

Calendar No. 104

117TH CONGRESS
1ST SESSION

S. 2377

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.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2021

Mr. MANCHIN, from the Committee on Energy and Natural Resources, reported the following original bill; which was read twice and placed on the calendar

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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.
 Sec. 1014. Columbia Basin power management.

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.
 Sec. 2010. Critical minerals mining and recycling research.
 Sec. 2011. 21st Century Energy Workforce Advisory Board.

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE
INVESTMENTS

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

- Sec. 3001. Findings.
- Sec. 3002. Carbon utilization program.
- 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.
- Sec. 3305. Authority for pumped storage hydropower development using multiple Bureau of Reclamation reservoirs.
- Sec. 3306. Limitations on issuance of certain leases of power privilege.

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.
- Sec. 3403. Leases, easements, and rights-of-way for energy and related purposes on the outer Continental Shelf.

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.

Subtitle C—Miscellaneous

- Sec. 4201. Consideration of measures to promote greater electrification of the transportation sector.
- Sec. 4202. Office of public participation.
- Sec. 4203. Digital climate solutions report.
- Sec. 4204. Study and report by the Secretary of Energy on job loss and impacts on consumer energy costs due to the revocation of the permit for the Keystone XL pipeline.
- Sec. 4205. Study on impact of electric vehicles.
- Sec. 4206. Study on impact of forced labor in China on the electric vehicle supply chain.

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.
- Sec. 7004. Abandoned hardrock mine reclamation.

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.
- Sec. 8006. Establishment of fuel breaks in forests and other wildland vegetation.
- Sec. 8007. Emergency actions.

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.
- Sec. 9010. Federal assistance for groundwater recharge, aquifer storage, and water source substitution 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.

TITLE XII—MISCELLANEOUS

- Sec. 12001. Office of Clean Energy Demonstrations.
 Sec. 12002. Extension of Secure Rural Schools and Community Self-Determination Act of 2000.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”
 4 means the Department of Energy.

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

9 (3) SECRETARY.—The term “Secretary” means
 10 the Secretary of Energy.

1 **TITLE I—GRID INFRASTRUC-**
2 **TURE AND RESILIENCY**
3 **Subtitle A—Grid Infrastructure**
4 **Resilience and Reliability**

5 **SEC. 1001. PREVENTING OUTAGES AND ENHANCING THE**
6 **RESILIENCE OF THE ELECTRIC GRID.**

7 (a) DEFINITIONS.—In this section:

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

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

15 (A) an electric grid operator;

16 (B) an electricity storage operator;

17 (C) an electricity generator;

18 (D) a transmission owner or operator;

19 (E) a distribution provider;

20 (F) a fuel supplier; and

21 (G) any other relevant entity, as deter-
22 mined by the Secretary.

23 (3) NATURAL DISASTER.—The term “natural
24 disaster” has the meaning given the term in section

1 602(a) of the Robert T. Stafford Disaster Relief and
2 Emergency Assistance Act (42 U.S.C. 5195a(a)).

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

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

8 (b) ESTABLISHMENT OF PROGRAM.—Not later than
9 180 days after the date of enactment of this Act, the Sec-
10 retary shall establish a program under which the Secretary
11 shall make grants to eligible entities, States, and Indian
12 Tribes in accordance with this section.

13 (c) GRANTS TO ELIGIBLE ENTITIES.—

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

17 (A) are supplemental to existing hardening
18 efforts of the eligible entity planned for any
19 given year; and

20 (B)(i) reduce the risk of any power lines
21 owned or operated by the eligible entity causing
22 a wildfire; or

23 (ii) increase the ability of the eligible entity
24 to reduce the likelihood and consequences of
25 disruptive events.

1 (2) APPLICATION.—

2 (A) IN GENERAL.—An eligible entity desir-
3 ing a grant under the program shall submit to
4 the Secretary an application at such time, in
5 such manner, and containing such information
6 as the Secretary may require.

7 (B) REQUIREMENT.—As a condition of re-
8 ceiving a grant under the program, an eligible
9 entity shall submit to the Secretary, as part of
10 the application of the eligible entity submitted
11 under subparagraph (A), a report detailing
12 past, current, and future efforts by the eligible
13 entity to reduce the likelihood and consequences
14 of disruptive events.

15 (3) LIMITATION.—The Secretary may not
16 award a grant to an eligible entity in an amount
17 that is greater than the total amount that the eligi-
18 ble entity has spent in the previous 3 years on ef-
19 forts to reduce the likelihood and consequences of
20 disruptive events.

21 (4) PRIORITY.—In making grants to eligible en-
22 tities under the program, the Secretary shall give
23 priority to projects that, in the determination of the
24 Secretary, will generate the greatest community ben-

1 efit (whether rural or urban) in reducing the likeli-
2 hood and consequences of disruptive events.

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

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

10 (1) IN GENERAL.—The Secretary, in accord-
11 ance with this subsection, may make grants under
12 the program to States and Indian Tribes, which
13 each State or Indian Tribe may use to award grants
14 to eligible entities.

15 (2) ANNUAL APPLICATION.—

16 (A) IN GENERAL.—For each fiscal year, to
17 be eligible to receive a grant under this sub-
18 section, a State or Indian Tribe shall submit to
19 the Secretary an application that includes a
20 plan described in subparagraph (B).

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

1 (i) describe the criteria and methods
2 that will be used by the State or Indian
3 Tribe to award grants to eligible entities;

4 (ii) be adopted after notice and a pub-
5 lic hearing; and

6 (iii) describe the proposed funding
7 distributions and recipients of the grants
8 to be provided by the State or Indian
9 Tribe.

10 (3) DISTRIBUTION OF FUNDS.—

11 (A) IN GENERAL.—The Secretary shall
12 provide grants to States and Indian Tribes
13 under this subsection based on a formula deter-
14 mined by the Secretary, in accordance with sub-
15 paragraph (B).

16 (B) REQUIREMENT.—The formula referred
17 to in subparagraph (A) shall be based on the
18 following factors:

19 (i) The total population of the State
20 or Indian Tribe.

21 (ii)(I) The total area of the State or
22 the land of the Indian Tribe; or

23 (II) the areas in the State or on the
24 land of the Indian Tribe with a low ratio

1 of electricity customers per mileage of
2 power lines.

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

10 (I) disasters for which Fire Man-
11 agement Assistance Grants are pro-
12 vided under section 420 of the Robert
13 T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C.
15 5187);

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

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

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

1 (iv) The number and severity, meas-
2 ured by population and economic impacts,
3 of disruptive events experienced by the
4 State or Indian Tribe on or after January
5 1, 2011.

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

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

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

23 (ii) all other data used in distributing
24 grants to States and Indian Tribes under
25 this subsection.

1 (4) OVERSIGHT.—The Secretary shall ensure
2 that each grant provided to a State or Indian Tribe
3 under the program is allocated, pursuant to the ap-
4 plicable plan of the State or Indian Tribe, to eligible
5 entities for projects within the State or on the land
6 of the Indian Tribe.

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

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

1 (7) TECHNICAL ASSISTANCE AND ADMINISTRA-
2 TIVE EXPENSES.—Of the amounts made available to
3 a State or Indian Tribe under the program each fis-
4 cal year, the State or Indian Tribe may use not
5 more than 5 percent for—

6 (A) providing technical assistance under
7 subsection (g)(1)(A); and

8 (B) administrative expenses associated
9 with the program.

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

14 (e) USE OF GRANTS.—

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

20 (A) weatherization technologies and equip-
21 ment;

22 (B) fire-resistant technologies and fire pre-
23 vention systems;

24 (C) monitoring and control technologies;

1 (D) the undergrounding of electrical equip-
2 ment;

3 (E) utility pole management;

4 (F) the relocation of power lines or the
5 reconductoring of power lines with low-sag, ad-
6 vanced conductors;

7 (G) vegetation and fuel-load management;

8 (H) the use or construction of distributed
9 energy resources for enhancing system adaptive
10 capacity during disruptive events, including—

11 (i) microgrids; and

12 (ii) battery-storage subcomponents;

13 (I) adaptive protection technologies;

14 (J) advanced modeling technologies;

15 (K) hardening of power lines, facilities,
16 substations, of other systems; and

17 (L) the replacement of old overhead con-
18 ductors and underground cables.

19 (2) PROHIBITIONS AND LIMITATIONS.—

20 (A) IN GENERAL.—A grant awarded to an
21 eligible entity under the program may not be
22 used for—

23 (i) construction of a new—

24 (I) electric generating facility; or

- 1 (II) large-scale battery-storage
2 facility that is not used for enhancing
3 system adaptive capacity during dis-
4 ruptive events; or
5 (ii) cybersecurity.

6 (B) CERTAIN INVESTMENTS ELIGIBLE FOR
7 RECOVERY.—

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

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

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

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

4 (1) 50 percent is used to award grants to eligi-
5 ble entities under subsection (c); and

6 (2) 50 percent is used to make grants to States
7 and Indian Tribes under subsection (d).

8 (g) TECHNICAL AND OTHER ASSISTANCE.—

9 (1) IN GENERAL.—The Secretary, States, and
10 Indian Tribes may—

11 (A) provide technical assistance and facili-
12 tate the distribution and sharing of information
13 to reduce the likelihood and consequences of
14 disruptive events; and

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

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

24 (A) providing technical assistance under
25 paragraph (1)(A); and

1 (B) administrative expenses associated
2 with the program.

3 (h) MATCHING REQUIREMENT.—

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

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

12 (i) BIENNIAL REPORT TO CONGRESS.—

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

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

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

1 (B) the types of activities, technologies,
2 equipment, and hardening measures funded by
3 those grants; and

4 (C) the extent to which the ability of the
5 power grid to withstand disruptive events has
6 increased.

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

11 **SEC. 1002. HAZARD MITIGATION USING DISASTER ASSIST-**
12 **ANCE.**

13 Section 404(f)(12) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5170c(f)(12)) is amended—

16 (1) by inserting “and wildfire” after “wind-
17 storm”;

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

20 “(A) replacing”;

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

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

24 (B) by adding “and” after the semicolon
25 at the end; and

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

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

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

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

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

14 (1) DEFINITIONS.—In this subsection:

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

17 (i) a State;

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

20 (iii) an Indian Tribe;

21 (iv) a unit of local government; and

22 (v) a public utility commission.

23 (B) PROGRAM.—The term “program”
24 means the competitive Federal financial assist-
25 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) PROTECTION OF INFORMATION.—In-
12 formation that is provided to, generated by, or
13 collected by the Secretary under subparagraph
14 (A) shall be considered to be critical electric in-
15 frastructure information under section 215A of
16 the Federal Power Act (16 U.S.C. 824o–1).

17 (C) REPORT.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall submit to Congress a report de-
20 scribing the results of the assessment carried
21 out under subparagraph (A).

22 **SEC. 1004. UTILITY DEMAND RESPONSE.**

23 (a) CONSIDERATION OF DEMAND-RESPONSE STAND-
24 ARD.—

1 (1) IN GENERAL.—Section 111(d) of the Public
2 Utility Regulatory Policies Act of 1978 (16 U.S.C.
3 2621(d)) is amended by adding at the end the fol-
4 lowing:

5 “(20) DEMAND-RESPONSE PRACTICES.—

6 “(A) IN GENERAL.—Each electric utility
7 shall promote the use of demand-response and
8 demand flexibility practices by commercial, resi-
9 dential, and industrial consumers to reduce
10 electricity consumption during periods of un-
11 usually high demand.

12 “(B) RATE RECOVERY.—

13 “(i) IN GENERAL.—Each State regu-
14 latory authority shall consider establishing
15 rate mechanisms allowing an electric utility
16 with respect to which the State regulatory
17 authority has ratemaking authority to
18 timely recover the costs of promoting de-
19 mand-response and demand flexibility
20 practices in accordance with subparagraph
21 (A).

22 “(ii) NONREGULATED ELECTRIC UTIL-
23 ITIES.—A nonregulated electric utility may
24 establish rate mechanisms for the timely
25 recovery of the costs of promoting demand-

1 response and demand flexibility practices
2 in accordance with subparagraph (A).”.

3 (2) COMPLIANCE.—

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

8 “(7)(A) Not later than 1 year after the date of
9 enactment of this paragraph, each State regulatory
10 authority (with respect to each electric utility for
11 which the State has ratemaking authority) and each
12 nonregulated electric utility shall commence consid-
13 eration under section 111, or set a hearing date for
14 consideration, with respect to the standard estab-
15 lished by paragraph (20) of section 111(d).

16 “(B) Not later than 2 years after the date of
17 enactment of this paragraph, each State regulatory
18 authority (with respect to each electric utility for
19 which the State has ratemaking authority), and each
20 nonregulated electric utility shall complete the con-
21 sideration and make the determination under section
22 111 with respect to the standard established by
23 paragraph (20) of section 111(d).”.

24 (B) FAILURE TO COMPLY.—

1 (i) IN GENERAL.—Section 112(c) of
2 the Public Utility Regulatory Policies Act
3 of 1978 (16 U.S.C. 2622(c)) is amended—

4 (I) by striking “such paragraph
5 (14)” and all that follows through
6 “paragraphs (16)” and inserting
7 “such paragraph (14). In the case of
8 the standard established by paragraph
9 (15) of section 111(d), the reference
10 contained in this subsection to the
11 date of enactment of this Act shall be
12 deemed to be a reference to the date
13 of enactment of that paragraph (15).
14 In the case of the standards estab-
15 lished by paragraphs (16)”; and

16 (II) by adding at the end the fol-
17 lowing: “In the case of the standard
18 established by paragraph (20) of sec-
19 tion 111(d), the reference contained in
20 this subsection to the date of enact-
21 ment of this Act shall be deemed to be
22 a reference to the date of enactment
23 of that paragraph (20).”.

24 (ii) TECHNICAL CORRECTION.—Para-
25 graph (2) of section 1254(b) of the Energy

1 Policy Act of 2005 (Public Law 109–58;
2 119 Stat. 971) is repealed and the amend-
3 ment made by that paragraph (as in effect
4 on the day before the date of enactment of
5 this Act) is void, and section 112(d) of the
6 Public Utility Regulatory Policies Act of
7 1978 (16 U.S.C. 2622(d)) shall be in ef-
8 fect as if that amendment had not been en-
9 acted.

10 (C) PRIOR STATE ACTIONS.—

11 (i) IN GENERAL.—Section 112 of the
12 Public Utility Regulatory Policies Act of
13 1978 (16 U.S.C. 2622) is amended by add-
14 ing at the end the following:

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

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

22 “(2) the State regulatory authority for the
23 State or the relevant nonregulated electric utility has
24 conducted a proceeding to consider implementation

1 of the standard (or a comparable standard) for the
2 electric utility; or

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

6 (ii) CROSS-REFERENCE.—Section 124
7 of the Public Utility Regulatory Policies
8 Act of 1978 (16 U.S.C. 2634) is amend-
9 ed—

10 (I) by striking “this subsection”
11 each place it appears and inserting
12 “this section”; and

13 (II) by adding at the end the fol-
14 lowing: “In the case of the standard
15 established by paragraph (20) of sec-
16 tion 111(d), the reference contained in
17 this section to the date of enactment
18 of this Act shall be deemed to be a
19 reference to the date of enactment of
20 that paragraph (20).”.

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

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

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

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

5 “(17) programs that promote the installation
6 and use of demand-response technology and de-
7 mand-response practices; and”.

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

11 (1) in paragraph (1)—

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

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

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

17 “(C) to reduce energy consumption during
18 periods of unusually high electricity or natural
19 gas demand.”; and

20 (2) in paragraph (3)(A)—

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

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

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

1 (B) by striking “affected States” and all
2 that follows through the period at the end and
3 inserting the following: “affected States and In-
4 dian Tribes), shall issue a report, based on the
5 study under paragraph (1) or other information
6 relating to electric transmission capacity con-
7 straints and congestion, which may designate as
8 a national interest electric transmission corridor
9 any geographic area that—

10 “(i) is experiencing electric energy
11 transmission capacity constraints or con-
12 gestion that adversely affects consumers;
13 or

14 “(ii) is expected to experience such
15 energy transmission capacity constraints or
16 congestion.”;

17 (3) in paragraph (3)—

18 (A) by striking “The Secretary shall con-
19 duct the study and issue the report in consulta-
20 tion” and inserting “Not less frequently than
21 once every 3 years, the Secretary, in conducting
22 the study under paragraph (1) and issuing the
23 report under paragraph (2), shall consult”; and
24 (4) in paragraph (4)—

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

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

5 (C) in subparagraph (E), by striking the
6 period at the end and inserting a semicolon;
7 and

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

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

12 “(G) the designation—

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

14 “(ii) avoids and minimizes, to the max-
15 imum extent practicable, and offsets to the ex-
16 tent appropriate and practicable, sensitive envi-
17 ronmental areas and cultural heritage sites; and

18 “(H) the designation would result in a reduc-
19 tion in the cost to purchase electric energy for con-
20 sumers.”.

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

23 (1) in paragraph (1)—

1 (A) in subparagraph (A)(ii), by inserting
2 “or interregional benefits” after “interstate
3 benefits”; and

4 (B) by striking subparagraph (C) and in-
5 serting the following:

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

8 “(i) has not made a determination on an
9 application seeking approval pursuant to appli-
10 cable law by the date that is 1 year after the
11 later of—

12 “(I) the date on which the application
13 was filed; and

14 “(II) the date on which the relevant
15 national interest electric transmission cor-
16 ridor was designated by the Secretary
17 under subsection (a);

18 “(ii) has conditioned its approval in such a
19 manner that the proposed construction or modi-
20 fication will not significantly reduce trans-
21 mission capacity constraints or congestion in
22 interstate commerce or is not economically fea-
23 sible; or

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

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

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

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

13 (2) in paragraph (4), by striking “the mem-
14 bers” and all that follows through the period at the
15 end and inserting the following: “the Secretary de-
16 termines that the members of the compact are in
17 disagreement after the later of—

18 “(A) the date that is 1 year after the date
19 on which the relevant application for the facility
20 was filed; and

21 “(B) the date that is 1 year after the date
22 on which the relevant national interest electric
23 transmission corridor was designated by the
24 Secretary under subsection (a).”.

1 **SEC. 1006. RULEMAKING TO INCREASE THE EFFECTIVE-**
2 **NESS OF INTERREGIONAL TRANSMISSION**
3 **PLANNING.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Federal Energy Regu-
6 latory Commission shall initiate a rulemaking address-
7 ing—

8 (1) the effectiveness of existing planning proc-
9 esses for identifying interregional transmission
10 projects that provide economic, reliability and oper-
11 ational benefits, taking into consideration the public
12 interest, the integrity of markets, and the protection
13 of consumers;

14 (2) changes to the processes described in para-
15 graph (1) to ensure that efficient, cost-effective, and
16 broadly beneficial interregional transmission solu-
17 tions are selected for cost allocation, taking into con-
18 sideration—

19 (A) the public interest;

20 (B) the protection of consumers;

21 (C) the broad range of economic, reli-
22 ability, and operational benefits that inter-
23 regional transmission provides;

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

1 (E) the need for single projects to secure
2 approvals based on a comprehensive assessment
3 of the multiple benefits provided;

4 (F) the importance of synchronization of
5 planning processes in neighboring regions, such
6 as using a joint model on a consistent timeline
7 with a single set of needs, input assumptions,
8 and benefit metrics;

9 (G) that evaluation of long-term scenarios
10 should consider the expected life of a trans-
11 mission asset and the potential for future
12 changes in the topology of the transmission sys-
13 tem;

14 (H) that transmission planning authorities
15 should allow for the identification and joint
16 evaluation of alternatives; and

17 (I) that interregional planning should be
18 done regularly and not less frequently than
19 once every 5 years; and

20 (3) cost allocation methodologies that reflect
21 the multiple benefits provided by interregional trans-
22 mission solutions, including economic, reliability, and
23 operational benefits.

24 (b) TIMING.—Not later than 18 months after the
25 date of enactment of this Act, the Federal Energy Regu-

1 latory Commission shall promulgate a final rule to com-
2 plete the rulemaking initiated under subsection (a).

3 (c) SAVINGS PROVISION.—Nothing in this section
4 modifies the obligations of the Commission under section
5 217(b)(4) of the Federal Power Act (16 U.S.C.
6 824q(b)(4)).

7 **SEC. 1007. TRANSMISSION FACILITATION PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) CAPACITY CONTRACT.—The term “capacity
10 contract” means a contract entered into by the Sec-
11 retary and an eligible entity under subsection
12 (e)(1)(A) for the right to the use of the transmission
13 capacity of an eligible project.

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

18 (A) 1,000 megawatts; or

19 (B) in the case of a project that consists
20 of upgrading an existing transmission line or
21 constructing a new transmission line in an ex-
22 isting transmission, transportation, or tele-
23 communications infrastructure corridor, 500
24 megawatts.

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

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

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

9 (B) to increase the transmission capacity
10 of an existing eligible electric power trans-
11 mission line; or

12 (C) to connect an isolated microgrid to an
13 existing transmission, transportation, or tele-
14 communications infrastructure corridor located
15 in Alaska, Hawaii, or a territory of the United
16 States.

17 (5) FUND.—The term “Fund” means the
18 Transmission Facilitation Fund established by sub-
19 section (d)(1).

20 (6) PROGRAM.—The term “program” means
21 the Transmission Facilitation Program established
22 by subsection (b).

23 (7) RELATED FACILITY.—

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

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

6 (i) facilities used primarily to generate
7 electric energy; or

8 (ii) facilities used in the local distribu-
9 tion of electric energy.

10 (b) ESTABLISHMENT.—There is established a pro-
11 gram, to be known as the “Transmission Facilitation Pro-
12 gram”, under which the Secretary shall facilitate the con-
13 struction of non-Federal electric power transmission lines
14 and related facilities in accordance with subsection (e).

15 (c) APPLICATIONS.—

16 (1) IN GENERAL.—To be eligible for assistance
17 under this section, an eligible entity shall submit to
18 the Secretary an application at such time, in such
19 manner, and containing such information as the Sec-
20 retary may require.

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

24 (d) FUNDING.—

1 (1) TRANSMISSION FACILITATION FUND.—

2 There is established in the Treasury a fund, to be
3 known as the “Transmission Facilitation Fund”,
4 consisting of—

5 (A) all amounts received by the Secretary,
6 including receipts, collections, and recoveries,
7 from any source relating to expenses incurred
8 by the Secretary in carrying out the program,
9 including—

10 (i) costs recovered pursuant to para-
11 graph (4);

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

15 (iii) amounts contributed by eligible
16 entities for the purpose of carrying out an
17 eligible project with respect to which the
18 Secretary is participating with the eligible
19 entity under subsection (e)(1)(C);

20 (B) all amounts borrowed from the Sec-
21 retary of the Treasury by the Secretary for the
22 program under paragraph (2); and

23 (C) any amounts appropriated to the Sec-
24 retary for the program.

1 (2) BORROWING AUTHORITY.—The Secretary of
2 the Treasury may, without further appropriation
3 and without fiscal year limitation, loan to the Sec-
4 retary on such terms as may be fixed by the Sec-
5 retary and the Secretary of the Treasury, such sums
6 as, in the judgment of the Secretary, are from time
7 to time required for the purpose of carrying out the
8 program, not to exceed, in the aggregate (including
9 deferred interest), \$2,500,000,000 in outstanding
10 repayable balances at any 1 time.

11 (3) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Sec-
13 retary to carry out the program, including for any
14 administrative expenses of carrying out the program
15 that are not recovered under paragraph (4),
16 \$10,000,000 for each of fiscal years 2022 through
17 2026.

18 (4) COST RECOVERY.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), the cost of any facilitation
21 activities carried out by the Secretary under
22 subsection (e)(1) shall be collected—

23 (i) from eligible entities receiving the
24 benefit of the applicable facilitation activ-

1 ity, on a schedule to be determined by the
2 Secretary; or

3 (ii) with respect to a contracted trans-
4 mission capacity under subsection
5 (e)(1)(A) through rates charged for the
6 use of the contracted transmission capac-
7 ity.

8 (B) FORGIVENESS OF BALANCES.—

9 (i) TERMINATION OR END OF USEFUL
10 LIFE.—If, at the end of the useful life of
11 an eligible project or the termination of a
12 capacity contract under subsection (f)(5),
13 there is a remaining balance owed to the
14 Treasury under this section, the balance
15 shall be forgiven.

16 (ii) UNCONSTRUCTED PROJECTS.—

17 Funds expended to study projects that are
18 considered pursuant to this section but
19 that are not constructed shall be forgiven.

20 (C) RECOVERY OF COSTS OF ELIGIBLE
21 PROJECTS.—The Secretary may collect the
22 costs of any activities carried out by the Sec-
23 retary with respect to an eligible project in
24 which the Secretary participates with an eligible
25 entity under subsection (e)(1)(C) through rates

1 charged to customers benefitting from the new
2 transmission capability provided by the eligible
3 project.

4 (e) FACILITATION OF ELIGIBLE PROJECTS.—

5 (1) IN GENERAL.—To facilitate eligible
6 projects, the Secretary may—

7 (A) subject to subsections (f) and (i), enter
8 into a capacity contract with respect to an eligi-
9 ble project prior to the date on which the eligi-
10 ble project is completed;

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

14 (C) subject to subsections (h) and (i), par-
15 ticipate with an eligible entity in designing, de-
16 veloping, constructing, operating, maintaining,
17 or owning an eligible project.

18 (2) REQUIREMENT.—The provision and receipt
19 of assistance for an eligible project under paragraph
20 (1) shall be subject to such terms and conditions as
21 the Secretary determines to be appropriate—

22 (A) to ensure the success of the program;
23 and

24 (B) to protect the interests of the United
25 States.

1 (f) CAPACITY CONTRACTS.—

2 (1) PURPOSE.—In entering into capacity con-
3 tracts under subsection (e)(1)(A), the Secretary
4 shall seek to enter into capacity contracts that will
5 encourage other entities to enter into contracts for
6 the transmission capacity of the eligible project.

7 (2) PAYMENT.—The amount paid by the Sec-
8 retary to an eligible entity under a capacity contract
9 for the right to the use of the transmission capacity
10 of an eligible project shall be—

11 (A) the fair market value for the use of the
12 transmission capacity, as determined by the
13 Secretary, taking into account, as the Secretary
14 determines to be necessary, the comparable
15 value for the use of the transmission capacity of
16 other electric power transmission lines; and

17 (B) on a schedule and in such divided
18 amounts, which may be a single amount, that
19 the Secretary determines are likely to facilitate
20 construction of the eligible project, taking into
21 account standard industry practice and factors
22 specific to each applicant, including, as applica-
23 ble—

1 (i) potential review by a State regu-
2 latory entity of the revenue requirement of
3 an electric utility; and

4 (ii) the financial model of an inde-
5 pendent transmission developer.

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

7 (A) be for a term of not more than 40
8 years; and

9 (B) be for not more than 50 percent of the
10 total proposed transmission capacity of the ap-
11 plicable eligible project.

12 (4) TRANSMISSION MARKETING.—

13 (A) IN GENERAL.—If the Secretary has
14 not terminated a capacity contract under para-
15 graph (5) before the applicable eligible project
16 enters into service, the Secretary may enter into
17 1 or more contracts with a third party to mar-
18 ket the transmission capacity of the eligible
19 project to which the Secretary holds rights
20 under the capacity contract.

21 (B) RETURN.—The Secretary shall seek to
22 ensure that any contract entered into under
23 subparagraph (A) maximizes the financial re-
24 turn to the Federal Government.

1 (C) COMPETITIVE SOLICITATION.—The
2 Secretary shall only select third parties for con-
3 tracts under this paragraph through a competi-
4 tive solicitation.

5 (5) TERMINATION.—

6 (A) IN GENERAL.—The Secretary shall
7 seek to terminate a capacity contract as soon as
8 practicable after determining that sufficient
9 transmission capacity of the eligible project has
10 been secured by other entities to ensure the
11 long-term financial viability of the eligible
12 project, including through 1 or more transfers
13 under subparagraph (B).

