may prescribe.

17           (3) CRITERIA FOR GRANT.—In determining  
18 whether to award a grant under paragraph (1), the  
19 Secretary shall apply performance-based criteria,  
20 which shall give priority to applicants based on—

21                   (A) the energy savings achieved;

22                   (B) the cost effectiveness of the use of en-  
23 ergy-efficiency materials;

24                   (C) an effective plan for evaluation, meas-  
25 urement, and verification of energy savings; and

1 (D) the financial need of the applicant.

2 (4) LIMITATION ON INDIVIDUAL GRANT  
3 AMOUNT.—Each grant awarded under this section  
4 shall not exceed \$200,000.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to the Secretary to carry  
7 out this section \$50,000,000 for the period of fiscal years  
8 2022 through 2026, to remain available until expended.

## 9 **Subtitle E—Miscellaneous**

### 10 **SEC. 5401. WEATHERIZATION ASSISTANCE PROGRAM.**

11 There is authorized to be appropriated to the Sec-  
12 retary for the weatherization assistance program estab-  
13 lished under part A of title IV of the Energy Conservation  
14 and Production Act (42 U.S.C. 6861 et seq.)  
15 \$3,500,000,000 for fiscal year 2022, to remain available  
16 until expended.

### 17 **SEC. 5402. ENERGY EFFICIENCY AND CONSERVATION** 18 **BLOCK GRANT PROGRAM.**

19 (a) USE OF FUNDS.—Section 544 of the Energy  
20 Independence and Security Act of 2007 (42 U.S.C.  
21 17154) is amended—

22 (1) in paragraph (13)(D), by striking “and”  
23 after the semicolon;

24 (2) by redesignating paragraph (14) as para-  
25 graph (15); and



1           (1) ESTABLISHMENT.—The Secretary shall es-  
2           tablish a council, to be known as the “Energy Jobs  
3           Council” (referred to in this section as the “Coun-  
4           cil”).

5           (2) MEMBERSHIP.—The Council shall be com-  
6           prised of—

7                   (A) to be appointed by the Secretary—

8                           (i) 1 or more representatives of the  
9                           Energy Information Administration; and

10                           (ii) 1 or more representatives of a  
11                           State energy office that are serving as  
12                           members of the State Energy Advisory  
13                           Board established by section 365(g) of the  
14                           Energy Policy and Conservation Act (42  
15                           U.S.C. 6325(g));

16                   (B) to be appointed by the Secretary of  
17           Commerce—

18                           (i) 1 or more representatives of the  
19                           Department of Commerce; and

20                           (ii) 1 or more representatives of the  
21                           Bureau of the Census;

22                   (C) 1 or more representatives of the Bu-  
23           reau of Labor Statistics, to be appointed by the  
24           Secretary of Labor; and



1 (D) 1 or more representatives of any other  
2 Federal agency the assistance of which is re-  
3 quired to carry out this section, as determined  
4 by the Secretary, to be appointed by the head  
5 of the applicable agency.

6 (b) SURVEY AND ANALYSIS.—

7 (1) IN GENERAL.—The Council shall—

8 (A) conduct a survey of employers in the  
9 energy, energy efficiency, and motor vehicle sec-  
10 tors of the economy of the United States; and

11 (B) perform an analysis of the employment  
12 figures and demographics in those sectors, in-  
13 cluding the number of personnel in each sector  
14 who devote a substantial portion of working  
15 hours, as determined by the Secretary, to regu-  
16 latory compliance matters.

17 (2) METHODOLOGY.—In conducting the survey  
18 and analysis under paragraph (1), the Council shall  
19 employ a methodology that—

20 (A) was approved in 2016 by the Office of  
21 Management and Budget for use in the docu-  
22 ment entitled “OMB Control Number 1910-  
23 5179”;

24 (B) uses a representative, stratified sam-  
25 pling of businesses in the United States; and

1 (C) is designed to elicit a comparable num-  
2 ber of responses from businesses in each State  
3 and with the same North American Industry  
4 Classification System codes as were received for  
5 the 2016 and 2017 reports entitled “U.S. En-  
6 ergy and Employment Report”.

7 (3) CONSULTATION.—In conducting the survey  
8 and analysis under paragraph (1), the Council shall  
9 consult with key stakeholders, including—

10 (A) as the Council determines to be appro-  
11 priate, the heads of relevant Federal agencies  
12 and offices, including—

13 (i) the Secretary of Commerce;

14 (ii) the Secretary of Transportation;

15 (iii) the Director of the Bureau of the  
16 Census;

17 (iv) the Commissioner of the Bureau  
18 of Labor Statistics; and

19 (v) the Administrator of the Environ-  
20 mental Protection Agency;

21 (B) States;

22 (C) the State Energy Advisory Board es-  
23 tablished by section 365(g) of the Energy Pol-  
24 icy and Conservation Act (42 U.S.C. 6325(g));  
25 and

1 (D) energy industry trade associations.

2 (c) REPORT.—

3 (1) IN GENERAL.—Not later than 1 year after  
4 the date of enactment of this Act, and annually  
5 thereafter, the Secretary shall—

6 (A) make publicly available on the website  
7 of the Department a report, to be entitled the  
8 “U.S. Energy and Employment Report”, de-  
9 scribing the employment figures and demo-  
10 graphics in the energy, energy efficiency, and  
11 motor vehicle sectors of the United States, and  
12 the average number of hours devoted to regu-  
13 latory compliance, based on the survey and  
14 analysis conducted under subsection (b); and

15 (B) subject to the requirements of sub-  
16 chapter III of chapter 35 of title 44, United  
17 States Code, make the data collected by the  
18 Council publicly available on the website of the  
19 Department.

20 (2) CONTENTS.—

21 (A) IN GENERAL.—The report under para-  
22 graph (1) shall include employment figures and  
23 demographic data for—

24 (i) the energy sector of the economy  
25 of the United States, including—

1 (I) the electric power generation  
2 and fuels sector; and

3 (II) the transmission, storage,  
4 and distribution sector;

5 (ii) the energy efficiency sector of the  
6 economy of the United States; and

7 (iii) the motor vehicle sector of the  
8 economy of the United States.

9 (B) INCLUSION.—With respect to each sec-  
10 tor described in subparagraph (A), the report  
11 under paragraph (1) shall include employment  
12 figures and demographic data sorted by—

13 (i) each technology, subtechnology,  
14 and fuel type of those sectors; and

15 (ii) subject to the requirements of the  
16 Confidential Information Protection and  
17 Statistical Efficiency Act of 2002 (44  
18 U.S.C. 3501 note; Public Law 107–347)—

19 (I) each State;

20 (II) each territory of the United  
21 States;

22 (III) the District of Columbia;  
23 and

24 (IV) each county (or equivalent  
25 jurisdiction) in the United States.

1 **SEC. 5404. ASSISTING FEDERAL FACILITIES WITH ENERGY**  
2 **CONSERVATION TECHNOLOGIES GRANT PRO-**  
3 **GRAM.**

4 There is authorized to be appropriated to the Sec-  
5 retary to provide grants authorized under section 546(b)  
6 of the National Energy Conservation Policy Act (42  
7 U.S.C. 8256(b)), \$250,000,000 for fiscal year 2022, to re-  
8 main available until expended.

9 **SEC. 5405. REBATES.**

10 There are authorized to be appropriated to the Sec-  
11 retary for the period of fiscal years 2022 and 2023—

12 (1) \$10,000,000 for the extended product sys-  
13 tem rebate program authorized under section 1005  
14 of the Energy Act of 2020 (42 U.S.C. 6311 note;  
15 Public Law 116–260); and

16 (2) \$10,000,000 for the energy efficient trans-  
17 former rebate program authorized under section  
18 1006 of the Energy Act of 2020 (42 U.S.C. 6317  
19 note; Public Law 116–260).

20 **SEC. 5406. MODEL GUIDANCE FOR COMBINED HEAT AND**  
21 **POWER SYSTEMS AND WASTE HEAT TO**  
22 **POWER SYSTEMS.**

23 (a) DEFINITIONS.—In this section:

24 (1) ADDITIONAL SERVICES.—The term “addi-  
25 tional services” means the provision of supple-  
26 mentary power, backup or standby power, mainte-

1 nance power, or interruptible power to an electric  
2 consumer by an electric utility.

3 (2) WASTE HEAT TO POWER SYSTEM.—The  
4 term “waste heat to power system” means a system  
5 that generates electricity through the recovery of  
6 waste energy.

7 (3) OTHER TERMS.—

8 (A) PURPA.—The terms “electric con-  
9 sumer”, “electric utility”, “interconnection  
10 service”, “nonregulated electric utility”, and  
11 “State regulatory authority” have the meanings  
12 given those terms in the Public Utility Regu-  
13 latory Policies Act of 1978 (16 U.S.C. 2601 et  
14 seq.), within the meaning of title I of that Act  
15 (16 U.S.C. 2611 et seq.).

16 (B) EPCA.—The terms “combined heat  
17 and power system” and “waste energy” have  
18 the meanings given those terms in section 371  
19 of the Energy Policy and Conservation Act (42  
20 U.S.C. 6341).

21 (b) REVIEW.—

22 (1) IN GENERAL.—Not later than 180 days  
23 after the date of enactment of this Act, the Sec-  
24 retary, in consultation with the Federal Energy Reg-  
25 ulatory Commission and other appropriate entities,

1 shall review existing rules and procedures relating to  
2 interconnection service and additional services  
3 throughout the United States for electric generation  
4 with nameplate capacity up to 150 megawatts con-  
5 necting at either distribution or transmission voltage  
6 levels to identify barriers to the deployment of com-  
7 bined heat and power systems and waste heat to  
8 power systems.

9 (2) INCLUSION.—The review under this sub-  
10 section shall include a review of existing rules and  
11 procedures relating to—

12 (A) determining and assigning costs of  
13 interconnection service and additional services;  
14 and

15 (B) ensuring adequate cost recovery by an  
16 electric utility for interconnection service and  
17 additional services.

18 (c) MODEL GUIDANCE.—

19 (1) IN GENERAL.—Not later than 18 months  
20 after the date of enactment of this Act, the Sec-  
21 retary, in consultation with the Federal Energy Reg-  
22 ulatory Commission and other appropriate entities,  
23 shall issue model guidance for interconnection serv-  
24 ice and additional services for consideration by State  
25 regulatory authorities and nonregulated electric utili-

1 ties to reduce the barriers identified under sub-  
2 section (b)(1).

3 (2) CURRENT BEST PRACTICES.—The model  
4 guidance issued under this subsection shall reflect,  
5 to the maximum extent practicable, current best  
6 practices to encourage the deployment of combined  
7 heat and power systems and waste heat to power  
8 systems while ensuring the safety and reliability of  
9 the interconnected units and the distribution and  
10 transmission networks to which the units connect,  
11 including—

12 (A) relevant current standards developed  
13 by the Institute of Electrical and Electronic En-  
14 gineers; and

15 (B) model codes and rules adopted by—

16 (i) States; or

17 (ii) associations of State regulatory  
18 agencies.

19 (3) FACTORS FOR CONSIDERATION.—In estab-  
20 lishing the model guidance under this subsection, the  
21 Secretary shall take into consideration—

22 (A) the appropriateness of using standards  
23 or procedures for interconnection service that  
24 vary based on unit size, fuel type, or other rel-  
25 evant characteristics;



1 (B) the appropriateness of establishing  
2 fast-track procedures for interconnection serv-  
3 ice;

4 (C) the value of consistency with Federal  
5 interconnection rules established by the Federal  
6 Energy Regulatory Commission as of the date  
7 of enactment of this Act;

8 (D) the best practices used to model out-  
9 age assumptions and contingencies to determine  
10 fees or rates for additional services;

11 (E) the appropriate duration, magnitude,  
12 or usage of demand charge ratchets;

13 (F) potential alternative arrangements  
14 with respect to the procurement of additional  
15 services, including—

16 (i) contracts tailored to individual  
17 electric consumers for additional services;

18 (ii) procurement of additional services  
19 by an electric utility from a competitive  
20 market; and

21 (iii) waivers of fees or rates for addi-  
22 tional services for small electric consumers;  
23 and

24 (G) outcomes such as increased electric re-  
25 liability, fuel diversification, enhanced power

1 quality, and reduced electric losses that may re-  
2 sult from increased use of combined heat and  
3 power systems and waste heat to power sys-  
4 tems.

5 **TITLE VI—METHANE**  
6 **REDUCTION INFRASTRUCTURE**

7 **SEC. 6001. ORPHANED WELL SITE PLUGGING, REMEDI-**  
8 **ATION, AND RESTORATION.**

9 Section 349 of the Energy Policy Act of 2005 (42  
10 U.S.C. 15907) is amended to read as follows:

11 **“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDI-**  
12 **ATION, AND RESTORATION.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) FEDERAL LAND.—The term ‘Federal land’  
15 means land administered by a land management  
16 agency within—

17 “(A) the Department of Agriculture; or

18 “(B) the Department of the Interior.

19 “(2) IDLED WELL.—The term ‘idled well’  
20 means a well—

21 “(A) that has been nonoperational for not  
22 fewer than 4 years; and

23 “(B) for which there is no anticipated ben-  
24 efitial future use.

1           “(3) INDIAN TRIBE.—The term ‘Indian Tribe’  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 5304).

5           “(4) OPERATOR.—The term ‘operator’, with re-  
6           spect to an oil or gas operation, means any entity,  
7           including a lessee or operating rights owner, that  
8           has provided to a relevant authority a written state-  
9           ment that the entity is responsible for the oil or gas  
10          operation, or any portion of the operation.

11          “(5) ORPHANED WELL.—The term ‘orphaned  
12          well’—

13                 “(A) with respect to Federal land or Tribal  
14          land, means a well—

15                         “(i)(I) that is not used for an author-  
16                         ized purpose, such as production, injection,  
17                         or monitoring; and

18                         “(II)(aa) for which no operator can be  
19                         located;

20                         “(bb) the operator of which is un-  
21                         able—

22                                 “(AA) to plug the well; and

23                                 “(BB) to remediate and reclaim  
24                                 the well site; or

1                   “(cc) that is within the National Pe-  
2                   troleum Reserve–Alaska; and

3                   “(B) with respect to State or private  
4                   land—

5                   “(i) has the meaning given the term  
6                   by the applicable State; or

7                   “(ii) if that State uses different termi-  
8                   nology, has the meaning given another  
9                   term used by the State to describe a well  
10                  eligible for plugging, remediation, and rec-  
11                  lamation by the State.

12                  “(6) TRIBAL LAND.—The term ‘Tribal land’  
13                  means any land or interest in land owned by an In-  
14                  dian Tribe, the title to which is—

15                  “(A) held in trust by the United States; or

16                  “(B) subject to a restriction against alien-  
17                  ation under Federal law.

18                  “(b) FEDERAL PROGRAM.—

19                  “(1) ESTABLISHMENT.—Not later than 60 days  
20                  after the date of enactment of the Energy Infra-  
21                  structure Act, the Secretary shall establish a pro-  
22                  gram to plug, remediate, and reclaim orphaned wells  
23                  located on Federal land.