14 (B) TRANSFER.—On payment to the Sec-
15 retary by a third party for transmission capac-
16 ity to which the Secretary has rights under a
17 capacity contract, the Secretary may transfer
18 the rights to that transmission capacity to that
19 third party.

20 (C) RELINQUISHMENT.—On payment to
21 the Secretary by the applicable eligible entity
22 for transmission capacity to which the Sec-
23 retary has rights under a capacity contract, the
24 Secretary may relinquish the rights to that
25 transmission capacity to the eligible entity.

1 (D) REQUIREMENT.—A payment under
2 subparagraph (B) or (C) shall be in an amount
3 sufficient for the Secretary to recover any re-
4 maining costs incurred by the Secretary with
5 respect to the quantity of transmission capacity
6 affected by the transfer under subparagraph
7 (B) or the relinquishment under subparagraph
8 (C), as applicable.

9 (6) OTHER FEDERAL CAPACITY POSITIONS.—
10 The existence of a capacity contract does not pre-
11 clude a Federal entity, including a Federal power
12 marketing administration, from otherwise securing
13 transmission capacity at any time from an eligible
14 project, to the extent that the Federal entity is au-
15 thorized to secure that transmission capacity.

16 (7) FORM OF FINANCIAL ASSISTANCE.—Enter-
17 ing into a capacity contract under subsection
18 (e)(1)(A) shall be considered a form of financial as-
19 sistance described in section 1508.1(q)(1)(vii) of title
20 40, Code of Federal Regulations (as in effect on the
21 date of enactment of this Act).

22 (g) INTEREST RATE ON LOANS.—The rate of interest
23 to be charged in connection with any loan made by the
24 Secretary to an eligible entity under subsection (e)(1)(B)
25 shall be fixed by the Secretary, taking into consideration

1 market yields on outstanding marketable obligations of the
2 United States of comparable maturities as of the date of
3 the loan.

4 (h) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-
5 retary may participate with an eligible entity with respect
6 to an eligible project under subsection (e)(1)(C) if the Sec-
7 retary determines that the eligible project—

8 (1)(A) is located in an area designated as a na-
9 tional interest electric transmission corridor pursu-
10 ant to section 216(a) of the Federal Power Act 16
11 U.S.C. 824p(a); or

12 (B) is necessary to accommodate an actual or
13 projected increase in demand for electric trans-
14 mission capacity across more than 1 State or trans-
15 mission planning region;

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

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

20 (4) will be operated in conformance with the
21 rules of—

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

25 (B) a regional reliability organization; and

1 (5) is not duplicative of the functions of exist-
2 ing transmission facilities that are the subject of on-
3 going siting and related permitting proceedings.

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

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

8 (2) the eligible project is unlikely to be con-
9 structed in as timely a manner or with as much
10 transmission capacity in the absence of facilitation
11 under this section, including with respect to an eligi-
12 ble project for which a Federal investment tax credit
13 may be allowed; and

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

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

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

21 (C) to repay any amounts borrowed from
22 the Secretary of the Treasury under subsection
23 (d)(2).

24 (j) OTHER AUTHORITIES, LIMITATIONS, AND EF-
25 fects.—

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

5 (2) OPERATIONS AND MAINTENANCE.—Facilita-
6 tion by the Secretary of an eligible project under
7 this section does not create any obligation on the
8 part of the Secretary to operate or maintain the eli-
9 gible project.

10 (3) FEDERAL FACILITIES.—For purposes of
11 cost recovery under subsection (d)(4) and repayment
12 of a loan issued under subsection (e)(1)(B), each eli-
13 gible project facilitated by the Secretary under this
14 section shall be treated as separate and distinct
15 from—

16 (A) each other eligible project; and

17 (B) all other Federal power and trans-
18 mission facilities.

19 (4) EFFECT ON ANCILLARY SERVICES AUTHOR-
20 ITY AND OBLIGATIONS.—Nothing in this section con-
21 fers on the Secretary or any Federal power mar-
22 keting administration any additional authority or ob-
23 ligation to provide ancillary services to users of
24 transmission facilities constructed or upgraded
25 under this section.

1 (5) EFFECT ON WESTERN AREA POWER ADMIN-
2 ISTRATION PROJECTS.—Nothing in this section af-
3 fects—

4 (A) any pending project application before
5 the Western Area Power Administration under
6 section 301 of the Hoover Power Plant Act of
7 1984 (42 U.S.C. 16421a); or

8 (B) any agreement entered into by the
9 Western Power Administration under that sec-
10 tion.

11 (6) THIRD-PARTY FINANCE.—Nothing in this
12 section precludes an eligible project facilitated under
13 this section from being eligible as a project under
14 section 1222 of the Energy Policy Act of 2005 (42
15 U.S.C. 16421).

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

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

19 (B) a Federal loan under section 301 of
20 the Hoover Power Plant Act of 1984 (42
21 U.S.C. 16421a).

22 (8) CONSIDERATIONS.—In evaluating eligible
23 projects for possible facilitation under this section,
24 the Secretary shall prioritize projects that, to the
25 maximum extent practicable—

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

4 (i) reconductoring of an existing elec-
5 tric power transmission line with advanced
6 conductors; and

7 (ii) hardware or software that enables
8 dynamic line ratings, advanced power flow
9 control, or grid topology optimization;

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

12 (C) facilitate interregional transfer capac-
13 ity that supports strong and equitable economic
14 growth; and

15 (D) contribute to national or subnational
16 goals to lower electricity sector greenhouse gas
17 emissions.

18 **SEC. 1008. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE**

19 **GRID FLEXIBILITY.**

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

23 (1) in subsection (b)—

24 (A) in the matter preceding paragraph (1),
25 by striking “the date of enactment of this Act”

1 and inserting “the date of enactment of the En-
2 ergy Infrastructure Act”;

3 (B) by redesignating paragraph (9) as
4 paragraph (14); and

5 (C) by inserting after paragraph (8) the
6 following:

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

10 “(10) In the case of buildings, the documented
11 expenses for devices and software, including for in-
12 stallation, that allow buildings to engage in demand
13 flexibility or Smart Grid functions.

14 “(11) In the case of utility communications,
15 operational fiber and wireless broadband commu-
16 nications networks to enable data flow between dis-
17 tribution system components.

18 “(12) In the case of advanced transmission
19 technologies such as dynamic line rating, flow con-
20 trol devices, advanced conductors, network topology
21 optimization, or other hardware, software, and asso-
22 ciated protocols applied to existing transmission fa-
23 cilities that increase the operational transfer capac-
24 ity of a transmission network, the documented ex-

1 penditures to purchase and install those advanced
2 transmission technologies.

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

6 (2) in subsection (d)—

7 (A) by redesignating paragraph (9) as
8 paragraph (16); and

9 (B) by inserting after paragraph (8) the
10 following:

11 “(9) The ability to use data analytics and soft-
12 ware-as-service to provide flexibility by improving
13 the visibility of the electrical system to grid opera-
14 tors that can help quickly rebalance the electrical
15 system with autonomous controls.

16 “(10) The ability to facilitate the aggregation
17 or integration of distributed energy resources to
18 serve as assets for the grid.

19 “(11) The ability to provide energy storage to
20 meet fluctuating electricity demand, provide voltage
21 support, and integrate intermittent generation
22 sources, including vehicle-to-grid technologies.

23 “(12) The ability of hardware, software, and as-
24 sociated protocols applied to existing transmission

1 facilities to increase the operational transfer capacity
2 of a transmission network.

3 “(13) The ability to anticipate and mitigate im-
4 pacts of extreme weather or natural disasters on
5 grid resiliency.

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

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

12 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
13 authorized to be appropriated to the Secretary to carry
14 out the Smart Grid Investment Matching Grant Program
15 established under section 1306(a) of the Energy Inde-
16 pendence and Security Act of 2007 (42 U.S.C. 17386(a))
17 \$3,000,000,000 for fiscal year 2022, to remain available
18 through September 30, 2026.

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

20 (a) **IN GENERAL.**—Part D of title III of the Energy
21 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is
22 amended—

23 (1) in section 361—

1 (A) by striking the section designation and
2 heading and all that follows through “The Con-
3 gress” and inserting the following:

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

5 “(a) FINDINGS.—Congress”;

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

8 “(b) PURPOSE.—It is”; and

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

10 “(c) DEFINITIONS.—In this part.”;

11 (2) in section 366—

12 (A) in paragraph (3)(B)(i), by striking
13 “approved under section 367, and” ; and insert-
14 ing “; and”;

15 (B) in each of paragraphs (1) through (8),
16 by inserting a paragraph heading, the text of
17 which is comprised of the term defined in the
18 paragraph; and

19 (C) by redesignating paragraphs (6) and
20 (7) as paragraphs (7) and (6), respectively, and
21 moving the paragraphs so as to appear in nu-
22 merical order;

23 (3) by moving paragraphs (1) through (8) of
24 section 366 (as so redesignated) so as to appear

1 after subsection (c) of section 361 (as designated by
2 paragraph (1)(C)); and

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

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

5 “(a) DEFINITIONS.—In this section:

6 “(1) BULK-POWER SYSTEM.—The term ‘bulk-
7 power system’ has the meaning given the term in
8 section 215(a) of the Federal Power Act (16 U.S.C.
9 824o(a)).

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

13 “(b) FINANCIAL ASSISTANCE FOR STATE ENERGY
14 SECURITY PLANS.—Federal financial assistance made
15 available to a State under this part may be used for the
16 development, implementation, review, and revision of a
17 State energy security plan that—

18 “(1) assesses the existing circumstances in the
19 State; and

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

23 “(A) to secure the energy infrastructure of
24 the State against all physical and cybersecurity
25 threats;

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

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

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

7 “(c) CONTENTS OF PLAN.—A State energy security
8 plan shall—

9 “(1) address all energy sources and regulated
10 and unregulated energy providers;

11 “(2) provide a State energy profile, including
12 an assessment of energy production, transmission,
13 distribution, and end-use;

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

16 “(A) physical threats and vulnerabilities;
17 and

18 “(B) cybersecurity threats and
19 vulnerabilities;

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

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

24 “(6)(A) address—

1 “(i) multi-State and regional coordination,
2 planning, and response; and

3 “(ii) coordination with Indian Tribes with
4 respect to planning and response; and

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

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

10 “(1) the public utility or service commission of
11 the State;

12 “(2) energy providers from the private and pub-
13 lic sectors; and

14 “(3) other entities responsible for—

15 “(A) maintaining fuel or electric reliability;

16 and

17 “(B) securing energy infrastructure.

18 “(e) FINANCIAL ASSISTANCE.—A State is not eligible
19 to receive Federal financial assistance under this part for
20 any purpose for a fiscal year unless the Governor of the
21 State submits to the Secretary, with respect to that fiscal
22 year—

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

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

3 “(A) any necessary revisions to the State
4 energy security plan; or

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

7 “(f) TECHNICAL ASSISTANCE.—On request of the
8 Governor of a State, the Secretary, in consultation with
9 the Secretary of Homeland Security, may provide informa-
10 tion, technical assistance, and other assistance in the de-
11 velopment, implementation, or revision of a State energy
12 security plan.

13 “(g) REQUIREMENT.—Each State receiving Federal
14 financial assistance under this part shall provide reason-
15 able assurance to the Secretary that the State has estab-
16 lished policies and procedures designed to assure that the
17 financial assistance will be used—

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

20 “(2) to the maximum extent practicable, to in-
21 crease the amount of State and local funds that oth-
22 erwise would be available, in the absence of the Fed-
23 eral financial assistance, for the implementation of a
24 State energy security plan.

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

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

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

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

17 (b) CLERICAL AMENDMENTS.—The table of contents
 18 of the Energy Policy and Conservation Act (Public Law
 19 94–163; 89 Stat. 872) is amended—

20 (1) by striking the item relating to section 361
 21 and inserting the following:

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

22 (2) by striking the item relating to section 366
 23 and inserting the following:

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

24 (c) CONFORMING AMENDMENTS.—

1 (1) Section 509(i)(3) of the Housing and Urban
2 Development Act of 1970 (12 U.S.C. 1701z-8(i)(3))
3 is amended by striking “prescribed for such terms in
4 section 366 of the Energy Policy and Conservation
5 Act” and inserting “given the terms in section
6 361(c) of the Energy Policy and Conservation Act”.

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

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

10 (B) by redesignating subsection (f) as sub-
11 section (e).

12 (3) Section 451(i)(3) of the Energy Conserva-
13 tion and Production Act (42 U.S.C. 6881(i)(3)) is
14 amended by striking “prescribed for such terms in
15 section 366 of the Federal Energy Policy and Con-
16 servation Act” and inserting “given the terms in sec-
17 tion 361(c) of the Energy Policy and Conservation
18 Act”.

19 **SEC. 1010. STATE ENERGY PROGRAM.**

20 (a) **COLLABORATIVE TRANSMISSION SITING.**—Sec-
21 tion 362(c) of the Energy Policy and Conservation Act (42
22 U.S.C. 6322(c)) is amended—

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

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

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

4 “(7) the mandatory conduct of activities to sup-
5 port transmission and distribution planning, includ-
6 ing—

7 “(A) support for local governments and In-
8 dian Tribes;

9 “(B) feasibility studies for transmission
10 line routes and alternatives;

11 “(C) preparation of necessary project de-
12 sign and permits; and

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

14 (b) STATE ENERGY CONSERVATION PLANS.—Section
15 362(d) of the Energy Policy and Conservation Act (42
16 U.S.C. 6322(d)) is amended by striking paragraph (3) and
17 inserting the following:

18 “(3) programs to increase transportation energy
19 efficiency, including programs to help reduce carbon
20 emissions in the transportation sector by 2050 and
21 accelerate the use of alternative transportation fuels
22 for, and the electrification of, State government ve-
23 hicles, fleet vehicles, taxis and ridesharing services,
24 mass transit, school buses, ferries, and privately

1 owned passenger and medium- and heavy-duty vehi-
2 cles;”.

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

7 “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

11 “(2) DISTRIBUTION.—Amounts made available
12 under paragraph (1)—

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

16 “(B) shall not be subject to the matching
17 requirement described in the first proviso of the
18 matter under the heading ‘ENERGY CONSERVA-
19 TION’ under the heading ‘DEPARTMENT OF
20 ENERGY’ in title II of the Department of the
21 Interior and Related Agencies Appropriations
22 Act, 1985 (42 U.S.C. 6323a).”.

23 **SEC. 1011. POWER MARKETING ADMINISTRATION TRANS-**
24 **MISSION BORROWING AUTHORITY.**

25 (a) BORROWING AUTHORITY.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 for the purposes of providing funds to assist in the
3 financing of the construction, acquisition, and re-
4 placement of the Federal Columbia River Power
5 System and to implement the authority of the Ad-
6 ministrator of the Bonneville Power Administration
7 (referred to in this section as the “Administrator”)
8 under the Pacific Northwest Electric Power Plan-
9 ning and Conservation Act (16 U.S.C. 839 et seq.),
10 an additional \$10,000,000,000 in borrowing author-
11 ity is made available under the Federal Columbia
12 River Transmission System Act (16 U.S.C. 838 et
13 seq.), to remain outstanding at any 1 time.

14 (2) LIMITATION.—The obligation of additional
15 borrowing authority under paragraph (1) shall not
16 exceed \$6,000,000,000 by fiscal year 2028.

17 (b) FINANCIAL PLAN.—

18 (1) IN GENERAL.—The Administrator shall
19 issue an updated financial plan by the end of fiscal
20 year 2022.

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

24 (A) consistent with asset management
25 planning and sound business principles, con-

1 sider projected and planned use and allocation
2 of the borrowing authority of the Administrator
3 across the mission responsibilities of the Bonne-
4 ville Power Administration; and

5 (B) before issuing the final updated finan-
6 cial plan—

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

10 (ii) consider as a relevant factor any
11 recommendations from customers regard-
12 ing prioritization of asset investments.

13 (c) STAKEHOLDER ENGAGEMENT.—The Adminis-
14 trator shall—

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

20 (2) to the maximum extent practicable, imple-
21 ment those policies that would be expected to be
22 consistent with the lowest possible power and trans-
23 mission rates consistent with sound business prin-
24 ciples.

1 (d) REPAYMENT.—Any additional Treasury bor-
2 rowing authority received under this section—

3 (1) shall be fully repaid to the Treasury in a
4 manner consistent with the applicable self-financed
5 Federal budget accounts; and

6 (2) shall not be subject to budget scoring or
7 budget scoring points of order with respect to this
8 Act.

9 **SEC. 1012. STUDY OF CODES AND STANDARDS FOR USE OF**
10 **ENERGY STORAGE SYSTEMS ACROSS SEC-**
11 **TORS.**

12 (a) IN GENERAL.—The Secretary shall conduct a
13 study of types and commercial applications of codes and
14 standards applied to—

15 (1) stationary energy storage systems;

16 (2) mobile energy storage systems; and

17 (3) energy storage systems that move between
18 stationary and mobile applications, such as electric
19 vehicle batteries or batteries repurposed for new ap-
20 plications.

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

23 (1) to identify barriers, foster collaboration, and
24 increase conformity across sectors relating to—

1 (A) use of emerging energy storage tech-
2 nologies; and

3 (B) use cases, such as vehicle-to-grid inte-
4 gration;

5 (2) to identify all existing codes and standards
6 that apply to energy storage systems;

7 (3) to identify codes and standards that require
8 revision or enhancement;

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

11 (5) to receive formal input from stakeholders
12 regarding—

13 (A) existing codes and standards; and

14 (B) new or revised codes and standards.

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

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

1 **SEC. 1013. DEMONSTRATION OF ELECTRIC VEHICLE BAT-**
 2 **TERY SECOND-LIFE APPLICATIONS FOR GRID**
 3 **SERVICES.**

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

6 (1) in paragraph (1)—

7 (A) by striking the period at the end and
 8 inserting “; and”;

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

11 “(A) at”; and

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

13 “(B) 1 project to demonstrate second-life
 14 applications of electric vehicle batteries as ag-
 15 gregated energy storage installations to provide
 16 services to the electric grid, in accordance with
 17 paragraph (3).”;

18 (2) by redesignating paragraphs (3) and (4) as
 19 paragraphs (4) and (5), respectively; and

20 (3) by inserting after paragraph (2) the fol-
 21 lowing:

22 “(3) DEMONSTRATION OF ELECTRIC VEHICLE
 23 BATTERY SECOND-LIFE APPLICATIONS FOR GRID
 24 SERVICES.—

25 “(A) IN GENERAL.—The Secretary shall
 26 enter into an agreement to carry out a project

1 to demonstrate second-life applications of elec-
2 tric vehicle batteries as aggregated energy stor-
3 age installations to provide services to the elec-
4 tric grid.

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

7 “(i) to demonstrate power safety and
8 the reliability of the applications dem-
9 onstrated under the program;

10 “(ii) to demonstrate the ability of
11 electric vehicle batteries—

12 “(I) to provide ancillary services
13 for grid stability and management;
14 and

15 “(II) to reduce the peak loads of
16 homes and businesses;

17 “(iii) to extend the useful life of elec-
18 tric vehicle batteries and the components
19 of electric vehicle batteries prior to the col-
20 lection, recycling, and reprocessing of the
21 batteries and components; and

22 “(iv) to increase acceptance of, and
23 participation in, the use of second-life ap-
24 plications of electric vehicle batteries by
25 utilities.

1 “(C) PRIORITY.—In selecting a project to
 2 carry out under subparagraph (A), the Sec-
 3 retary shall give priority to projects in which
 4 the demonstration of the applicable second-life
 5 applications is paired with 1 or more facilities
 6 that could particularly benefit from increased
 7 resiliency and lower energy costs, such as a
 8 multi-family affordable housing facility, a senior
 9 care facility, and a community health center.”.

10 **SEC. 1014. COLUMBIA BASIN POWER MANAGEMENT.**

11 (a) DEFINITIONS.—In this section:

12 (1) ACCOUNT.—The term “Account” means the
 13 account established by subsection (b)(1).

14 (2) ADMINISTRATOR.—The term “Adminis-
 15 trator” means the Administrator of the Bonneville
 16 Power Administration.

17 (3) CANADIAN ENTITLEMENT.—The term “Ca-
 18 nadian Entitlement” means the downstream power
 19 benefits that Canada is entitled to under Article V
 20 of the Treaty Relating to Cooperative Development
 21 of the Water Resources of the Columbia River
 22 Basin, signed at Washington January 17, 1961 (15
 23 UST 1555; TIAS 5638).

24 (b) TRANSMISSION COORDINATION AND EXPAN-
 25 SION.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury an account for the purposes of making
3 expenditures to increase bilateral transfers of renew-
4 able electric generation between the western United
5 States and Canada.

6 (2) CRITERIA.—The Administrator may make
7 expenditures from the Account for activities to im-
8 prove electric power system coordination by con-
9 structing electric power transmission facilities within
10 the western United States that directly or indirectly
11 facilitate non-carbon emitting electric power trans-
12 actions between the western United States and Can-
13 ada.

14 (3) CONSULTATION.—The Administrator shall
15 consult with relevant electric utilities in Canada and
16 appropriate regional transmission planning organiza-
17 tions in considering the construction of transmission
18 activities under this subsection.

19 (4) AUTHORIZATION.—There is authorized to
20 be appropriated to the Account an amount equal to
21 the aggregated amount of the Canadian Entitlement
22 during the 5-year period preceding the date of enact-
23 ment of this Act.

24 (c) INCREASED HYDROELECTRIC CAPACITY.—

1 (1) IN GENERAL.—The Commissioner of Rec-
2 lamation shall rehabilitate and enhance the John W.
3 Keys III Pump Generating Plant—

4 (A) to replace obsolete equipment;

5 (B) to maintain reliability and improve ef-
6 ficiency in system performance and operation;

7 (C) to create more hydroelectric power ca-
8 pacity in the Pacific Northwest; and

9 (D) to ensure the availability of water for
10 irrigation in the event that Columbia River
11 water flows from British Columbia into the
12 United States are insufficient after September
13 16, 2024.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 There is authorized to be appropriated
16 \$100,000,000 to carry out this subsection.

17 (d) POWER COORDINATION STUDY.—

18 (1) IN GENERAL.—The Administrator shall con-
19 duct a study considering the potential hydroelectric
20 power value to the Pacific Northwest of increasing
21 the coordination of the operation of hydroelectric
22 and water storage facilities on rivers located in the
23 United States and Canada.

24 (2) CRITERIA.—The study conducted under
25 paragraph (1) shall analyze—

1 (A) projected changes to the Pacific North-
2 west electricity supply;

3 (B) potential reductions in greenhouse gas
4 emissions;

5 (C) any potential need to increase trans-
6 mission capacity; and

7 (D) any other factor the Administrator
8 considers to be relevant for increasing bilateral
9 coordination.

10 (3) COORDINATION.—In conducting the study
11 under paragraph (1), the Administrator shall coordi-
12 nate, to the extent practicable, with—

13 (A) the British Columbia or a crown cor-
14 poration owned by British Columbia;

15 (B) the Assistant Secretary;

16 (C) the Commissioner of Reclamation; and

17 (D) any public utility districts that operate
18 hydroelectric projects on the mainstem of the
19 Columbia River.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated \$10,000,000
22 to carry out this subsection.

1 **Subtitle B—Cybersecurity**

2 **SEC. 1101. ENHANCING GRID SECURITY THROUGH PUBLIC-**
3 **PRIVATE PARTNERSHIPS.**

4 (a) DEFINITIONS.—In this section:

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

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

15 (b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL
16 SECURITY AND CYBERSECURITY OF ELECTRIC UTILI-
17 TIES.—

18 (1) ESTABLISHMENT.—The Secretary, in con-
19 sultation with the Secretary of Homeland Security
20 and, as the Secretary determines to be appropriate,
21 the heads of other relevant Federal agencies, State
22 regulatory authorities, industry stakeholders, and
23 the Electric Reliability Organization, shall carry out
24 a program—

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

6 (B) to assist with threat assessment and
7 cybersecurity training for electric utilities;

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

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

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

17 (F) to increase opportunities for sharing
18 best practices and data collection within the
19 electric sector; and

20 (G) to assist, in the case of electric utilities
21 that own defense critical electric infrastructure
22 (as defined in section 215A(a) of the Federal
23 Power Act (16 U.S.C. 824o-1(a))), with full en-
24 gineering reviews of critical functions and oper-

1 ations at both the utility and defense infra-
2 structure levels—

3 (i) to identify unprotected avenues for
4 cyber-enabled sabotage that would have
5 catastrophic effects to national security;
6 and

7 (ii) to recommend and implement en-
8 gineering protections to ensure continued
9 operations of identified critical functions
10 even in the face of constant cyber attacks
11 and achieved perimeter access by sophisti-
12 cated adversaries.

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

15 (A) take into consideration—

16 (i) the different sizes of electric utili-
17 ties; and

18 (ii) the regions that electric utilities
19 serve;

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

22 (C) to the maximum extent practicable,
23 use and leverage—

24 (i) existing Department and Depart-
25 ment of Homeland Security programs; and

1 (ii) existing programs of the Federal
2 agencies determined to be appropriate
3 under paragraph (1).

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

11 (1) priorities, policies, procedures, and actions
12 for enhancing the physical security and cybersecurity
13 of electricity distribution systems, including behind-
14 the-meter generation, storage, and load management
15 devices, to address threats to, and vulnerabilities of,
16 electricity distribution systems; and

17 (2) the implementation of the priorities, poli-
18 cies, procedures, and actions assessed under para-
19 graph (1), including—

20 (A) an estimate of potential costs and ben-
21 efits of the implementation; and

22 (B) an assessment of any public-private
23 cost-sharing opportunities.

24 (d) PROTECTION OF INFORMATION.—Information
25 provided to, or collected by, the Federal Government pur-

1 suant to this section the disclosure of which the Secretary
2 reasonably foresees could be detrimental to the physical
3 security or cybersecurity of any electric utility or the bulk-
4 power system—

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

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

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

14 (a) DEFINITIONS.—In this section:

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

19 (2) PROGRAM.—The term “program” means
20 the voluntary Energy Cyber Sense program estab-
21 lished under subsection (b).

22 (b) ESTABLISHMENT.—The Secretary, in consulta-
23 tion with the Secretary of Homeland Security and the
24 heads of other relevant Federal agencies, shall establish
25 a voluntary Energy Cyber Sense program to test the cy-

1 bersecurity of products and technologies intended for use
2 in the energy sector, including in the bulk-power system.

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

7 (1) establish a testing process under the pro-
8 gram to test the cybersecurity of products and tech-
9 nologies intended for use in the energy sector, in-
10 cluding products relating to industrial control sys-
11 tems and operational technologies, such as super-
12 visory control and data acquisition systems;

13 (2) for products and technologies tested under
14 the program, establish and maintain cybersecurity
15 vulnerability reporting processes and a related data-
16 base that are integrated with Federal vulnerability
17 coordination processes;

18 (3) provide technical assistance to electric utili-
19 ties, product manufacturers, and other energy sector
20 stakeholders to develop solutions to mitigate identi-
21 fied cybersecurity vulnerabilities in products and
22 technologies tested under the program;

23 (4) biennially review products and technologies
24 tested under the program for cybersecurity
25 vulnerabilities and provide analysis with respect to

1 how those products and technologies respond to and
2 mitigate cyber threats;

3 (5) develop guidance that is informed by anal-
4 ysis and testing results under the program for elec-
5 tric utilities and other components of the energy sec-
6 tor for the procurement of products and tech-
7 nologies;

8 (6) provide reasonable notice to, and solicit
9 comments from, the public prior to establishing or
10 revising the testing process under the program;

11 (7) oversee the testing of products and tech-
12 nologies under the program; and

13 (8) consider incentives to encourage the use of
14 analysis and results of testing under the program in
15 the design of products and technologies for use in
16 the energy sector.

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

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

1 102 of the Cybersecurity Act of 2015 (6 U.S.C.
2 1501)).

3 “(2) ADVANCED CYBERSECURITY TECHNOLOGY
4 INFORMATION.—The term ‘advanced cybersecurity
5 technology information’ means information relating
6 to advanced cybersecurity technology or proposed
7 advanced cybersecurity technology that is generated
8 by or provided to the Commission or another Fed-
9 eral agency.

10 “(b) STUDY.—Not later than 180 days after the date
11 of enactment of this section, the Commission, in consulta-
12 tion with the Secretary of Energy, the North American
13 Electric Reliability Corporation, the Electricity Subsector
14 Coordinating Council, and the National Association of
15 Regulatory Utility Commissioners, shall conduct a study
16 to identify incentive-based, including performance-based,
17 rate treatments for the transmission and sale of electric
18 energy subject to the jurisdiction of the Commission that
19 could be used to encourage—

20 “(1) investment by public utilities in advanced
21 cybersecurity technology; and

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

24 “(c) INCENTIVE-BASED RATE TREATMENT.—Not
25 later than 1 year after the completion of the study under

1 subsection (b), the Commission shall establish, by rule, in-
2 centive-based, including performance-based, rate treat-
3 ments for the transmission of electric energy in interstate
4 commerce and the sale of electric energy at wholesale in
5 interstate commerce by public utilities for the purpose of
6 benefitting consumers by encouraging—

7 “(1) investments by public utilities in advanced
8 cybersecurity technology; and

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

11 “(d) FACTORS FOR CONSIDERATION.—In issuing a
12 rule pursuant to this section, the Commission may provide
13 additional incentives beyond those identified in subsection
14 (c) in any case in which the Commission determines that
15 an investment in advanced cybersecurity technology or in-
16 formation sharing program costs will reduce cybersecurity
17 risks to—

18 “(1) defense critical electric infrastructure (as
19 defined in section 215A(a)) and other facilities sub-
20 ject to the jurisdiction of the Commission that are
21 critical to public safety, national defense, or home-
22 land security, as determined by the Commission in
23 consultation with—

24 “(A) the Secretary of Energy;

1 “(B) the Secretary of Homeland Security;

2 and

3 “(C) other appropriate Federal agencies;

4 and

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

8 “(e) RATEPAYER PROTECTION.—

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

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

15 “(B) shall not be unduly discriminatory or
16 preferential.

17 “(2) PROHIBITION OF DUPLICATE RECOVERY.—

18 Any rule issued pursuant to this section shall pre-
19 clude rate treatments that allow unjust and unrea-
20 sonable double recovery for advanced cybersecurity
21 technology.

22 “(f) SINGLE-ISSUE RATE FILINGS.—The Commis-
23 sion shall permit public utilities to apply for incentive-
24 based rate treatment under a rule issued under this sec-
25 tion on a single-issue basis by submitting to the Commis-

1 sion a tariff schedule under section 205 that permits re-
 2 covery of costs and incentives over the depreciable life of
 3 the applicable assets, without regard to changes in receipts
 4 or other costs of the public utility.

5 “(g) PROTECTION OF INFORMATION.—Advanced cy-
 6 bersecurity technology information that is provided to,
 7 generated by, or collected by the Federal Government
 8 under subsection (b), (c), or (f) shall be considered to be
 9 critical electric infrastructure information under section
 10 215A.”.

11 **SEC. 1104. RURAL AND MUNICIPAL UTILITY ADVANCED CY-**
 12 **BERSECURITY GRANT AND TECHNICAL AS-**
 13 **SISTANCE PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ADVANCED CYBERSECURITY TECH-
 16 NOLOGY.—The term “advanced cybersecurity tech-
 17 nology” means any technology, operational capa-
 18 bility, or service, including computer hardware, soft-
 19 ware, or a related asset, that enhances the security
 20 posture of electric utilities through improvements in
 21 the ability to protect against, detect, respond to, or
 22 recover from a cybersecurity threat (as defined in
 23 section 102 of the Cybersecurity Act of 2015 (6
 24 U.S.C. 1501)).

1 (2) 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 (3) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a rural electric cooperative;

8 (B) a utility owned by a political subdivi-
9 sion of a State, such as a municipally owned
10 electric utility;

11 (C) a utility owned by any agency, author-
12 ity, corporation, or instrumentality of 1 or more
13 political subdivisions of a State;

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

17 (E) an investor-owned electric utility that
18 sells less than 4,000,000 megawatt hours of
19 electricity per year.

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

24 (b) ESTABLISHMENT.—Not later than 180 days after
25 the date of enactment of this Act, the Secretary, in con-

1 sultation with the Secretary of Homeland Security, the
2 Federal Energy Regulatory Commission, the North Amer-
3 ican Electric Reliability Corporation, and the Electricity
4 Subsector Coordinating Council, shall establish a program,
5 to be known as the “Rural and Municipal Utility Advanced
6 Cybersecurity Grant and Technical Assistance Program”,
7 to provide grants and technical assistance to, and enter
8 into cooperative agreements with, eligible entities to pro-
9 tect against, detect, respond to, and recover from cyberse-
10 curity threats.

11 (c) OBJECTIVES.—The objectives of the Program
12 shall be—

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

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

18 (d) AWARDS.—

19 (1) IN GENERAL.—The Secretary—

20 (A) shall award grants and provide tech-
21 nical assistance under the Program to eligible
22 entities on a competitive basis;

23 (B) shall develop criteria and a formula for
24 awarding grants and providing technical assist-
25 ance under the Program;

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

4 (D) shall establish a process to ensure that
5 all eligible entities are informed about and can
6 become aware of opportunities to receive grants
7 or technical assistance under the Program.

8 (2) PRIORITY FOR GRANTS AND TECHNICAL AS-
9 SISTANCE.—In awarding grants and providing tech-
10 nical assistance under the Program, the Secretary
11 shall give priority to an eligible entity that, as deter-
12 mined by the Secretary—

13 (A) has limited cybersecurity resources;

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

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

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

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

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

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Secretary to carry
11 out this section \$250,000,000 for the period of fiscal years
12 2022 through 2026.

13 **SEC. 1105. ENHANCED GRID SECURITY.**

14 (a) DEFINITIONS.—In this section:

15 (1) ELECTRIC UTILITY.—The term “electric
16 utility” has the meaning given the term in section
17 3 of the Federal Power Act (16 U.S.C. 796).

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

20 (b) CYBERSECURITY FOR THE ENERGY SECTOR RE-
21 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
22 GRAM.—

23 (1) IN GENERAL.—The Secretary, in consulta-
24 tion with the Secretary of Homeland Security and,
25 as determined appropriate, other Federal agencies,

1 the energy sector, the States, Indian Tribes, Tribal
2 organizations, territories or freely associated states,
3 and other stakeholders, shall develop and carry out
4 a program—

5 (A) to develop advanced cybersecurity ap-
6 plications and technologies for the energy sec-
7 tor—

8 (i) to identify and mitigate
9 vulnerabilities, including—

10 (I) dependencies on other critical
11 infrastructure;

12 (II) impacts from weather and
13 fuel supply;

14 (III) increased dependence on in-
15 verter-based technologies; and

16 (IV) vulnerabilities from
17 unpatched hardware and software sys-
18 tems; and

19 (ii) to advance the security of field de-
20 vices and third-party control systems, in-
21 cluding—

22 (I) systems for generation, trans-
23 mission, distribution, end use, and
24 market functions;

- 1 (II) specific electric grid elements
2 including advanced metering, demand
3 response, distribution, generation, and
4 electricity storage;
- 5 (III) forensic analysis of infected
6 systems;
- 7 (IV) secure communications; and
8 (V) application of in-line edge se-
9 curity solutions;
- 10 (B) to leverage electric grid architecture as
11 a means to assess risks to the energy sector, in-
12 cluding by implementing an all-hazards ap-
13 proach to communications infrastructure, con-
14 trol systems architecture, and power systems
15 architecture;
- 16 (C) to perform pilot demonstration projects
17 with the energy sector to gain experience with
18 new technologies;
- 19 (D) to develop workforce development cur-
20 ricula for energy sector-related cybersecurity;
21 and
- 22 (E) to develop improved supply chain con-
23 cepts for secure design of emerging digital com-
24 ponents and power electronics.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

5 (c) ENERGY SECTOR OPERATIONAL SUPPORT FOR
6 CYBERRESILIENCE PROGRAM.—

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

9 (A) to enhance and periodically test—

10 (i) the emergency response capabilities
11 of the Department; and

12 (ii) the coordination of the Depart-
13 ment with other agencies, the National
14 Laboratories, and private industry;

15 (B) to expand cooperation of the Depart-
16 ment with the intelligence community for en-
17 ergy sector-related threat collection and anal-
18 ysis;

19 (C) to enhance the tools of the Department
20 and E-ISAC for monitoring the status of the
21 energy sector;

22 (D) to expand industry participation in E-
23 ISAC; and

24 (E) to provide technical assistance to small
25 electric utilities for purposes of assessing and

1 improving cybermaturity levels and addressing
2 gaps identified in the assessment.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

7 (d) MODELING AND ASSESSING ENERGY INFRA-
8 STRUCTURE RISK.—

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

13 (A) electric networks;

14 (B) natural gas networks; and

15 (C) oil exploration, transmission, and deliv-
16 ery networks.

17 (2) SECURITY AND RESILIENCY OBJECTIVE.—

18 The objective of the program developed under para-
19 graph (1) is to increase the functional preservation
20 of electric grid operations or natural gas and oil op-
21 erations in the face of natural and human-made
22 threats and hazards, including electric magnetic
23 pulse and geomagnetic disturbances.

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

4 (A) develop capabilities to identify
5 vulnerabilities and critical components that pose
6 major risks to grid security if destroyed or im-
7 paired;

8 (B) provide modeling at the national level
9 to predict impacts from natural or human-made
10 events;

11 (C) add physical security to the cybersecu-
12 rity maturity model;

13 (D) conduct exercises and assessments to
14 identify and mitigate vulnerabilities to the elec-
15 tric grid, including providing mitigation rec-
16 ommendations;

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

19 (F) conduct research on mitigation and re-
20 covery solutions for critical components of the
21 electric grid; and

22 (G) provide technical assistance to States
23 and other entities for standards and risk anal-
24 ysis.

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

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

7 **SEC. 1106. CYBERSECURITY PLAN.**

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

11 (1) to submit to the Secretary, prior to the
12 issuance of the award or other funding, a cybersecu-
13 rity plan that demonstrates the cybersecurity matu-
14 rity of the recipient in the context of the project for
15 which that award or other funding was provided;
16 and

17 (2) establish a plan for maintaining and im-
18 proving cybersecurity throughout the life of the pro-
19 posed solution of the project.

20 (b) CONTENTS OF CYBERSECURITY PLAN.—A cyber-
21 security plan described in subsection (a) shall, at a min-
22 imum, describe how the recipient described in that sub-
23 section—

1 (1) plans to maintain cybersecurity between
2 networks, systems, devices, applications, or compo-
3 nents—

4 (A) within the proposed solution of the
5 project; and

6 (B) at the necessary external interfaces at
7 the proposed solution boundaries;

8 (2) will perform ongoing evaluation of cyberse-
9 curity risks to address issues as the issues arise
10 throughout the life of the proposed solution;

11 (3) will report known or suspected network or
12 system compromises of the project to the Secretary;
13 and

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

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

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

21 (A) the Cybersecurity Capability Maturity
22 Model of the Department (or a successor
23 model); and

1 (B) the Framework for Improving Critical
2 Infrastructure Cybersecurity of the National In-
3 stitute of Standards and Technology; and

4 (2) document —

5 (A) any deviation from open standards;
6 and

7 (B) the utilization of proprietary standards
8 where the recipient determines that such devi-
9 ation necessary.

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

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

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

23 (2) shall not be made available by any Federal
24 agency, State, political subdivision of a State, or
25 Tribal authority pursuant to any Federal, State, po-

1 litical subdivision of a State, or Tribal law, respec-
2 tively, requiring public disclosure of information or
3 records.

4 **SEC. 1107. SAVINGS PROVISION.**

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

12 **TITLE II—SUPPLY CHAINS FOR**
13 **CLEAN ENERGY TECHNOLOGIES**

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

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

23 (c) PURPOSE.—The purpose of the Initiative shall be
24 to accelerate efforts to carry out the fundamental re-

1 sources and mapping mission of the United States Geo-
2 logical Survey by—

3 (1) providing integrated topographic, geologic,
4 geochemical, and geophysical mapping;

5 (2) accelerating the integration and consolida-
6 tion of geospatial and resource data; and

7 (3) providing interpretation of subsurface and
8 above-ground mineral resources data.

9 (d) COOPERATIVE AGREEMENTS.—

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

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

18 (e) COMPREHENSIVE MAPPING MODERNIZATION.—

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

24 (2) APPROACH.—In carrying out paragraph (1)
25 with regard to minerals, mineralization, and mineral

1 deposits, the Initiative shall focus on the full range
2 of minerals, using a whole ore body approach rather
3 than a single commodity approach, to emphasize all
4 of the recoverable critical minerals in a given surface
5 or subsurface deposit.

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

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

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

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

22 (f) AVAILABILITY.—The Initiative shall make the
23 geospatial data and metadata gathered by the Initiative
24 under subsection (e)(1) electronically publicly accessible
25 on an ongoing basis.

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

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

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

11 (3) the USMIN Mineral Deposit Database of
12 the United States Geological Survey;

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

16 (5) other relevant sources, including sources
17 providing geothermal resources data.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out this section \$320,000,000 for the period of fiscal years
21 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 battery that consists of a battery
7 cell that can be integrated into a module, pack, or
8 system to be used in energy storage applications, in-
9 cluding electric vehicles and the electric grid.

10 (2) ADVANCED BATTERY COMPONENT.—

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

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

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

23 (4) ELIGIBLE ENTITY.—The term “eligible enti-
24 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 materials, including the treating, baking, and coat-
6 ing processes used to convert raw products into con-
7 stituent materials employed directly in advanced bat-
8 tery manufacturing.

9 (8) RECYCLING.—The term “recycling” means
10 the recovery of materials from advanced batteries to
11 be reused in similar applications, including the ex-
12 tracting, processing, and recoating of battery mate-
13 rials 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 1 or more demonstra-
20 tion projects in the United States for the
21 processing of battery materials;

22 (ii) to construct 1 or more new com-
23 mercial-scale battery material processing
24 facilities in the United States; and

1 (iii) to retool, retrofit, or expand 1 or
2 more existing battery material processing
3 facilities located in the United States and
4 determined 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 an eligible entity
9 carrying out 1 or more projects described
10 in subparagraph (A)(i);

11 (ii) \$100,000,000 for an eligible entity
12 carrying out 1 or more projects described
13 in subparagraph (A)(ii); and

14 (iii) \$50,000,000 for an eligible entity
15 carrying out 1 or more projects described
16 in subparagraph (A)(iii).

17 (C) PRIORITY; CONSIDERATION.—In
18 awarding grants to eligible entities under the
19 program, the Secretary shall—

20 (i) give priority to an eligible entity
21 that—

22 (I) is located and operates in the
23 United States;

24 (II) is owned by a United States
25 entity;

1 (III) deploys North American-
2 owned intellectual property and con-
3 tent;

4 (IV) represents consortia or in-
5 dustry partnerships; and

6 (V) will not use battery material
7 supplied by or originating from a for-
8 eign entity of concern; and

9 (ii) take into consideration whether a
10 project—

11 (I) provides workforce opportuni-
12 ties in low- and moderate-income com-
13 munities;

14 (II) encourages partnership with
15 universities and laboratories to spur
16 innovation and drive down costs;

17 (III) partners with Indian Tribes;
18 and

19 (IV) takes into account—

20 (aa) greenhouse gas emis-
21 sions reductions and energy effi-
22 cient battery material processing
23 opportunities throughout the
24 manufacturing process; and

25 (bb) supply chain logistics.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary to carry out the program \$3,000,000,000 for
4 the period of fiscal years 2022 through 2026, to re-
5 main available until expended.

6 (c) BATTERY MANUFACTURING AND RECYCLING
7 GRANTS.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary shall establish within the Office of Energy Ef-
11 ficiency and Renewable Energy a battery manufac-
12 turing and recycling grant program (referred to in
13 this subsection as the “program”).

14 (2) PURPOSE.—The purpose of the program is
15 to ensure that the United States has a viable domes-
16 tic manufacturing and recycling capability to sup-
17 port and sustain a North American battery supply
18 chain.

19 (3) GRANTS.—

20 (A) IN GENERAL.—Under the program,
21 the Secretary shall award grants to eligible en-
22 tities—

23 (i) to carry out 1 or more demonstra-
24 tion projects for advanced battery compo-

1 nent manufacturing, advanced battery
2 manufacturing, and recycling;

3 (ii) to construct 1 or more new com-
4 mercial-scale advanced battery component
5 manufacturing, advanced battery manufac-
6 turing, or recycling facilities in the United
7 States; and

8 (iii) to retool, retrofit, or expand 1 or
9 more existing facilities located in the
10 United States and determined qualified by
11 the Secretary for advanced battery compo-
12 nent manufacturing, advanced battery
13 manufacturing, and recycling.

14 (B) AMOUNT LIMITATION.—The amount of
15 a grant awarded under the program shall be
16 not less than—

17 (i) \$50,000,000 for an eligible entity
18 carrying out 1 or more projects described
19 in subparagraph (A)(i);

20 (ii) \$100,000,000 for an eligible entity
21 carrying out 1 or more projects described
22 in subparagraph (A)(ii); and

23 (iii) \$50,000,000 for an eligible entity
24 carrying out 1 or more projects described
25 in subparagraph (A)(iii).

1 (C) PRIORITY; CONSIDERATION.—In
2 awarding grants to eligible entities under the
3 program, the Secretary shall—

4 (i) give priority to an eligible entity
5 that—

6 (I) is located and operates in the
7 United States;

8 (II) is owned by a United States
9 entity;

10 (III) deploys North American-
11 owned intellectual property and con-
12 tent;

13 (IV) represents consortia or in-
14 dustry partnerships; and

15 (V)(aa) if the eligible entity will
16 use the grant for advanced battery
17 component manufacturing, will not
18 use battery material supplied by or
19 originating from a foreign entity of
20 concern; or

21 (bb) if the eligible entity will use
22 the grant for battery recycling, will
23 not export recovered critical materials
24 to a foreign entity of concern; and

1 (ii) take into consideration whether a
2 project—

3 (I) provides workforce opportuni-
4 ties in low- and moderate-income or
5 rural communities;

6 (II) provides workforce opportu-
7 nities in communities that have lost
8 jobs due to the displacements of fossil
9 energy jobs;

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

13 (IV) partners with Indian Tribes;

14 (V) takes into account—

15 (aa) greenhouse gas emis-
16 sions reductions and energy effi-
17 cient battery material processing
18 opportunities throughout the
19 manufacturing process; and

20 (bb) supply chain logistics;
21 and

22 (VI) utilizes feedstock produced
23 in the United States.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to the Sec-

1 retary to carry out the program \$3,000,000,000 for
2 the period of fiscal years 2022 through 2026, to re-
3 main available until expended.

4 (d) REPORTING REQUIREMENTS.—Not later than 1
5 year after the date of enactment of this Act, and annually
6 thereafter, the Secretary shall submit to Congress a report
7 on the grant programs established under subsections (b)
8 and (c), including, with respect to each grant program,
9 a description of—

10 (1) the number of grant applications received;

11 (2) the number of grants awarded and the
12 amount of each award;

13 (3) the purpose and status of each project car-
14 ried out using a grant; and

15 (4) any other information the Secretary deter-
16 mines necessary.

17 (e) LITHIUM-ION BATTERY RECYCLING PRIZE COM-
18 PETITION.—

19 (1) IN GENERAL.—The Secretary shall continue
20 to carry out the Lithium-Ion Battery Recycling
21 Prize Competition of the Department established
22 pursuant to section 24 of the Stevenson-Wydler
23 Technology Innovation Act of 1980 (15 U.S.C.
24 3719) (referred to in this subsection as the “com-
25 petition”).

1 (2) AUTHORIZATION OF APPROPRIATIONS FOR
2 PILOT PROJECTS.—

3 (A) IN GENERAL.—There is authorized to
4 be appropriated to the Secretary to carry out
5 Phase III of the competition, \$10,000,000 for
6 fiscal year 2022, to remain available until ex-
7 pended.

8 (B) USE OF FUNDS.—The Secretary may
9 use amounts made available under subpara-
10 graph (A)—

11 (i) to increase the number of winners
12 of Phase III of the competition;

13 (ii) to increase the amount awarded to
14 each winner of Phase III of the competi-
15 tion; and

16 (iii) to carry out any other activity
17 that is consistent with the goals of Phase
18 III of the competition, as determined by
19 the Secretary.

20 (f) BATTERY AND CRITICAL MINERAL RECYCLING.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) ADMINISTRATOR.—The term “Admin-
23 istrator” means the Administrator of the Envi-
24 ronmental Protection Agency.

1 (B) BATTERY.—The term “battery” means
2 a device that—

3 (i) consists of 1 or more electro-
4 chemical cells that are electrically con-
5 nected; and

6 (ii) is designed to store and deliver
7 electric energy.

8 (C) BATTERY PRODUCER.—The term “bat-
9 tery producer” means, with respect to a covered
10 battery or covered battery-containing product
11 that is sold, offered for sale, or distributed for
12 sale in the United States, including through re-
13 tail, wholesale, business-to-business, and online
14 sale, the following applicable entity:

15 (i) A person who—

16 (I) manufactures the covered bat-
17 tery or covered battery-containing
18 product; and

19 (II) sells or offers for sale the
20 covered battery or covered battery-
21 containing product under the brand of
22 that person.

23 (ii) If there is no person described in
24 clause (i) with respect to the covered bat-
25 tery or covered battery-containing product,

1 the owner or licensee of the brand under
2 which the covered battery or covered bat-
3 tery-containing product is sold, offered for
4 sale, or distributed, regardless of whether
5 the trademark of the brand is registered.

6 (iii) If there is no person described in
7 clause (i) or (ii) with respect to the covered
8 battery or covered battery-containing prod-
9 uct, a person that imports the covered bat-
10 tery or covered battery-containing product
11 into the United States for sale or distribu-
12 tion.

13 (D) COVERED BATTERY.—The term “cov-
14 ered battery” means a new or unused primary
15 battery or rechargeable battery.

16 (E) COVERED BATTERY-CONTAINING
17 PRODUCT.—The term “covered battery-con-
18 taining product” means a new or unused prod-
19 uct that contains or is packaged with a primary
20 battery or rechargeable battery.

21 (F) CRITICAL MINERAL.—The term “crit-
22 ical mineral” has the meaning given the term in
23 section 7002(a) of the Energy Act of 2020 (30
24 U.S.C. 1606(a)).

1 (G) PRIMARY BATTERY.—The term “pri-
2 mary battery” means a nonrechargeable battery
3 that weighs not more than 4.4 pounds, includ-
4 ing an alkaline, carbon-zinc, and lithium metal
5 battery.

6 (H) RECHARGEABLE BATTERY.—

7 (i) IN GENERAL.—The term “re-
8 chargeable battery” means a battery
9 that—

10 (I) contains 1 or more voltaic or
11 galvanic cells that are electrically con-
12 nected to produce electric energy;

13 (II) is designed to be recharged;

14 (III) weighs not more than 11
15 pounds; and

16 (IV) has a watt-hour rating of
17 not more than 300 watt-hours.

18 (ii) EXCLUSIONS.—The term “re-
19 chargeable battery” does not include a bat-
20 tery that—

21 (I) contains electrolyte as a free
22 liquid; or

23 (II) employs lead-acid technology,
24 unless that battery is sealed and does
25 not contain electrolyte as a free liquid.

1 (I) RECYCLING.—The term “recycling”
2 means the series of activities—

3 (i) during which recyclable materials
4 are processed into specification-grade com-
5 modities, and consumed as raw-material
6 feedstock, in lieu of virgin materials, in the
7 manufacturing of new products;

8 (ii) that may include collection, proc-
9 essing, and brokering; and

10 (iii) that result in subsequent con-
11 sumption by a materials manufacturer, in-
12 cluding for the manufacturing of new prod-
13 ucts.

14 (2) BATTERY RECYCLING RESEARCH, DEVELOP-
15 MENT, AND DEMONSTRATION GRANTS.—

16 (A) IN GENERAL.—The Secretary, in co-
17 ordination with the Administrator, shall award
18 multiyear grants to eligible entities for research,
19 development, and demonstration projects to cre-
20 ate innovative and practical approaches to in-
21 crease the reuse and recycling of batteries, in-
22 cluding by addressing—

23 (i) recycling activities;

24 (ii) the development of methods to
25 promote the design and production of bat-

- 1 teries that take into full account and facili-
2 tate the dismantling, reuse, recovery, and
3 recycling of battery components and mate-
4 rials;
- 5 (iii) strategies to increase consumer
6 acceptance of, and participation in, the re-
7 cycling of batteries;
- 8 (iv) the extraction or recovery of crit-
9 ical minerals from batteries that are recy-
10 cled;
- 11 (v) the integration of increased quan-
12 tities of recycled critical minerals in bat-
13 teries and other products to develop mar-
14 kets for recycled battery materials and
15 critical minerals;
- 16 (vi) safe disposal of waste materials
17 and components recovered during the recy-
18 cling process;
- 19 (vii) the protection of the health and
20 safety of all persons involved in, or in
21 proximity to, recycling and reprocessing
22 activities, including communities located
23 near recycling and materials reprocessing
24 facilities;

1 (viii) mitigation of environmental im-
2 pacts that arise from recycling batteries,
3 including disposal of toxic reagents and by-
4 products related to recycling processes;

5 (ix) protection of data privacy associ-
6 ated with collected covered battery-con-
7 taining products;

8 (x) the optimization of the value of
9 material derived from recycling batteries;
10 and

11 (xi) the cost-effectiveness and benefits
12 of the reuse and recycling of batteries and
13 critical minerals.

14 (B) ELIGIBLE ENTITIES.—The Secretary,
15 in coordination with the Administrator, may
16 award a grant under subparagraph (A) to—

17 (i) an institution of higher education;

18 (ii) a National Laboratory;

19 (iii) a Federal research agency;

20 (iv) a State research agency;

21 (v) a nonprofit organization;

22 (vi) an industrial entity;

23 (vii) a manufacturing entity;

24 (viii) a private battery-collection enti-

25 ty;

1 (ix) an entity operating 1 or more
2 battery recycling activities;

3 (x) a State or municipal government
4 entity;

5 (xi) a battery producer;

6 (xii) a battery retailer; or

7 (xiii) a consortium of 2 or more enti-
8 ties described in clauses (i) through (xii).

9 (C) APPLICATIONS.—

10 (i) IN GENERAL.—To be eligible to re-
11 ceive a grant under subparagraph (A), an
12 eligible entity described in subparagraph
13 (B) shall submit to the Secretary an appli-
14 cation at such time, in such manner, and
15 containing such information as the Sec-
16 retary may require.

17 (ii) CONTENTS.—An application sub-
18 mitted under clause (i) shall describe how
19 the project will promote collaboration
20 among—

21 (I) battery producers and manu-
22 facturers;

23 (II) battery material and equip-
24 ment manufacturers;

1 (III) battery recyclers, collectors,
2 and refiners; and

3 (IV) retailers.

4 (D) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to the Secretary to carry out this paragraph
7 \$60,000,000 for the period of fiscal years 2022
8 through 2026.

9 (3) STATE AND LOCAL PROGRAMS.—

10 (A) IN GENERAL.—The Secretary, in co-
11 ordination with the Administrator, shall estab-
12 lish a program under which the Secretary shall
13 award grants, on a competitive basis, to States
14 and units of local government to assist in the
15 establishment or enhancement of State battery
16 collection, recycling, and reprocessing programs.