24                  “(2) INCLUDED ACTIVITIES.—The program  
25                  under this subsection shall—

1 “(A) include a method of—

2 “(i) identifying, characterizing, and  
3 inventorying orphaned wells and associated  
4 pipelines, facilities, and infrastructure on  
5 Federal land; and

6 “(ii) ranking those orphaned wells for  
7 priority in plugging, remediation, and rec-  
8 lamation, based on—

9 “(I) public health and safety;

10 “(II) potential environmental  
11 harm; and

12 “(III) other subsurface impacts  
13 or land use priorities;

14 “(B) distribute funding in accordance with  
15 the priorities established under subparagraph  
16 (A)(ii) for—

17 “(i) plugging orphaned wells;

18 “(ii) remediating and reclaiming well  
19 pads and facilities associated with or-  
20 phaned wells;

21 “(iii) remediating soil and restoring  
22 native species habitat that has been de-  
23 graded due to the presence of orphaned  
24 wells and associated pipelines, facilities,  
25 and infrastructure; and

1                   “(iv) remediating land adjacent to or-  
2                   phaned wells and decommissioning or re-  
3                   moving associated pipelines, facilities, and  
4                   infrastructure;

5                   “(C) provide a public accounting of the  
6                   costs of plugging, remediation, and reclamation  
7                   for each orphaned well;

8                   “(D) seek to determine the identities of po-  
9                   tentially responsible parties associated with the  
10                  orphaned well (or a surety or guarantor of such  
11                  a party), to the extent such information can be  
12                  ascertained, and make efforts to obtain reim-  
13                  bursement for expenditures to the extent prac-  
14                  ticable;

15                  “(E) measure or estimate and track—

16                         “(i) emissions of methane and other  
17                         gases associated with orphaned wells; and

18                         “(ii) contamination of groundwater or  
19                         surface water associated with orphaned  
20                         wells; and

21                  “(F) identify and address any dispro-  
22                  portionate burden of adverse human health or envi-  
23                  ronmental effects of orphaned wells on commu-  
24                  nities of color, low-income communities, and  
25                  Tribal and indigenous communities.

1           “(3) IDLED WELLS.—The Secretary, acting  
2 through the Director of the Bureau of Land Man-  
3 agement, shall—

4           “(A) periodically review all idled wells on  
5 Federal land; and

6           “(B) reduce the inventory of idled wells on  
7 Federal land.

8           “(4) COOPERATION AND CONSULTATION.—In  
9 carrying out the program under this subsection, the  
10 Secretary shall—

11           “(A) work cooperatively with—

12           “(i) the Secretary of Agriculture;

13           “(ii) affected Indian Tribes; and

14           “(iii) each State within which Federal  
15 land is located; and

16           “(B) consult with—

17           “(i) the Secretary of Energy; and

18           “(ii) the Interstate Oil and Gas Com-  
19 pact Commission.

20           “(c) FUNDING FOR STATE PROGRAMS.—

21           “(1) IN GENERAL.—The Secretary shall provide  
22 to States, in accordance with this subsection—

23           “(A) initial grants under paragraph (3);

24           “(B) formula grants under paragraph (4);

25           and

1                   “(C) performance grants under paragraph  
2                   (5).

3                   “(2) ACTIVITIES.—

4                   “(A) IN GENERAL.—A State may use  
5                   funding provided under this subsection for any  
6                   of the following purposes:

7                   “(i) To plug, remediate, and reclaim  
8                   orphaned wells located on State-owned or  
9                   privately owned land.

10                  “(ii) To identify and characterize un-  
11                  documented orphaned wells on State and  
12                  private land.

13                  “(iii) To rank orphaned wells based  
14                  on factors including—

15                         “(I) public health and safety;

16                         “(II) potential environmental  
17                         harm; and

18                         “(III) other land use priorities.

19                  “(iv) To make information regarding  
20                  the use of funds received under this sub-  
21                  section available on a public website.

22                  “(v) To measure and track—

23                         “(I) emissions of methane and  
24                         other gases associated with orphaned  
25                         wells; and



1                   “(II) contamination of ground-  
2                   water or surface water associated with  
3                   orphaned wells.

4                   “(vi) To remediate soil and restore  
5                   native species habitat that has been de-  
6                   graded due to the presence of orphaned  
7                   wells and associated pipelines, facilities,  
8                   and infrastructure.

9                   “(vii) To remediate land adjacent to  
10                  orphaned wells and decommission or re-  
11                  move associated pipelines, facilities, and in-  
12                  frastructure.

13                  “(viii) To identify and address any  
14                  disproportionate burden of adverse human  
15                  health or environmental effects of or-  
16                  phaned wells on communities of color, low-  
17                  income communities, and Tribal and indig-  
18                  enous communities.

19                  “(ix) Subject to subparagraph (B), to  
20                  administer a program to carry out any ac-  
21                  tivities described in clauses (i) through  
22                  (viii).

23                  “(B) ADMINISTRATIVE COST LIMITA-  
24                  TION.—

1           “(i) IN GENERAL.—Except as pro-  
2           vided in clause (ii), a State shall not use  
3           more than 10 percent of the funds received  
4           under this subsection during a fiscal year  
5           for administrative costs under subpara-  
6           graph (A)(ix).

7           “(ii) EXCEPTION.—The limitation  
8           under clause (i) shall not apply to funds  
9           used by a State as described in paragraph  
10          (3)(A)(ii).

11          “(3) INITIAL GRANTS.—

12           “(A) IN GENERAL.—Subject to the avail-  
13          ability of appropriations, the Secretary shall  
14          distribute—

15           “(i) not more than \$25,000,000 to  
16          each State that submits to the Secretary,  
17          by not later than 180 days after the date  
18          of enactment of Energy Infrastructure Act,  
19          a request for funding under this clause, in-  
20          cluding—

21           “(I) an estimate of the number  
22          of jobs that will be created or saved  
23          through the activities proposed to be  
24          funded; and

25           “(II) a certification that—

1                   “(aa) the State is a Member  
2                   State or Associate Member State  
3                   of the Interstate Oil and Gas  
4                   Compact Commission;

5                   “(bb) there are 1 or more  
6                   documented orphaned wells lo-  
7                   cated in the State; and

8                   “(cc) the State will use not  
9                   less than 90 percent of the fund-  
10                  ing requested under this sub-  
11                  section to issue new contracts,  
12                  amend existing contracts, or  
13                  issue grants for plugging, remedi-  
14                  ation, and reclamation work by  
15                  not later than 90 days after the  
16                  date of receipt of the funds; and

17                  “(ii) not more than \$5,000,000 to  
18                  each State that—

19                         “(I) requests funding under this  
20                         clause;

21                         “(II) does not receive a grant  
22                         under clause (i); and

23                         “(III) certifies to the Secretary  
24                         that—

25                                 “(aa) the State—

1                   “(AA) has in effect a  
2                   plugging, remediation, and  
3                   reclamation program for or-  
4                   phaned wells; or

5                   “(BB) the capacity to  
6                   initiate such a program; or

7                   “(bb) the funds provided  
8                   under this paragraph will be used  
9                   to carry out any administrative  
10                  actions necessary to develop an  
11                  application for a formula grant  
12                  under paragraph (4) or a per-  
13                  formance grant under paragraph  
14                  (5).

15                  “(B) DISTRIBUTION.—Subject to the avail-  
16                  ability of appropriations, the Secretary shall  
17                  distribute funds to a State under this para-  
18                  graph by not later than the date that is 30 days  
19                  after the date on which the State submits to  
20                  the Secretary the certification required under  
21                  clause (i)(II) or (ii)(III) of subparagraph (A),  
22                  as applicable.

23                  “(C) DEADLINE FOR EXPENDITURE.—A  
24                  State that receives funds under this paragraph  
25                  shall reimburse the Secretary in an amount

1 equal to the amount of the funds that remain  
2 unobligated on the date that is 1 year after the  
3 date of receipt of the funds.

4 “(D) REPORT.—Not later than 15 months  
5 after the date on which a State receives funds  
6 under this paragraph, the State shall submit to  
7 the Secretary a report that describes the means  
8 by which the State used the funds in accord-  
9 ance with the certification submitted by the  
10 State under subparagraph (A).

11 “(4) FORMULA GRANTS.—

12 “(A) ESTABLISHMENT.—

13 “(i) IN GENERAL.—The Secretary  
14 shall establish a formula for the distribu-  
15 tion to each State described in clause (ii)  
16 of funds under this paragraph.

17 “(ii) DESCRIPTION OF STATES.—A  
18 State referred to in clause (i) is a State  
19 that, by not later than 45 days after the  
20 date of enactment of the Energy Infra-  
21 structure Act, submits to the Secretary a  
22 notice of the intent of the State to submit  
23 an application under subparagraph (B), in-  
24 cluding a description of the factors de-

1 scribed in clause (iii) with respect to the  
2 State.

3 “(iii) FACTORS.—The formula estab-  
4 lished under clause (i) shall account for,  
5 with respect to an applicant State, the fol-  
6 lowing factors:

7 “(I) Job losses in the oil and gas  
8 industry in the State during the pe-  
9 riod—

10 “(aa) beginning on March 1,  
11 2020; and

12 “(bb) ending on the date of  
13 enactment of the Energy Infra-  
14 structure Act.

15 “(II) The number of documented  
16 orphaned wells located in the State,  
17 and the projected cost—

18 “(aa) to plug or reclaim  
19 those orphaned wells;

20 “(bb) to reclaim adjacent  
21 land; and

22 “(cc) to decommission or re-  
23 move associated pipelines, facili-  
24 ties, and infrastructure.

1                   “(iv) PUBLICATION.—Not later than  
2                   75 days after the date of enactment of the  
3                   Energy Infrastructure Act, the Secretary  
4                   shall publish on a public website the  
5                   amount that each State is eligible to re-  
6                   ceive under the formula under this sub-  
7                   paragraph.

8                   “(B) APPLICATION.—To be eligible to re-  
9                   ceive a formula grant under this paragraph, a  
10                  State shall submit to the Secretary an applica-  
11                  tion that includes—

12                   “(i) a description of—

13                   “(I) the State program for or-  
14                   phaned well plugging, remediation,  
15                   and restoration, including legal au-  
16                   thorities, processes used to identify  
17                   and prioritize orphaned wells, procure-  
18                   ment mechanisms, and other program  
19                   elements demonstrating the readiness  
20                   of the State to carry out proposed ac-  
21                   tivities using the grant;

22                   “(II) the activities to be carried  
23                   out with the grant, including an iden-  
24                   tification of the estimated health,  
25                   safety, habitat, and environmental

1 benefits of plugging, remediating, or  
2 reclaiming orphaned wells; and

3 “(III) the means by which the in-  
4 formation regarding the activities of  
5 the State under this paragraph will be  
6 made available on a public website;

7 “(ii) an estimate of—

8 “(I) the number of orphaned  
9 wells in the State that will be plugged,  
10 remediated, or reclaimed;

11 “(II) the projected cost of—

12 “(aa) plugging, remediating,  
13 or reclaiming orphaned wells;

14 “(bb) remediating or re-  
15 claiming adjacent land; and

16 “(cc) decommissioning or re-  
17 moving associated pipelines, fa-  
18 cilities, and infrastructure;

19 “(III) the amount of that pro-  
20 jected cost that will be offset by the  
21 forfeiture of financial assurance in-  
22 struments, the estimated salvage of  
23 well site equipment, or other proceeds  
24 from the orphaned wells and adjacent  
25 land;



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1                   “(IV) the number of jobs that  
2                   will be created or saved through the  
3                   activities to be funded under this  
4                   paragraph; and

5                   “(V) the amount of funds to be  
6                   spent on administrative costs;

7                   “(iii) a certification that any financial  
8                   assurance instruments available to cover  
9                   plugging, remediation, or reclamation costs  
10                  will be used by the State; and

11                  “(iv) the definitions and processes  
12                  used by the State to formally identify a  
13                  well as—

14                   “(I) an orphaned well; or

15                   “(II) if the State uses different  
16                   terminology, otherwise eligible for  
17                   plugging, remediation, and reclama-  
18                   tion by the State.

19                  “(C) DISTRIBUTION.—Subject to the avail-  
20                  ability of appropriations, the Secretary shall  
21                  distribute funds to a State under this para-  
22                  graph by not later than the date that is 60 days  
23                  after the date on which the State submits to  
24                  the Secretary a completed application under  
25                  subparagraph (B).

1           “(D) DEADLINE FOR EXPENDITURE.—A  
2 State that receives funds under this paragraph  
3 shall reimburse the Secretary in an amount  
4 equal to the amount of the funds that remain  
5 unobligated on the date that is 5 years after the  
6 date of receipt of the funds.

7           “(E) CONSULTATION.—In making a deter-  
8 mination under this paragraph regarding the  
9 eligibility of a State to receive a formula grant,  
10 the Secretary shall consult with—

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

13                   “(ii) the Secretary of Energy; and

14                   “(iii) the Interstate Oil and Gas Com-  
15 pact Commission.

16           “(5) PERFORMANCE GRANTS.—

17           “(A) ESTABLISHMENT.—The Secretary  
18 shall provide to States, in accordance with this  
19 paragraph—

20                   “(i) regulatory improvement grants  
21 under subparagraph (E); and

22                   “(ii) matching grants under subpara-  
23 graph (F).

24           “(B) APPLICATION.—To be eligible to re-  
25 ceive a grant under this paragraph, a State

1 shall submit to the Secretary an application in-  
2 cluding—

3 “(i) each element described in an ap-  
4 plication for a grant under paragraph  
5 (4)(B);

6 “(ii) activities carried out by the State  
7 to address orphaned wells located in the  
8 State, including—

9 “(I) increasing State spending on  
10 well plugging, remediation, and rec-  
11 lamation; or

12 “(II) improving regulation of oil  
13 and gas wells; and

14 “(iii) the means by which the State  
15 will use funds provided under this para-  
16 graph—

17 “(I) to lower unemployment in  
18 the State; and

19 “(II) to improve economic condi-  
20 tions in economically distressed areas  
21 of the State.

22 “(C) DISTRIBUTION.—Subject to the avail-  
23 ability of appropriations, the Secretary shall  
24 distribute funds to a State under this para-  
25 graph by not later than the date that is 60 days

1 after the date on which the State submits to  
2 the Secretary a completed application under  
3 subparagraph (B).

4 “(D) CONSULTATION.—In making a deter-  
5 mination under this paragraph regarding the  
6 eligibility of a State to receive a grant under  
7 subparagraph (E) or (F), the Secretary shall  
8 consult with—

9 “(i) the Administrator of the Environ-  
10 mental Protection Agency;

11 “(ii) the Secretary of Energy; and

12 “(iii) the Interstate Oil and Gas Com-  
13 pact Commission.

14 “(E) REGULATORY IMPROVEMENT  
15 GRANTS.—

16 “(i) IN GENERAL.—Beginning on the  
17 date that is 180 days after the date on  
18 which an initial grant is provided to a  
19 State under paragraph (3), the Secretary  
20 shall, subject to the availability of appro-  
21 priations, provide to the State a regulatory  
22 improvement grant under this subpara-  
23 graph, if the State meets, during the 10-  
24 year period ending on the date on which  
25 the State submits to the Secretary an ap-

1 plication under subparagraph (B), 1 of the  
2 following criteria:

3 “(I) The State has strengthened  
4 plugging standards and procedures  
5 designed to ensure that wells located  
6 in the State are plugged in an effec-  
7 tive manner that protects ground-  
8 water and other natural resources,  
9 public health and safety, and the envi-  
10 ronment.

11 “(II) The State has made im-  
12 provements to State programs de-  
13 signed to reduce future orphaned well  
14 burdens, such as financial assurance  
15 reform, alternative funding mecha-  
16 nisms for orphaned well programs,  
17 and reforms to programs relating to  
18 well transfer or temporary abandon-  
19 ment.

20 “(ii) LIMITATIONS.—

21 “(I) NUMBER.—The Secretary  
22 may issue to a State under this sub-  
23 paragraph not more than 1 grant for  
24 each criterion described in subclause  
25 (I) or (II) of clause (i).

1                   “(II) MAXIMUM AMOUNT.—The  
2                   amount of a single grant provided to  
3                   a State under this subparagraph shall  
4                   be not more than \$20,000,000.

5                   “(iii) REIMBURSEMENT FOR FAILURE  
6                   TO MAINTAIN PROTECTIONS.—A State that  
7                   receives a grant under this subparagraph  
8                   shall reimburse the Secretary in an  
9                   amount equal to the amount of the grant  
10                  in any case in which, during the 10-year  
11                  period beginning on the date of receipt of  
12                  the grant, the State enacts a law or regula-  
13                  tion that, if in effect on the date of sub-  
14                  mission of the application under subpara-  
15                  graph (B), would have prevented the State  
16                  from being eligible to receive the grant  
17                  under clause (i).

18                  “(F) MATCHING GRANTS.—

19                  “(i) IN GENERAL.—Beginning on the  
20                  date that is 180 days after the date on  
21                  which an initial grant is provided to a  
22                  State under paragraph (3), the Secretary  
23                  shall, subject to the availability of appro-  
24                  priations, provide to the State funding, in

1 an amount equal to the difference be-  
2 tween—

3 “(I) the average annual amount  
4 expended by the State during the pe-  
5 riod of fiscal years 2010 through  
6 2019—

7 “(aa) to plug, remediate,  
8 and reclaim orphaned wells; and

9 “(bb) to decommission or re-  
10 move associated pipelines, facili-  
11 ties, or infrastructure; and

12 “(II) the amount that the State  
13 certifies to the Secretary the State  
14 will expend, during the fiscal year in  
15 which the State will receive the grant  
16 under this subparagraph—

17 “(aa) to plug, remediate,  
18 and reclaim orphaned wells;

19 “(bb) to remediate or re-  
20 claim adjacent land; and

21 “(cc) to decommission or re-  
22 move associated pipelines, facili-  
23 ties, and infrastructure.

24 “(ii) LIMITATIONS.—

1                   “(I) FISCAL YEAR.—The Sec-  
2                   retary may issue to a State under this  
3                   subparagraph not more than 1 grant  
4                   for each fiscal year.

5                   “(II) TOTAL FUNDS PRO-  
6                   VIDED.—The Secretary may provide  
7                   to a State under this subparagraph a  
8                   total amount equal to not more than  
9                   \$30,000,000 during the period of fis-  
10                  cal years 2022 through 2031.

11               “(d) TRIBAL ORPHANED WELL SITE PLUGGING, RE-  
12               MEDIATION, AND RESTORATION.—

13               “(1) ESTABLISHMENT.—The Secretary shall es-  
14               tablish a program under which the Secretary shall—

15                   “(A) provide to Indian Tribes grants in ac-  
16                   cordance with this subsection; or

17                   “(B) on request of an Indian Tribe and in  
18                   lieu of a grant under subparagraph (A), admin-  
19                   ister and carry out plugging, remediation, and  
20                   reclamation activities in accordance with para-  
21                   graph (7).

22               “(2) ELIGIBLE ACTIVITIES.—

23                   “(A) IN GENERAL.—An Indian Tribe may  
24                   use a grant received under this subsection—



1           “(i) to plug, remediate, or reclaim an  
2 orphaned well on Tribal land;

3           “(ii) to remediate soil and restore na-  
4 tive species habitat that has been degraded  
5 due to the presence of an orphaned well or  
6 associated pipelines, facilities, or infra-  
7 structure on Tribal land;

8           “(iii) to remediate Tribal land adja-  
9 cent to orphaned wells and decommission  
10 or remove associated pipelines, facilities,  
11 and infrastructure;

12           “(iv) to provide an online public ac-  
13 counting of the cost of plugging, remedi-  
14 ation, and reclamation for each orphaned  
15 well site on Tribal land;

16           “(v) to identify and characterize un-  
17 documented orphaned wells on Tribal land;  
18 and

19           “(vi) to develop or administer a Tribal  
20 program to carry out any activities de-  
21 scribed in clauses (i) through (v).

22           “(B) ADMINISTRATIVE COST LIMITA-  
23 TION.—

24           “(i) IN GENERAL.—Except as pro-  
25 vided in clause (ii), an Indian Tribe shall

1 not use more than 10 percent of the funds  
2 received under this subsection during a fis-  
3 cal year for administrative costs under  
4 subparagraph (A)(vi).

5 “(ii) EXCEPTION.—The limitation  
6 under clause (i) shall not apply to any  
7 funds used to carry out an administrative  
8 action necessary for the development of a  
9 Tribal program described in subparagraph  
10 (A)(vi).

11 “(3) FACTORS FOR CONSIDERATION.—In deter-  
12 mining whether to provide to an Indian Tribe a  
13 grant under this subsection, the Secretary shall take  
14 into consideration—

15 “(A) the unemployment rate of the Indian  
16 Tribe on the date on which the Indian Tribe  
17 submits an application under paragraph (4);  
18 and

19 “(B) the estimated number of orphaned  
20 wells on the Tribal land of the Indian Tribe.

21 “(4) APPLICATION.—To be eligible to receive a  
22 grant under this subsection, an Indian Tribe shall  
23 submit to the Secretary an application that in-  
24 cludes—

25 “(A) a description of—

1           “(i) the Tribal program for orphaned  
2 well plugging, remediation, and restora-  
3 tion, including legal authorities, processes  
4 used to identify and prioritize orphaned  
5 wells, procurement mechanisms, and other  
6 program elements demonstrating the readi-  
7 ness of the Indian Tribe to carry out the  
8 proposed activities, or plans to develop  
9 such a program; and

10           “(ii) the activities to be carried out  
11 with the grant, including an identification  
12 of the estimated health, safety, habitat,  
13 and environmental benefits of plugging, re-  
14 mediating, or reclaiming orphaned wells  
15 and remediating or reclaiming adjacent  
16 land; and

17           “(B) an estimate of—

18           “(i) the number of orphaned wells  
19 that will be plugged, remediated, or re-  
20 claimed; and

21           “(ii) the projected cost of—

22           “(I) plugging, remediating, or re-  
23 claiming orphaned wells;

24           “(II) remediating or reclaiming  
25 adjacent land; and

1                   “(III) decommissioning or remov-  
2                   ing associated pipelines, facilities, and  
3                   infrastructure.

4                   “(5) DISTRIBUTION.—Subject to the availability  
5                   of appropriations, the Secretary shall distribute  
6                   funds to an Indian Tribe under this subsection by  
7                   not later than the date that is 60 days after the date  
8                   on which the Indian Tribe submits to the Secretary  
9                   a completed application under paragraph (4).

10                  “(6) DEADLINE FOR EXPENDITURE.—An In-  
11                  dian Tribe that receives funds under this subsection  
12                  shall reimburse the Secretary in an amount equal to  
13                  the amount of the funds that remain unobligated on  
14                  the date that is 5 years after the date of receipt of  
15                  the funds, except for cases in which the Secretary  
16                  has granted the Indian Tribe an extended deadline  
17                  for completion of the eligible activities after con-  
18                  sultation.

19                  “(7) DELEGATION TO SECRETARY IN LIEU OF  
20                  A GRANT.—

21                  “(A) IN GENERAL.—In lieu of a grant  
22                  under this subsection, an Indian Tribe may  
23                  submit to the Secretary a request for the Sec-  
24                  retary to administer and carry out plugging, re-

1 mediation, and reclamation activities relating to  
2 an orphaned well on behalf of the Indian Tribe.

3 “(B) ADMINISTRATION.—Subject to the  
4 availability of appropriations under subsection  
5 (h)(1)(E), on submission of a request under  
6 subparagraph (A), the Secretary shall admin-  
7 ister or carry out plugging, remediation, and  
8 reclamation activities for an orphaned well on  
9 Tribal land.

10 “(e) TECHNICAL ASSISTANCE.—The Secretary of  
11 Energy, in cooperation with the Secretary and the Inter-  
12 state Oil and Gas Compact Commission, shall provide  
13 technical assistance to the Federal land management  
14 agencies and oil and gas producing States and Indian  
15 Tribes to support practical and economical remedies for  
16 environmental problems caused by orphaned wells on Fed-  
17 eral land, Tribal land, and State and private land, includ-  
18 ing the sharing of best practices in the management of  
19 oil and gas well inventories to ensure the availability of  
20 funds to plug, remediate, and restore oil and gas well sites  
21 on cessation of operation.

22 “(f) REPORT TO CONGRESS.—Not later than 1 year  
23 after the date of enactment of the Energy Infrastructure  
24 Act, and not less frequently than annually thereafter, the  
25 Secretary shall submit to the Committees on Appropria-

1 tions and Energy and Natural Resources of the Senate  
2 and the Committees on Appropriations and Natural Re-  
3 sources of the House of Representatives a report describ-  
4 ing the program established and grants awarded under  
5 this section, including—

6           “(1) an updated inventory of wells located on  
7 Federal land, Tribal land, and State and private  
8 land that are—

9                   “(A) orphaned wells; or

10                   “(B) at risk of becoming orphaned wells;

11           “(2) an estimate of the quantities of—

12                   “(A) methane and other gasses emitted  
13 from orphaned wells; and

14                   “(B) emissions reduced as a result of plug-  
15 ging, remediating, and reclaiming orphaned  
16 wells;

17           “(3) the number of jobs created and saved  
18 through the plugging, remediation, and reclamation  
19 of orphaned wells; and

20           “(4) the acreage of habitat restored using  
21 grants awarded to plug, remediate, and reclaim or-  
22phaned wells and to remediate or reclaim adjacent  
23 land, together with a description of the purposes for  
24 which that land is likely to be used in the future.

25           “(g) EFFECT OF SECTION.—

1           “(1) NO EXPANSION OF LIABILITY.—Nothing in  
2 this section establishes or expands the responsibility  
3 or liability of any entity with respect to—

4                   “(A) plugging any well; or

5                   “(B) remediating or reclaiming any well  
6 site.

7           “(2) TRIBAL LAND.—Nothing in this section—

8                   “(A) relieves the Secretary of any obliga-  
9 tion under section 3 of the Act of May 11, 1938  
10 (25 U.S.C. 396c; 52 Stat. 348, chapter 198), to  
11 plug, remediate, or reclaim an orphaned well lo-  
12 cated on Tribal land; or

13                   “(B) absolves the United States from a re-  
14 sponsibility to plug, remediate, or reclaim an  
15 orphaned well located on Tribal land or any  
16 other responsibility to an Indian Tribe, includ-  
17 ing any responsibility that derives from—

18                           “(i) the trust relationship between the  
19 United States and Indian Tribes;

20                           “(ii) any treaty, law, or Executive  
21 order; or

22                           “(iii) any agreement between the  
23 United States and an Indian Tribe.

24           “(3) OWNER OR OPERATOR NOT ABSOLVED.—

25 Nothing in this section absolves the owner or oper-

1 ator of an oil or gas well of any potential liability  
2 for—

3 “(A) reimbursement of any plugging or  
4 reclamation costs associated with the well; or

5 “(B) any adverse effect of the well on the  
6 environment.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated for fiscal year 2022, to  
9 remain available until September 30, 2030:

10 “(1) to the Secretary—

11 “(A) \$250,000,000 to carry out the pro-  
12 gram under subsection (b);

13 “(B) \$775,000,000 to provide grants  
14 under subsection (c)(3);

15 “(C) \$2,000,000,000 to provide grants  
16 under subsection (c)(4);

17 “(D) \$1,500,000,000 to provide grants  
18 under subsection (c)(5); and

19 “(E) \$150,000,000 to carry out the pro-  
20 gram under subsection (d);

21 “(2) to the Secretary of Energy, \$30,000,000  
22 to conduct research and development activities in co-  
23 operation with the Interstate Oil and Gas Compact  
24 Commission to assist the Federal land management  
25 agencies, States, and Indian Tribes in—



1                   “(A) identifying and characterizing un-  
2                   documented orphaned wells; and

3                   “(B) mitigating the environmental risks of  
4                   undocumented orphaned wells; and

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

7                   **TITLE VII—ABANDONED MINE**  
8                   **LAND RECLAMATION**

9                   **SEC. 7001. ABANDONED MINE RECLAMATION FUND AU-**  
10                   **THORIZATION OF APPROPRIATIONS.**

11                   (a) IN GENERAL.—There is authorized to be appro-  
12                   priated, for deposit into the Abandoned Mine Reclamation  
13                   Fund established by section 401(a) of the Surface Mining  
14                   Control and Reclamation Act of 1977 (30 U.S.C. 1231(a))  
15                   \$11,293,000,000 for fiscal year 2022, to remain available  
16                   until expended.

17                   (b) USE OF FUNDS.—

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

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

3                   (A) States and Indian Tribes that have a  
4                   State or Tribal program approved under section  
5                   405 of the Surface Mining Control and Rec-  
6                   lamation Act of 1977 (30 U.S.C. 1235);

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

10                   (C) States and Indian Tribes that are re-  
11                   ferred to in section 402(g)(8)(B) of that Act  
12                   (30 U.S.C. 1232(g)(8)(B)).

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

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

22           (d) ALLOCATION.—

23                   (1) IN GENERAL.—Subject to subsection (e),  
24                   the Secretary of the Interior shall allocate and dis-  
25                   tribute amounts made available for grants under

1 subsection (b)(1) to States and Indian Tribes on an  
2 equal annual basis over a 15-year period beginning  
3 on the date of enactment of this Act, based on the  
4 number of tons of coal historically produced in the  
5 States or from the applicable Indian land before Au-  
6 gust 3, 1977, regardless of whether the State or In-  
7 dian Tribe is certified under section 411(a) of the  
8 Surface Mining Control and Reclamation Act of  
9 1977 (30 U.S.C. 1240a(a)).

10 (2) SURFACE MINING CONTROL AND RECLAMA-  
11 TION ACT EXCEPTION.—Section 401(f)(3)(B) of the  
12 Surface Mining Control and Reclamation Act of  
13 1977 (30 U.S.C. 1231(f)(3)(B)) shall not apply to  
14 grant funds distributed under subsection (b)(1).

15 (3) REPORT TO CONGRESS ON ALLOCATIONS.—

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

1 (B) INPUT.—The Secretary of the Interior  
2 shall—

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

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

12 (4) REDISTRIBUTION OF FUNDS.—

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

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

23 (e) TOTAL AMOUNT OF GRANT.—The total amount  
24 of grant funding provided under subsection (b)(1) to an  
25 eligible State or Indian Tribe shall be not less than

1 \$20,000,000, to the extent that the amount needed for  
2 reclamation projects described in that subsection on the  
3 land of the State or Indian Tribe is not less than  
4 \$20,000,000.

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

12 (g) RESERVATION.—Of the funds made available  
13 under subsection (a), \$25,000,000 shall be made available  
14 to the Secretary of the Interior to provide States and In-  
15 dian Tribes with the financial and technical assistance  
16 necessary for the purpose of making amendments to the  
17 inventory maintained under section 403(c) of the Surface  
18 Mining Control and Reclamation Act of 1977 (30 U.S.C.  
19 1233(c)).

20 **SEC. 7002. ABANDONED MINE RECLAMATION FEE.**

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

24 (1) by striking “28 cents” and inserting “22.4  
25 cents”;

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

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

5 (b) DURATION.—Section 402(b) of the Surface Min-  
6 ing Control and Reclamation Act of 1977 (30 U.S.C.  
7 1232(b)) is amended by striking “September 30, 2021”  
8 and inserting “September 30, 2034”.

9 **SEC. 7003. AMOUNTS DISTRIBUTED FROM ABANDONED**  
10 **MINE RECLAMATION FUND.**

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

14 (1) in subparagraph (A)—

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

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

19 (2) in subparagraph (B)—

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

22 (B) by striking “2023” and inserting  
23 “2036”; and

24 (C) by striking “2022” and inserting  
25 “2035”.

1 **TITLE VIII—NATURAL RE-**  
2 **SOURCES-RELATED INFRA-**  
3 **STRUCTURE, WILDFIRE MAN-**  
4 **AGEMENT, AND ECOSYSTEM**  
5 **RESTORATION**

6 **SEC. 8001. FOREST SERVICE LEGACY ROAD AND TRAIL RE-**  
7 **MEDIATION PROGRAM.**

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

12 **“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REME-**  
13 **DIATION PROGRAM.**

14 “(a) ESTABLISHMENT.—The Secretary shall estab-  
15 lish the Forest Service Legacy Road and Trail Remedi-  
16 ation Program (referred to in this section as the ‘Pro-  
17 gram’).