17 (B) NON-FEDERAL COST SHARE.—The
18 non-Federal share of the cost of a project car-
19 ried out using a grant under this paragraph
20 shall be 50 percent of the cost of the project.

21 (C) REPORT.—Not later than 2 years after
22 the date of enactment of this Act, and annually
23 thereafter, the Secretary shall submit to Con-
24 gress a report that describes the number of bat-
25 tery collection points established or enhanced,

1 an estimate of jobs created, and the quantity of
2 material collected as a result of the grants
3 awarded under subparagraph (A).

4 (D) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There is authorized to be appropriated
6 to the Secretary to carry out this paragraph
7 \$50,000,000 for the period of fiscal years 2022
8 through 2026.

9 (4) RETAILERS AS COLLECTION POINTS.—

10 (A) IN GENERAL.—The Secretary shall
11 award grants, on a competitive basis, to retail-
12 ers that sell covered batteries or covered bat-
13 tery-containing products to establish and imple-
14 ment a system for the acceptance and collection
15 of covered batteries and covered battery-con-
16 taining products, as applicable, for reuse, recy-
17 cling, or proper disposal.

18 (B) COLLECTION SYSTEM.—A system de-
19 scribed in subparagraph (A) shall include take-
20 back of covered batteries—

21 (i) at no cost to the consumer; and

22 (ii) on a regular, convenient, and ac-
23 cessible basis.

24 (C) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There is authorized to be appropriated

1 to the Secretary to carry out this paragraph
2 \$15,000,000 for the period of fiscal years 2022
3 through 2026.

4 (5) TASK FORCE ON PRODUCER RESPONSIBIL-
5 ITIES.—

6 (A) IN GENERAL.—The Secretary, in co-
7 ordination with the Administrator, shall con-
8 vene a task force to develop an extended battery
9 producer responsibility framework that—

10 (i) addresses battery recycling goals,
11 cost structures for mandatory recycling, re-
12 porting requirements, product design, col-
13 lection models, and transportation of col-
14 lected materials;

15 (ii) provides sufficient flexibility to
16 allow battery producers to determine cost-
17 effective strategies for compliance with the
18 framework; and

19 (iii) outlines regulatory pathways for
20 effective recycling.

21 (B) TASK FORCE MEMBERS.—Members of
22 the task force convened under subparagraph
23 (A) shall include—

1 (i) battery producers, manufacturers,
2 retailers, recyclers, and collectors or pro-
3 cessors;

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 “(ee) strategies to increase
2 consumer acceptance of, and par-
3 ticipation in, the recycling of
4 electric drive vehicle batteries;

5 “(ff) improvements and
6 changes to electric drive vehicle
7 battery chemistries that include
8 ways to decrease processing costs
9 for battery recycling without sac-
10 rificing front-end performance;

11 “(gg) second-use of electric
12 drive vehicle batteries, including
13 in applications outside of the
14 automotive industry; and

15 “(hh) the commercialization
16 and scale-up of electric drive ve-
17 hicle battery recycling tech-
18 nologies.

19 “(ii) PRIORITY.—In awarding grants
20 under clause (i), the Secretary shall give
21 priority to projects that—

22 “(I) are located in geographically
23 diverse regions of the United States;

24 “(II) include business commer-
25 cialization plans that have the poten-

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 thereafter, the Secretary shall conduct a
2 national solicitation for applications for
3 grants described in clause (i).

4 “(iv) DISSEMINATION OF RESULTS.—
5 The Secretary shall publish the results of
6 the projects carried out through grants
7 awarded under clause (i) through—

8 “(I) best practices relating to
9 those grants, for use in the electric
10 drive vehicle battery manufacturing,
11 design, installation, refurbishing, or
12 recycling industries;

13 “(II) coordination with informa-
14 tion dissemination programs relating
15 to general recycling of electronic de-
16 vices; and

17 “(III) educational materials for
18 the public, produced in conjunction
19 with State and local governments or
20 nonprofit organizations, on the prob-
21 lems and solutions relating to the re-
22 cycling and second-life applications of
23 electric drive vehicle batteries.

24 “(E) COORDINATION WITH OTHER PRO-
25 GRAMS OF THE DEPARTMENT.—In carrying out

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, electric or fuel cell loco-
23 motives, electric or fuel cell maritime vessels, or
24 electric or fuel cell planes;

1 (ii) technologies, components, and mate-
2 rials of those vehicles, locomotives, maritime
3 vessels, or planes; and

4 (iii) charging or refueling infrastructure
5 associated with those vehicles, locomotives, mar-
6 itime vessels, or planes;

7 (H)(i) hybrid vehicles with a gross vehicle
8 weight rating of not less than 14,000 pounds;
9 and

10 (ii) technologies, components, and mate-
11 rials for those vehicles; and

12 (I) other advanced energy property de-
13 signed to reduce greenhouse gas emissions, as
14 may be determined by the Secretary.

15 (2) COVERED CENSUS TRACT.—The term “cov-
16 ered census tract” means a census tract—

17 (A) in which, after December 31, 1999, a
18 coal mine had closed;

19 (B) in which, after December 31, 2009, a
20 coal-fired electricity generating unit had been
21 retired; or

22 (C) that is immediately adjacent to a cen-
23 sus tract described in subparagraph (A) or (B).

24 (3) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means a manufacturing firm—

1 (A) the gross annual sales of which are
2 less than \$100,000,000;

3 (B) that has fewer than 500 employees at
4 the plant site of the manufacturing firm; and

5 (C) the annual energy bills of which total
6 more than \$100,000 but less than \$2,500,000.

7 (4) MINORITY-OWNED.—The term “minority-
8 owned”, with respect to an eligible entity, means an
9 eligible entity not less than 51 percent of which is
10 owned by 1 or more individuals who are—

11 (A) citizens of the United States; and

12 (B) Asian American, Native Hawaiian, Pa-
13 cific Islander, African American, Hispanic,
14 Puerto Rican, Native American, or Alaska Na-
15 tive.

16 (5) PROGRAM.—The term “Program” means
17 the grant program established under subsection (b).

18 (6) QUALIFYING ADVANCED ENERGY
19 PROJECT.—The term “qualifying advanced energy
20 project” means a project that—

21 (A)(i) re-equips, expands, or establishes a
22 manufacturing or recycling facility for the pro-
23 duction or recycling, as applicable, of advanced
24 energy property; or

1 (ii) re-equips an industrial or manufac-
2 turing facility with equipment designed to re-
3 duce the greenhouse gas emissions of that facil-
4 ity substantially below the greenhouse gas emis-
5 sions under current best practices, as deter-
6 mined by the Secretary, through the installation
7 of—

8 (I) low- or zero-carbon process heat
9 systems;

10 (II) carbon capture, transport, utiliza-
11 tion, and storage systems;

12 (III) technology relating to energy ef-
13 ficiency and reduction in waste from indus-
14 trial processes; or

15 (IV) any other industrial technology
16 that significantly reduces greenhouse gas
17 emissions, as determined by the Secretary;

18 (B) has a reasonable expectation of com-
19 mercial viability, as determined by the Sec-
20 retary; and

21 (C) is located in a covered census tract.

22 (b) ESTABLISHMENT.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary shall es-
24 tablish a program to award grants to eligible entities to
25 carry out qualifying advanced energy projects.

1 (c) APPLICATIONS.—

2 (1) IN GENERAL.—Each eligible entity seeking
3 a grant under the Program shall submit to the Sec-
4 retary an application at such time, in such manner,
5 and containing such information as the Secretary
6 may require, including a description of the proposed
7 qualifying advanced energy project to be carried out
8 using the grant.

9 (2) SELECTION CRITERIA.—

10 (A) PROJECTS.—In selecting eligible enti-
11 ties to receive grants under the Program, the
12 Secretary shall, with respect to the qualifying
13 advanced energy projects proposed by the eligi-
14 ble entities, give higher priority to projects
15 that—

16 (i) will provide higher net impact in
17 avoiding or reducing anthropogenic emis-
18 sions of greenhouse gases;

19 (ii) will result in a higher level of do-
20 mestic job creation (both direct and indi-
21 rect) during the lifetime of the project;

22 (iii) will result in a higher level of job
23 creation in the vicinity of the project, par-
24 ticularly with respect to—

1 (I) low-income communities (as
2 described in section 45D(e) of the In-
3 ternal Revenue Code of 1986); and

4 (II) dislocated workers who were
5 previously employed in manufacturing,
6 coal power plants, or coal mining;

7 (iv) have higher potential for techno-
8 logical innovation and commercial deploy-
9 ment;

10 (v) have a lower levelized cost of—

11 (I) generated or stored energy; or

12 (II) measured reduction in en-
13 ergy consumption or greenhouse gas
14 emission (based on costs of the full
15 supply chain); and

16 (vi) have a shorter project time.

17 (B) ELIGIBLE ENTITIES.—In selecting eli-
18 gible entities to receive grants under the Pro-
19 gram, the Secretary shall give priority to eligi-
20 ble entities that are minority-owned.

21 (d) PROJECT COMPLETION AND LOCATION; RETURN
22 OF UNOBLIGATED FUNDS.—

23 (1) COMPLETION; RETURN OF UNOBLIGATED
24 FUNDS.—An eligible entity that receives a grant
25 under the Program shall be required—

1 (A) to complete the qualifying advanced
2 energy project funded by the grant not later
3 than 3 years after the date of receipt of the
4 grant funds; and

5 (B) to return to the Secretary any grant
6 funds that remain unobligated at the end of
7 that 3-year period.

8 (2) LOCATION.—If the Secretary determines
9 that an eligible entity awarded a grant under the
10 Program has carried out the applicable qualifying
11 advanced energy project at a location that is materi-
12 ally different from the location specified in the appli-
13 cation for the grant, the eligible entity shall be re-
14 quired to return the grant funds to the Secretary.

15 (e) TECHNICAL ASSISTANCE.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall provide technical assistance on a selec-
19 tive basis to eligible entities that are seeking a grant
20 under the Program to enhance the impact of the
21 qualifying advanced energy project to be carried out
22 using the grant with respect to the selection criteria
23 described in subsection (e)(2)(A).

24 (2) APPLICATIONS.—An eligible entity desiring
25 technical assistance under paragraph (1) shall sub-

1 mit to the Secretary an application at such time, in
2 such manner, and containing such information as
3 the Secretary may require.

4 (3) FACTORS FOR CONSIDERATION.—In select-
5 ing eligible entities for technical assistance under
6 paragraph (1), the Secretary shall give higher pri-
7 ority to eligible entities that propose a qualifying ad-
8 vanced energy project that has greater potential for
9 enhancement of the impact of the project with re-
10 spect to the selection criteria described in subsection
11 (c)(2)(A).

12 (f) PUBLICATION OF GRANTS.—The Secretary shall
13 make publicly available the identity of each eligible entity
14 awarded a grant under the Program and the amount of
15 the grant.

16 (g) REPORT.—Not later than 4 years after the date
17 of enactment this Act, the Secretary shall—

18 (1) review the grants awarded under the Pro-
19 gram; and

20 (2) submit to the Committee on Energy and
21 Natural Resources of the Senate and the Committee
22 on Energy and Commerce of the House of Rep-
23 resentatives a report describing those grants.

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

1 out the Program \$750,000,000 for the period of fiscal
2 years 2022 through 2026.

3 **SEC. 2010. CRITICAL MINERALS MINING AND RECYCLING**
4 **RESEARCH.**

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICAL MINERAL.—The term “critical
7 mineral” has the meaning given the term in section
8 7002(a) of the Energy Act of 2020 (30 U.S.C.
9 1606(a)).

10 (2) CRITICAL MINERALS AND METALS.—The
11 term “critical minerals and metals” includes any
12 host mineral of a critical mineral.

13 (3) DIRECTOR.—The term “Director” means
14 the Director of the Foundation.

15 (4) END-TO-END.—The term “end-to-end”,
16 with respect to the integration of mining or life cycle
17 of minerals, means the integrated approach of, or
18 the lifecycle determined by, examining the research
19 and developmental process from the mining of the
20 raw minerals to its processing into useful materials,
21 its integration into components and devices, the uti-
22 lization of such devices in the end-use application to
23 satisfy certain performance metrics, and the recy-
24 cling or disposal of such devices.

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

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

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

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

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

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

24 (ii) section 951 or 1030 of title 18,
25 United States Code;

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

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

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

10 (vi) the Export Control Reform Act of
11 2018 (50 U.S.C. 4801 et seq.); or

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

15 (E) determined by the Secretary of Com-
16 merce, in consultation with the Secretary of De-
17 fense and the Director of National Intelligence,
18 to be engaged in unauthorized conduct that is
19 detrimental to the national security or foreign
20 policy of the United States.

21 (6) FOUNDATION.—The term “Foundation”
22 means the National Science Foundation.

23 (7) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given the term in section 101 of the Higher
2 Education Act of 1965 (20 U.S.C. 1001).

3 (8) NATIONAL LABORATORY.—The term “Na-
4 tional Laboratory” has the meaning given the term
5 in section 2 of the Energy Policy Act of 2005 (42
6 U.S.C. 15801).

7 (9) RECYCLING.—The term “recycling” means
8 the process of collecting and processing spent mate-
9 rials and devices and turning the materials and de-
10 vices into raw materials or components that can be
11 reused either partially or completely.

12 (10) SECONDARY RECOVERY.—The term “sec-
13 ondary recovery” means the recovery of critical min-
14 erals and metals from discarded end-use products or
15 from waste products produced during the metal re-
16 fining and manufacturing process, including from
17 mine waste piles, acid mine drainage sludge, or by-
18 products produced through legacy mining and metal-
19 lurgy activities.

20 (b) CRITICAL MINERALS MINING AND RECYCLING
21 RESEARCH AND DEVELOPMENT.—

22 (1) IN GENERAL.—In order to support supply
23 chain resiliency, the Secretary, in coordination with
24 the Director, shall issue awards, on a competitive
25 basis, to eligible entities described in paragraph (2)

1 to support basic research that will accelerate innova-
2 tion to advance critical minerals mining, recycling,
3 and reclamation strategies and technologies for the
4 purposes of—

5 (A) making better use of domestic re-
6 sources; and

7 (B) eliminating national reliance on min-
8 erals and mineral materials that are subject to
9 supply disruptions.

10 (2) ELIGIBLE ENTITIES.—Entities eligible to
11 receive an award under paragraph (1) are the fol-
12 lowing:

13 (A) Institutions of higher education.

14 (B) National Laboratories.

15 (C) Nonprofit organizations.

16 (D) Consortia of entities described in sub-
17 paragraphs (A) through (C), including consortia
18 that collaborate with private industry.

19 (3) USE OF FUNDS.—Activities funded by an
20 award under this section may include—

21 (A) advancing mining research and devel-
22 opment activities to develop new mapping and
23 mining technologies and techniques, including
24 advanced critical mineral extraction and pro-
25 duction—

1 (i) to improve existing, or to develop
2 new, supply chains of critical minerals; and

3 (ii) to yield more efficient, economical,
4 and environmentally benign mining prac-
5 tices;

6 (B) advancing critical mineral processing
7 research activities to improve separation,
8 alloying, manufacturing, or recycling techniques
9 and technologies that can decrease the energy
10 intensity, waste, potential environmental im-
11 pact, and costs of those activities;

12 (C) advancing research and development of
13 critical minerals mining and recycling tech-
14 nologies that take into account the potential
15 end-uses and disposal of critical minerals, in
16 order to improve end-to-end integration of min-
17 ing and technological applications;

18 (D) conducting long-term earth observa-
19 tion of reclaimed mine sites, including the study
20 of the evolution of microbial diversity at those
21 sites;

22 (E) examining the application of artificial
23 intelligence for geological exploration of critical
24 minerals, including what size and diversity of
25 data sets would be required;

1 (F) examining the application of machine
2 learning for detection and sorting of critical
3 minerals, including what size and diversity of
4 data sets would be required;

5 (G) conducting detailed isotope studies of
6 critical minerals and the development of more
7 refined geologic models; or

8 (H) providing training and research oppor-
9 tunities to undergraduate and graduate stu-
10 dents to prepare the next generation of mining
11 engineers and researchers.

12 (c) CRITICAL MINERALS INTERAGENCY SUB-
13 COMMITTEE.—

14 (1) IN GENERAL.—In order to support supply
15 chain resiliency, the Critical Minerals Subcommittee
16 of the National Science and Technology Council (re-
17 ferred to in this subsection as the “Subcommittee”)
18 shall coordinate Federal science and technology ef-
19 forts to ensure secure and reliable supplies of critical
20 minerals to the United States.

21 (2) PURPOSES.—The purposes of the Sub-
22 committee shall be—

23 (A) to advise and assist the National
24 Science and Technology Council, including the
25 Committee on Homeland and National Security

1 of the National Science and Technology Council,
2 on United States policies, procedures, and
3 plans relating to critical minerals, including—

4 (i) Federal research, development, and
5 deployment efforts to optimize methods for
6 extractions, concentration, separation, and
7 purification of conventional, secondary,
8 and unconventional sources of critical min-
9 erals, including research that prioritizes
10 end-to-end integration of mining and recy-
11 cling techniques and the end-use target for
12 critical minerals;

13 (ii) efficient use and reuse of critical
14 minerals, including recycling technologies
15 for critical minerals and the reclamation of
16 critical minerals from components, such as
17 spent batteries;

18 (iii) addressing the technology transi-
19 tions between research or lab-scale mining
20 and recycling and commercialization of
21 these technologies;

22 (iv) the critical minerals workforce of
23 the United States; and

24 (v) United States private industry in-
25 vestments in innovation and technology

1 transfer from federally funded science and
2 technology;

3 (B) to identify emerging opportunities,
4 stimulate international cooperation, and foster
5 the development of secure and reliable supply
6 chains of critical minerals, including activities
7 relating to the reuse of critical minerals via re-
8 cycling;

9 (C) to ensure the transparency of informa-
10 tion and data related to critical minerals; and

11 (D) to provide recommendations on coordi-
12 nation and collaboration among the research,
13 development, and deployment programs and ac-
14 tivities of Federal agencies to promote a secure
15 and reliable supply of critical minerals nec-
16 essary to maintain national security, economic
17 well-being, and industrial production.

18 (3) RESPONSIBILITIES.—In carrying out para-
19 graphs (1) and (2), the Subcommittee may, taking
20 into account the findings and recommendations of
21 relevant advisory committees—

22 (A) provide recommendations on how Fed-
23 eral agencies may improve the topographic, geo-
24 logic, and geophysical mapping of the United
25 States and improve the discoverability, accessi-

1 bility, and usability of the resulting and existing
2 data, to the extent permitted by law and subject
3 to appropriate limitation for purposes of privacy
4 and security;

5 (B) assess the progress toward developing
6 critical minerals recycling and reprocessing
7 technologies;

8 (C) assess the end-to-end lifecycle of crit-
9 ical minerals, including for mining, usage, recy-
10 cling, and end-use material and technology re-
11 quirements;

12 (D) examine, and provide recommenda-
13 tions for, options for accessing and developing
14 critical minerals through investment and trade
15 with allies and partners of the United States;

16 (E) evaluate and provide recommendations
17 to incentivize the development and use of ad-
18 vances in science and technology in the private
19 industry;

20 (F) assess the need for, and make rec-
21 ommendations to address, the challenges the
22 United States critical minerals supply chain
23 workforce faces, including—

24 (i) aging and retiring personnel and
25 faculty;

1 (ii) public perceptions about the na-
2 ture of mining and mineral processing; and

3 (iii) foreign competition for United
4 States talent;

5 (G) develop, and update as necessary, a
6 strategic plan to guide Federal programs and
7 activities to enhance—

8 (i) scientific and technical capabilities
9 across critical mineral supply chains, in-
10 cluding a roadmap that identifies key re-
11 search and development needs and coordi-
12 nates ongoing activities for source diver-
13 sification, more efficient use, recycling, and
14 substitution for critical minerals; and

15 (ii) cross-cutting mining science, data
16 science techniques, materials science, man-
17 ufacturing science and engineering, com-
18 putational modeling, and environmental
19 health and safety research and develop-
20 ment; and

21 (H) report to the appropriate committees
22 of Congress on activities and findings under
23 this subsection.

24 (4) MANDATORY RESPONSIBILITIES.—In car-
25 rying out paragraphs (1) and (2), the Subcommittee

1 shall, taking into account the findings and rec-
2 ommendations of relevant advisory committees, iden-
3 tify and evaluate Federal policies and regulations
4 that restrict the mining of critical minerals.

5 (d) GRANT PROGRAM FOR PROCESSING OF CRITICAL
6 MINERALS AND DEVELOPMENT OF CRITICAL MINERALS
7 AND METALS.—

8 (1) ESTABLISHMENT.—The Secretary, in con-
9 sultation with the Director, the Secretary of the In-
10 terior, and the Secretary of Commerce, shall estab-
11 lish a grant program to finance pilot projects for—

12 (A) the processing or recycling of critical
13 minerals in the United States; or

14 (B) the development of critical minerals
15 and metals in the United States

16 (2) LIMITATION ON GRANT AWARDS.—A grant
17 awarded under paragraph (1) may not exceed
18 \$10,000,000.

19 (3) ECONOMIC VIABILITY.—In awarding grants
20 under paragraph (1), the Secretary shall give pri-
21 ority to projects that the Secretary determines are
22 likely to be economically viable over the long term.

23 (4) SECONDARY RECOVERY.—In awarding
24 grants under paragraph (1), the Secretary shall seek
25 to award not less than 30 percent of the total

1 amount of grants awarded during the fiscal year for
2 projects relating to secondary recovery of critical
3 minerals and metals.

4 (5) DOMESTIC PRIORITY.—In awarding grants
5 for the development of critical minerals and metals
6 under paragraph (1)(B), the Secretary shall
7 prioritize pilot projects that will process the critical
8 minerals and metals domestically.

9 (6) PROHIBITION ON PROCESSING BY FOREIGN
10 ENTITY OF CONCERN.—In awarding grants under
11 paragraph (1), the Secretary shall ensure that pilot
12 projects do not export for processing any critical
13 minerals and metals to a foreign entity of concern.

14 (7) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated to the Sec-
16 retary to carry out the grant program established
17 under paragraph (1) \$100,000,000 for each of fiscal
18 years 2021 through 2024.

19 **SEC. 2011. 21ST CENTURY ENERGY WORKFORCE ADVISORY**
20 **BOARD.**

21 (a) ESTABLISHMENT.—The Secretary shall establish
22 a board, to be known as the “21st Century Energy Work-
23 force Advisory Board”, to develop a strategy for the De-
24 partment that, with respect to the role of the Department

1 in the support and development of a skilled energy work-
2 force—

3 (1) meets the current and future industry and
4 labor needs of the energy sector;

5 (2) provides opportunities for students to be-
6 come qualified for placement in traditional energy
7 sector and emerging energy sector jobs;

8 (3) identifies areas in which the Department
9 can effectively utilize the technical expertise of the
10 Department to support the workforce activities of
11 other Federal agencies;

12 (4) strengthens and engages the workforce
13 training programs of the Department and the Na-
14 tional Laboratories in carrying out the Equity in
15 Energy Initiative of the Department and other De-
16 partment workforce priorities;

17 (5) develops plans to support and retrain dis-
18 placed and unemployed energy sector workers; and

19 (6) prioritizes education and job training for
20 underrepresented groups, including racial and ethnic
21 minorities, Indian Tribes, women, veterans, and
22 socioeconomically disadvantaged individuals.

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The Board shall be com-
25 posed of not fewer than 10 and not more than 15

1 members, with the initial members of the Board to
2 be appointed by the Secretary not later than 1 year
3 after the date of enactment of this Act.

4 (2) REQUIREMENT.—The Board shall include
5 not fewer than 1 representative of a labor organiza-
6 tion with significant energy experience who has been
7 nominated by a national labor federation.

8 (3) QUALIFICATIONS.—Each individual ap-
9 pointed to the Board under paragraph (1) shall have
10 expertise in—

11 (A) the field of economics or workforce de-
12 velopment;

13 (B) relevant traditional energy industries
14 or emerging energy industries, including energy
15 efficiency;

16 (C) secondary or postsecondary education;

17 (D) energy workforce development or ap-
18 prenticeship programs of States or units of
19 local government;

20 (E) relevant organized labor organizations;

21 or

22 (F) bringing underrepresented groups, in-
23 cluding racial and ethnic minorities, women,
24 veterans, and socioeconomically disadvantaged
25 individuals, into the workforce.

1 (c) ADVISORY BOARD REVIEW AND RECOMMENDA-
2 TIONS.—

3 (1) DETERMINATION BY BOARD.—In developing
4 the strategy required under subsection (a), the
5 Board shall—

6 (A) determine whether there are opportuni-
7 ties to more effectively and efficiently use the
8 capabilities of the Department in the develop-
9 ment of a skilled energy workforce;

10 (B) identify ways in which the Department
11 could work with other relevant Federal agen-
12 cies, States, units of local government, institu-
13 tions of higher education, labor organizations,
14 Indian Tribes and tribal organizations, and in-
15 dustry in the development of a skilled energy
16 workforce, subject to applicable law;

17 (C) identify ways in which the Department
18 and National Laboratories can—

19 (i) increase outreach to minority-serv-
20 ing institutions; and

21 (ii) make resources available to in-
22 crease the number of skilled minorities and
23 women trained to go into the energy and
24 energy-related manufacturing sectors;

1 (iii) increase outreach to displaced
2 and unemployed energy sector workers;
3 and

4 (iv) make resources available to pro-
5 vide training to displaced and unemployed
6 energy sector workers to reenter the en-
7 ergy workforce; and

8 (D)(i) identify the energy sectors in great-
9 est need of workforce training; and

10 (ii) in consultation with the Secretary of
11 Labor, develop recommendations for the skills
12 necessary to develop a workforce trained to
13 work in those energy sectors.

14 (2) REQUIRED ANALYSIS.—In developing the
15 strategy required under subsection (a), the Board
16 shall analyze the effectiveness of—

17 (A) existing Department-directed support;
18 and

19 (B) existing energy workforce training pro-
20 grams.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the date on which the Board is established
24 under this section, and biennially thereafter
25 until the date on which the Board is terminated

1 under subsection (f), the Board shall submit to
2 the Secretary a report containing, with respect
3 to the strategy required under subsection (a)—

4 (i) the findings of the Board; and

5 (ii) the proposed energy workforce
6 strategy of the Board.

7 (B) RESPONSE OF THE SECRETARY.—Not
8 later than 90 days after the date on which a re-
9 port is submitted to the Secretary under sub-
10 paragraph (A), the Secretary shall—

11 (i) submit to the Board a response to
12 the report that—

13 (I) describes whether the Sec-
14 retary approves or disapproves of each
15 recommendation of the Board under
16 subparagraph (A); and

17 (II) if the Secretary approves of
18 a recommendation, provides an imple-
19 mentation plan for the recommenda-
20 tion; and

21 (ii) submit to Congress—

22 (I) the report of the Board under
23 subparagraph (A); and

24 (II) the response of the Secretary
25 under clause (i).

1 (C) PUBLIC AVAILABILITY OF REPORT.—

2 (i) IN GENERAL.—The Board shall
3 make each report under subparagraph (A)
4 available to the public on the earlier of—

5 (I) the date on which the Board
6 receives the response of the Secretary
7 under subparagraph (B)(i); and

8 (II) the date that is 90 days
9 after the date on which the Board
10 submitted the report to the Secretary.

11 (ii) REQUIREMENT.—If the Board has
12 received a response to a report from the
13 Secretary under subparagraph (B)(i), the
14 Board shall make that response publicly
15 available with the applicable report.