18 “(b) ACTIVITIES.—In carrying out the Program, the  
19 Secretary shall, taking into account foreseeable changes  
20 in weather and hydrology—

21 “(1) restore passages for fish and other aquatic  
22 species by removing, repairing, or replacing unnatu-  
23 ral barriers from those passages;

24 “(2) decommission unauthorized user-created  
25 roads and trails that are not a National Forest Sys-

1       tem road or a National Forest System trail, if the  
2       applicable unit of the National Forest System has  
3       published—

4               “(A) a Motor Vehicle Use Map and the  
5       road is not identified as a National Forest Sys-  
6       tem road on that Motor Vehicle Use Map; or

7               “(B) a map depicting the authorized trails  
8       in the applicable unit of the National Forest  
9       System and the trail is not identified as a Na-  
10      tional Forest System trail on that map;

11              “(3) prepare previously closed National Forest  
12      System roads for long-term storage, in accordance  
13      with subsections (c)(1) and (d), in a manner that—

14              “(A) prevents motor vehicle use, as appro-  
15      priate to conform to route designations;

16              “(B) prevents the roads from damaging  
17      adjacent resources, including aquatic and wild-  
18      life resources;

19              “(C) reduces or eliminates the need for  
20      road maintenance; and

21              “(D) preserves the roads for future use;

22              “(4) decommission previously closed National  
23      Forest System roads and trails in accordance with  
24      subsections (c)(1) and (d);



1           “(5) relocate National Forest System roads and  
2 trails to increase storm resilience;

3           “(6) convert National Forest System roads to  
4 National Forest System trails, while allowing for  
5 continued use for motorized and nonmotorized recre-  
6 ation, to the extent the use is compatible with the  
7 management status of the road or trail;

8           “(7) decommission temporary roads—

9           “(A) that were constructed before the date  
10 of enactment of this section—

11                   “(i) for emergency operations; or

12                   “(ii) to facilitate a resource extraction  
13 project;

14           “(B) that were designated as a temporary  
15 road by the Secretary; and

16           “(C)(i) in violation of section 10(b) of the  
17 Forest and Rangeland Renewable Resources  
18 Planning Act of 1974 (16 U.S.C. 1608(b)), on  
19 which vegetation cover has not been reestab-  
20 lished; or

21                   “(ii) that have not been fully decommis-  
22 sioned; and

23           “(8) carry out projects on National Forest Sys-  
24 tem roads, trails, and bridges to improve resilience

1 to extreme weather events, flooding, or other natural  
2 disasters.

3 “(c) PROJECT SELECTION.—

4 “(1) PROJECT ELIGIBILITY.—

5 “(A) IN GENERAL.—The Secretary may  
6 only fund under the Program a project de-  
7 scribed in paragraph (3) or (4) of subsection  
8 (b) if the Secretary previously and separately—

9 “(i) solicited public comment for  
10 changing the management status of the  
11 applicable National Forest System road or  
12 trail—

13 “(I) to close the road or trail to  
14 access; and

15 “(II) to minimize impacts to nat-  
16 ural resources; and

17 “(ii) has closed the road or trail to ac-  
18 cess as described in clause (i)(I).

19 “(B) REQUIREMENT.—Each project car-  
20 ried out under the Program shall be on a Na-  
21 tional Forest System road or trail, except with  
22 respect to—

23 “(i) a project described in subsection  
24 (b)(2); or

1                   “(ii) a project carried out on a water-  
2 shed for which the Secretary has entered  
3 into a cooperative agreement under section  
4 323 of the Department of the Interior and  
5 Related Agencies Appropriations Act, 1999  
6 (16 U.S.C. 1011a).

7                   “(2) ANNUAL SELECTION OF PROJECTS FOR  
8 FUNDING.—The Secretary shall—

9                   “(A) establish a process for annually se-  
10 lecting projects for funding under the Program,  
11 consistent with the requirements of this section;

12                   “(B) solicit and consider public input re-  
13 gionally in the ranking of projects for funding  
14 under the Program;

15                   “(C) give priority for funding under the  
16 Program to projects that would—

17                   “(i) protect or improve water quality  
18 in public drinking water source areas;

19                   “(ii) restore the habitat of a threat-  
20 ened, endangered, or sensitive fish or wild-  
21 life species; or

22                   “(iii) maintain future access to the  
23 adjacent area for the public, contractors,  
24 permittees, or firefighters; and

1                   “(D) publish on the website of the Forest  
2                   Service—

3                   “(i) the selection process established  
4                   under subparagraph (A); and

5                   “(ii) a list that includes a description  
6                   and the proposed outcome of each project  
7                   funded under the Program in each fiscal  
8                   year.

9                   “(d) IMPLEMENTATION.—In implementing the Pro-  
10                  gram, the Secretary shall ensure that—

11                  “(1) the system of roads and trails on the ap-  
12                  plicable unit of the National Forest System—

13                         “(A) is adequate to meet any increasing  
14                         demands for timber, recreation, and other uses;

15                         “(B) provides for intensive use, protection,  
16                         development, and management of the land  
17                         under principles of multiple use and sustained  
18                         yield of products and services;

19                         “(C) does not damage, degrade, or impair  
20                         adjacent resources, including aquatic and wild-  
21                         life resources, to the extent practicable; and

22                         “(D) reflects long-term funding expecta-  
23                         tions; and

1           “(2) all projects funded under the Program are  
2           consistent with any applicable forest plan or travel  
3           management plan.

4           “(e) SAVINGS CLAUSE.—A decision to fund a project  
5           under the Program shall not affect any determination  
6           made previously or to be made in the future by the Sec-  
7           retary with regard to road or trail closures.”.

8           (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
9           authorized to be appropriated to the Secretary of Agri-  
10          culture to carry out section 8 of Public Law 88–657 (com-  
11          monly known as the “Forest Roads and Trails Act”)   
12          \$250,000,000 for the period of fiscal years 2022 through  
13          2026.

14   **SEC. 8002. STUDY AND REPORT ON FEASIBILITY OF RE-**  
15                                   **VEGETATING RECLAIMED MINE SITES.**

16          (a) IN GENERAL.—Not later than 1 year after the  
17          date of enactment of this Act, the Secretary of the Inte-  
18          rior, acting through the Director of the Office of Surface  
19          Mining Reclamation and Enforcement, shall conduct, and  
20          submit to Congress a report describing the results of, a  
21          study on the feasibility of revegetating reclaimed mined  
22          sites.

23          (b) INCLUSIONS.—The report submitted under sub-  
24          section (a) shall include—

1           (1) recommendations for how a program could  
2           be implemented through the Office of Surface Min-  
3           ing Reclamation and Enforcement to revegetate re-  
4           claimed mined sites;

5           (2) identifications of reclaimed mine sites that  
6           would be suitable for inclusion in such a program,  
7           including sites on land that—

8                   (A) is subject to title IV of the Surface  
9                   Mining Control and Reclamation Act of 1977  
10                  (30 U.S.C. 1231 et seq.); and

11                  (B) is not subject to that title;

12           (3) a description of any barriers to implementa-  
13           tion of such a program, including whether the pro-  
14           gram would potentially interfere with the authorities  
15           contained in, or the implementation of, the Surface  
16           Mining Control and Reclamation Act of 1977 (30  
17           U.S.C. 1201 et seq.), including the Abandoned Mine  
18           Reclamation Fund created by section 401 of that  
19           Act (30 U.S.C. 1231) and State reclamation pro-  
20           grams under section 405 of that Act (30 U.S.C.  
21           1235); and

22           (4) a description of the potential for job cre-  
23           ation and workforce needs if such a program was  
24           implemented.

1 **SEC. 8003. WILDFIRE RISK REDUCTION.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
3 authorized to be appropriated to the Secretary of the Inte-  
4 rior and the Secretary of Agriculture, acting through the  
5 Chief of the Forest Service, for the activities described in  
6 subsection (c), \$3,369,200,000 for the period of fiscal  
7 years 2022 through 2026.

8 (b) TREATMENT.—Of the Federal land or Indian for-  
9 est land or rangeland that has been identified as having  
10 a very high wildfire hazard potential, the Secretary of the  
11 Interior and the Secretary of Agriculture, acting through  
12 the Chief of the Forest Service, shall, by not later than  
13 September 30, 2027, conduct restoration treatments and  
14 improve the Fire Regime Condition Class of 10,000,000  
15 acres that are located in—

16 (1) the wildland-urban interface; or

17 (2) a public drinking water source area.

18 (c) ACTIVITIES.—Of the amounts made available  
19 under subsection (a) for the period of fiscal years 2022  
20 through 2026—

21 (1) \$20,000,000 shall be made available for en-  
22 tering into an agreement with the Administrator of  
23 the National Oceanic and Atmospheric Administra-  
24 tion to establish and operate a program that makes  
25 use of the Geostationary Operational Environmental  
26 Satellite Program to rapidly detect and report wild-

1 fire starts in all areas in which the Secretary of the  
2 Interior or the Secretary of Agriculture has financial  
3 responsibility for wildland fire protection and pre-  
4 vention, of which—

5 (A) \$10,000,000 shall be made available to  
6 the Secretary of the Interior; and

7 (B) \$10,000,000 shall be made available to  
8 the Secretary of Agriculture;

9 (2) \$600,000,000 shall be made available for  
10 the salaries and expenses of Federal wildland fire-  
11 fighters in accordance with subsection (d), of  
12 which—

13 (A) \$120,000,000 shall be made available  
14 to the Secretary of the Interior; and

15 (B) \$480,000,000 shall be made available  
16 to the Secretary of Agriculture;

17 (3) \$10,000,000 shall be made available to the  
18 Secretary of the Interior to acquire technology and  
19 infrastructure for each Type I and Type II incident  
20 management team to maintain interoperability with  
21 respect to the radio frequencies used by any re-  
22 sponding agency;

23 (4) \$30,000,000 shall be made available to the  
24 Secretary of Agriculture to provide financial assist-  
25 ance to States, Indian Tribes, and units of local gov-



1           ernment to establish and operate Reverse-911 tele-  
2           communication systems;

3           (5) \$60,000,000 shall be made available to the  
4           Secretary of the Interior to establish and implement  
5           a pilot program to provide to local governments fi-  
6           nancial assistance for the acquisition of slip-on tank-  
7           er units to establish fleets of vehicles that can be  
8           quickly converted to be operated as fire engines;

9           (6) \$1,200,000 shall be made available to the  
10          Secretary of Agriculture, in coordination with the  
11          Secretary of the Interior, to develop and publish, not  
12          later than 180 days after the date of enactment of  
13          this Act, and every 5 years thereafter, a map depict-  
14          ing at-risk communities (as defined in section 101 of  
15          the Healthy Forests Restoration Act of 2003 (16  
16          U.S.C. 6511)), including Tribal at-risk communities;

17          (7) \$100,000,000 shall be made available to the  
18          Secretary of the Interior and the Secretary of Agri-  
19          culture—

20                 (A) for—

21                         (i) preplanning fire response work-  
22                         shops that develop—

23                                 (I) potential operational delinea-  
24                                 tions; and

1 (II) select potential control loca-  
2 tions; and

3 (ii) workforce training for staff, non-  
4 Federal firefighters, and Native village fire  
5 crews for—

6 (I) wildland firefighting; and

7 (II) increasing the pace and scale  
8 of vegetation treatments, including  
9 training on how to prepare and imple-  
10 ment large landscape treatments; and

11 (B) of which—

12 (i) \$50,000,000 shall be made avail-  
13 able to the Secretary of the Interior; and

14 (ii) \$50,000,000 shall be made avail-  
15 able to the Secretary of Agriculture;

16 (8) \$20,000,000 shall be made available to the  
17 Secretary of Agriculture to enter into an agreement  
18 with a Southwest Ecological Restoration Institute  
19 established under the Southwest Forest Health and  
20 Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et  
21 seq.)—

22 (A) to compile and display existing data,  
23 including geographic data, for hazardous fuel  
24 reduction or wildfire prevention treatments un-  
25 dertaken by the Secretary of the Interior or the

1 Secretary of Agriculture, including treatments  
2 undertaken with funding provided under this  
3 title;

4 (B) to compile and display existing data,  
5 including geographic data, for large wildfires,  
6 as defined by the National Wildfire Coordi-  
7 nating Group, that occur in the United States;

8 (C) to facilitate coordination and use of ex-  
9 isting and future interagency fuel treatment  
10 data, including geographic data, for the pur-  
11 poses of—

12 (i) assessing and planning cross-  
13 boundary fuel treatments; and

14 (ii) monitoring the effects of treat-  
15 ments on wildfire outcomes and ecosystem  
16 restoration services, using the data com-  
17 piled under subparagraphs (A) and (B);

18 (D) to publish a report every 5 years show-  
19 ing the extent to which treatments described in  
20 subparagraph (A) and previous wildfires affect  
21 the boundaries of wildfires, categorized by—

22 (i) Federal land management agency;

23 (ii) region of the United States; and

24 (iii) treatment type; and

1           (E) to carry out other related activities of  
2           a Southwest Ecological Restoration Institute, as  
3           authorized by the Southwest Forest Health and  
4           Wildfire Prevention Act of 2004 (16 U.S.C.  
5           6701 et seq.);

6           (9) \$20,000,000 shall be available for activities  
7           conducted under the Joint Fire Science Program, of  
8           which—

9           (A) \$10,000,000 shall be made available to  
10          the Secretary of the Interior; and

11          (B) \$10,000,000 shall be made available to  
12          the Secretary of Agriculture;

13          (10) \$100,000,000 shall be made available to  
14          the Secretary of Agriculture for collaboration and  
15          collaboration-based activities, including facilitation,  
16          certification of collaboratives, and planning and im-  
17          plementing projects under the Collaborative Forest  
18          Landscape Restoration Program established under  
19          section 4003 of the Omnibus Public Land Manage-  
20          ment Act of 2009 (16 U.S.C. 7303) in accordance  
21          with subsection (e);

22          (11) \$500,000,000 shall be made available to  
23          the Secretary of the Interior and the Secretary of  
24          Agriculture—

25          (A) for—

1 (i) conducting mechanical thinning  
2 and timber harvesting in an ecologically  
3 appropriate manner that focuses, to the ex-  
4 tent practicable, on small-diameter trees;  
5 and

6 (ii) precommercial thinning in young  
7 growth stands for wildlife habitat benefits  
8 to provide subsistence resources; and

9 (B) of which—

10 (i) \$100,000,000 shall be made avail-  
11 able to the Secretary of the Interior; and

12 (ii) \$400,000,000 shall be made avail-  
13 able to the Secretary of Agriculture;

14 (12) \$500,000,000 shall be made available to  
15 the Secretary of Agriculture, in cooperation with  
16 States, to award community wildfire defense grants  
17 to at-risk communities in accordance with subsection  
18 (f);

19 (13) \$500,000,000 shall be made available for  
20 planning and conducting prescribed fires and related  
21 activities, of which—

22 (A) \$250,000,000 shall be made available  
23 to the Secretary of the Interior; and

24 (B) \$250,000,000 shall be made available  
25 to the Secretary of Agriculture;

1           (14) \$500,000,000 shall be made available for  
2           developing or improving potential control locations,  
3           in accordance with paragraph (7)(A)(i)(II), includ-  
4           ing installing fuelbreaks, with a focus on shaded  
5           fuelbreaks when ecologically appropriate, of which—

6                   (A) \$250,000,000 shall be made available  
7                   to the Secretary of the Interior; and

8                   (B) \$250,000,000 shall be made available  
9                   to the Secretary of Agriculture;

10          (15) \$200,000,000 shall be made available for  
11          contracting or employing crews of laborers to modify  
12          and remove flammable vegetation on Federal land  
13          and for using materials from treatments, to the ex-  
14          tent practicable, to produce biochar, including  
15          through the use of existing locally based organiza-  
16          tions that engage young adults, Native youth, and  
17          veterans in service projects, such as youth and con-  
18          servation corps, of which—

19                   (A) \$100,000,000 shall be made available  
20                   to the Secretary of the Interior; and

21                   (B) \$100,000,000 shall be made available  
22                   to the Secretary of Agriculture;

23          (16) \$200,000,000 shall be made available for  
24          post-fire restoration activities that are implemented

1 not later than 3 years after the date that a wildland  
2 fire is contained, of which—

3 (A) \$100,000,000 shall be made available  
4 to the Secretary of the Interior; and

5 (B) \$100,000,000 shall be made available  
6 to the Secretary of Agriculture; and

7 (17) \$8,000,000 shall be made available to the  
8 Secretary of Agriculture—

9 (A) to provide feedstock to firewood banks;  
10 and

11 (B) to provide financial assistance for the  
12 operation of firewood banks.

13 (d) WILDLAND FIREFIGHTERS.—

14 (1) IN GENERAL.—Subject to the availability of  
15 appropriations, not later than 180 days after the  
16 date of enactment of this Act, the Secretary of the  
17 Interior and the Secretary of Agriculture shall, using  
18 the amounts made available under subsection (c)(2),  
19 coordinate with the Director of the Office of Per-  
20 sonnel Management to develop a distinct “wildland  
21 firefighter” occupational series.

22 (2) HAZARDOUS DUTY DIFFERENTIAL NOT AF-  
23 FECTED.—Section 5545(d)(1) of title 5, United  
24 States Code, is amended by striking “except” and all

1 that follows through “and” at the end and inserting  
2 the following: “except—

3 “(A) an employee in an occupational series  
4 covering positions for which the primary duties  
5 involve the prevention, control, suppression, or  
6 management of wildland fires, as determined by  
7 the Office; and

8 “(B) in such other circumstances as the  
9 Office may by regulation prescribe; and”.

10 (3) CURRENT EMPLOYEES.—Any individual em-  
11 ployed as a wildland firefighter on the date on which  
12 the occupational series established under paragraph  
13 (1) takes effect may elect—

14 (A) to remain in the occupational series in  
15 which the individual is employed; or

16 (B) to be included in the “wildland fire-  
17 fighter” occupational series established under  
18 that paragraph.

19 (4) PERMANENT EMPLOYEES; INCREASE IN  
20 SALARY.—Using the amounts made available under  
21 subsection (c)(2), beginning October 1, 2021, the  
22 Secretary of the Interior and the Secretary of Agri-  
23 culture shall—



1 (A) seek to convert not fewer than 1,000  
2 seasonal wildland firefighters to wildland fire-  
3 fighters that—

4 (i) are full-time, permanent, year-  
5 round Federal employees; and

6 (ii) reduce hazardous fuels on Federal  
7 land not fewer than 800 hours per year;  
8 and

9 (B) increase the base salary of a Federal  
10 wildland firefighter by an amount that is com-  
11 mensurate with an increase of \$20,000 per  
12 year, if—

13 (i) the hourly base pay of the Federal  
14 employee is lower than the minimum wage  
15 of the applicable State; or

16 (ii) the position is located in a loca-  
17 tion where it is difficult to recruit or to re-  
18 tain a wildland firefighter.

19 (5) NATIONAL WILDFIRE COORDINATING  
20 GROUP.—Using the amounts made available under  
21 subsection (c)(2), not later than October 1, 2022,  
22 the Secretary of the Interior and the Secretary of  
23 Agriculture shall—

24 (A) develop and adhere to recommenda-  
25 tions for mitigation strategies for wildland fire-

1 fighters to minimize exposure due to line-of-  
2 duty environmental hazards; and

3 (B) establish programs for permanent,  
4 temporary, seasonal, and year-round wildland  
5 firefighters to recognize and address mental  
6 health needs, including post-traumatic stress  
7 disorder care.

8 (e) COLLABORATIVE FOREST LANDSCAPE RESTORA-  
9 TION PROGRAM.—Subject to the availability of appropria-  
10 tions, not later than 180 days after the date of enactment  
11 of this Act, the Secretary of Agriculture shall, using the  
12 amounts made available under subsection (c)(10)—

13 (1) solicit new project proposals under the Col-  
14 laborative Forest Landscape Restoration Program  
15 established under section 4003 of the Omnibus Pub-  
16 lic Land Management Act of 2009 (16 U.S.C. 7303)  
17 (referred to in this subsection as the “Program”);

18 (2) provide no additional funding of any pro-  
19 posal originally selected for funding under the Pro-  
20 gram prior to September 30, 2018; and

21 (3) select project proposals for funding under  
22 the Program in a manner that—

23 (A) gives priority to a project proposal that  
24 will treat the most acres described in subsection

25 (b) at the lowest cost per acre;

1           (B) gives priority to a project proposal  
2           that is proposed by a collaborative that has suc-  
3           cessfully accomplished treatments consistent  
4           with a written plan that included a proposed  
5           schedule of completing those treatments, which  
6           is not limited to an earlier proposal funded  
7           under the Program; and

8           (C) discontinues funding for a project that  
9           fails to achieve the results included in a project  
10          proposal submitted under paragraph (1) for  
11          more than 2 consecutive years.

12          (f) COMMUNITY WILDFIRE DEFENSE GRANT PRO-  
13          GRAM.—

14           (1) ESTABLISHMENT.—Subject to the avail-  
15          ability of appropriations, not later than 180 days  
16          after the date of enactment of this Act, the Sec-  
17          retary of Agriculture shall, using amounts made  
18          available under subsection (c)(12), establish a pro-  
19          gram, which shall be separate from the program es-  
20          tablished under section 203 of the Robert T. Staf-  
21          ford Disaster Relief and Emergency Assistance Act  
22          (42 U.S.C. 5133), under which the Secretary of Ag-  
23          riculture, in cooperation with the States, shall award  
24          grants to at-risk communities, including Indian  
25          Tribes—

1 (A) to develop or revise a community wild-  
2 fire protection plan; and

3 (B) to carry out projects described in a  
4 community wildfire protection plan that is not  
5 more than 10 years old.

6 (2) PRIORITY.—In awarding grants under the  
7 program described in paragraph (1), the Secretary  
8 of Agriculture shall give priority to an at-risk com-  
9 munity that is—

10 (A) in an area identified by the Secretary  
11 of Agriculture as having high or very high wild-  
12 fire hazard potential;

13 (B) a low-income community; or

14 (C) a community impacted by a severe dis-  
15 aster.

16 (3) COMMUNITY WILDFIRE DEFENSE  
17 GRANTS.—

18 (A) GRANT AMOUNTS.—A grant—

19 (i) awarded under paragraph (1)(A)  
20 shall be for not more than \$250,000; and

21 (ii) awarded under paragraph (1)(B)  
22 shall be for not more than \$10,000,000.

23 (B) COST-SHARING REQUIREMENT.—The  
24 non-Federal share of the cost (including the ad-  
25 ministrative cost) of carrying out a project

1 using funds from a grant awarded under the  
2 program described in paragraph (1) shall be—

3 (i) not less than 10 percent for a  
4 grant awarded under paragraph (1)(A);  
5 and

6 (ii) not less than 25 percent for a  
7 grant awarded under paragraph (1)(B).

8 (C) ELIGIBILITY.—The Secretary of Agri-  
9 culture shall not award a grant under para-  
10 graph (1) to an at-risk community that is lo-  
11 cated in a county or community that—

12 (i) is located in the continental United  
13 States; and

14 (ii) has not adopted an ordinance or  
15 regulation that requires the construction of  
16 new roofs on buildings to adhere to stand-  
17 ards that are similar to, or more stringent  
18 than—

19 (I) the roof construction stand-  
20 ards established by the National Fire  
21 Protection Association; or

22 (II) an applicable model building  
23 code established by the International  
24 Code Council.

1 (g) PRIORITIES.—In carrying out projects using  
2 amounts made available under this section, the Secretary  
3 of the Interior or the Secretary of Agriculture, acting  
4 through the Chief of the Forest Service, as applicable,  
5 shall prioritize funding for projects—

6 (1) for which any applicable processes under  
7 the National Environmental Policy Act of 1969 (42  
8 U.S.C. 4321 et seq.) have been completed on the  
9 date of enactment of this Act;

10 (2) that reduce the likelihood of experiencing  
11 uncharacteristically severe effects from a potential  
12 wildfire by focusing on—

13 (A) thinning stands by removing small di-  
14 ameter trees; and

15 (B) areas strategically important for re-  
16 ducing the risks associated with wildfires;

17 (3) that maximize the retention of large trees,  
18 as appropriate for the forest type, to the extent that  
19 the trees promote fire-resilient stands;

20 (4) that do not include the establishment of  
21 permanent roads;

22 (5) for which funding would be committed to  
23 decommission all temporary roads constructed to  
24 carry out the project; and

1           (6) that fully maintain or contribute toward the  
2 restoration of the structure and composition of old  
3 growth stands consistent with the characteristics of  
4 that forest type, taking into account the contribution  
5 of the old growth stand to landscape fire adaption  
6 and watershed health, unless the old growth stand is  
7 part of a science-based ecological restoration project  
8 authorized by the Secretary concerned that meets  
9 applicable protection and old growth enhancement  
10 objectives, as determined by the Secretary con-  
11 cerned.

12       (h) REPORTS.— The Secretary of the Interior and  
13 the Secretary of Agriculture, acting through the Chief of  
14 the Forest Service, shall complete and submit to the Com-  
15 mittee on Energy and Natural Resources of the Senate  
16 and the Committee on Natural Resources of the House  
17 of Representatives an annual report describing the num-  
18 ber of acres of land on which projects carried out using  
19 funds made available under this section improved the Fire  
20 Regime Condition Class of the land described in sub-  
21 section (b).

22 **SEC. 8004. ECOSYSTEM RESTORATION.**

23       (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to the Secretary of the Inte-  
25 rior and the Secretary of Agriculture, acting through the

1 Chief of the Forest Service, for the activities described in  
2 subsection (b), \$2,130,000,000 for the period of fiscal  
3 years 2022 through 2026.

4 (b) ACTIVITIES.—Of the amounts made available  
5 under subsection (a) for the period of fiscal years 2022  
6 through 2026—

7 (1) \$300,000,000 shall be made available, in  
8 accordance with subsection (c), to the Secretary of  
9 the Interior and the Secretary of Agriculture—

10 (A) for—

11 (i) entering into contracts, including  
12 stewardship contracts or agreements, the  
13 purpose of each of which shall be to restore  
14 ecological health on not fewer than 10,000  
15 acres of Federal land, including Indian for-  
16 est land or rangeland, and for salaries and  
17 expenses associated with preparing and  
18 executing those contracts; and

19 (ii) establishing a Working Capital  
20 Fund that may be accessed by the Sec-  
21 retary of the Interior or the Secretary of  
22 Agriculture to fund requirements of con-  
23 tracts described in clause (i), including  
24 cancellation and termination costs, con-  
25 sistent with section 604(h) of the Healthy



1 Forests Restoration Act of 2003 (16  
2 U.S.C. 6591c(h)), and periodic payments  
3 over the span of the contract period; and  
4 (B) of which—

5 (i) \$50,000,000 shall be made avail-  
6 able to the Secretary of the Interior to  
7 enter into contracts described in subpara-  
8 graph (A)(i);

9 (ii) \$150,000,000 shall be made avail-  
10 able to the Secretary of Agriculture to  
11 enter into contracts described in subpara-  
12 graph (A)(i); and

13 (iii) \$100,000,000 shall be made  
14 available until expended to the Secretary of  
15 the Interior, notwithstanding any other  
16 provision of this Act, to establish the  
17 Working Capital Fund described in sub-  
18 paragraph (A)(ii);

19 (2) \$200,000,000 shall be made available to  
20 provide to States and Indian Tribes for imple-  
21 menting restoration projects on Federal land pursu-  
22 ant to good neighbor agreements entered into under  
23 section 8206 of the Agricultural Act of 2014 (16  
24 U.S.C. 2113a) or agreements entered into under sec-

1       tion 2(b) of the Tribal Forest Protection Act of  
2       2004 (25 U.S.C. 3115a(b)), of which—

3               (A) \$40,000,000 shall be made available to  
4               the Secretary of the Interior; and

5               (B) \$160,000,000 shall be made available  
6               to the Secretary of Agriculture;

7               (3) \$400,000,000 shall be made available to the  
8       Secretary of Agriculture to provide financial assist-  
9       ance to facilities that purchase and process byprod-  
10      ucts from ecosystem restoration projects in accord-  
11      ance with subsection (d);

12              (4) \$400,000,000 shall be made available to the  
13      Secretary of the Interior to provide grants to States,  
14      territories of the United States, and Indian Tribes  
15      for implementing voluntary ecosystem restoration  
16      projects on private or public land, using a formula  
17      to be determined by the Secretary of the Interior, in  
18      consultation with the Secretary of Agriculture,  
19      that—

20              (A) prioritizes funding cross-boundary  
21              projects; and

22              (B) requires matching funding from the  
23              State, territory of the United States, or Indian  
24              Tribe to be eligible to receive the funding;

1           (5) \$50,000,000 shall be made available to the  
2           Secretary of Agriculture to award grants to States  
3           and Indian Tribes to establish rental programs for  
4           portable skidder bridges, bridge mats, or other tem-  
5           porary water crossing structures, to minimize stream  
6           bed disturbance on non-Federal land and Federal  
7           land;

8           (6) \$200,000,000 shall be made available for  
9           invasive species detection, prevention, and eradi-  
10          cation, including conducting research and providing  
11          resources to facilitate detection of invasive species at  
12          points of entry and awarding grants for eradication  
13          of invasive species on non-Federal land and on Fed-  
14          eral land, of which—

15                (A) \$100,000,000 shall be made available  
16                to the Secretary of the Interior; and

17                (B) \$100,000,000 shall be made available  
18                to the Secretary of Agriculture;

19           (7) \$100,000,000 shall be made available to re-  
20           store, prepare, or adapt recreation sites on Federal  
21           land, including Indian forest land or rangeland, in  
22           accordance with subsection (e);

23           (8) \$200,000,000 shall be made available to re-  
24           store native vegetation and mitigate environmental

1 hazards on mined land on Federal and non-Federal  
2 land, of which—

3 (A) \$100,000,000 shall be made available  
4 to the Secretary of the Interior; and

5 (B) \$100,000,000 shall be made available  
6 to the Secretary of Agriculture;

7 (9) \$200,000,000 shall be made available to es-  
8 tablish and implement a national revegetation effort  
9 on Federal and non-Federal land, including to im-  
10 plement the National Seed Strategy for Rehabilita-  
11 tion and Restoration, of which—

12 (A) \$70,000,000 shall be made available to  
13 the Secretary of the Interior; and

14 (B) \$130,000,000 shall be made available  
15 to the Secretary of Agriculture; and

16 (10) \$80,000,000 shall be made available to the  
17 Secretary of Agriculture, in coordination with the  
18 Secretary of the Interior, to establish a collaborative-  
19 based, landscape-scale restoration program to re-  
20 store water quality or fish passage on Federal land,  
21 including Indian forest land or rangeland, in accord-  
22 ance with subsection (f).

23 (c) ECOLOGICAL HEALTH RESTORATION CON-  
24 TRACTS.—

1           (1) SUBMISSION OF LIST OF PROJECTS TO CON-  
2           GRESS.—Until the date on which all of the amounts  
3           made available to carry out subsection (b)(1)(A)(i)  
4           are expended, not later than 90 days before the end  
5           of each fiscal year, the Secretary of the Interior and  
6           the Secretary of Agriculture shall submit to the  
7           Committee on Energy and Natural Resources and  
8           the Committee on Appropriations of the Senate and  
9           the Committee on Natural Resources and the Com-  
10          mittee on Appropriations of the House of Represent-  
11          atives a list of projects to be funded under that sub-  
12          section in the subsequent fiscal year, including—

13                   (A) a detailed description of each project;

14                   and

15                   (B) an estimate of the cost, including sala-  
16                   ries and expenses, for the project.

17          (2) ALTERNATE ALLOCATION.—Appropriations  
18          Acts may provide for alternate allocation of amounts  
19          made available under subsection (b)(1), consistent  
20          with the allocations under subparagraph (B) of that  
21          subsection.