16 (d) REPORT BY THE SECRETARY.—Not later than
17 180 days before the date of expiration of a term of the
18 Board under subsection (f), the Secretary shall submit to
19 the Committees on Energy and Natural Resources and
20 Appropriations of the Senate and the Committees on En-
21 ergy and Commerce and Appropriations of the House of
22 Representatives a report that—

23 (1) describes the effectiveness and accomplish-
24 ments of the Board during the applicable term;

1 (2) contains a determination of the Secretary as
2 to whether the Board should be renewed; and

3 (3) if the Secretary determines that the Board
4 should be renewed, any recommendations as to
5 whether and how the scope and functions of the
6 Board should be modified.

7 (e) OUTREACH TO MINORITY-SERVING INSTITU-
8 TIONS, VETERANS, AND DISPLACED AND UNEMPLOYED
9 ENERGY WORKERS.—In developing the strategy under
10 subsection (a), the Board shall—

11 (1) give special consideration to increasing out-
12 reach to minority-serving institutions, veterans, and
13 displaced and unemployed energy workers;

14 (2) make resources available to—

15 (A) minority-serving institutions, with the
16 objective of increasing the number of skilled mi-
17 norities and women trained to go into the en-
18 ergy and manufacturing sectors;

19 (B) institutions that serve veterans, with
20 the objective of increasing the number veterans
21 in the energy industry by ensuring that vet-
22 erans have the credentials and training nec-
23 essary to secure careers in the energy industry;
24 and

1 (C) institutions that serve displaced and
2 unemployed energy workers to increase the
3 number of individuals trained for jobs in the
4 energy industry;

5 (3) encourage the energy industry to improve
6 the opportunities for students of minority-serving in-
7 stitutions, veterans, and displaced and unemployed
8 energy workers to participate in internships,
9 preapprenticeships, apprenticeships, and cooperative
10 work-study programs in the energy industry; and

11 (4) work with the National Laboratories to in-
12 crease the participation of underrepresented groups,
13 veterans, and displaced and unemployed energy
14 workers in internships, fellowships, training pro-
15 grams, and employment at the National Labora-
16 tories.

17 (f) TERM.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Board shall terminate on September 30, 2026.

20 (2) EXTENSIONS.—The Secretary may renew
21 the Board for 1 or more 5-year periods by submit-
22 ting, not later than the date described in subsection
23 (d), a report described in that subsection that con-
24 tains a determination by the Secretary that the
25 Board should be renewed.

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.

“Sec. 999F. State and local permits.

“Sec. 999G. Regulations.

“Sec. 999H. Authorization of appropriations; contract authority.”; and

1 (3) by striking the item relating to section
2 969B and inserting the following:

“Sec. 969B. High efficiency turbines.”.

3 **SEC. 3005. CARBON STORAGE VALIDATION AND TESTING.**

4 Section 963 of the Energy Policy Act of 2005 (42
5 U.S.C. 16293) is amended—

6 (1) in subsection (a)(1)(B), by striking “over a
7 10-year period”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “and
10 demonstration” and inserting “demonstration,
11 and commercialization”; and

12 (B) in paragraph (2)—

13 (i) in subparagraph (G), by striking
14 “and” at the end;

15 (ii) in subparagraph (H), by striking
16 the period at the end and inserting “;
17 and”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(I) evaluating the quantity, lo-
21 cation, and timing of geologic carbon
22 storage deployment that may be need-

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 (CO₂) 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, locomotives, maritime vessels, or
11 planes—

12 “(i) at central refueling stations; or

13 “(ii) through distributed onsite gen-
14 eration;

15 “(7) advanced vehicle, locomotive, maritime ves-
16 sel, or plane technologies, including—

17 “(A) engine and emission control systems;

18 “(B) energy storage, electric propulsion,
19 and hybrid systems;

20 “(C) automotive, locomotive, maritime ves-
21 sel, or plane materials; and

22 “(D) other advanced vehicle, locomotive,
23 maritime vessel, or plane technologies;

24 “(8) storage of hydrogen or hydrogen-carrier
25 fuels, including the development of materials for safe

1 and economic storage in gaseous, liquid, or solid
2 form;

3 “(9) the development of safe, durable, afford-
4 able, and efficient fuel cells, including fuel-flexible
5 fuel cell power systems, improved manufacturing
6 processes, high-temperature membranes, cost-effec-
7 tive fuel processing for natural gas, fuel cell stack
8 and system reliability, low-temperature operation,
9 and cold start capability;

10 “(10) the ability of domestic clean hydrogen
11 equipment manufacturers to manufacture commer-
12 cially available competitive technologies in the
13 United States;

14 “(11) the use of clean hydrogen in the trans-
15 portation sector, including in light-, medium-, and
16 heavy-duty vehicles, rail transport, aviation, and
17 maritime applications; and

18 “(12) in coordination with relevant agencies,
19 the development of appropriate, uniform codes and
20 standards for the safe and consistent deployment
21 and commercialization of clean hydrogen production,
22 processing, delivery, and end-use technologies.”; and

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

24 “(j) TARGETS.—Not later than 180 days after the
25 date of enactment of the Energy Infrastructure Act, the

1 Secretary shall establish targets for the program to ad-
2 dress near-term (up to 2 years), mid-term (up to 7 years),
3 and long-term (up to 15 years) challenges to the advance-
4 ment of clean hydrogen systems and technologies.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Policy Act of 2005 (Public Law 109–
7 58; 119 Stat. 599) is amended by striking the item relat-
8 ing to section 805 and inserting the following:

“Sec. 805. Clean hydrogen research and development program.”.

9 **SEC. 3104. ADDITIONAL CLEAN HYDROGEN PROGRAMS.**

10 Title VIII of the Energy Policy Act of 2005 (42
11 U.S.C. 16151 et seq.) is amended—

12 (1) by redesignating sections 813 through 816
13 as sections 818 through 821, respectively; and

14 (2) by inserting after section 812 the following:

15 **“SEC. 813. REGIONAL CLEAN HYDROGEN HUBS.**

16 “(a) DEFINITION OF REGIONAL CLEAN HYDROGEN
17 HUB.—In this section, the term ‘regional clean hydrogen
18 hub’ means a network of clean hydrogen producers, poten-
19 tial clean hydrogen consumers, and connective infrastruc-
20 ture located in close proximity.

21 “(b) ESTABLISHMENT OF PROGRAM.—The Secretary
22 shall establish a program to support the development of
23 at least 4 regional clean hydrogen hubs that—

1 “(1) demonstrably aid the achievement of the
2 clean hydrogen production standard developed under
3 section 822(a);

4 “(2) demonstrate the production, processing,
5 delivery, storage, and end-use of clean hydrogen; and

6 “(3) can be developed into a national clean hy-
7 drogen network to facilitate a clean hydrogen econ-
8 omy.

9 “(c) SELECTION OF REGIONAL CLEAN HYDROGEN
10 HUBS.—

11 “(1) SOLICITATION OF PROPOSALS.—Not later
12 than 180 days after the date of enactment of the
13 Energy Infrastructure Act, the Secretary shall solicit
14 proposals for regional clean hydrogen hubs.

15 “(2) SELECTION OF HUBS.—Not later than 1
16 year after the deadline for the submission of pro-
17 posals under paragraph (1), the Secretary shall se-
18 lect at least 4 regional clean hydrogen hubs to be de-
19 veloped under subsection (b).

20 “(3) CRITERIA.—The Secretary shall select re-
21 gional clean hydrogen hubs under paragraph (2)
22 using the following criteria:

23 “(A) FEEDSTOCK DIVERSITY.—To the
24 maximum extent practicable—

1 “(i) at least 1 regional clean hydrogen
2 hub shall demonstrate the production of
3 clean hydrogen from fossil fuels;

4 “(ii) at least 1 regional clean hydro-
5 gen hub shall demonstrate the production
6 of clean hydrogen from renewable energy;
7 and

8 “(iii) at least 1 regional clean hydro-
9 gen hub shall demonstrate the production
10 of clean hydrogen from nuclear energy.

11 “(B) END-USE DIVERSITY.—To the max-
12 imum extent practicable—

13 “(i) at least 1 regional clean hydrogen
14 hub shall demonstrate the end-use of clean
15 hydrogen in the electric power generation
16 sector;

17 “(ii) at least 1 regional clean hydro-
18 gen hub shall demonstrate the end-use of
19 clean hydrogen in the industrial sector;

20 “(iii) at least 1 regional clean hydro-
21 gen hub shall demonstrate the end-use of
22 clean hydrogen in the residential and com-
23 mercial heating sector; and

24 “(iv) at least 1 regional clean hydro-
25 gen hub shall demonstrate the end-use of

1 clean hydrogen in the transportation sec-
2 tor.

3 “(C) GEOGRAPHIC DIVERSITY.—To the
4 maximum extent practicable, each regional
5 clean hydrogen hub—

6 “(i) shall be located in a different re-
7 gion of the United States; and

8 “(ii) shall use energy resources that
9 are abundant in that region.

10 “(D) HUBS IN NATURAL GAS-PRODUCING
11 REGIONS.—To the maximum extent practicable,
12 at least 2 regional clean hydrogen hubs shall be
13 located in the regions of the United States with
14 the greatest natural gas resources.

15 “(E) EMPLOYMENT.—The Secretary shall
16 give priority to regional clean hydrogen hubs
17 that are likely to create opportunities for skilled
18 training and long-term employment to the
19 greatest number of residents of the region.

20 “(F) ADDITIONAL CRITERIA.—The Sec-
21 retary may take into consideration other cri-
22 teria that, in the judgment of the Secretary, are
23 necessary or appropriate to carry out this title

24 “(4) FUNDING OF REGIONAL CLEAN HYDROGEN
25 HUBS.—The Secretary may make grants to each re-

1 regional clean hydrogen hub selected under paragraph
2 (2) to accelerate commercialization of, and dem-
3 onstrate the production, processing, delivery, stor-
4 age, and end-use of, clean hydrogen.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary to carry
7 out this section \$8,000,000,000 for the period of fiscal
8 years 2022 through 2026.

9 **“SEC. 814. NATIONAL CLEAN HYDROGEN STRATEGY AND**
10 **ROADMAP.**

11 “(a) DEVELOPMENT.—

12 “(1) IN GENERAL.—In carrying out the pro-
13 grams established under sections 805 and 813, the
14 Secretary, in consultation with the heads of relevant
15 offices of the Department, shall develop a techno-
16 logically and economically feasible national strategy
17 and roadmap to facilitate widescale production, pro-
18 cessing, delivery, storage, and use of clean hydrogen.

19 “(2) INCLUSIONS.—The national clean hydro-
20 gen strategy and roadmap developed under para-
21 graph (1) shall focus on—

22 “(A) establishing a standard of hydrogen
23 production that achieves the standard developed
24 under section 822(a), including interim goals
25 towards meeting that standard;

1 “(B)(i) clean hydrogen production and use
2 from natural gas, coal, renewable energy
3 sources, nuclear energy, and biomass; and

4 “(ii) identifying potential barriers, path-
5 ways, and opportunities, including Federal pol-
6 icy needs, to transition to a clean hydrogen
7 economy;

8 “(C) identifying—

9 “(i) economic opportunities for the
10 production, processing, transport, storage,
11 and use of clean hydrogen that exist in the
12 major shale natural gas-producing regions
13 of the United States;

14 “(ii) economic opportunities for the
15 production, processing, transport, storage,
16 and use of clean hydrogen that exist for
17 merchant nuclear power plants operating
18 in deregulated markets; and

19 “(iii) environmental risks associated
20 with potential deployment of clean hydro-
21 gen technologies in those regions, and ways
22 to mitigate those risks;

23 “(D) approaches, including substrategies,
24 that reflect geographic diversity across the
25 country, to advance clean hydrogen based on re-

1 sources, industry sectors, environmental bene-
2 fits, and economic impacts in regional econo-
3 mies;

4 “(E) identifying opportunities to use, and
5 barriers to using, existing infrastructure, in-
6 cluding all components of the natural gas infra-
7 structure system, the carbon dioxide pipeline in-
8 frastructure system, end-use local distribution
9 networks, end-use power generators, LNG ter-
10 minals, industrial users of natural gas, and res-
11 idential and commercial consumers of natural
12 gas, for clean hydrogen deployment;

13 “(F) identifying the needs for and barriers
14 and pathways to developing clean hydrogen
15 hubs (including, where appropriate, clean hy-
16 drogen hubs coupled with carbon capture, utili-
17 zation, and storage hubs) that—

18 “(i) are regionally dispersed across
19 the United States and can leverage natural
20 gas to the maximum extent practicable;

21 “(ii) can demonstrate the efficient
22 production, processing, delivery, and use of
23 clean hydrogen;

24 “(iii) include transportation corridors
25 and modes of transportation, including

1 transportation of clean hydrogen by pipe-
2 line and rail and through ports; and

3 “(iv) where appropriate, could serve
4 as joint clean hydrogen and carbon cap-
5 ture, utilization, and storage hubs;

6 “(G) prioritizing activities that improve the
7 ability of the Department to develop tools to
8 model, analyze, and optimize single-input, mul-
9 tiple-output integrated hybrid energy systems
10 and multiple-input, multiple-output integrated
11 hybrid energy systems that maximize efficiency
12 in providing hydrogen, high-value heat, elec-
13 tricity, and chemical synthesis services;

14 “(H) identifying the appropriate points of
15 interaction between and among Federal agen-
16 cies involved in the production, processing, de-
17 livery, storage, and use of clean hydrogen and
18 clarifying the responsibilities of those Federal
19 agencies, and potential regulatory obstacles and
20 recommendations for modifications, in order to
21 support the deployment of clean hydrogen; and

22 “(I) identifying geographic zones or re-
23 gions in which clean hydrogen technologies
24 could efficiently and economically be introduced
25 in order to transition existing infrastructure to

1 rely on clean hydrogen, in support of
2 decarbonizing all relevant sectors of the econ-
3 omy.

4 “(b) REPORTS TO CONGRESS.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of the Energy Infra-
7 structure Act, the Secretary shall submit to Con-
8 gress the clean hydrogen strategy and roadmap de-
9 veloped under subsection (a).

10 “(2) UPDATES.—The Secretary shall submit to
11 Congress updates to the clean hydrogen strategy and
12 roadmap under paragraph (1) not less frequently
13 than once every 3 years after the date on which the
14 Secretary initially submits the report and roadmap.

15 **“SEC. 815. CLEAN HYDROGEN MANUFACTURING AND RECY-
16 CLING.**

17 “(a) CLEAN HYDROGEN MANUFACTURING INITIA-
18 TIVE.—

19 “(1) IN GENERAL.—In carrying out the pro-
20 grams established under sections 805 and 813, the
21 Secretary shall award multiyear grants to, and enter
22 into contracts, cooperative agreements, or any other
23 agreements authorized under this Act or other Fed-
24 eral law with, eligible entities (as determined by the
25 Secretary) for research, development, and dem-

1 onstration projects to advance new clean hydrogen
2 production, processing, delivery, storage, and use
3 equipment manufacturing technologies and tech-
4 niques.

5 “(2) PRIORITY.—In awarding grants or enter-
6 ing into contracts, cooperative agreements, or other
7 agreements under paragraph (1), the Secretary, to
8 the maximum extent practicable, shall give priority
9 to clean hydrogen equipment manufacturing projects
10 that—

11 “(A) increase efficiency and cost-effective-
12 ness in—

13 “(i) the manufacturing process; and

14 “(ii) the use of resources, including
15 existing energy infrastructure;

16 “(B) support domestic supply chains for
17 materials and components;

18 “(C) identify and incorporate nonhaz-
19 ards alternative materials for components
20 and devices;

21 “(D) operate in partnership with tribal en-
22 ergy development organizations, Indian Tribes,
23 Tribal organizations, Native Hawaiian commu-
24 nity-based organizations, or territories or freely
25 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, the Idaho National Laboratory, and
11 the National Renewable Energy Laboratory shall continue
12 to work in a crosscutting manner to carry out the pro-
13 grams established under sections 813 and 815.

14 “(b) COORDINATION; CLEARINGHOUSE.—In carrying
15 out subsection (a), the National Energy Technology Lab-
16 oratory shall—

17 “(1) coordinate with—

18 “(A) the Idaho National Laboratory, the
19 National Renewable Energy Laboratory, and
20 other National Laboratories in a cross-cutting
21 manner;

22 “(B) institutions of higher education;

23 “(C) research institutes;

24 “(D) industrial researchers; and

25 “(E) international researchers; and

1 “(B) define the term ‘clean hydrogen’ to
2 mean hydrogen produced with a carbon inten-
3 sity equal to or less than 2 kilograms of carbon
4 dioxide-equivalent produced at the site of pro-
5 duction per kilogram of hydrogen produced; and

6 “(C) take into consideration technological
7 and economic feasibility.

8 “(2) ADJUSTMENT.—Not later than the date
9 that is 5 years after the date on which the Secretary
10 develops the standard under subsection (a), the Sec-
11 retary, in consultation with the Administrator of the
12 Environmental Protection Agency and after taking
13 into account input from industry and other stake-
14 holders, as determined by the Secretary, shall—

15 “(A) determine whether the definition of
16 clean hydrogen required under paragraph
17 (1)(B) should be adjusted below the standard
18 described in that paragraph; and

19 “(B) if the Secretary determines the ad-
20 justment described in subparagraph (A) is ap-
21 propriate, carry out the adjustment.

22 “(c) APPLICATION.—The standard developed under
23 subsection (a) shall apply to clean hydrogen production
24 from renewable, fossil fuel with carbon capture, utiliza-

1 tion, and sequestration technologies, nuclear, and other
2 fuel sources using any applicable production technology.”.

3 (b) CONFORMING AMENDMENT.—The table of con-
4 tents for the Energy Policy Act of 2005 (Public Law 109–
5 58; 119 Stat. 599) is amended by striking the items relat-
6 ing to sections 813 through 816 and inserting the fol-
7 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.”.

8 **Subtitle C—Nuclear Energy** 9 **Infrastructure**

10 **SEC. 3201. INFRASTRUCTURE PLANNING FOR MICRO AND** 11 **SMALL MODULAR NUCLEAR REACTORS.**

12 (a) DEFINITIONS.—In this section:

13 (1) ADVANCED NUCLEAR REACTOR.— The term
14 “advanced nuclear reactor” has the meaning given
15 the term in section 951(b) of the Energy Policy Act
16 of 2005 (42 U.S.C. 16271(b)).

17 (2) ISOLATED COMMUNITY.—The term “iso-
18 lated community” has the meaning given the term in
19 section 8011(a) of the Energy Act of 2020 (42
20 U.S.C. 17392(a)).

1 (3) MICRO-REACTOR.—The term “micro-reactor” means an advanced nuclear reactor that has an
2 electric power production capacity that is not greater
3 than 50 megawatts.

4 (4) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term
5 in section 2 of the Energy Policy Act of 2005 (42
6 U.S.C. 15801).

7 (5) SMALL MODULAR REACTOR.—The term
8 “small modular reactor” means an advanced nuclear
9 reactor—

10 (A) with a rated capacity of less than 300
11 electrical megawatts; and

12 (B) that can be constructed and operated
13 in combination with similar reactors at a single
14 site.

15 (b) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall submit to
17 the Committee on Energy and Natural Resources of the
18 Senate and the Committees on Energy and Commerce and
19 Science, Space, and Technology of the House of Rep-
20 resentatives a report that describes how the Department
21 could enhance energy resilience and reduce carbon emis-
22 sions with the use of micro-reactors and small modular
23 reactors.

1 (c) ELEMENTS.—The report required by subsection
2 (b) shall address the following:

3 (1) An evaluation by the Department of current
4 resilience and carbon reduction requirements for en-
5 ergy for facilities of the Department to determine
6 whether changes are needed to address—

7 (A) the need to provide uninterrupted
8 power to facilities of the Department for at
9 least 3 days during power grid failures;

10 (B) the need for protection against cyber
11 threats and electromagnetic pulses; and

12 (C) resilience to extreme natural events,
13 including earthquakes, volcanic activity, tor-
14 nados, hurricanes, floods, tsunamis, lahars,
15 landslides, seiches, a large quantity of snowfall,
16 and very low or high temperatures.

17 (2) A strategy of the Department for using nu-
18 clear energy to meet resilience and carbon reduction
19 goals of facilities of the Department.

20 (3) A strategy to partner with private industry
21 to develop and deploy micro-reactors and small mod-
22 ular reactors to remote communities in order to re-
23 place diesel generation and other fossil fuels.

24 (4) An assessment by the Department of the
25 value associated with enhancing the resilience of a

1 facility of the Department by transitioning to power
2 from micro-reactors and small modular reactors and
3 to co-located nuclear facilities with the capability to
4 provide dedicated power to the facility of the De-
5 partment during a grid outage or failure.

6 (5) The plans of the Department—

7 (A) for deploying a micro-reactor and a
8 small modular reactor to produce energy for use
9 by a facility of the Department in the United
10 States by 2026;

11 (B) for deploying a small modular reactor
12 to produce energy for use by a facility of the
13 Department in the United States by 2029; and

14 (C) to include micro-reactors and small
15 modular reactors in the planning for meeting
16 future facility energy needs.

17 (d) FINANCIAL AND TECHNICAL ASSISTANCE FOR
18 SITING MICRO-REACTORS, SMALL MODULAR REACTORS,
19 AND ADVANCED NUCLEAR REACTORS.—

20 (1) IN GENERAL.—The Secretary shall offer fi-
21 nancial and technical assistance to entities to con-
22 duct feasibility studies for the purpose of identifying
23 suitable locations for the deployment of micro-reac-
24 tors, small modular reactors, and advanced nuclear
25 reactors in isolated communities.

1 (2) REQUIREMENT.—Prior to providing finan-
 2 cial and technical assistance under paragraph (1),
 3 the Secretary shall conduct robust community en-
 4 gagement and outreach for the purpose of identi-
 5 fying levels of interest in isolated communities.

6 (3) LIMITATION.—The Secretary shall not dis-
 7 burse more than 50 percent of the amounts available
 8 for financial assistance under this subsection to the
 9 National Laboratories.

10 **SEC. 3202. PROPERTY INTERESTS RELATING TO CERTAIN**
 11 **PROJECTS AND PROTECTION OF INFORMA-**
 12 **TION RELATING TO CERTAIN AGREEMENTS.**

13 (a) PROPERTY INTERESTS RELATING TO FEDER-
 14 **ALLY FUNDED ADVANCED NUCLEAR REACTOR**
 15 **PROJECTS.—**

16 (1) DEFINITIONS.—In this section:

17 (A) ADVANCED NUCLEAR REACTOR.—The
 18 term “advanced nuclear reactor” has the mean-
 19 ing given the term in section 951(b) of the En-
 20 ergy Policy Act of 2005 (42 U.S.C. 16271(b)).

21 (B) PROPERTY INTEREST.—

22 (i) IN GENERAL.—Except as provided
 23 in clause (ii), the term “property interest”
 24 means any interest in real property or per-
 25 sonal property (as those terms are defined

1 in section 200.1 of title 2, Code of Federal
2 Regulations (as in effect on the date of en-
3 actment of this Act)).

4 (ii) EXCLUSION.—The term “property
5 interest” does not include any interest in
6 intellectual property developed using fund-
7 ing provided under a project described in
8 paragraph (3).

9 (2) ASSIGNMENT OF PROPERTY INTERESTS.—
10 The Secretary may assign to any entity, including
11 the United States, fee title or any other property in-
12 terest acquired by the Secretary under an agreement
13 entered into with respect to a project described in
14 paragraph (3).

15 (3) PROJECT DESCRIBED.—A project referred
16 to in paragraph (2) is—

17 (A) a project for which funding is provided
18 pursuant to the funding opportunity announce-
19 ment of the Department numbered DE-FOA-
20 0002271, including any project for which fund-
21 ing has been provided pursuant to that an-
22 nouncement as of the date of enactment of this
23 Act;

24 (B) any other project for which funding is
25 provided using amounts made available for the

1 Advanced Reactor Demonstration Program of
2 the Department under the heading “Nuclear
3 Energy” under the heading “ENERGY PRO-
4 GRAMS” in title III of division C of the Fur-
5 ther Consolidated Appropriations Act, 2020
6 (Public Law 116–94; 133 Stat. 2670);

7 (C) any other project for which Federal
8 funding is provided under the Advanced Reac-
9 tor Demonstration Program of the Department;

10 or

11 (D) a project—

12 (i) relating to advanced nuclear reac-
13 tors; and

14 (ii) for which Federal funding is pro-
15 vided under a program focused on develop-
16 ment and demonstration.

17 (4) RETROACTIVE VESTING.—The vesting of fee
18 title or any other property interest assigned under
19 paragraph (2) shall be retroactive to the date on
20 which the applicable project first received Federal
21 funding as described in any of subparagraphs (A)
22 through (D) of paragraph (3).

23 (b) CONSIDERATIONS IN COOPERATIVE RESEARCH
24 AND DEVELOPMENT AGREEMENTS.—

1 (1) IN GENERAL.—Section 12(c)(7)(B) of the
2 Stevenson-Wydler Technology Innovation Act of
3 1980 (15 U.S.C. 3710a(c)(7)(B)) is amended—

4 (A) by inserting “(i)” after “(B)”;

5 (B) in clause (i), as so designated, by
6 striking “The director” and inserting “Subject
7 to clause (ii), the director”; and

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

9 “(II) The agency may authorize
10 the director to provide appropriate
11 protections against dissemination de-
12 scribed in clause (i) for a total period
13 of not more than 30 years if the agen-
14 cy determines that the nature of the
15 information protected against dissemi-
16 nation, including nuclear technology,
17 could reasonably require an extended
18 period of that protection to reach
19 commercialization.”.

20 (2) APPLICABILITY.—

21 (A) DEFINITION.—In this subsection, the
22 term “cooperative research and development
23 agreement” has the meaning given the term in
24 section 12(d) of the Stevenson-Wydler Tech-

1 nology Innovation Act of 1980 (15 U.S.C.
2 3710a(d)).

3 (B) RETROACTIVE EFFECT.—Clause (ii) of
4 section 12(c)(7)(B) of the Stevenson-Wydler
5 Technology Innovation Act of 1980 (15 U.S.C.
6 3710a(c)(7)(B)), as added by subsection (a) of
7 this section, shall apply with respect to any co-
8 operative research and development agreement
9 that is in effect as of the day before the date
10 of enactment of this Act.

11 (c) DEPARTMENT OF ENERGY CONTRACTS.—Section
12 646(g)(5) of the Department of Energy Organization Act
13 (42 U.S.C. 7256(g)(5)) is amended—

14 (1) by striking “(5) The Secretary” and insert-
15 ing the following:

16 “(5) PROTECTION FROM DISCLOSURE.—

17 “(A) IN GENERAL.—The Secretary”; and

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

19 (A) by striking “, for up to 5 years after
20 the date on which the information is devel-
21 oped,”; and

22 (B) by striking “agency.” and inserting
23 the following: “agency—

24 “(i) for up to 5 years after the date
25 on which the information is developed; or

1 “(ii) for up to 30 years after the date
2 on which the information is developed, if
3 the Secretary determines that the nature
4 of the technology under the transaction, in-
5 cluding nuclear technology, could reason-
6 ably require an extended period of protec-
7 tion from disclosure to reach commer-
8 cialization.

9 “(B) EXTENSION DURING TERM.—The
10 Secretary may extend the period of protection
11 from disclosure during the term of any trans-
12 action described in subparagraph (A) in accord-
13 ance with that subparagraph.”.

14 **SEC. 3203. CIVIL NUCLEAR CREDIT PROGRAM.**

15 (a) DEFINITIONS.—In this section:

16 (1) CERTIFIED NUCLEAR REACTOR.—The term
17 “certified nuclear reactor” means a nuclear reactor
18 that—

19 (A) competes in a competitive electricity
20 market; and

21 (B) is certified under subsection
22 (c)(2)(A)(i) to submit a sealed bid in accord-
23 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, to the max-
17 imum extent available, uranium that is
18 produced, converted, enriched, and fab-
19 ricated into fuel assemblies in the United
20 States.