22          (3) LACK OF ALTERNATE ALLOCATIONS.—If  
23          Congress has not enacted legislation establishing al-  
24          ternate allocations described in paragraph (2) by the  
25          date on which the Act making full-year appropria-

1        tions for the Department of the Interior, Environ-  
2        ment, and Related Agencies for the applicable fiscal  
3        year is enacted into law, amounts made available  
4        under subsection (b)(1)(B) shall be allocated by the  
5        President.

6        (d) SAWMILL INFRASTRUCTURE.—The Secretary of  
7        Agriculture, in coordination with the Secretary of the Inte-  
8        rior, shall—

9            (1) develop a ranking system that categorizes  
10        units of Federal land, including Indian forest land  
11        or rangeland, with regard to treating areas at risk  
12        of unnaturally severe wildfire or insect or disease in-  
13        festation, as being—

14            (A) very low priority for ecological restora-  
15        tion involving vegetation removal;

16            (B) low priority for ecological restoration  
17        involving vegetation removal;

18            (C) medium priority for ecological restora-  
19        tion involving vegetation removal;

20            (D) high priority for ecological restoration  
21        involving vegetation removal; or

22            (E) very high priority for ecological res-  
23        toration involving vegetation removal;

1           (2) determine, for a unit identified under para-  
2           graph (1) as being high or very high priority for eco-  
3           logical restoration involving vegetation removal, if—  
4                 (A) a sawmill or other wood-processing fa-  
5                 cility exists in close proximity to the unit; and  
6                 (B) the presence of a sawmill or other  
7                 wood-processing facility would substantially de-  
8                 crease or does substantially decrease the cost of  
9                 conducting ecological restoration projects in-  
10                volving vegetation removal;  
11           (3) in accordance with any conditions the Sec-  
12           retary of Agriculture determines to be necessary,  
13           using the amounts made available under subsection  
14           (b)(3), provide financial assistance, including a low-  
15           interest loan or a loan guarantee, to an entity seek-  
16           ing to establish, reopen, retrofit, expand, or improve  
17           a sawmill or other wood-processing facility in close  
18           proximity to a unit of Federal land that has been  
19           identified under paragraph (1) as high or very high  
20           priority for ecological restoration, if the presence of  
21           a sawmill or other wood-processing facility would  
22           substantially decrease or does substantially decrease  
23           the cost of conducting ecological restoration projects  
24           involving vegetation removal on the unit of Federal

1 land, including Indian forest land or rangeland, as  
2 determined under paragraph (2)(B); and

3 (4) to the extent practicable, when allocating  
4 funding to units of Federal land for ecological res-  
5 toration projects involving vegetation removal, give  
6 priority to a unit of Federal land that—

7 (A) has been identified under paragraph  
8 (1) as being high or very high priority for eco-  
9 logical restoration involving vegetation removal;  
10 and

11 (B) has a sawmill or other wood-processing  
12 facility—

13 (i) that, as determined under para-  
14 graph (2)—

15 (I) exists in close proximity to  
16 the unit; and

17 (II) does substantially decrease  
18 the cost of conducting ecological res-  
19 toration projects involving vegetation  
20 removal on the unit; or

21 (ii) that has received financial assist-  
22 ance under paragraph (3).

23 (e) RECREATION SITES.—

24 (1) SITE RESTORATION AND IMPROVEMENTS.—

25 Of the amounts made available under subsection



1 (b)(7), \$45,000,000 shall be made available to the  
2 Secretary of the Interior and \$35,000,000 shall be  
3 made available the Secretary of Agriculture to re-  
4 store, prepare, or adapt recreation sites on Federal  
5 land, including Indian forest land or rangeland, that  
6 have experienced or may likely experience visitation  
7 and use beyond the carrying capacity of the sites.

8 (2) PUBLIC USE RECREATION CABINS.—

9 (A) IN GENERAL.—Of the amounts made  
10 available under subsection (b)(7), \$20,000,000  
11 shall be made available to the Secretary of Ag-  
12 riculture for—

13 (i) the operation, repair, reconstruc-  
14 tion, and construction of public use recre-  
15 ation cabins on National Forest System  
16 land; and

17 (ii) to the extent necessary, the repair  
18 or reconstruction of historic buildings that  
19 are to be outleased under section 306121  
20 of title 54, United States Code.

21 (B) INCLUSION.—Of the amount described  
22 in subparagraph (A), \$5,000,000 shall be made  
23 available to the Secretary of Agriculture for as-  
24 sociated salaries and expenses in carrying out  
25 that subparagraph.

1 (C) AGREEMENTS.—The Secretary of Ag-  
2 riculture may enter into a lease or cooperative  
3 agreement with a State, Indian Tribe, local gov-  
4 ernment, or private entity—

5 (i) to carry out the activities described  
6 in subparagraph (A); or

7 (ii) to manage the renting of a cabin  
8 or building described in subparagraph (A)  
9 to the public.

10 (3) EXCLUSION.—A project shall not be eligible  
11 for funding under this subsection if—

12 (A) funding for the project would be used  
13 for deferred maintenance, as defined by Federal  
14 Accounting Standards Advisory Board; and

15 (B) the Secretary of the Interior or the  
16 Secretary of Agriculture has identified the  
17 project for funding from the National Parks  
18 and Public Land Legacy Restoration Fund es-  
19 tablished by section 200402(a) of title 54,  
20 United States Code.

21 (f) COLLABORATIVE-BASED, AQUATIC-FOCUSED,  
22 LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to  
23 the availability of appropriations, not later than 180 days  
24 after the date of enactment of this Act, the Secretary of  
25 Agriculture shall, in coordination with the Secretary of the

1 Interior and using the amounts made available under sub-  
2 section (b)(10)—

3 (1) solicit collaboratively developed proposals  
4 that—

5 (A) are for 5-year projects to restore fish  
6 passage or water quality on Federal land and  
7 non-Federal land to the extent allowed under  
8 section 323(a) of the Department of the Inte-  
9 rior and Related Agencies Appropriations Act,  
10 1999 (16 U.S.C. 1011a(a)), including Indian  
11 forest land or rangeland;

12 (B) contain proposed accomplishments and  
13 proposed non-Federal funding; and

14 (C) request not more than \$5,000,000 in  
15 funding made available under subsection  
16 (b)(10);

17 (2) select project proposals for funding in a  
18 manner that—

19 (A) gives priority to a project proposal that  
20 would result in the most miles of streams being  
21 restored for the lowest amount of Federal fund-  
22 ing; and

23 (B) discontinues funding for a project that  
24 fails to achieve the results included in a pro-

1 posal submitted under paragraph (1) for more  
2 than 2 consecutive years; and

3 (3) publish a list of—

4 (A) all of the priority watersheds on Na-  
5 tional Forest System land;

6 (B) the condition of each priority water-  
7 shed on the date of enactment of this Act; and

8 (C) the condition of each priority water-  
9 shed on the date that is 5 years after the date  
10 of enactment of this Act.

11 **SEC. 8005. GAO STUDY.**

12 (a) STUDY.—Not later than 6 years after the date  
13 of enactment of this Act, the Comptroller General of the  
14 United States shall—

15 (1) conduct a study on the implementation of  
16 this title and the amendments made by this title, in-  
17 cluding whether this title and the amendments made  
18 by this title have—

19 (A) effectively reduced wildfire risk, includ-  
20 ing the extent to which the wildfire hazard on  
21 Federal land has changed; and

22 (B) restored ecosystems on Federal and  
23 non-Federal land; and

24 (2) submit to Congress a report that describes  
25 the results of the study under paragraph (1).

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Comptroller General  
3 of the Unites States for the activities described in sub-  
4 section (a) \$800,000.

5 **TITLE IX—WESTERN WATER**  
6 **INFRASTRUCTURE**

7 **SEC. 9001. AUTHORIZATIONS OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Sec-  
9 retary of the Interior, acting through the Commissioner  
10 of Reclamation (referred to in this title as the “Sec-  
11 retary”), for the period of fiscal years 2022 through  
12 2026—

13 (1) \$1,150,000,000 for water storage, ground-  
14 water storage, and conveyance projects in accord-  
15 ance with section 9002, of which \$100,000,000 shall  
16 be made available to provide grants to plan and con-  
17 struct small surface water and groundwater storage  
18 projects in accordance with section 9003;

19 (2) \$3,200,000,000 for the Aging Infrastruc-  
20 ture Account established by subsection (d)(1) of sec-  
21 tion 9603 of the Omnibus Public Land Management  
22 Act of 2009 (43 U.S.C. 510b), to be made available  
23 for activities in accordance with that subsection, in-  
24 cluding major rehabilitation and replacement activi-  
25 ties, as identified in the Asset Management Report

1 of the Bureau of Reclamation dated April 2021, of  
2 which—

3 (A) \$100,000,000 shall be made available  
4 for Bureau of Reclamation reserved or trans-  
5 ferred works that have suffered a critical fail-  
6 ure, in accordance with section 9004(a); and

7 (B) \$100,000,000 shall be made available  
8 for the rehabilitation, reconstruction, or re-  
9 placement of a dam in accordance with  
10 9004(b);

11 (3) \$1,000,000,000 for rural water projects  
12 that have been authorized by an Act of Congress be-  
13 fore July 1, 2021, in accordance with the Reclama-  
14 tion Rural Water Supply Act of 2006 (43 U.S.C.  
15 2401 et seq.);

16 (4) \$1,000,000,000 for water recycling and  
17 reuse projects, of which—

18 (A) \$550,000,000 shall be made available  
19 for water recycling and reuse projects author-  
20 ized in accordance with the Reclamation Waste-  
21 water and Groundwater Study and Facilities  
22 Act (43 U.S.C. 390h et seq.) that are—

23 (i) authorized or approved for con-  
24 struction funding by an Act of Congress

1 before the date of enactment of this Act;  
2 or

3 (ii) selected for funding under the  
4 competitive grant program authorized pur-  
5 suant to section 1602(f) of the Reclama-  
6 tion Wastewater and Groundwater Study  
7 and Facilities Act (43 U.S.C. 390h(f)),  
8 with funding under this subparagraph to  
9 be provided in accordance with that sec-  
10 tion, notwithstanding section 4013 of the  
11 Water Infrastructure Improvements for the  
12 Nation Act (43 U.S.C. 390b note; Public  
13 Law 114–322), except that section  
14 1602(g)(2) of the Reclamation Wastewater  
15 and Groundwater Study and Facilities Act  
16 (43 U.S.C. 390h(g)(2)) shall not apply to  
17 amounts made available under this sub-  
18 paragraph; and

19 (B) \$450,000,000 shall be made available  
20 for large-scale water recycling and reuse  
21 projects in accordance with section 9005;

22 (5) \$250,000,000 for water desalination  
23 projects and studies authorized in accordance with  
24 the Water Desalination Act of 1996 (42 U.S.C.  
25 10301 note; Public Law 104–298) that are—

1 (A) authorized or approved for construc-  
2 tion funding by an Act of Congress before July  
3 1, 2021; or

4 (B) selected for funding under the pro-  
5 gram authorized pursuant to section 4(a) of the  
6 Water Desalination Act of 1996 (42 U.S.C.  
7 10301 note; Public Law 104–298), with fund-  
8 ing to be made available under this paragraph  
9 in accordance with that subsection, notwith-  
10 standing section 4013 of the Water Infrastruc-  
11 ture Improvements for the Nation Act (43  
12 U.S.C. 390b note; Public Law 114–322), except  
13 that paragraph (2)(F) of section 4(a) of the  
14 Water Desalination Act of 1996 (42 U.S.C.  
15 10301 note; Public Law 104–298) (as redesign-  
16 nated by section 9008) shall not apply to  
17 amounts made available under this paragraph;

18 (6) \$500,000,000 for the safety of dams pro-  
19 gram, in accordance with the Reclamation Safety of  
20 Dams Act of 1978 (43 U.S.C. 506 et seq.);

21 (7) \$400,000,000 for WaterSMART grants in  
22 accordance with section 9504 of the Omnibus Public  
23 Land Management Act of 2009 (42 U.S.C. 10364),  
24 of which \$100,000,000 shall be made available for  
25 projects that would improve the condition of a nat-



1        ural feature or nature-based feature (as those terms  
2        are defined in section 9502 of the Omnibus Public  
3        Land Management Act of 2009 (42 U.S.C. 10362));

4            (8) subject to section 9006, \$300,000,000 for  
5        implementing the Colorado River Basin Drought  
6        Contingency Plan, consistent with the obligations of  
7        the Secretary under the Colorado River Drought  
8        Contingency Plan Authorization Act (Public Law  
9        116–14; 133 Stat. 850) and related agreements, of  
10       which \$50,000,000 shall be made available for use  
11       in accordance with the Drought Contingency Plan  
12       for the Upper Colorado River Basin;

13            (9) \$100,000,000 to provide financial assistance  
14        for watershed management projects in accordance  
15        with subtitle A of title VI of the Omnibus Public  
16        Land Management Act of 2009 (16 U.S.C. 1015 et  
17        seq.);

18            (10) \$250,000,000 for design, study, and con-  
19        struction of aquatic ecosystem restoration and pro-  
20        tection projects in accordance with section 1109 of  
21        division FF of the Consolidated Appropriations Act,  
22        2021 (Public Law 116–260);

23            (11) \$100,000,000 for multi-benefit projects to  
24        improve watershed health in accordance with section  
25        9007; and

1 (12) \$50,000,000 for endangered species recovery and conservation programs in the Colorado River Basin in accordance with—

2 (A) Public Law 106–392 (114 Stat. 1602);

3 (B) the Grand Canyon Protection Act of 1992 (Public Law 102–575; 106 Stat. 4669);

4 and

5 (C) subtitle E of title IX of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327).

6 **SEC. 9002. WATER STORAGE, GROUNDWATER STORAGE,**  
7 **AND CONVEYANCE PROJECTS.**

8 (a) **ELIGIBILITY FOR FUNDING.—**

9 (1) **FEASIBILITY STUDIES.—**

10 (A) **IN GENERAL.—**A feasibility study shall only be eligible for funding under section 9001(1) if—

11 (i) the feasibility study has been authorized by an Act of Congress before the date of enactment of this Act;

12 (ii) Congress has approved funding for the feasibility study in accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114–322)

1 before the date of enactment of this Act;

2 or

3 (iii) the feasibility study is authorized

4 under subparagraph (B).

5 (B) FEASIBILITY STUDY AUTHORIZA-

6 TIONS.—The Secretary may carry out feasibility

7 studies for the following projects:

8 (i) The Verde Reservoirs Sediment

9 Mitigation Project in the State of Arizona.

10 (ii) The Tualatin River Basin Project

11 in the State of Oregon.

12 (2) CONSTRUCTION.—A project shall only be el-

13 igible for construction funding under section

14 9001(1) if—

15 (A) an Act of Congress enacted before the

16 date of enactment of this Act authorizes con-

17 struction of the project;

18 (B) Congress has approved funding for

19 construction of the project in accordance with

20 section 4007 of the Water Infrastructure Im-

21 provements for the Nation Act (43 U.S.C. 390b

22 note; Public Law 114–322) before the date of

23 enactment of this Act, except for any project

24 for which—

1 (i) Congress did not approve the rec-  
2 ommendation of the Secretary for funding  
3 under subsection (h)(2) of that section for  
4 at least 1 fiscal year before the date of en-  
5 actment of this Act; or

6 (ii) State funding for the project was  
7 rescinded by the State before the date of  
8 enactment of this Act; or

9 (C)(i) Congress has authorized or approved  
10 funding for a feasibility study for the project in  
11 accordance with clause (i) or (ii) of paragraph  
12 (1)(A) (except that projects described in clauses  
13 (i) and (ii) of subparagraph (B) shall not be eli-  
14 gible); and

15 (ii) on completion of the feasibility study  
16 for the project, the Secretary—

17 (I) finds the project to be technically  
18 and financially feasible in accordance with  
19 the reclamation laws;

20 (II) determines that sufficient non-  
21 Federal funding is available for the non-  
22 Federal cost share of the project; and

23 (III)(aa) finds the project to be in the  
24 public interest; and

1 (bb) recommends the project for con-  
2 struction.

3 (b) COST-SHARING REQUIREMENT.—

4 (1) IN GENERAL.—The Federal share—

5 (A) for a project authorized by an Act of  
6 Congress shall be determined in accordance  
7 with that Act;

8 (B) for a project approved by Congress in  
9 accordance with section 4007 of the Water In-  
10 frastructure Improvements for the Nation Act  
11 (43 U.S.C. 390b note; Public Law 114–322)  
12 (including construction resulting from a feasi-  
13 bility study authorized under that Act) shall be  
14 as provided in that Act; and

15 (C) for a project not described in subpara-  
16 graph (A) or (B)—

17 (i) in the case of a federally owned  
18 project, shall not exceed 50 percent of the  
19 total cost of the project; and

20 (ii) in the case of a non-Federal  
21 project, shall not exceed 25 percent of the  
22 total cost of the project.

23 (2) FEDERAL BENEFITS.—Before funding a  
24 project under this section, the Secretary shall deter-  
25 mine that, in return for the Federal investment in

1 the project, at least a proportionate share of the  
2 benefits are Federal benefits.

3 (3) REIMBURSABILITY.—The reimbursability of  
4 Federal funding of projects under this section shall  
5 be in accordance with the reclamation laws.

6 (c) ENVIRONMENTAL LAWS.—In providing funding  
7 for a project under this section, the Secretary shall comply  
8 with all applicable environmental laws, including the Na-  
9 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
10 et seq.).

11 **SEC. 9003. SMALL WATER STORAGE AND GROUNDWATER**  
12 **STORAGE PROJECTS.**

13 (a) ESTABLISHMENT OF A COMPETITIVE GRANT  
14 PROGRAM FOR SMALL WATER STORAGE AND GROUND-  
15 WATER STORAGE PROJECTS.—The Secretary shall estab-  
16 lish a competitive grant program, under which the non-  
17 Federal project sponsor of any project in a Reclamation  
18 State determined by the Secretary to be feasible under  
19 subsection (b)(2)(B) shall be eligible to apply for funding  
20 for the planning, design, and construction of the project.

21 (b) ELIGIBILITY AND SELECTION.—

22 (1) SUBMISSION TO THE SECRETARY.—

23 (A) IN GENERAL.—A non-Federal project  
24 sponsor described in subsection (a) may submit  
25 to the Secretary a proposal for a project eligible

1 to receive a grant under this section in the form  
2 of a completed feasibility study.

3 (B) ELIGIBLE PROJECTS.—A project shall  
4 be considered eligible for consideration for a  
5 grant under this section if the project—

6 (i) has water storage capacity of not  
7 less than 2,000 acre-feet and not more  
8 than 30,000 acre-feet; and

9 (ii)(I) increases surface water or  
10 groundwater storage; or

11 (II) conveys water, directly or indi-  
12 rectly, to or from surface water or ground-  
13 water storage.

14 (C) GUIDELINES.—Not later than 60 days  
15 after the date of enactment of this Act, the Sec-  
16 retary shall issue guidelines for feasibility stud-  
17 ies for small storage projects to provide suffi-  
18 cient information for the formulation of the  
19 studies.

20 (2) REVIEW BY THE SECRETARY.—The Sec-  
21 retary shall review each feasibility study received  
22 under paragraph (1)(A) for the purpose of deter-  
23 mining whether—

24 (A) the feasibility study, and the process  
25 under which the study was developed, each

1           comply with Federal laws (including regula-  
2           tions) applicable to feasibility studies of small  
3           storage projects;

4                   (B) the project is technically and finan-  
5           cially feasible, in accordance with—

6                           (i) the guidelines developed under  
7                           paragraph (1)(C); and

8                           (ii) the reclamation laws; and

9                   (C) the project provides a Federal benefit,  
10          as determined by the Secretary.

11          (3) SUBMISSION TO CONGRESS.—Not later than  
12          180 days after the date of receipt of a feasibility  
13          study received under paragraph (1)(A), the Sec-  
14          retary shall submit to the Committee on Energy and  
15          Natural Resources of the Senate and the Committee  
16          on Natural Resources of the House of Representa-  
17          tives a report that describes—

18                   (A) the results of the review of the study  
19          by the Secretary under paragraph (2), including  
20          a determination of whether the project is fea-  
21          sible and provides a Federal benefit;

22                   (B) any recommendations that the Sec-  
23          retary may have concerning the plan or design  
24          of the project; and



1 (C) any conditions the Secretary may re-  
2 quire for construction of the project.

3 (4) ELIGIBILITY FOR FUNDING.—

4 (A) IN GENERAL.—The non-Federal  
5 project sponsor of any project determined by  
6 the Secretary to be feasible under paragraph  
7 (3)(A) shall be eligible to apply to the Secretary  
8 for a grant to cover the Federal share of the  
9 costs of planning, designing, and constructing  
10 the project pursuant to subsection (c).

11 (B) REQUIRED DETERMINATION.—Prior to  
12 awarding grants to a small storage project, the  
13 Secretary shall determine whether there is suffi-  
14 cient non-Federal funding available to complete  
15 the project.

16 (5) PRIORITY.—In awarding grants to projects  
17 under this section, the Secretary shall give priority  
18 to projects that meet 1 or more of the following cri-  
19 teria:

20 (A) Projects that are likely to provide a  
21 more reliable water supply for States, Indian  
22 Tribes, and local governments, including sub-  
23 divisions of those entities.

24 (B) Projects that are likely to increase  
25 water management flexibility and reduce im-

1           pacts on environmental resources from projects  
2           operated by Federal and State agencies.

3           (C) Projects that are regional in nature.

4           (D) Projects with multiple stakeholders.

5           (E) Projects that provide multiple benefits,  
6           including water supply reliability, ecosystem  
7           benefits, groundwater management and en-  
8           hancements, and water quality improvements.

9           (c) CEILING ON FEDERAL SHARE.—The Federal  
10          share of the costs of each of the individual projects se-  
11          lected under this section shall not exceed the lesser of—

12                 (1) 25 percent of the total project cost; or

13                 (2) \$30,000,000.

14          (d) ENVIRONMENTAL LAWS.—In providing funding  
15          for a grant for a project under this section, the Secretary  
16          shall comply with all applicable environmental laws, in-  
17          cluding the National Environmental Policy Act of 1969  
18          (42 U.S.C. 4321 et seq.).

19          (e) TERMINATION OF AUTHORITY.—The authority to  
20          carry out this section terminates on the date that is 5  
21          years after the date of enactment of this Act.

22          **SEC. 9004. CRITICAL MAINTENANCE AND REPAIR.**

23          (a) CRITICAL FAILURE AT A RESERVED OR TRANS-  
24          FERRED WORK.—

1           (1) IN GENERAL.—A reserved or transferred  
2 work shall only be eligible for funding under section  
3 9001(2)(A) if—

4           (A) construction of the reserved or trans-  
5 ferred work began on or before January 1,  
6 1915; and

7           (B) a unit of the reserved or transferred  
8 work suffered a critical failure in Bureau of  
9 Reclamation infrastructure during the 2-year  
10 period ending on the date of enactment of this  
11 Act that resulted in the failure to deliver water  
12 to project beneficiaries.

13           (2) USE OF FUNDS.—Rehabilitation, repair,  
14 and replacement activities for a transferred or re-  
15 served work using amounts made available under  
16 section 9001(2)(A) may be used for the entire trans-  
17 ferred or reserved work, regardless of whether the  
18 critical failure was limited to a single project of the  
19 overall work.

20           (3) NONREIMBURSABLE FUNDS.—Notwith-  
21 standing section 9603(b) of the Omnibus Public  
22 Land Management Act of 2009 (43 U.S.C.  
23 510b(b)), amounts made available to a reserved or  
24 transferred work under section 9001(2)(A) shall be  
25 nonreimbursable to the United States.

1 (b) CAREY ACT PROJECTS.—The Secretary may use  
2 amounts made available under section 9001(2)(B) to fund  
3 the rehabilitation, reconstruction, or replacement of a  
4 dam—

5 (1) the construction of which began on or after  
6 January 1, 1905;

7 (2) that was developed pursuant to section 4 of  
8 the Act of August 18, 1894 (commonly known as  
9 the “Carey Act”) (43 U.S.C. 641; 28 Stat. 422,  
10 chapter 301);

11 (3) that the Governor of the State in which the  
12 dam is located has—

13 (A) determined the dam has reached its  
14 useful life;

15 (B) determined the dam poses significant  
16 health and safety concerns; and

17 (C) requested Federal support; and

18 (4) for which the estimated rehabilitation, re-  
19 construction, or replacement, engineering, and per-  
20 mitting costs would exceed \$50,000,000.

21 **SEC. 9005. COMPETITIVE GRANT PROGRAM FOR LARGE-**  
22 **SCALE WATER RECYCLING AND REUSE PRO-**  
23 **GRAM.**

24 (a) DEFINITIONS.—In this section:

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

3                   (A) a State, Indian Tribe, municipality, ir-  
4                   rigation district, water district, wastewater dis-  
5                   trict, or other organization with water or power  
6                   delivery authority;

7                   (B) a State, regional, or local authority,  
8                   the members of which include 1 or more organi-  
9                   zations with water or power delivery authority;  
10                  or

11                  (C) an agency established under State law  
12                  for the joint exercise of powers or a combina-  
13                  tion of entities described in subparagraphs (A)  
14                  and (B).

15           (2) ELIGIBLE PROJECT.—The term “eligible  
16           project” means a project described in subsection (c).

17           (3) PROGRAM.—The term “program” means  
18           the grant program established under subsection (b).

19           (4) RECLAMATION STATE.—The term “Rec-  
20           lamation State” means a State or territory described  
21           in the first section of the Act of June 17, 1902 (43  
22           U.S.C. 391; 32 Stat. 388, chapter 1093).

23           (b) ESTABLISHMENT.—The Secretary shall establish  
24           a program to provide grants to eligible entities on a com-  
25           petitive basis for the planning, design, and construction

1 of large-scale water recycling and reuse projects that pro-  
2 vide substantial water supply and other benefits to the  
3 Reclamation States in accordance with this section.

4 (c) ELIGIBLE PROJECT.—A project shall be eligible  
5 for a grant under this section if the project—

6 (1) reclaims and reuses—

7 (A) municipal, industrial, domestic, or ag-  
8 ricultural wastewater; or

9 (B) impaired groundwater or surface  
10 water;

11 (2) has a total estimated cost of \$500,000,000  
12 or more;

13 (3) is located in a Reclamation State;

14 (4) is constructed, operated, and maintained by  
15 an eligible entity; and

16 (5) provides a Federal benefit in accordance  
17 with the reclamation laws.

18 (d) PROJECT EVALUATION.—The Secretary may pro-  
19 vide a grant to an eligible project under the program if—

20 (1) the eligible entity determines through the  
21 preparation of a feasibility study or equivalent  
22 study, and the Secretary concurs, that the eligible  
23 project—

24 (A) is technically and financially feasible;

1 (B) provides a Federal benefit in accord-  
2 ance with the reclamation laws; and

3 (C) is consistent with applicable Federal  
4 and State laws;

5 (2) the eligible entity has sufficient non-Federal  
6 funding available to complete the eligible project, as  
7 determined by the Secretary;

8 (3) the eligible entity is financially solvent, as  
9 determined by the Secretary; and

10 (4) not later than 30 days after the date on  
11 which the Secretary concurs with the determinations  
12 under paragraph (1) with respect to the eligible  
13 project, the Secretary submits to Congress written  
14 notice of the determinations.

15 (e) PRIORITY.—In providing grants to eligible  
16 projects under the program, the Secretary shall give pri-  
17 ority to eligible projects that meet 1 or more of the fol-  
18 lowing criteria:

19 (1) The eligible project provides multiple bene-  
20 fits, including—

21 (A) water supply reliability benefits for  
22 drought-stricken States and communities;

23 (B) fish and wildlife benefits; and

24 (C) water quality improvements.

1           (2) The eligible project is likely to reduce im-  
2           pacts on environmental resources from water  
3           projects owned or operated by Federal and State  
4           agencies, including through measurable reductions in  
5           water diversions from imperiled ecosystems.

6           (3) The eligible project would advance water  
7           management plans across a multi-State area, such  
8           as drought contingency plans in the Colorado River  
9           Basin.

10          (4) The eligible project is regional in nature.

11          (5) The eligible project is collaboratively devel-  
12          oped or supported by multiple stakeholders.

13          (f) FEDERAL ASSISTANCE.—

14           (1) FEDERAL COST SHARE.—The Federal share  
15           of the cost of any project provided a grant under the  
16           program shall not exceed 25 percent of the total cost  
17           of the eligible project.

18           (2) TOTAL DOLLAR CAP.—The Secretary shall  
19           not impose a total dollar cap on Federal contribu-  
20           tions for all eligible individual projects provided a  
21           grant under the program.

22           (3) NONREIMBURSABLE FUNDS.—Any funds  
23           provided by the Secretary to an eligible entity under  
24           the program shall be considered nonreimbursable.



1           (4) FUNDING ELIGIBILITY.—An eligible project  
2 shall not be considered ineligible for assistance  
3 under the program because the eligible project has  
4 received assistance under—

5                   (A) the Reclamation Wastewater and  
6 Groundwater Study and Facilities Act (43  
7 U.S.C. 390h et seq.);

8                   (B) section 4(a) of the Water Desalination  
9 Act of 1996 (42 U.S.C. 10301 note; Public Law  
10 104–298) for eligible desalination projects; or

11                   (C) section 1602(e) of the Reclamation  
12 Wastewater and Groundwater Study and Facili-  
13 ties Act (43 U.S.C. 390h(e)).

14           (g) ENVIRONMENTAL LAWS.—In providing a grant  
15 for an eligible project under the program, the Secretary  
16 shall comply with all applicable environmental laws, in-  
17 cluding the National Environmental Policy Act of 1969  
18 (42 U.S.C. 4321 et seq.).

19           (h) GUIDANCE.—Not later than 1 year after the date  
20 of enactment of this Act, the Secretary shall issue guid-  
21 ance on the implementation of the program, including  
22 guidelines for the preparation of feasibility studies or  
23 equivalent studies by eligible entities.

24           (i) REPORTS.—

1           (1) ANNUAL REPORT.—At the end of each fis-  
2 cal year, the Secretary shall make available on the  
3 website of the Department of the Interior an annual  
4 report that lists each eligible project for which a  
5 grant has been awarded under this section during  
6 the fiscal year.

7           (2) COMPTROLLER GENERAL.—

8           (A) ASSESSMENT.—The Comptroller Gen-  
9 eral of the United States shall conduct an as-  
10 sessment of the administrative establishment,  
11 solicitation, selection, and justification process  
12 with respect to the funding of grants under this  
13 section.

14           (B) REPORT.—Not later than 1 year after  
15 the date of the initial award of grants under  
16 this section, the Comptroller General shall sub-  
17 mit to the Committee on Energy and Natural  
18 Resources of the Senate and the Committee on  
19 Natural Resources of the House of Representa-  
20 tives a report that describes—

21           (i) the adequacy and effectiveness of  
22 the process by which each eligible project  
23 was selected, if applicable; and

1 (ii) the justification and criteria used  
2 for the selection of each eligible project, if  
3 applicable.

4 (j) TREATMENT OF CONVEYANCE.—The Secretary  
5 shall consider the planning, design, and construction of  
6 a conveyance system for an eligible project to be eligible  
7 for grant funding under the program.

8 (k) TERMINATION OF AUTHORITY.—The authority to  
9 carry out this section terminates on the date that is 5  
10 years after the date of enactment of this Act.

11 **SEC. 9006. DROUGHT CONTINGENCY PLAN FUNDING RE-**  
12 **QUIREMENTS.**

13 (a) IN GENERAL.—Funds made available under sec-  
14 tion 9001(8) for use in the Lower Colorado River Basin  
15 may be used for projects—

16 (1) to establish or conserve recurring Colorado  
17 River water that contributes to supplies in Lake  
18 Mead and other Colorado River water reservoirs in  
19 the Lower Colorado River Basin; or

20 (2) to improve the long-term efficiency of oper-  
21 ations in the Lower Colorado River Basin.