21 (B) NOTICE.—For each application re-
22 ceived under paragraph (1)(A), the Secretary
23 shall provide to the applicable owner or oper-
24 ator, as applicable—

1 (i) a notice of the certification of the
2 applicable nuclear reactor; or

3 (ii) a notice that describes the reasons
4 why the certification of the applicable nu-
5 clear reactor was denied.

6 (d) BIDDING PROCESS.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary shall establish a deadline by which
9 each certified nuclear reactor shall submit to the
10 Secretary a sealed bid that—

11 (A) describes the price per megawatt-hour
12 of the credits desired by the certified nuclear
13 reactor, which shall not exceed the average pro-
14 jected annual operating loss described in sub-
15 section (c)(1)(A)(i)(I); and

16 (B) includes a commitment, subject to the
17 receipt of credits, to provide a specific number
18 of megawatt-hours of generation during the 4-
19 year period for which credits would be allocated.

20 (2) REQUIREMENT.—The deadline established
21 under paragraph (1) shall be not later than 30 days
22 after the first date on which the Secretary has made
23 the determination described in paragraph (2)(A)(i)
24 of subsection (c) with respect to each application

1 submitted under paragraph (1)(A) of that sub-
2 section.

3 (e) ALLOCATION.—

4 (1) AUCTION.—Notwithstanding section 169 of
5 the Atomic Energy Act of 1954 (42 U.S.C. 2209),
6 the Secretary shall—

7 (A) in consultation with the heads of appli-
8 cable Federal agencies, establish a process for
9 evaluating bids submitted under subsection
10 (d)(1) through an auction process; and

11 (B) select certified nuclear reactors to be
12 allocated credits.

13 (2) CREDITS.—Subject to subsection (f)(2), on
14 selection under paragraph (1), a certified nuclear re-
15 actor shall be allocated credits for a 4-year period
16 beginning on the date of the selection.

17 (3) REQUIREMENT.—To the maximum extent
18 practicable, the Secretary shall use the amounts
19 made available for credits under this section to allo-
20 cate credits to as many certified nuclear reactors as
21 possible.

22 (f) RENEWAL.—

23 (1) IN GENERAL.—The owner or operator of a
24 certified nuclear reactor may seek to recertify the
25 nuclear reactor in accordance with this section.

1 (2) LIMITATION.—Notwithstanding any other
2 provision of this section, the Secretary may not allo-
3 cate any credits after September 30, 2031.

4 (g) ADDITIONAL REQUIREMENTS.—

5 (1) AUDIT.—During the 4-year period begin-
6 ning on the date on which a certified nuclear reactor
7 first receives a credit, the Secretary shall periodically
8 audit the certified nuclear reactor.

9 (2) RECAPTURE.—The Secretary shall, by regu-
10 lation, provide for the recapture of the allocation of
11 any credit to a certified nuclear reactor that, during
12 the period described in paragraph (1)—

13 (A) terminates operations; or

14 (B) does not operate at an annual loss in
15 the absence of an allocation of credits to the
16 certified nuclear reactor.

17 (3) CONFIDENTIALITY.—The Secretary shall es-
18 tablish procedures to ensure that any confidential,
19 private, proprietary, or privileged information that is
20 included in a sealed bid submitted under this section
21 is not publicly disclosed or otherwise improperly
22 used.

23 (h) REPORT.—Not later than January 1, 2024, the
24 Comptroller General of the United States shall submit to

1 Congress a report with respect to the credits allocated to
2 certified nuclear reactors, which shall include—

3 (1) an evaluation of the effectiveness of the
4 credits in avoiding air pollutants while ensuring grid
5 reliability;

6 (2) a quantification of the ratepayer savings
7 achieved under this section; and

8 (3) any recommendations to renew or expand
9 the credits.

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry
12 out this section \$6,000,000,000 for the period of fiscal
13 years 2022 through 2026.

14 **Subtitle D—Hydropower**

15 **SEC. 3301. HYDROELECTRIC PRODUCTION INCENTIVES.**

16 Section 242 of the Energy Policy Act of 2005 (42
17 U.S.C. 15881) is amended—

18 (1) in subsection (b)(2), by striking “before the
19 date of the enactment of this section” and inserting
20 “before the date of enactment of the Energy Infra-
21 structure Act”;

22 (2) in the undesignated matter following sub-
23 section (b)(3), by striking “the date of the enact-
24 ment of this section” and inserting “the date of en-
25 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 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$75,000,000 for fiscal year 2022 to remain available until
4 expended.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Energy Policy Act of 2005 (Public Law 109–
7 58; 119 Stat. 595) is amended by striking the item relat-
8 ing to section 243 and inserting the following:

“243. Hydroelectric efficiency improvement incentives.”.

9 **SEC. 3303. MAINTAINING AND ENHANCING**
10 **HYDROELECTRICITY INCENTIVES.**

11 (a) IN GENERAL.—Subtitle C of title II of the Energy
12 Policy Act of 2005 (Public Law 109–58; 119 Stat. 674)
13 is amended by adding at the end the following:

14 **“SEC. 247. MAINTAINING AND ENHANCING**
15 **HYDROELECTRICITY INCENTIVES.**

16 “(a) DEFINITION OF QUALIFIED HYDROELECTRIC
17 FACILITY.—In this section, the term ‘qualified hydro-
18 electric facility’ means a hydroelectric project that—

19 “(1)(A) is licensed by the Federal Energy Reg-
20 ulatory Commission; or

21 “(B) is a hydroelectric project constructed, op-
22 erated, or maintained pursuant to a permit or valid
23 existing right-of-way granted prior to June 10,
24 1920, or a license granted pursuant to the Federal
25 Power Act (16 U.S.C. 791a et seq.);

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 **SEC. 3305. AUTHORITY FOR PUMPED STORAGE HYDRO-**
11 **POWER DEVELOPMENT USING MULTIPLE BU-**
12 **REAU OF RECLAMATION RESERVOIRS.**

13 Section 9(c) of the Reclamation Project Act of 1939
14 (43 U.S.C. 485h(c)) is amended—

15 (1) in paragraph (1), in the fourth sentence, by
16 striking “, including small conduit hydropower devel-
17 opment” and inserting “and reserve to the Secretary
18 the exclusive authority to develop small conduit hy-
19 dropower using Bureau of Reclamation facilities and
20 pumped storage hydropower exclusively using Bu-
21 reau of Reclamation reservoirs”; and

22 (2) in paragraph (8), by striking “has been
23 filed with the Federal Energy Regulatory Commis-
24 sion as of the date of the enactment of the Bureau
25 of Reclamation Small Conduit Hydropower Develop-

1 ment and Rural Jobs Act” and inserting “was filed
2 with the Federal Energy Regulatory Commission be-
3 fore August 9, 2013, and is still pending”.

4 **SEC. 3306. LIMITATIONS ON ISSUANCE OF CERTAIN LEASES**
5 **OF POWER PRIVILEGE.**

6 (a) DEFINITIONS.—In this section:

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

9 (2) DIRECTOR.—The term “Director” means
10 the Director of the Office of Hearings and Appeals.

11 (3) OFFICE OF HEARINGS AND APPEALS.—The
12 term “Office of Hearings and Appeals” means the
13 Office of Hearings and Appeals of the Department
14 of the Interior.

15 (4) PARTY.—The term “party”, with respect to
16 a study plan agreement, means each of the following
17 parties to the study plan agreement:

18 (A) The proposed lessee.

19 (B) The Tribes.

20 (5) PROJECT.—The term “project” means a
21 proposed pumped storage facility that—

22 (A) would use multiple Bureau of Rec-
23 lamation reservoirs; and

24 (B) as of June 1, 2017, was subject to a
25 preliminary permit issued by the Commission

1 pursuant to section 4(f) of the Federal Power
2 Act (16 U.S.C. 797(f)).

3 (6) PROPOSED LESSEE.—The term “proposed
4 lessee” means the proposed lessee of a project.

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

7 (8) STUDY PLAN.—The term “study plan”
8 means the plan described in subsection (d)(1).

9 (9) STUDY PLAN AGREEMENT.—The term
10 “study plan agreement” means an agreement en-
11 tered into under subsection (b)(1) and described in
12 subsection (c).

13 (10) TRIBES.—The term “Tribes” means—

14 (A) the Confederated Tribes of the Colville
15 Reservation; and

16 (B) the Spokane Tribe of Indians of the
17 Spokane Reservation.

18 (b) REQUIREMENT FOR ISSUANCE OF LEASES OF
19 POWER PRIVILEGE.—The Secretary shall not issue a lease
20 of power privilege pursuant to section 9(c)(1) of the Rec-
21 lamation Project Act of 1939 (43 U.S.C. 485h(c)(1)) (as
22 amended by section 3305) for a project unless—

23 (1) the proposed lessee and the Tribes have en-
24 tered into a study plan agreement; or

1 (2) the Secretary or the Director, as applicable,
2 makes a final determination for—

3 (A) a study plan agreement under sub-
4 section (c)(2); or

5 (B) a study plan under subsection (d).

6 (c) STUDY PLAN AGREEMENT REQUIREMENTS.—

7 (1) IN GENERAL.—A study plan agreement
8 shall—

9 (A) establish the deadlines for the pro-
10 posed lessee to formally respond in writing to
11 comments and study requests about the project
12 previously submitted to the Commission;

13 (B) allow for the parties to submit addi-
14 tional comments and study requests if any as-
15 pect of the project, as proposed, differs from an
16 aspect of the project, as described in a
17 preapplication document provided to the Com-
18 mission;

19 (C) except as expressly agreed to by the
20 parties or as provided in paragraph (2) or sub-
21 section (d), require that the proposed lessee
22 conduct each study described in—

23 (i) a study request about the project
24 previously submitted to the Commission; or

1 (ii) any additional study request sub-
2 mitted in accordance with the study plan
3 agreement;

4 (D) require that the proposed lessee study
5 any potential adverse economic effects of the
6 project on the Tribes, including effects on—

7 (i) annual payments to the Confed-
8 erated Tribes of the Colville Reservation
9 under section 5(b) of the Confederated
10 Tribes of the Colville Reservation Grand
11 Coulee Dam Settlement Act (Public Law
12 103–436; 108 Stat. 4579); and

13 (ii) annual payments to the Spokane
14 Tribe of Indians of the Spokane Reserva-
15 tion authorized after the date of enactment
16 of this Act, the amount of which derives
17 from the annual payments described in
18 clause (i);

19 (E) establish a protocol for communication
20 and consultation between the parties;

21 (F) provide mechanisms for resolving dis-
22 putes between the parties regarding implemen-
23 tation and enforcement of the study plan agree-
24 ment; and

1 (G) contain other provisions determined to
2 be appropriate by the parties.

3 (2) DISPUTES.—

4 (A) IN GENERAL.—If the parties cannot
5 agree to the terms of a study plan agreement
6 or implementation of those terms, the parties
7 shall submit to the Director, for final deter-
8 mination on the terms or implementation of the
9 study plan agreement, notice of the dispute,
10 consistent with paragraph (1)(F), to the extent
11 the parties have agreed to a study plan agree-
12 ment.

13 (B) INCLUSION.—A dispute covered by
14 subparagraph (A) may include the view of a
15 proposed lessee that an additional study request
16 submitted in accordance with paragraph (1)(B)
17 is not reasonably calculated to assist the Sec-
18 retary in evaluating the potential impacts of the
19 project.

20 (C) TIMING.—The Director shall issue a
21 determination regarding a dispute under sub-
22 paragraph (A) not later than 120 days after the
23 date on which the Director receives notice of
24 the dispute under that subparagraph.

25 (d) STUDY PLAN.—

1 (1) IN GENERAL.—The proposed lessee shall
2 submit to the Secretary for approval a study plan
3 that details the proposed methodology for per-
4 forming each of the studies—

5 (A) identified in the study plan agreement
6 of the proposed lessee; or

7 (B) determined by the Director in a final
8 determination regarding a dispute under sub-
9 section (c)(2).

10 (2) INITIAL DETERMINATION.—Not later than
11 60 days after the date on which the Secretary re-
12 ceives the study plan under paragraph (1), the Sec-
13 retary shall make an initial determination that—

14 (A) approves the study plan;

15 (B) rejects the study plan on the grounds
16 that the study plan—

17 (i) lacks sufficient detail on a pro-
18 posed methodology for a study identified in
19 the study plan agreement; or

20 (ii) is inconsistent with the study plan
21 agreement; or

22 (C) imposes additional study plan require-
23 ments that the Secretary determines are nec-
24 essary to adequately define the potential effects
25 of the project on—

1 (i) the exercise of the paramount
2 hunting, fishing, and boating rights of the
3 Tribes reserved pursuant to the Act of
4 June 29, 1940 (54 Stat. 703, chapter 460;
5 16 U.S.C. 835d et seq.);

6 (ii) the annual payments described in
7 clauses (i) and (ii) of subsection (c)(1)(D);

8 (iii) the Columbia Basin project (as
9 defined in section 1 of the Act of May 27,
10 1937 (50 Stat. 208, chapter 269; 57 Stat.
11 14, chapter 14; 16 U.S.C. 835));

12 (iv) historic properties and cultural or
13 spiritually significant resources; and

14 (v) the environment.

15 (3) OBJECTIONS.—

16 (A) IN GENERAL.—Not later than 30 days
17 after the date on which the Secretary makes an
18 initial determination under paragraph (2), the
19 Tribes or the proposed lessee may submit to the
20 Director an objection to the initial determina-
21 tion.

22 (B) FINAL DETERMINATION.—Not later
23 than 120 days after the date on which the Di-
24 rector receives an objection under subparagraph
25 (A), the Director shall—

1 (i) hold a hearing on the record re-
2 garding the objection; and

3 (ii) make a final determination that
4 establishes the study plan, including a de-
5 scription of studies the proposed lessee is
6 required to perform.

7 (4) NO OBJECTIONS.—If no objections are sub-
8 mitted by the deadline described in paragraph
9 (3)(A), the initial determination of the Secretary
10 under paragraph (2) shall be final.

11 (e) CONDITIONS OF LEASE.—

12 (1) CONSISTENCY WITH RIGHTS OF TRIBES;
13 PROTECTION, MITIGATION, AND ENHANCEMENT OF
14 FISH AND WILDLIFE.—

15 (A) IN GENERAL.—Any lease of power
16 privilege issued by the Secretary for a project
17 under subsection (b) shall contain conditions—

18 (i) to ensure that the project is con-
19 sistent with, and will not interfere with,
20 the exercise of the paramount hunting,
21 fishing, and boating rights of the Tribes
22 reserved pursuant to the Act of June 29,
23 1940 (54 Stat. 703, chapter 460; 16
24 U.S.C. 835d et seq.); and

1 (ii) to adequately and equitably pro-
2 tect, mitigate damages to, and enhance
3 fish and wildlife, including related spawn-
4 ing grounds and habitat, affected by the
5 development, operation, and management
6 of the project.

7 (B) RECOMMENDATIONS OF THE
8 TRIBES.—The conditions required under sub-
9 paragraph (A) shall be based on joint rec-
10 ommendations of the Tribes.

11 (C) RESOLVING INCONSISTENCIES.—

12 (i) IN GENERAL.—If the Secretary de-
13 termines that any recommendation of the
14 Tribes under subparagraph (B) is not rea-
15 sonably calculated to ensure the project is
16 consistent with subparagraph (A) or is in-
17 consistent with the requirements of the
18 Reclamation Project Act of 1939 (43
19 U.S.C. 485 et seq.), the Secretary shall at-
20 tempt to resolve any such inconsistency
21 with the Tribes, giving due weight to the
22 recommendations and expertise of the
23 Tribes.

24 (ii) PUBLICATION OF FINDINGS.—If,
25 after an attempt to resolve an inconsist-

1 ency under clause (i), the Secretary does
2 not adopt in whole or in part a rec-
3 ommendation of the Tribes under subpara-
4 graph (B), the Secretary shall issue each
5 of the following findings, including a state-
6 ment of the basis for each of the findings:

7 (I) A finding that adoption of the
8 recommendation is inconsistent with
9 the requirements of the Reclamation
10 Project Act of 1939 (43 U.S.C. 485 et
11 seq.).

12 (II) A finding that the conditions
13 selected by the Secretary to be con-
14 tained in the lease of power privilege
15 under subparagraph (A) comply with
16 the requirements of clauses (i) and
17 (ii) of that subparagraph.

18 (2) ANNUAL CHARGES PAYABLE BY LI-
19 CENSEE.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), any lease of power privilege issued
22 by the Secretary for a project under subsection
23 (b) shall contain conditions that require the les-
24 see of the project to make direct payments to
25 the Tribes through reasonable annual charges

1 in an amount that recompenses the Tribes for
2 any adverse economic effect of the project iden-
3 tified in a study performed pursuant to the
4 study plan agreement for the project.

5 (B) AGREEMENT.—

6 (i) IN GENERAL.—The amount of the
7 annual charges described in subparagraph
8 (A) shall be established through agreement
9 between the proposed lessee and the
10 Tribes.

11 (ii) CONDITION.—The agreement
12 under clause (i), including any modifica-
13 tion of the agreement, shall be deemed to
14 be a condition to the lease of power privi-
15 lege issued by the Secretary for a project
16 under subsection (b).

17 (C) DISPUTE RESOLUTION.—

18 (i) IN GENERAL.—If the proposed les-
19 see and the Tribes cannot agree to the
20 terms of an agreement under subpara-
21 graph (B)(i), the proposed lessee and the
22 Tribes shall submit notice of the dispute to
23 the Director.

24 (ii) RESOLUTION.—The Director shall
25 resolve the dispute described in clause (i)

1 not later than 180 days after the date on
2 which the Director receives notice of the
3 dispute under that clause.

4 (3) **ADDITIONAL CONDITIONS.**—The Secretary
5 may include in any lease of power privilege issued by
6 the Secretary for a project under subsection (b)
7 other conditions determined appropriate by the Sec-
8 retary, on the condition that the conditions shall be
9 consistent with the Reclamation Project Act of 1939
10 (43 U.S.C. 485 et seq.).

11 (4) **CONSULTATION.**—In establishing conditions
12 under this subsection, the Secretary shall consult
13 with the Tribes.

14 (f) **DEADLINES.**—The Secretary or any officer of the
15 Office of Hearing and Appeals before whom a proceeding
16 is pending under this section may extend any deadline or
17 enlarge any timeframe described in this section—

18 (1) at the discretion of the Secretary or the of-
19 ficer; or

20 (2) on a showing of good cause by any party.

21 (g) **JUDICIAL REVIEW.**—Any final action of the Sec-
22 retary or the Director made pursuant to this section shall
23 be subject to judicial review in accordance with chapter
24 7 of title 5, United States Code.

1 (h) EFFECT ON OTHER PROJECTS.—Nothing in this
2 section establishes any precedent or is binding on any Bu-
3 reau of Reclamation lease of power privilege, other than
4 for a project.

5 **Subtitle E—Miscellaneous**

6 **SEC. 3401. SOLAR ENERGY TECHNOLOGIES ON CURRENT** 7 **AND FORMER MINE LAND.**

8 Section 3004 of the Energy Act of 2020 (42 U.S.C.
9 16238) is amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (6)
12 through (15) as paragraphs (7) through (16),
13 respectively; and

14 (B) by inserting after paragraph (5) the
15 following:

16 “(6) MINE LAND.—The term ‘mine land’
17 means—

18 “(A) land subject to titles IV and V of the
19 Surface Mining Control and Reclamation Act of
20 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251
21 et seq.); and

22 “(B) land that has been claimed or pat-
23 ented subject to sections 2319 through 2344 of
24 the Revised Statutes (commonly known as the

1 ‘Mining Law of 1872’ (30 U.S.C. 22 et seq.)’;

2 and

3 (2) in subsection (b)(6)(B)—

4 (A) in the matter preceding clause (i), by
5 inserting “, in consultation with the Secretary
6 of the Interior and the Administrator of the
7 Environmental Protection Agency for purposes
8 of clause (iv),” after “the Secretary”;

9 (B) in clause (iii), by striking “and” after
10 the semicolon;

11 (C) by redesignating clause (iv) as clause
12 (v); and

13 (D) by inserting after clause (iii) the fol-
14 lowing:

15 “(iv) a description of the technical
16 and economic viability of siting solar en-
17 ergy technologies on current and former
18 mine land, including necessary interconnec-
19 tion and transmission siting and the im-
20 pact on local job creation; and”.

21 **SEC. 3402. CLEAN ENERGY DEMONSTRATION PROGRAM ON**
22 **CURRENT AND FORMER MINE LAND.**

23 (a) **DEFINITIONS.**—In this section:

1 (1) CLEAN ENERGY PROJECT.—The term
2 “clean energy project” means a project that dem-
3 onstrates 1 or more of the following technologies:

4 (A) Solar.

5 (B) Micro-grids.

6 (C) Geothermal.

7 (D) Direct air capture.

8 (E) Fossil-fueled electricity generation with
9 carbon capture, utilization, and sequestration.

10 (F) Energy storage, including pumped
11 storage hydropower and compressed air storage.

12 (G) Advanced nuclear technologies.

13 (2) ECONOMICALLY DISTRESSED AREA.—The
14 term “economically distressed area” means an area
15 described in section 301(a) of the Public Works and
16 Economic Development Act of 1965 (42 U.S.C.
17 3161(a)).

18 (3) MINE LAND.—The term “mine land”
19 means—

20 (A) land subject to titles IV and V of the
21 Surface Mining Control and Reclamation Act of
22 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251
23 et seq.); and

24 (B) land that has been claimed or patented
25 subject to sections 2319 through 2344 of the

1 Revised Statutes (commonly known as the
2 “Mining Law of 1872”) (30 U.S.C. 22 et seq.).

3 (4) PROGRAM.—The term “program” means
4 the demonstration program established under sub-
5 section (b).

6 (b) ESTABLISHMENT.—The Secretary shall establish
7 a program to demonstrate the technical and economic via-
8 bility of carrying out clean energy projects on current and
9 former mine land.

10 (c) SELECTION OF DEMONSTRATION PROJECTS.—

11 (1) IN GENERAL.—In carrying out the program,
12 the Secretary shall select not more than 5 clean en-
13 ergy projects, to be carried out in geographically di-
14 verse regions, at least 2 of which shall be solar
15 projects.

16 (2) ELIGIBILITY.—To be eligible to be selected
17 for participation in the program under paragraph
18 (1), a clean energy project shall demonstrate, as de-
19 termined by the Secretary, a technology on a current
20 or former mine land site with a reasonable expecta-
21 tion of commercial viability.

22 (3) PRIORITY.—In selecting clean energy
23 projects for participation in the program under
24 paragraph (1), the Secretary shall prioritize clean
25 energy projects that will—

1 (A) be carried out in a location where the
2 greatest number of jobs can be created from the
3 successful demonstration of the clean energy
4 project;

5 (B) provide the greatest net impact in
6 avoiding or reducing greenhouse gas emissions;

7 (C) provide the greatest domestic job cre-
8 ation (both directly and indirectly) during the
9 implementation of the clean energy project;

10 (D) provide the greatest job creation and
11 economic development in the vicinity of the
12 clean energy project, particularly—

13 (i) in economically distressed areas;

14 and

15 (ii) with respect to dislocated workers
16 who were previously employed in manufac-
17 turing, coal power plants, or coal mining;

18 (E) have the greatest potential for techno-
19 logical innovation and commercial deployment;

20 (F) have the lowest levelized cost of gen-
21 erated or stored energy;

22 (G) have the lowest rate of greenhouse gas
23 emissions per unit of electricity generated or
24 stored; and

1 (H) have the shortest project time from
2 permitting to completion.

3 (4) PROJECT SELECTION.—The Secretary shall
4 solicit proposals for clean energy projects and select
5 clean energy project finalists in consultation with the
6 Secretary of the Interior, the Administrator of the
7 Environmental Protection Agency, and the Secretary
8 of Labor.

9 (5) COMPATIBILITY WITH EXISTING OPER-
10 ATIONS.—Prior to selecting a clean energy project
11 for participation in the program under paragraph
12 (1), the Secretary shall consult with, as applicable,
13 mining claimholders or operators or the relevant Of-
14 fice of Surface Mining Reclamation and Enforce-
15 ment Abandoned Mine Land program office to con-
16 firm—

17 (A) that the proposed project is compatible
18 with any current mining, exploration, or rec-
19 lamation activities; and

20 (B) the valid existing rights of any mining
21 claimholders or operators.

22 (d) CONSULTATION.—The Secretary shall consult
23 with the Director of the Office of Surface Mining Rec-
24 lamation and Enforcement and the Administrator of the
25 Environmental Protection Agency, acting through the Of-

1 fice of Brownfields and Land Revitalization, to determine
2 whether it is necessary to promulgate regulations or issue
3 guidance in order to prioritize and expedite the siting of
4 clean energy projects on current and former mine land
5 sites.

6 (e) TECHNICAL ASSISTANCE.—The Secretary shall
7 provide technical assistance to project applicants selected
8 for participation in the program under subsection (c) to
9 assess the needed interconnection, transmission, and other
10 grid components and permitting and siting necessary to
11 interconnect, on current and former mine land where the
12 project will be sited, any generation or storage with the
13 electric grid.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Secretary to carry
16 out this section \$500,000,000 for the period of fiscal years
17 2022 through 2026.

18 **SEC. 3403. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR**
19 **ENERGY AND RELATED PURPOSES ON THE**
20 **OUTER CONTINENTAL SHELF.**

21 Section 8(p)(1)(C) of the Outer Continental Shelf
22 Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by in-
23 serting “storage,” before “or transmission”.

1 **TITLE IV—ENABLING ENERGY**
2 **INFRASTRUCTURE INVEST-**
3 **MENT AND DATA COLLEC-**
4 **TION**

5 **Subtitle A—Department of Energy**
6 **Loan Program**

7 **SEC. 4001. DEPARTMENT OF ENERGY LOAN PROGRAMS.**

8 (a) TITLE XVII INNOVATIVE ENERGY LOAN GUAR-
9 ANTEE PROGRAM.—

10 (1) REASONABLE PROSPECT OF REPAYMENT.—

11 Section 1702(d)(1) of the Energy Policy Act of 2005
12 (42 U.S.C. 16512(d)(1)) is amended—

13 (A) by striking the paragraph designation
14 and heading and all that follows through “No
15 guarantee” and inserting the following:

16 “(1) REQUIREMENT.—

17 “(A) IN GENERAL.—No guarantee”; and

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

19 “(B) REASONABLE PROSPECT OF REPAY-
20 MENT.—The Secretary shall base a determina-
21 tion of whether there is reasonable prospect of
22 repayment under subparagraph (A) on a com-
23 prehensive evaluation of whether the borrower
24 has a reasonable prospect of repaying the guar-

1 anted obligation for the eligible project, includ-
2 ing, as applicable, an evaluation of—

3 “(i) the strength of the contractual
4 terms of the eligible project (if commer-
5 cially reasonably available);

6 “(ii) the forecast of noncontractual
7 cash flows supported by market projections
8 from reputable sources, as determined by
9 the Secretary;

10 “(iii) cash sweeps and other structure
11 enhancements;

12 “(iv) the projected financial strength
13 of the borrower—

14 “(I) at the time of loan close;

15 and

16 “(II) throughout the loan term
17 after the project is completed;

18 “(v) the financial strength of the in-
19 vestors and strategic partners of the bor-
20 rower, if applicable; and

21 “(vi) other financial metrics and anal-
22 yses that are relied on by the private lend-
23 ing community and nationally recognized
24 credit rating agencies, as determined ap-
25 propriate by the Secretary.”.