22 (b) LIMITATION.—None of the funds made available  
23 under section 9001(8) may be used for the operation of  
24 the Yuma Desalting Plant.

1 (c) EFFECT.—Nothing in section 9001(8) limits ex-  
2 isting or future opportunities to augment the water sup-  
3 plies of the Colorado River.

4 **SEC. 9007. MULTI-BENEFIT PROJECTS TO IMPROVE WATER-**  
5 **SHED HEALTH.**

6 (a) DEFINITION OF ELIGIBLE APPLICANT.—In this  
7 section, the term “eligible applicant” means—

8 (1) a State;

9 (2) a Tribal or local government;

10 (3) an organization with power or water deliv-  
11 ery authority;

12 (4) a regional authority; or

13 (5) a nonprofit conservation organization.

14 (b) ESTABLISHMENT OF COMPETITIVE GRANT PRO-  
15 GRAM.—Not later than 1 year after the date of enactment  
16 of this Act, the Secretary, in consultation with the heads  
17 of relevant agencies, shall establish a competitive grant  
18 program under which the Secretary shall award grants to  
19 eligible applicants for the design, implementation, and  
20 monitoring of conservation outcomes of habitat restoration  
21 projects that improve watershed health in a river basin  
22 that is adversely impacted by a Bureau of Reclamation  
23 water project by accomplishing 1 or more of the following:

24 (1) Ecosystem benefits.

25 (2) Restoration of native species.

1           (3) Mitigation against the impacts of climate  
2 change to fish and wildlife habitats.

3           (4) Protection against invasive species.

4           (5) Restoration of aspects of the natural eco-  
5 system.

6           (6) Enhancement of commercial, recreational,  
7 subsistence, or Tribal ceremonial fishing.

8           (7) Enhancement of river-based recreation.

9           (c) REQUIREMENTS.—

10           (1) IN GENERAL.—In awarding a grant to an  
11 eligible applicant under subsection (b), the Sec-  
12 retary—

13           (A) shall give priority to an eligible appli-  
14 cant that would carry out a habitat restoration  
15 project that achieves more than 1 of the bene-  
16 fits described in that subsection; and

17           (B) may not provide a grant to carry out  
18 a habitat restoration project the purpose of  
19 which is to meet existing environmental mitiga-  
20 tion or compliance obligations under Federal or  
21 State law.

22           (2) COMPLIANCE.—A habitat restoration  
23 project awarded a grant under subsection (b) shall  
24 comply with all applicable Federal and State laws.

1 (d) COST-SHARING REQUIREMENT.—The Federal  
2 share of the cost of any habitat restoration project that  
3 is awarded a grant under subsection (b)—

4 (1) shall not exceed 50 percent of the cost of  
5 the habitat restoration project; or

6 (2) in the case of a habitat restoration project  
7 that provides benefits to ecological or recreational  
8 values in which the nonconsumptive water conserva-  
9 tion benefit or habitat restoration benefit accounts  
10 for at least 75 percent of the cost of the habitat res-  
11 toration project, as determined by the Secretary,  
12 shall not exceed 75 percent of the cost of the habitat  
13 restoration project.

14 **SEC. 9008. ELIGIBLE DESALINATION PROJECTS.**

15 Section 4(a) of the Water Desalination Act of 1996  
16 (42 U.S.C. 10301 note; Public Law 104–298) is amended  
17 by redesignating the second paragraph (1) (relating to eli-  
18 gible desalination projects) as paragraph (2).

19 **SEC. 9009. CLARIFICATION OF AUTHORITY TO USE**  
20 **CORONAVIRUS FISCAL RECOVERY FUNDS TO**  
21 **MEET A NON-FEDERAL MATCHING REQUIRE-**  
22 **MENT FOR AUTHORIZED BUREAU OF REC-**  
23 **LAMATION WATER PROJECTS.**

24 (a) CORONAVIRUS STATE FISCAL RECOVERY  
25 FUND.—Section 602(c) of the Social Security Act (42

1 U.S.C. 802(c) is amended by adding at the end the fol-  
2 lowing:

3           “(4) USE OF FUNDS TO SATISFY NON-FEDERAL  
4           MATCHING REQUIREMENTS FOR AUTHORIZED BU-  
5           REAU OF RECLAMATION WATER PROJECTS.—Funds  
6           provided under this section for an authorized Bu-  
7           reau of Reclamation project may be used for pur-  
8           poses of satisfying any non-Federal matching re-  
9           quirement required for the project.”.

10          (b) CORONAVIRUS LOCAL FISCAL RECOVERY  
11          FUND.—Section 603(c) of the Social Security Act (42  
12          U.S.C. 803(c)) is amended by adding at the end the fol-  
13          lowing:

14               “(5) USE OF FUNDS TO SATISFY NON-FEDERAL  
15               MATCHING, MAINTENANCE OF EFFORT, OR OTHER  
16               EXPENDITURE REQUIREMENT.—Funds provided  
17               under this section for an authorized Bureau of Rec-  
18               lamation project may be used for purposes of satis-  
19               fying any non-Federal matching requirement re-  
20               quired for the project.”.

21          (c) EFFECTIVE DATE.—The amendments made by  
22          this section shall take effect as if included in the enact-  
23          ment of section 9901 of the American Rescue Plan Act  
24          of 2021 (Public Law 117–2; 135 Stat. 223).

1 **TITLE X—AUTHORIZATION OF**  
2 **APPROPRIATIONS FOR EN-**  
3 **ERGY ACT OF 2020**

4 **SEC. 10001. ENERGY STORAGE DEMONSTRATION**  
5 **PROJECTS.**

6 (a) ENERGY STORAGE DEMONSTRATION PROJECTS;  
7 PILOT GRANT PROGRAM.—There is authorized to be ap-  
8 propriated to the Secretary to carry out activities under  
9 section 3201(c) of the Energy Act of 2020 (42 U.S.C.  
10 17232(c)) \$355,000,000 for the period of fiscal years  
11 2022 through 2025.

12 (b) LONG-DURATION DEMONSTRATION INITIATIVE  
13 AND JOINT PROGRAM.—There is authorized to be appro-  
14 priated to the Secretary to carry out activities under sec-  
15 tion 3201(d) of the Energy Act of 2020 (42 U.S.C.  
16 17232(d)) \$150,000,000 for the period of fiscal years  
17 2022 through 2025.

18 **SEC. 10002. ADVANCED REACTOR DEMONSTRATION PRO-**  
19 **GRAM.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Secretary to carry  
22 out activities under section 959A of the Energy Policy Act  
23 of 2005 (42 U.S.C. 16279a) pursuant to the funding op-  
24 portunity announcement of the Department numbered



1 DE-FOA-0002271 for Pathway 1, Advanced Reactor  
2 Demonstrations—

3 (1) \$511,000,000 for fiscal year 2022;

4 (2) \$506,000,000 for fiscal year 2023;

5 (3) \$636,000,000 for fiscal year 2024;

6 (4) \$824,000,000 for fiscal year 2025;

7 (5) \$453,000,000 for fiscal year 2026; and

8 (6) \$281,000,000 for fiscal year 2027.

9 (b) TECHNICAL CORRECTIONS.—

10 (1) DEFINITION OF ADVANCED NUCLEAR REAC-  
11 TOR.—Section 951(b)(1) of the Energy Policy Act of  
12 2005 (42 U.S.C. 16271(b)(1)) is amended—

13 (A) in subparagraph (A)(xi), by striking “;  
14 and” and inserting a semicolon;

15 (B) in subparagraph (B), by striking the  
16 period at the end and inserting “; and”; and

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

18 “(C) a radioisotope power system that uti-  
19 lizes heat from radioactive decay to generate  
20 energy.”.

21 (2) NUCLEAR ENERGY UNIVERSITY PROGRAM  
22 FUNDING.—Section 954(a)(6) of the Energy Policy  
23 Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by  
24 inserting “, excluding funds appropriated for the  
25 multi-year awards made as part of the Advanced Re-

1 actor Demonstration Program of the Department,”  
2 after “annually”.

3 **SEC. 10003. MINERAL SECURITY PROJECTS.**

4 (a) NATIONAL GEOLOGICAL AND GEOPHYSICAL  
5 DATA PRESERVATION PROGRAM.—There are authorized  
6 to be appropriated to the Secretary of the Interior to carry  
7 out activities under section 351 of the Energy Policy Act  
8 of 2005 (42 U.S.C. 15908)—

9 (1) \$8,668,000 for fiscal year 2022; and

10 (2) \$5,000,000 for each of fiscal years 2023  
11 through 2025.

12 (b) RARE EARTH MINERAL SECURITY.—There are  
13 authorized to be appropriated to the Secretary to carry  
14 out activities under section 7001(a) of the Energy Act of  
15 2020 (42 U.S.C. 13344(a))—

16 (1) \$23,000,000 for fiscal year 2022;

17 (2) \$24,200,000 for fiscal year 2023;

18 (3) \$25,400,000 for fiscal year 2024;

19 (4) \$26,600,000 for fiscal year 2025; and

20 (5) \$27,800,000 for fiscal year 2026.

21 (c) CRITICAL MATERIAL INNOVATION, EFFICIENCY,  
22 AND ALTERNATIVES.—There are authorized to be appro-  
23 priated to the Secretary to carry out activities under sec-  
24 tion 7002(g) of the Energy Act of 2020 (30 U.S.C.  
25 1606(g))—

- 1 (1) \$230,000,000 for fiscal year 2022;  
2 (2) \$100,000,000 for fiscal year 2023; and  
3 (3) \$135,000,000 for each of fiscal years 2024  
4 and 2025.

5 (d) CRITICAL MATERIAL SUPPLY CHAIN RESEARCH  
6 FACILITY.—There are authorized to be appropriated to  
7 the Secretary to carry out activities under section 7002(h)  
8 of the Energy Act of 2020 (30 U.S.C. 1606(h))—

- 9 (1) \$40,000,000 for fiscal year 2022; and  
10 (2) \$35,000,000 for fiscal year 2023.

11 **SEC. 10004. CARBON CAPTURE DEMONSTRATION AND**  
12 **PILOT PROGRAMS.**

13 (a) CARBON CAPTURE LARGE-SCALE PILOT  
14 PROJECTS.—There are authorized to be appropriated to  
15 the Secretary to carry out activities under section  
16 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C.  
17 16292(b)(2)(B))—

- 18 (1) \$387,000,000 for fiscal year 2022;  
19 (2) \$200,000,000 for fiscal year 2023;  
20 (3) \$200,000,000 for fiscal year 2024; and  
21 (4) \$150,000,000 for fiscal year 2025.

22 (b) CARBON CAPTURE DEMONSTRATION PROJECTS  
23 PROGRAM.—There are authorized to be appropriated to  
24 the Secretary to carry out activities under section

1 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C.

2 16292(b)(2)(C))—

3 (1) \$937,000,000 for fiscal year 2022;

4 (2) \$500,000,000 for each of fiscal years 2023

5 and 2024; and

6 (3) \$600,000,000 for fiscal year 2025.

7 **SEC. 10005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE**

8 **COMPETITIONS.**

9 (a) PRECOMMERCIAL.—There is authorized to be ap-  
10 propriated to the Secretary to carry out activities under

11 section 969D(e)(2)(A) of the Energy Policy Act of 2005

12 (42 U.S.C. 16298d(e)(2)(A)) \$15,000,000 for fiscal year

13 2022.

14 (b) COMMERCIAL.—There is authorized to be appro-

15 priated to the Secretary to carry out activities under sec-

16 tion 969D(e)(2)(B) of the Energy Policy Act of 2005 (42

17 U.S.C. 16298d(e)(2)(B)) \$100,000,000 for fiscal year

18 2022.

19 **SEC. 10006. WATER POWER PROJECTS.**

20 (a) HYDROPOWER AND MARINE ENERGY.—There

21 are authorized to be appropriated to the Secretary—

22 (1) to carry out activities under section 634 of

23 the Energy Independence and Security Act of 2007

24 (42 U.S.C. 17213), \$36,000,000 for the period of

25 fiscal years 2022 through 2025; and

1           (2) to carry out activities under section 635 of  
2           the Energy Independence and Security Act of 2007  
3           (42 U.S.C. 17214), \$70,400,000 for the period of  
4           fiscal years 2022 through 2025.

5           (b) NATIONAL MARINE ENERGY CENTERS.—There is  
6           authorized to be appropriated to the Secretary to carry  
7           out activities under section 636 of the Energy Independ-  
8           ence and Security Act of 2007 (42 U.S.C. 17215)  
9           \$40,000,000 for the period of fiscal years 2022 through  
10          2025.

11   **SEC. 10007. RENEWABLE ENERGY PROJECTS.**

12          (a) GEOTHERMAL ENERGY.—There is authorized to  
13          be appropriated to the Secretary to carry out activities  
14          under section 615(d) of the Energy Independence and Se-  
15          curity Act of 2007 (42 U.S.C. 17194(d)) \$84,000,000 for  
16          the period of fiscal years 2022 through 2025.

17          (b) WIND ENERGY.—There are authorized to be ap-  
18          propriated to the Secretary—

19                (1) to carry out activities under section  
20                3003(b)(2) of the Energy Act of 2020 (42 U.S.C.  
21                16237(b)(2)), \$60,000,000 for the period of fiscal  
22                years 2022 through 2025; and

23                (2) to carry out activities under section  
24                3003(b)(4) of the Energy Act of 2020 (42 U.S.C.

1 16237(b)(4)), \$40,000,000 for the period of fiscal  
2 years 2022 through 2025.

3 (c) SOLAR ENERGY.—There are authorized to be ap-  
4 propriated to the Secretary—

5 (1) to carry out activities under section  
6 3004(b)(2) of the Energy Act of 2020 (42 U.S.C.  
7 16238(b)(2)), \$40,000,000 for the period of fiscal  
8 years 2022 through 2025;

9 (2) to carry out activities under section  
10 3004(b)(3) of the Energy Act of 2020 (42 U.S.C.  
11 16238(b)(3)), \$20,000,000 for the period of fiscal  
12 years 2022 through 2025; and

13 (3) to carry out activities under section  
14 3004(b)(4) of the Energy Act of 2020 (42 U.S.C.  
15 16238(b)(4)), \$20,000,000 for the period of fiscal  
16 years 2022 through 2025.

17 **SEC. 10008. INDUSTRIAL EMISSIONS DEMONSTRATION**  
18 **PROJECTS.**

19 There are authorized to be appropriated to the Sec-  
20 retary to carry out activities under section 454(d)(3) of  
21 the Energy Independence and Security Act of 2007 (42  
22 U.S.C. 17113(d)(3))—

23 (1) \$100,000,000 for each of fiscal years 2022  
24 and 2023; and

1           (2) \$150,000,000 for each of fiscal years 2024  
2           and 2025.

3                           **TITLE XI—WAGE RATE**  
4                           **REQUIREMENTS**

5   **SEC. 11001. WAGE RATE REQUIREMENTS.**

6           (a) DAVIS-BACON.—All laborers and mechanics em-  
7   ployed by contractors or subcontractors in the perform-  
8   ance of construction, alteration, or repair work on a  
9   project assisted in whole or in part by funding made avail-  
10  able under this Act or an amendment made by this Act  
11  shall be paid wages at rates not less than those prevailing  
12  on similar projects in the locality, as determined by the  
13  Secretary of Labor in accordance with subchapter IV of  
14  chapter 31 of title 40, United States Code (commonly re-  
15  ferred to as the “Davis-Bacon Act”).

16          (b) AUTHORITY.—With respect to the labor stand-  
17  ards specified in subsection (a), the Secretary of Labor  
18  shall have the authority and functions set forth in Reorga-  
19  nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5  
20  U.S.C. App.) and section 3145 of title 40, United States  
21  Code.