1 (2) LOAN GUARANTEES FOR PROJECTS THAT
2 INCREASE THE DOMESTICALLY PRODUCED SUPPLY
3 OF CRITICAL MINERALS.—

4 (A) IN GENERAL.—Section 1703(b) of the
5 Energy Policy Act of 2005 (42 U.S.C.
6 16513(b)) is amended by adding at the end the
7 following:

8 “(13) Projects that increase the domestically
9 produced supply of critical minerals (as defined in
10 section 7002(a) of the Energy Act of 2020 (30
11 U.S.C. 1606(a)), including through the production,
12 processing, manufacturing, recycling, or fabrication
13 of mineral alternatives.”.

14 (B) PROHIBITION ON USE OF PREVIOUSLY
15 APPROPRIATED FUNDS.—Amounts appropriated
16 to the Department of Energy before the date of
17 enactment of this Act shall not be made avail-
18 able for the cost of loan guarantees made under
19 paragraph (13) of section 1703(b) of the En-
20 ergy Policy Act of 2005 (42 U.S.C. 16513(b)).

21 (C) PROHIBITION ON USE OF PREVIOUSLY
22 AVAILABLE COMMITMENT AUTHORITY.—
23 Amounts made available to the Department of
24 Energy for commitments to guarantee loans
25 under section 1703 of the Energy Policy Act of

1 2005 (42 U.S.C. 16513) before the date of en-
2 actment of this Act shall not be made available
3 for commitments to guarantee loans for projects
4 described in paragraph (13) of section 1703(b)
5 of the Energy Policy Act of 2005 (42 U.S.C.
6 16513(b)).

7 (3) CONFLICTS OF INTEREST.—Section 1702 of
8 the Energy Policy Act of 2005 (42 U.S.C. 16512)
9 is amended by adding at the end the following:

10 “(r) CONFLICTS OF INTEREST.—For each project se-
11 lected for a guarantee under this title, the Secretary shall
12 certify that political influence did not impact the selection
13 of the project.”.

14 (b) ADVANCED TECHNOLOGY VEHICLE MANUFAC-
15 TURING.—

16 (1) ELIGIBILITY.—Section 136(a)(1) of the En-
17 ergy Independence and Security Act of 2007 (42
18 U.S.C. 17013(a)(1)) is amended—

19 (A) in subparagraph (C), by striking the
20 period at the end and inserting a semicolon;

21 (B) by redesignating subparagraphs (A)
22 through (C) as clauses (i) through (iii), respec-
23 tively, and indenting appropriately;

1 (C) in the matter preceding clause (i) (as
2 so redesignated), by striking “means an ultra”
3 and inserting the following: “means—

4 “(A) an ultra”; and

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

6 “(B) a medium duty vehicle or a heavy
7 duty vehicle that exceeds 125 percent of the
8 greenhouse gas emissions and fuel efficiency
9 standards established by the final rule of the
10 Environmental Protection Agency entitled
11 ‘Greenhouse Gas Emissions and Fuel Efficiency
12 Standards for Medium- and Heavy-Duty En-
13 gines and Vehicles—Phase 2’ (81 Fed. Reg.
14 73478 (October 25, 2016));

15 “(C) a train or locomotive;

16 “(D) a maritime vessel;

17 “(E) an aircraft; and

18 “(F) hyperloop technology.”.

19 (2) REASONABLE PROSPECT OF REPAYMENT.—
20 Section 136(d) of the Energy Independence and Se-
21 curity Act of 2007 (42 U.S.C. 17013(d)) is amend-
22 ed—

23 (A) by striking paragraph (3) and insert-
24 ing the following:

25 “(3) SELECTION OF ELIGIBLE PROJECTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 select eligible projects to receive loans under
3 this subsection if the Secretary determines
4 that—

5 “(i) the loan recipient—

6 “(I) has a reasonable prospect of
7 repaying the principal and interest on
8 the loan;

9 “(II) will provide sufficient infor-
10 mation to the Secretary for the Sec-
11 retary to ensure that the qualified in-
12 vestment is expended efficiently and
13 effectively; and

14 “(III) has met such other criteria
15 as may be established and published
16 by the Secretary; and

17 “(ii) the amount of the loan (when
18 combined with amounts available to the
19 loan recipient from other sources) will be
20 sufficient to carry out the project.

21 “(B) REASONABLE PROSPECT OF REPAY-
22 MENT.—The Secretary shall base a determina-
23 tion of whether there is a reasonable prospect
24 of repayment of the principal and interest on a
25 loan under subparagraph (A)(i)(I) on a com-

1 prehensive evaluation of whether the loan re-
2 cipient has a reasonable prospect of repaying
3 the principal and interest, including, as applica-
4 ble, an evaluation of—

5 “(i) the strength of the contractual
6 terms of the eligible project (if commer-
7 cially reasonably available);

8 “(ii) the forecast of noncontractual
9 cash flows supported by market projections
10 from reputable sources, as determined by
11 the Secretary;

12 “(iii) cash sweeps and other structure
13 enhancements;

14 “(iv) the projected financial strength
15 of the loan recipient—

16 “(I) at the time of loan close;

17 and

18 “(II) throughout the loan term
19 after the project is completed;

20 “(v) the financial strength of the in-
21 vestors and strategic partners of the loan
22 recipient, if applicable; and

23 “(vi) 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.”; and

3 (B) in paragraph (4)—

4 (i) in subparagraph (C), by striking
5 “and” after the semicolon;

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

9 (iii) by adding at the end the fol-
10 lowing:

11 “(E) shall be subject to the condition that
12 the loan is not subordinate to other financing.”.

13 (3) ADDITIONAL REFORMS.—Section 136 of the
14 Energy Independence and Security Act of 2007 (42
15 U.S.C. 17013) is amended—

16 (A) in subsection (b) by striking “ultra ef-
17 ficient vehicle manufacturers, and component
18 suppliers” and inserting “ultra efficient vehicle
19 manufacturers, advanced technology vehicle
20 manufacturers, and component suppliers”;

21 (B) in subsection (h)—

22 (i) in the subsection heading, by strik-
23 ing “AUTOMOBILE” and inserting “AD-
24 VANCED TECHNOLOGY VEHICLE”; and

1 (ii) in paragraph (1)(B), by striking
2 “automobiles, or components of auto-
3 mobiles” and inserting “advanced tech-
4 nology vehicles, or components of advanced
5 technology vehicles”;

6 (C) by striking subsection (i);

7 (D) by redesignating subsection (j) as sub-
8 section (i); and

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

10 “(j) COORDINATION.—In carrying out this section,
11 the Secretary shall coordinate with relevant vehicle, bio-
12 energy, and hydrogen and fuel cell demonstration project
13 activities supported by the Department.

14 “(k) OUTREACH.—In carrying out this section, the
15 Secretary shall—

16 “(1) provide assistance with the completion of
17 applications for awards or loans under this section;
18 and

19 “(2) conduct outreach, including through con-
20 ferences and online programs, to disseminate infor-
21 mation on awards and loans under this section to
22 potential applicants.

23 “(l) PROHIBITION ON USE OF APPROPRIATED
24 FUNDS.—Amounts appropriated to the Secretary before
25 the date of enactment of this subsection shall not be avail-

1 able to the Secretary to provide awards under subsection
2 (b) or loans under subsection (d) for the costs of activities
3 that were not eligible for those awards or loans on the
4 day before that date.

5 “(m) 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 (4) CONFLICTS OF INTEREST.—Section 136(d)
6 of the Energy Independence and Security Act of
7 2007 (42 U.S.C. 17013(d)) is amended by adding at
8 the end the following:

9 “(5) CONFLICTS OF INTEREST.—For each eligi-
10 ble project selected to receive a loan under this sub-
11 section, the Secretary shall certify that political in-
12 fluence did not impact the selection of the eligible
13 project.”.

14 (c) STATE LOAN ELIGIBILITY.—

15 (1) DEFINITIONS.—Section 1701 of the Energy
16 Policy Act of 2005 (42 U.S.C. 16511) is amended
17 by adding at the end the following:

18 “(6) STATE.—The term ‘State’ has the mean-
19 ing given the term in section 202 of the Energy
20 Conservation and Production Act (42 U.S.C. 6802).

21 “(7) STATE ENERGY FINANCING INSTITU-
22 TION.—

23 “(A) IN GENERAL.—The term ‘State en-
24 ergy financing institution’ means a quasi-inde-
25 pendent entity or an entity within a State agen-

1 cy or financing authority established by a
2 State—

3 “(i) to provide financing support or
4 credit enhancements, including loan guar-
5 antees and loan loss reserves, for eligible
6 projects; and

7 “(ii) to create liquid markets for eligi-
8 ble projects, including warehousing and
9 securitization, or take other steps to reduce
10 financial barriers to the deployment of ex-
11 isting and new eligible projects.

12 “(B) INCLUSION.—The term ‘State energy
13 financing institution’ includes an entity or orga-
14 nization established to achieve the purposes de-
15 scribed in clauses (i) and (ii) of subparagraph
16 (A) by an Indian Tribal entity or an Alaska
17 Native Corporation.”.

18 (2) TERMS AND CONDITIONS.—Section 1702 of
19 the Energy Policy Act of 2005 (42 U.S.C. 16512)
20 is amended—

21 (A) in subsection (a), by inserting “, in-
22 cluding projects receiving financial support or
23 credit enhancements from a State energy fi-
24 nancing institution,” after “for projects”;

1 (B) in subsection (d)(1), by inserting “, in-
2 cluding a guarantee for a project receiving fi-
3 nancial support or credit enhancements from a
4 State energy financing institution,” after “No
5 guarantee”; and

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

7 “(r) STATE ENERGY FINANCING INSTITUTIONS.—

8 “(1) ELIGIBILITY.—To be eligible for a guar-
9 antee under this title, a project receiving financial
10 support or credit enhancements from a State energy
11 financing institution—

12 “(A) shall meet the requirements of section
13 1703(a)(1); and

14 “(B) shall not be required to meet the re-
15 quirements of section 1703(a)(2).

16 “(2) PARTNERSHIPS AUTHORIZED.—In car-
17 rying out a project receiving a loan guarantee under
18 this title, State energy financing institutions may
19 enter into partnerships with private entities, Tribal
20 entities, and Alaska Native corporations.

21 “(3) PROHIBITION ON USE OF APPROPRIATED
22 FUNDS.—Amounts appropriated to the Department
23 of Energy before the date of enactment of this sub-
24 section shall not be available to be used for the cost
25 of loan guarantees for projects receiving financing

1 support or credit enhancements under this sub-
2 section.”.

3 (d) LOAN GUARANTEES FOR CERTAIN ALASKA NAT-
4 URAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—
5 Section 116 of the Alaska Natural Gas Pipeline Act (15
6 U.S.C. 720n) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “to West
9 Coast States”; and

10 (B) in paragraph (3), in the second sen-
11 tence, by striking “to the continental United
12 States”;

13 (2) in subsection (b)(1), in the first sentence,
14 by striking “to West Coast States”; and

15 (3) in subsection (g)(4)—

16 (A) by inserting by striking “plants
17 liquification plants and” and inserting “plants,
18 liquification plants, and”;

19 (B) by striking “to the West Coast”; and

20 (C) by striking “to the continental United
21 States”.

22 **Subtitle B—Energy Information** 23 **Administration**

24 **SEC. 4101. DEFINITIONS.**

25 In this subtitle:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Energy In-
3 formation Administration.

4 (2) ANNUAL CRITICAL MINERALS OUTLOOK.—
5 The term “Annual Critical Minerals Outlook” means
6 the Annual Critical Minerals Outlook prepared
7 under section 7002(j)(1)(B) of the Energy Act of
8 2020 (30 U.S.C. 1606(j)(1)(B)).

9 (3) CRITICAL MINERAL.—The term “critical
10 mineral” has the meaning given the term in section
11 7002(a) of the Energy Act of 2020 (30 U.S.C.
12 1606(a)).

13 (4) HOUSEHOLD ENERGY BURDEN.—The term
14 “household energy burden” means the quotient ob-
15 tained by dividing—

16 (A) the residential energy expenditures (as
17 defined in section 440.3 of title 10, Code of
18 Federal Regulations (as in effect on the date of
19 enactment of this Act)) of the applicable house-
20 hold; by

21 (B) the annual income of that household.

22 (5) HOUSEHOLD WITH A HIGH ENERGY BUR-
23 DEN.—The term “household with a high energy bur-
24 den” has the meaning given the term in section

1 440.3 of title 10, Code of Federal Regulations (as
2 in effect on the date of enactment of this Act).

3 (6) LARGE MANUFACTURING FACILITY.—The
4 term “large manufacturing facility” means a manu-
5 facturing facility that—

6 (A) annually consumes more than 35,000
7 megawatt-hours of electricity; or

8 (B) has a peak power demand of more
9 than 10 megawatts.

10 (7) LOAD-SERVING ENTITY.—The term “load-
11 serving entity” has the meaning given the term in
12 section 217(a) of the Federal Power Act (16 U.S.C.
13 824q(a)).

14 (8) MISCELLANEOUS ELECTRIC LOAD.—The
15 term “miscellaneous electric load” means electricity
16 that—

17 (A) is used by an appliance or device—

18 (i) within a building; or

19 (ii) to serve a building; and

20 (B) is not used for heating, ventilation, air
21 conditioning, lighting, water heating, or refrig-
22 eration.

23 (9) REGIONAL TRANSMISSION ORGANIZATION.—
24 The term “Regional Transmission Organization”

1 has the meaning given the term in section 3 of the
2 Federal Power Act (16 U.S.C. 796).

3 (10) RURAL AREA.—The term “rural area” has
4 the meaning given the term in section 609(a) of the
5 Public Utility Regulatory Policies Act of 1978 (7
6 U.S.C. 918e(a)).

7 **SEC. 4102. DATA COLLECTION IN THE ELECTRICITY SEC-**
8 **TOR.**

9 (a) DASHBOARD.—

10 (1) ESTABLISHMENT.—

11 (A) IN GENERAL.—Not later than 90 days
12 after the date of enactment of this Act, the Ad-
13 ministrators shall establish an online database to
14 track the operation of the bulk power system in
15 the contiguous 48 States (referred to in this
16 section as the “Dashboard”).

17 (B) IMPROVEMENT OF EXISTING DASH-
18 BOARD.—The Dashboard may be established
19 through the improvement, in accordance with
20 this subsection, of an existing dashboard of the
21 Energy Information Administration, such as—

22 (i) the U.S. Electric System Oper-
23 ating Data dashboard; or

24 (ii) the Hourly Electric Grid Monitor.

25 (2) EXPANSION.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Ad-
3 ministrator shall expand the Dashboard to in-
4 clude, to the maximum extent practicable, hour-
5 ly operating data collected from the electricity
6 balancing authorities that operate the bulk
7 power system in all of the several States, each
8 territory of the United States, and the District
9 of Columbia.

10 (B) TYPES OF DATA.—The hourly oper-
11 ating data collected under subparagraph (A)
12 may include data relating to—

- 13 (i) total electricity demand;
14 (ii) electricity demand by subregion;
15 (iii) short-term electricity demand
16 forecasts;
17 (iv) total electricity generation;
18 (v) net electricity generation by fuel
19 type, including renewables;
20 (vi) electricity stored and discharged;
21 (vii) total net electricity interchange;
22 (viii) electricity interchange with di-
23 rectly interconnected balancing authorities;
24 and

1 (ix) where available, the estimated
2 marginal greenhouse gas emissions per
3 megawatt hour of electricity generated—

4 (I) within the metered boundaries
5 of each balancing authority; and

6 (II) for each pricing node.

7 (b) MIX OF ENERGY SOURCES.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Administrator
10 shall establish, in accordance with section 4109 and
11 this subsection and to the extent the Administrator
12 determines to be appropriate, a system to harmonize
13 the operating data on electricity generation collected
14 under subsection (a) with—

15 (A) measurements of greenhouse gas and
16 other pollutant emissions collected by the Envi-
17 ronmental Protection Agency;

18 (B) other data collected by the Environ-
19 mental Protection Agency or other relevant
20 Federal agencies, as the Administrator deter-
21 mines to be appropriate; and

22 (C) data collected by State or regional en-
23 ergy credit registries.

1 (2) OUTCOMES.—The system established under
2 paragraph (1) shall result in an integrated dataset
3 that includes, for any given time—

4 (A) the net generation of electricity by
5 megawatt hour within the metered boundaries
6 of each balancing authority; and

7 (B) where available, the average and mar-
8 ginal greenhouse gas emissions by megawatt
9 hour of electricity generated within the metered
10 boundaries of each balancing authority.

11 (3) REAL-TIME DATA DISSEMINATION.—To the
12 maximum extent practicable, the system established
13 under paragraph (1) shall disseminate data—

14 (A) on a real-time basis; and

15 (B) through an application programming
16 interface that is publicly accessible.

17 (4) COMPLEMENTARY EFFORTS.—The system
18 established under paragraph (1) shall complement
19 any existing data dissemination efforts of the Ad-
20 ministrator that make use of electricity generation
21 data, such as electricity demand by subregion and
22 electricity interchange with directly interconnected
23 balancing authorities.

24 (c) OBSERVED CHARACTERISTICS OF BULK POWER
25 SYSTEM RESOURCE INTEGRATION.—

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 integration of energy resources
5 into the bulk power system and the electric distribu-
6 tion grids in the United States, and the observed ef-
7 fects of that integration.

8 (2) REQUIREMENTS.—In carrying out para-
9 graph (1), the Administrator shall seek to improve
10 the temporal and spatial resolution of data relating
11 to how grid operations are changing, such as
12 through—

13 (A) thermal generator cycling to accommo-
14 date intermittent generation;

15 (B) generation unit self-scheduling prac-
16 tices;

17 (C) renewable source curtailment;

18 (D) utility-scale storage;

19 (E) load response;

20 (F) aggregations of distributed energy re-
21 sources at the distribution system level;

22 (G) power interchange between directly
23 connected balancing authorities;

24 (H) expanding Regional Transmission Or-
25 ganization balancing authorities;

- 1 (I) improvements in real-time—
2 (i) accuracy of locational marginal
3 prices; and
4 (ii) signals to flexible demand; and
5 (J) disruptions to grid operations, includ-
6 ing disruptions caused by cyber sources, phys-
7 ical sources, extreme weather events, or other
8 sources.

9 (d) DISTRIBUTION SYSTEM OPERATIONS.—

10 (1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator
12 shall establish a system to provide to the public
13 timely data on the operations of load-serving entities
14 in the electricity grids of the United States.

15 (2) REQUIREMENTS.—

16 (A) IN GENERAL.—In carrying out para-
17 graph (1), the Administrator shall—

- 18 (i) not less frequently than annually,
19 provide data on—
20 (I) the delivered generation re-
21 source mix for each load-serving enti-
22 ty; and
23 (II) the distributed energy re-
24 sources operating within each service
25 area of a load-serving entity;

1 (ii) harmonize the data on delivered
2 generation resource mix described in clause
3 (i)(I) with measurements of greenhouse
4 gas emissions collected by the Environ-
5 mental Protection Agency;

6 (iii) to the maximum extent prac-
7 ticable, disseminate the data described in
8 clause (i)(I) and the harmonized data de-
9 scribed in clause (ii) on a real-time basis;
10 and

11 (iv) provide historical data, beginning
12 with the earliest calendar year practicable,
13 but not later than calendar year 2020, on
14 the delivered generation resource mix de-
15 scribed in clause (i)(I).

16 (B) DATA ON THE DELIVERED GENERA-
17 TION RESOURCE MIX.—In collecting the data
18 described in subparagraph (A)(i)(I), the Admin-
19 istrator shall—

20 (i) use existing voluntary industry
21 methodologies, including reporting proto-
22 cols, databases, and emissions and energy
23 use tracking software that provide con-
24 sistent, timely, and accessible carbon emis-

1 sions intensity rates for delivered elec-
2 tricity;

3 (ii) consider that generation and
4 transmission entities may provide data on
5 behalf of load-serving entities;

6 (iii) to the extent that the Adminis-
7 trator determines necessary, and in a man-
8 ner designed to protect confidential infor-
9 mation, require each load-serving entity to
10 submit additional information as needed to
11 determine the delivered generation re-
12 source mix of the load-serving entity, in-
13 cluding financial or contractual agreements
14 for power and generation resource type at-
15 tributes with respect to power owned by or
16 retired by the load-serving entity; and

17 (iv) for any portion of the generation
18 resource mix of a load-serving entity that
19 is otherwise unaccounted for, develop a
20 methodology to assign to the load-serving
21 entity a share of the otherwise unac-
22 counted for resource mix of the relevant
23 balancing authority.

1 **SEC. 4103. EXPANSION OF ENERGY CONSUMPTION SUR-**
2 **VEYS.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, the Administrator shall im-
5 plement measures to expand the Manufacturing Energy
6 Consumption Survey, the Commercial Building Energy
7 Consumption Survey, and the Residential Energy Con-
8 sumption Survey to include data on energy end use in
9 order to facilitate the identification of—

10 (1) opportunities to improve energy efficiency
11 and energy productivity;

12 (2) changing patterns of energy use; and

13 (3) opportunities to better understand and
14 manage miscellaneous electric loads.

15 (b) REQUIREMENTS.—

16 (1) IN GENERAL.—In carrying out subsection
17 (a), the Administrator shall—

18 (A) increase the scope and frequency of
19 data collection on energy end uses and services;

20 (B) use new data collection methods and
21 tools in order to obtain more comprehensive
22 data and reduce the burden on survey respond-
23 ents, including by—

24 (i) accessing other existing data
25 sources; and

1 (ii) if feasible, developing online and
2 real-time reporting systems;

3 (C) identify and report community-level
4 economic and environmental impacts, including
5 with respect to—

6 (i) the reliability and security of the
7 energy supply; and

8 (ii) local areas with households with a
9 high energy burden; and

10 (D) improve the presentation of data, in-
11 cluding by—

12 (i) enabling the presentation of data
13 in an interactive cartographic format on a
14 national, regional, State, and local level
15 with the functionality of viewing various
16 economic, energy, and demographic meas-
17 ures on an individual basis or in combina-
18 tion; and

19 (ii) incorporating the results of the
20 data collection, methods, and tools de-
21 scribed in subparagraphs (A) and (B) into
22 existing and new digital distribution meth-
23 ods.

1 (2) MANUFACTURING ENERGY CONSUMPTION
2 SURVEY.—With respect to the Manufacturing En-
3 ergy Consumption Survey, the Administrator shall—

4 (A) implement measures to provide more
5 detailed representations of data by region;

6 (B) for large manufacturing facilities,
7 break out process heat use by required process
8 temperatures in order to facilitate the identi-
9 fication of opportunities for cost reductions and
10 energy efficiency or energy productivity im-
11 provements;

12 (C) collect information on—

13 (i) energy source-switching capabili-
14 ties, especially with respect to thermal
15 processes and the efficiency of thermal
16 processes;

17 (ii) the use of electricity, biofuels, hy-
18 drogen, or other alternative fuels to
19 produce process heat; and

20 (iii) the use of demand response; and

21 (D) identify current and potential future
22 industrial clusters in which multiple firms and
23 facilities in a defined geographic area share the
24 costs and benefits of infrastructure for clean
25 manufacturing, such as—

1 (i) hydrogen generation, production,
2 transport, use, and storage infrastructure;
3 and

4 (ii) carbon dioxide capture, transport,
5 use, and storage infrastructure.

6 (3) RESIDENTIAL ENERGY CONSUMPTION SUR-
7 VEY.—With respect to the Residential Energy Con-
8 sumption Survey, the Administrator shall—

9 (A) implement measures to provide more
10 detailed representations of data by—

11 (i) geographic area, including by State
12 (for each State);

13 (ii) building type, including multi-fam-
14 ily buildings;

15 (iii) household income;

16 (iv) location in a rural area; and

17 (v) other demographic characteristics,
18 as determined by the Administrator; and

19 (B) report measures of—

20 (i) household electrical service capac-
21 ity;

22 (ii) access to utility demand-side man-
23 agement programs and bill credits;

- 1 (iii) characteristics of the energy mix
2 used to generate electricity in different re-
3 gions; and
- 4 (iv) the household energy burden for
5 households—
- 6 (I) in different geographic areas;
7 (II) by electricity, heating, and
8 other end-uses; and
- 9 (III) with different demographic
10 characteristics that correlate with in-
11 creased household energy burden, in-
12 cluding—
- 13 (aa) having a low household
14 income;
- 15 (bb) being a minority house-
16 hold;
- 17 (cc) residing in manufac-
18 tured or multifamily housing;
- 19 (dd) being in a fixed or re-
20 tirement income household;
- 21 (ee) residing in rental hous-
22 ing; and
- 23 (ff) other factors, as deter-
24 mined by the Administrator.

1 **SEC. 4104. DATA COLLECTION ON ELECTRIC VEHICLE INTE-**
2 **GRATION WITH THE ELECTRICITY GRIDS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Administrator shall de-
5 velop and implement measures to expand data collection
6 with respect to electric vehicle integration with the elec-
7 tricity grids.

8 (b) SOURCES OF DATA.—The sources of the data col-
9 lected pursuant to subsection (a) may include—

10 (1) host-owned or charging-network-owned elec-
11 tric vehicle charging stations;

12 (2) aggregators of charging-network electricity
13 demand;

14 (3) electric utilities offering managed-charging
15 programs;

16 (4) individual, corporate, or public owners of
17 electric vehicles; and

18 (5) balancing authority analyses of—

19 (A) transformer loading congestion; and

20 (B) distribution-system congestion.

21 (c) CONSULTATION AND COORDINATION.—In car-
22 rying out subsection (a), the Administrator may consult
23 and enter into agreements with other institutions having
24 relevant data and data collection capabilities, such as—

25 (1) the Secretary of Transportation;

26 (2) the Secretary;

1 (3) the Administrator of the Environmental
2 Protection Agency;

3 (4) States or State agencies; and

4 (5) private entities.

5 **SEC. 4105. PLAN FOR THE MODELING AND FORECASTING**
6 **OF DEMAND FOR MINERALS USED IN THE EN-**
7 **ERGY SECTOR.**

8 (a) PLAN.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Adminis-
11 trator, in coordination with the Director of the
12 United States Geological Survey, shall develop a
13 plan for the modeling and forecasting of demand for
14 energy technologies, including for energy production,
15 transmission, or storage purposes, that use minerals
16 that are or could be designated as critical minerals.

17 (2) INCLUSIONS.—The plan developed under
18 paragraph (1) shall identify—

19 (A) the type and quantity of minerals con-
20 sumed, delineated by energy technology;

21 (B) existing markets for manufactured en-
22 ergy-producing, energy-transmission, and en-
23 ergy-storing equipment; and

24 (C) emerging or potential markets for new
25 energy-producing, energy-transmission, and en-

1 energy-storing technologies entering commer-
2 cialization.

3 (b) METRICS.—The plan developed under subsection
4 (a)(1) shall produce forecasts of energy technology de-
5 mand—

6 (1) over the 1-year, 5-year, and 10-year periods
7 beginning on the date on which development of the
8 plan is completed;

9 (2) by economic sector; and

10 (3) according to any other parameters that the
11 Administrator, in collaboration with the Secretary of
12 the Interior, acting through the Director of the
13 United States Geological Survey, determines are
14 needed for the Annual Critical Minerals Outlook.

15 (c) COLLABORATION.—The Administrator shall de-
16 velop the plan under subsection (a)(1) in consultation
17 with—

18 (1) the Secretary with respect to the possible
19 trajectories of emerging energy-producing and en-
20 ergy-storing technologies; and

21 (2) the Secretary of the Interior, acting through
22 the Director of the United States Geological Sur-
23 vey—

24 (A) to ensure coordination;

25 (B) to avoid duplicative effort; and

1 (C) to align the analysis of demand with
2 data and analysis of where the minerals are
3 produced, refined, and subsequently processed
4 into materials and parts that are used to build
5 energy technologies.

6 **SEC. 4106. EXPANSION OF INTERNATIONAL ENERGY DATA.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Administrator shall im-
9 plement measures to expand and improve the international
10 energy data resources of the Energy Information Adminis-
11 tration in order to understand—

12 (1) the production and use of energy in various
13 countries;

14 (2) changing patterns of energy use internation-
15 ally;

16 (3) the relative costs and environmental impacts
17 of energy production and use internationally; and

18 (4) plans for or construction of major energy
19 facilities or infrastructure.

20 (b) REQUIREMENTS.—In carrying out subsection (a),
21 the Administrator shall—

22 (1) work with, and leverage the data resources
23 of, the International Energy Agency;

1 (2) include detail on energy consumption by
2 fuel, economic sector, and end use within countries
3 for which data are available;

4 (3) collect relevant measures of energy use, in-
5 cluding—

6 (A) cost; and

7 (B) emissions intensity; and

8 (4) provide tools that allow for straightforward
9 country-to-country comparisons of energy production
10 and consumption across economic sectors and end
11 uses.

12 **SEC. 4107. PLAN FOR THE NATIONAL ENERGY MODELING**
13 **SYSTEM.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Administrator shall develop a plan to iden-
16 tify any need or opportunity to update or further the capa-
17 bilities of the National Energy Modeling System, including
18 with respect to—

19 (1) treating energy demand endogenously;

20 (2) increased natural gas usage and increased
21 market penetration of renewable energy;

22 (3) flexible operating modes of nuclear power
23 plants, such as load following and frequency control;

24 (4) tools to model multiple-output energy sys-
25 tems that provide hydrogen, high-value heat, elec-

1 tricity, and chemical synthesis services, including
2 interactions of those energy systems with the elec-
3 tricity grids, pipeline networks, and the broader
4 economy;

5 (5) demand response and improved representa-
6 tion of energy storage, including long-duration stor-
7 age, in capacity expansion models;

8 (6) electrification, particularly with respect to
9 the transportation, industrial, and buildings sectors;

10 (7) increasing model resolution to represent all
11 hours of the year and all electricity generators;

12 (8) wholesale electricity market design and the
13 appropriate valuation of all services that support the
14 reliability of electricity grids, such as—

15 (A) battery storage; and

16 (B) synthetic inertia from grid-tied invert-
17 ers;

18 (9) economic modeling of the role of energy effi-
19 ciency, demand response, electricity storage, and a
20 variety of distributed generation technologies;

21 (10) the production, transport, use, and storage
22 of carbon dioxide, hydrogen, and hydrogen carriers;

23 (11) greater flexibility in—

24 (A) the modeling of the environmental im-
25 pacts of electricity systems, such as—

1 (i) emissions of greenhouse gases and
2 other pollutants; and

3 (ii) the use of land and water re-
4 sources; and

5 (B) the ability to support climate mod-
6 eling, such as the climate modeling performed
7 by the Office of Biological and Environmental
8 Research in the Office of Science of the Depart-
9 ment;

10 (12) technologies that are in an early stage of
11 commercial deployment and have been identified by
12 the Secretary as candidates for large-scale dem-
13 onstration projects, such as—

14 (A) carbon capture, transport, use, and
15 storage from any source or economic sector;

16 (B) direct air capture;

17 (C) hydrogen production, including via
18 electrolysis;

19 (D) synthetic and biogenic hydrocarbon
20 liquid and gaseous fuels;

21 (E) supercritical carbon dioxide combus-
22 tion turbines;

23 (F) industrial fuel cell and hydrogen com-
24 bustion equipment; and

25 (G) industrial electric boilers;

1 (13) increased and improved data sources and
2 tools, including—

3 (A) the establishment of technology and
4 cost baselines, including technology learning
5 rates;

6 (B) economic and employment impacts of
7 energy system policies and energy prices on
8 households, as a function of household income
9 and region; and

10 (C) the use of behavioral economics to in-
11 form demand modeling in all sectors; and

12 (14) striving to migrate toward a single, con-
13 sistent, and open-source modeling platform, and in-
14 creasing open access to model systems, data, and
15 outcomes, for—

16 (A) disseminating reference scenarios that
17 can be transparently and broadly replicated;
18 and

19 (B) promoting the development of the re-
20 searcher and analyst workforce needed to con-
21 tinue the development and validation of im-
22 proved energy system models in the future.

1 **SEC. 4108. REPORT ON COSTS OF CARBON ABATEMENT IN**
2 **THE ELECTRICITY SECTOR.**

3 Not later than 270 days after the date of enactment
4 of this Act, the Administrator shall submit to Congress
5 a report on—

6 (1) the potential use of levelized cost of carbon
7 abatement or a similar metric in analyzing genera-
8 tors of electricity, including an identification of limi-
9 tations and appropriate uses of the metric;

10 (2) the feasibility and impact of incorporating
11 levelized cost of carbon abatement in long-term fore-
12 casts—

13 (A) to compare technical approaches and
14 understand real-time changes in fossil-fuel and
15 nuclear dispatch;

16 (B) to compare the system-level costs of
17 technology options to reduce emissions; and

18 (C) to compare the costs of policy options,
19 including current policies, regarding valid and
20 verifiable reductions and removals of carbon;
21 and

22 (3)(A) a potential process to measure carbon
23 dioxide emissions intensity per unit of output pro-
24 duction for a range of—

25 (i) energy sources;

26 (ii) sectors; and

1 (iii) geographic regions; and

2 (B) a corresponding process to provide an
3 empirical framework for reporting the status
4 and costs of carbon dioxide reduction relative to
5 specified goals.

6 **SEC. 4109. HARMONIZATION OF EFFORTS AND DATA.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Administrator shall establish a system to
9 harmonize, to the maximum extent practicable and con-
10 sistent with data integrity—

11 (1) the data collection efforts of the Adminis-
12 trator, including any data collection required under
13 this subtitle, with the data collection efforts of—

14 (A) the Environmental Protection Agency,
15 as the Administrator determines to be appro-
16 priate;

17 (B) other relevant Federal agencies, as the
18 Administrator determines to be appropriate;
19 and

20 (C) State or regional energy credit reg-
21 istries, as the Administrator determines to be
22 appropriate;

23 (2) the data collected under this subtitle, in-
24 cluding the operating data on electricity generation
25 collected under section 4102(a), with data collected

1 by the entities described in subparagraphs (A)
 2 through (C) of paragraph (1), including any meas-
 3 urements of greenhouse gas and other pollutant
 4 emissions collected by the Environmental Protection
 5 Agency, as the Administrator determines to be ap-
 6 propriate; and

7 (3) the efforts of the Administrator to identify
 8 and report relevant impacts, opportunities, and pat-
 9 terns with respect to energy use, including the iden-
 10 tification of community-level economic and environ-
 11 mental impacts required under section
 12 4103(b)(1)(C), with the efforts of the Environmental
 13 Protection Agency and other relevant Federal agen-
 14 cies, as determined by the Administrator, to identify
 15 similar impacts, opportunities, and patterns.

16 **Subtitle C—Miscellaneous**

17 **SEC. 4201. CONSIDERATION OF MEASURES TO PROMOTE** 18 **GREATER ELECTRIFICATION OF THE TRANS-** 19 **PORTATION SECTOR.**

20 (a) IN GENERAL.—Section 111(d) of the Public Util-
 21 ity Regulatory Policies Act of 1978 (16 U.S.C. 2621(d))
 22 (as amended by section 1004(a)(1)) is amended by adding
 23 at the end the following:

24 “(21) ELECTRIC VEHICLE CHARGING PRO-
 25 GRAMS.—Each State shall consider measures to pro-

1 mote greater electrification of the transportation sec-
2 tor, including the establishment of rates that—

3 “(A) promote affordable and equitable
4 electric vehicle charging options for residential,
5 commercial, and public electric vehicle charging
6 infrastructure;

7 “(B) improve the customer experience as-
8 sociated with electric vehicle charging, including
9 by reducing charging times for light-, medium-
10 , and heavy-duty vehicles;

11 “(C) accelerate third-party investment in
12 electric vehicle charging for light-, medium-,
13 and heavy-duty vehicles; and

14 “(D) appropriately recover the marginal
15 costs of delivering electricity to electric vehicles
16 and electric vehicle charging infrastructure.”.

17 (b) COMPLIANCE.—

18 (1) TIME LIMITATION.—Section 112(b) of the
19 Public Utility Regulatory Policies Act of 1978 (16
20 U.S.C. 2622(b)) (as amended by section
21 1004(a)(2)(A)) is amended by adding at the end the
22 following:

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

1 which the State has ratemaking authority) and each
2 nonregulated utility shall commence consideration
3 under section 111, or set a hearing date for consid-
4 eration, with respect to the standard established by
5 paragraph (21) of section 111(d).

6 “(B) Not later than 2 years after the date
7 of enactment of this paragraph, each State reg-
8 ulatory authority (with respect to each electric
9 utility for which the State has ratemaking au-
10 thority), and each nonregulated electric utility
11 shall complete the consideration and make the
12 determination under section 111 with respect to
13 the standard established by paragraph (21) of
14 section 111(d).”.

15 (2) FAILURE TO COMPLY.—Section 112(c) of
16 the Public Utility Regulatory Policies Act of 1978
17 (16 U.S.C. 2622(c)) (as amended by section
18 1004(a)(2)(B)(i)) is amended by adding at the end
19 the following: “In the case of the standard estab-
20 lished by paragraph (21) of section 111(d), the ref-
21 erence contained in this subsection to the date of en-
22 actment of this Act shall be deemed to be a ref-
23 erence to the date of enactment of that paragraph
24 (21).”.

25 (3) PRIOR STATE ACTIONS.—

1 (A) IN GENERAL.—Section 112 of the
2 Public Utility Regulatory Policies Act of 1978
3 (16 U.S.C. 2622) (as amended by section
4 1004(a)(2)(C)(i)) is amended by adding at the
5 end the following:

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

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

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

18 “(3) the State legislature has voted on the im-
19 plementation of the standard (or a comparable
20 standard) for the electric utility during the 3-year
21 period ending on that date of enactment.”.

22 (B) CROSS-REFERENCE.—Section 124 of
23 the Public Utility Regulatory Policies Act of
24 1978 (16 U.S.C. 2634) (as amended by section
25 1004(a)(2)(C)(ii)(II)) is amended by adding at

1 the end the following: “In the case of the stand-
2 ard established by paragraph (21) of section
3 111(d), the reference contained in this section
4 to the date of enactment of this Act shall be
5 deemed to be a reference to the date of enact-
6 ment of that paragraph (21).”.

7 **SEC. 4202. OFFICE OF PUBLIC PARTICIPATION.**

8 Section 319 of the Federal Power Act (16 U.S.C.
9 825q-1) is amended—

10 (1) in subsection (a)(2)—

11 (A) in subparagraph (A), by striking the
12 third sentence; and

13 (B) in subparagraph (B)—

14 (i) by striking the third sentence and
15 inserting the following: “The Director shall
16 be compensated at a rate of pay not great-
17 er than the maximum rate of pay pre-
18 scribed for a senior executive in the Senior
19 Executive Service under section 5382 of
20 title 5, United States Code.”; and

21 (ii) by striking the first sentence; and

22 (2) in subsection (b), by striking paragraph (4).

23 **SEC. 4203. DIGITAL CLIMATE SOLUTIONS REPORT.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary, in consulta-

1 tion with appropriate Federal agencies and relevant stake-
2 holders, shall submit to the Committee on Energy and
3 Natural Resources of the Senate and the Committee on
4 Energy and Commerce of the House of Representatives
5 a report that assesses using digital tools and platforms
6 as climate solutions, including—

- 7 (1) artificial intelligence and machine learning;
- 8 (2) blockchain technologies and distributed
9 ledgers;
- 10 (3) crowdsourcing platforms;
- 11 (4) the Internet of Things;
- 12 (5) distributed computing for the grid; and
- 13 (6) software and systems.

14 (b) CONTENTS.—The report required under sub-
15 section (a) shall include—

- 16 (1) as practicable, a full inventory and assess-
17 ment of digital climate solutions;
- 18 (2) an analysis of how the private sector can
19 utilize the digital tools and platforms included in the
20 inventory under paragraph (1) to accelerate digital
21 climate solutions; and
- 22 (3) a summary of opportunities to enhance the
23 standardization of voluntary and regulatory climate
24 disclosure protocols, including enabling the data to

1 be disseminated through an application program-
2 ming interface that is accessible to the public.

3 **SEC. 4204. STUDY AND REPORT BY THE SECRETARY OF EN-**
4 **ERGY ON JOB LOSS AND IMPACTS ON CON-**
5 **SUMER ENERGY COSTS DUE TO THE REVOCA-**
6 **TION OF THE PERMIT FOR THE KEYSTONE XL**
7 **PIPELINE.**

8 (a) DEFINITION OF EXECUTIVE ORDER.—In this
9 section, the term “Executive Order” means Executive
10 Order 13990 (86 Fed. Reg. 7037; relating to protecting
11 public health and the environment and restoring science
12 to tackle the climate crisis).

13 (b) STUDY AND REPORT.—The Secretary shall—

14 (1) conduct a study to estimate—

15 (A) the total number of jobs that were lost
16 as a direct or indirect result of section 6 of the
17 Executive Order over the 10-year period begin-
18 ning on the date on which the Executive Order
19 was issued; and

20 (B) the impact on consumer energy costs
21 that are projected to result as a direct or indi-
22 rect result of section 6 of the Executive Order
23 over the 10-year period beginning on the date
24 on which the Executive Order was issued; and

1 (A) is eligible for funding under the State
2 Energy Program; and

3 (B)(i) is among the 15 States with the
4 highest annual per-capita combined residential
5 and commercial sector energy consumption, as
6 most recently reported by the Energy Informa-
7 tion Administration; or

8 (ii) is among the 15 States with the high-
9 est annual per-capita energy-related carbon di-
10 oxide emissions by State, as most recently re-
11 ported by the Energy Information Administra-
12 tion.

13 (2) PROGRAM.—The term “program” means
14 the program established under section 5002(a).

15 (3) STATE.—The term “State” means a State
16 (as defined in section 3 of the Energy Policy and
17 Conservation Act (42 U.S.C. 6202)), acting through
18 a State energy office.

19 (4) STATE ENERGY PROGRAM.—The term
20 “State Energy Program” means the State Energy
21 Program established under part D of title III of the
22 Energy Policy and Conservation Act (42 U.S.C.
23 6321 et seq.).

1 **SEC. 5002. ENERGY EFFICIENCY REVOLVING LOAN FUND**
2 **CAPITALIZATION GRANT PROGRAM.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, under the State Energy
5 Program, the Secretary shall establish a program under
6 which the Secretary shall provide capitalization grants to
7 States to establish a revolving loan fund under which the
8 State shall provide loans and grants, as applicable, in ac-
9 cordance with this section.

10 (b) DISTRIBUTION OF FUNDS.—

11 (1) ALL STATES.—

12 (A) IN GENERAL.—Of the amounts made
13 available under subsection (j), the Secretary
14 shall use 40 percent to provide capitalization
15 grants to States that are eligible for funding
16 under the State Energy Program, in accordance
17 with the allocation formula established under
18 section 420.11 of title 10, Code of Federal Reg-
19 ulations (or successor regulations).

20 (B) REMAINING FUNDING.—After applying
21 the allocation formula described in subpara-
22 graph (A), the Secretary shall redistribute any
23 unclaimed funds to the remaining States seek-
24 ing capitalization grants under that subpara-
25 graph.

26 (2) PRIORITY STATES.—

1 (A) IN GENERAL.—Of the amounts made
2 available under subsection (j), the Secretary
3 shall use 60 percent to provide supplemental
4 capitalization grants to priority States in ac-
5 cordance with an allocation formula determined
6 by the Secretary.

7 (B) REMAINING FUNDING.—After applying
8 the allocation formula described in subpara-
9 graph (A), the Secretary shall redistribute any
10 unclaimed funds to the remaining priority
11 States seeking supplemental capitalization
12 grants under that subparagraph.

13 (C) GRANT AMOUNT.—

14 (i) MAXIMUM AMOUNT.—The amount
15 of a supplemental capitalization grant pro-
16 vided to a State under this paragraph shall
17 not exceed \$15,000,000.

18 (ii) SUPPLEMENT NOT SUPPLANT.—A
19 supplemental capitalization grant received
20 by a State under this paragraph shall sup-
21 plement, not supplant, a capitalization
22 grant received by that State under para-
23 graph (1).

24 (c) APPLICATIONS FOR CAPITALIZATION GRANTS.—
25 A State seeking a capitalization grant under the program

1 shall submit to the Secretary an application at such time,
2 in such manner, and containing such information as the
3 Secretary may require, including—

4 (1) a detailed explanation of how the grant will
5 be used, including a plan to establish a new revolving
6 ing loan fund or use an existing revolving loan fund;

7 (2) the need of eligible recipients for loans and
8 grants in the State for assistance with conducting
9 energy audits;

10 (3) a description of the expected benefits that
11 building infrastructure and energy system upgrades
12 and retrofits will have on communities in the State;
13 and

14 (4) in the case of a priority State seeking a
15 supplemental capitalization grant under subsection
16 (b)(2), a justification for needing the supplemental
17 funding.

18 (d) TIMING.—

19 (1) IN GENERAL.—The Secretary shall establish
20 a timeline with dates by, or periods by the end of,
21 which a State shall—

22 (A) on receipt of a capitalization grant
23 under the program, deposit the grant funds into
24 a revolving loan fund; and

1 (B) begin using the capitalization grant as
2 described in subsection (e)(1).

3 (2) USE OF GRANT.—Under the timeline estab-
4 lished under paragraph (1), a State shall be required
5 to begin using a capitalization grant not more than
6 180 days after the date on which the grant is re-
7 ceived.

8 (e) USE OF GRANT FUNDS.—

9 (1) IN GENERAL.—A State that receives a cap-
10 italization grant under the program—

11 (A) shall provide loans in accordance with
12 paragraph (2); and

13 (B) may provide grants in accordance with
14 paragraph (3).

15 (2) LOANS.—

16 (A) COMMERCIAL ENERGY AUDIT.—

17 (i) IN GENERAL.—A State that re-
18 ceives a capitalization grant under the pro-
19 gram may provide a loan to an eligible re-
20 cipient described in clause (iv) to conduct
21 a commercial energy audit.

22 (ii) AUDIT REQUIREMENTS.—A com-
23 mercial energy audit conducted using a
24 loan provided under clause (i) shall—

1 (I) determine the overall con-
2 sumption of energy of the facility of
3 the eligible recipient;

4 (II) identify and recommend
5 lifecycle cost-effective opportunities to
6 reduce the energy consumption of the
7 facility of the eligible recipient, includ-
8 ing through energy efficient—

9 (aa) lighting;

10 (bb) heating, ventilation,
11 and air conditioning systems;

12 (cc) windows;

13 (dd) appliances; and

14 (ee) insulation and building
15 envelopes;

16 (III) estimate the energy and
17 cost savings potential of the opportu-
18 nities identified in subclause (II)
19 using software approved by the Sec-
20 retary;

21 (IV) identify—

22 (aa) the period and level of
23 peak energy demand for each
24 building within the facility of the
25 eligible recipient; and

1 (bb) the sources of energy
2 consumption that are contrib-
3 uting the most to that period of
4 peak energy demand;

5 (V) recommend controls and
6 management systems to reduce or re-
7 distribute peak energy consumption;
8 and

9 (VI) estimate the total energy
10 and cost savings potential for the fa-
11 cility of the eligible recipient if all rec-
12 ommended upgrades and retrofits are
13 implemented, using software approved
14 by the Secretary.

15 (iii) ADDITIONAL AUDIT INCLU-
16 SIONS.—A commercial energy audit con-
17 ducted using a loan provided under clause
18 (i) may recommend strategies to increase
19 energy efficiency of the facility of the eligi-
20 ble recipient through use of electric sys-
21 tems or other high-efficiency systems uti-
22 lizing fuels, including natural gas and hy-
23 drogen.

1 (iv) ELIGIBLE RECIPIENTS.—An eligi-
2 ble recipient under clause (i) is a business
3 that—

4 (I) conducts the majority of its
5 business in the State that provides the
6 loan under that clause; and

7 (II) owns or operates—

8 (aa) 1 or more commercial
9 buildings; or

10 (bb) commercial space with-
11 in a building that serves multiple
12 functions, such as a building for
13 commercial and residential oper-
14 ations.

15 (B) RESIDENTIAL ENERGY AUDITS.—

16 (i) IN GENERAL.—A State that re-
17 ceives a capitalization grant under the pro-
18 gram may provide a loan to an eligible re-
19 cipient described in clause (iv) to conduct
20 a residential energy audit.

21 (ii) RESIDENTIAL ENERGY AUDIT RE-
22 QUIREMENTS.—A residential energy audit
23 conducted using a loan under clause (i)
24 shall—

1 (I) utilize the same evaluation
2 criteria as the Home Performance As-
3 sessment used in the Energy Star
4 program established under section
5 324A of the Energy Policy and Con-
6 servation Act (42 U.S.C. 6294a);

7 (II) recommend lifecycle cost-ef-
8 fective opportunities to reduce energy
9 consumption within the residential
10 building of the eligible recipient, in-
11 cluding through energy efficient—

12 (aa) lighting;

13 (bb) heating, ventilation,
14 and air conditioning systems;

15 (cc) windows;

16 (dd) appliances; and

17 (ee) insulation and building
18 envelopes;

19 (III) recommend controls and
20 management systems to reduce or re-
21 distribute peak energy consumption;

22 (IV) compare the energy con-
23 sumption of the residential building of
24 the eligible recipient to comparable

1 residential buildings in the same geo-
2 graphic area; and

3 (V) provide a Home Energy
4 Score, or equivalent score (as deter-
5 mined by the Secretary), for the resi-
6 dential building of the eligible recipi-
7 ent by using the Home Energy Score
8 Tool of the Department or an equiva-
9 lent scoring tool.

10 (iii) ADDITIONAL AUDIT INCLU-
11 SIONS.—A residential energy audit con-
12 ducted using a loan provided under clause
13 (i) may recommend strategies to increase
14 energy efficiency of the facility of the eligi-
15 ble recipient through use of electric sys-
16 tems or other high-efficiency systems uti-
17 lizing fuels, including natural gas and hy-
18 drogen.

19 (iv) ELIGIBLE RECIPIENTS.—An eligi-
20 ble recipient under clause (i) is—

21 (I) an individual who owns—
22 (aa) a single family home;
23 (bb) a condominium or du-
24 plex; or

1 (cc) a manufactured housing
2 unit; or

3 (II) a business that owns or oper-
4 ates a multifamily housing facility.

5 (C) COMMERCIAL AND RESIDENTIAL EN-
6 ERGY UPGRADES AND RETROFITS.—

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 (ii) to carry out
11 upgrades or retrofits of building infrastruc-
12 ture and systems that—

13 (I) are recommended in the com-
14 mercial energy audit or residential en-
15 ergy audit, as applicable, completed
16 for the building or facility of the eligi-
17 ble recipient;

18 (II) satisfy at least 1 of the cri-
19 teria in the Home Performance As-
20 sessment used in the Energy Star
21 program established under section
22 324A of the Energy Policy and Con-
23 servation Act (42 U.S.C. 6294a);

1 (III) improve, with respect to the
2 building or facility of the eligible re-
3 cipient—

4 (aa) the physical comfort of
5 the building or facility occupants;

6 (bb) the energy efficiency of
7 the building or facility; or

8 (cc) the quality of the air in
9 the building or facility; and

10 (IV)(aa) are lifecycle cost-effec-
11 tive; and

12 (bb)(AA) reduce the energy in-
13 tensity of the building or facility of
14 the eligible recipient; or

15 (BB) improve the control and
16 management of energy usage of the
17 building or facility to reduce demand
18 during peak times.

19 (ii) ELIGIBLE RECIPIENTS.—An eligi-
20 ble recipient under clause (i) is an eligible
21 recipient described in subparagraph (A)(iv)
22 or (B)(iv) that—

23 (I) has completed a commercial
24 energy audit described in subpara-
25 graph (A) or a residential energy

1 audit described in subparagraph (B)
2 using a loan provided under the appli-
3 cable subparagraph; or

4 (II) has completed a commercial
5 energy audit or residential energy
6 audit that—

7 (aa) was not funded by a
8 loan under this paragraph; and

9 (bb)(AA) meets the require-
10 ments for the applicable audit
11 under subparagraph (A) or (B),
12 as applicable; or

13 (BB) the Secretary deter-
14 mines is otherwise satisfactory.

15 (iii) LOAN TERM.—

16 (I) IN GENERAL.—A loan pro-
17 vided under this subparagraph shall
18 be required to be fully amortized by
19 the earlier of—

20 (aa) subject to subclause
21 (II), the year in which the up-
22 grades or retrofits carried out
23 using the loan exceed their ex-
24 pected useful life; and

1 (bb) 15 years after those up-
2 grades or retrofits are installed.

3 (II) CALCULATION.—For pur-
4 poses of subclause (I)(aa), in the case
5 of a loan being used to fund multiple
6 upgrades or retrofits, the longest-lived
7 upgrade or retrofit shall be used to
8 calculate the year in which the up-
9 grades or retrofits carried out using
10 the loan exceed their expected useful
11 life.

12 (D) REFERRAL TO QUALIFIED CONTRAC-
13 TORS.—Following the completion of an audit
14 under subparagraph (A) or (B) by an eligible
15 recipient of a loan under the applicable sub-
16 paragraph, the State may refer the eligible re-
17 cipient to a qualified contractor, as determined
18 by the State, to estimate—

19 (i) the upfront capital cost of each
20 recommended upgrade; and

21 (ii) the total upfront capital cost of
22 implementing all recommended upgrades.

23 (E) LOAN RECIPIENTS.—Each State pro-
24 viding loans under this paragraph shall, to the
25 maximum extent practicable, provide loans to

1 eligible recipients that do not have access to
2 private capital.

3 (3) GRANTS AND TECHNICAL ASSISTANCE.—

4 (A) IN GENERAL.—A State that receives a
5 capitalization grant under the program may use
6 not more than 25 percent of the grant funds to
7 provide grants or technical assistance to eligible
8 entities described in subparagraph (B) to carry
9 out the activities described in subparagraphs
10 (A), (B), and (C) of paragraph (2).

11 (B) ELIGIBLE ENTITY.—An entity eligible
12 for a grant or technical assistance under sub-
13 paragraph (A) is—

14 (i) a business that—

15 (I) is an eligible recipient de-
16 scribed in paragraph (2)(A)(iv); and

17 (II) has fewer than 500 employ-
18 ees; or

19 (ii) a low-income individual (as de-
20 fined in section 3 of the Workforce Innova-
21 tion and Opportunity Act (29 U.S.C.
22 3102)) that owns a residential building.

23 (4) FINAL ASSESSMENT.—A State that provides
24 a capitalization grant under paragraph (2)(C) to an
25 eligible recipient described in clause (ii) of that para-

1 graph may, not later than 1 year after the date on
2 which the upgrades or retrofits funded by the grant
3 under that paragraph are completed, provide to the
4 eligible recipient a loan or, in accordance with para-
5 graph (3), a grant to conduct a final energy audit
6 that assesses the total energy savings from the up-
7 grades or retrofits.

8 (5) ADMINISTRATIVE EXPENSES.—A State that
9 receives a capitalization grant under the program
10 may use not more than 10 percent of the grant
11 funds for administrative expenses.

12 (f) COORDINATION WITH EXISTING PROGRAMS.—A
13 State receiving a capitalization grant under the program
14 is encouraged to utilize and build on existing programs
15 and infrastructure within the State that may aid the State
16 in carrying out a revolving loan fund program.

17 (g) LEVERAGING PRIVATE CAPITAL.—A State receiv-
18 ing a capitalization grant under the program shall, to the
19 maximum extent practicable, use the grant to leverage pri-
20 vate capital.

21 (h) OUTREACH.—The Secretary shall engage in out-
22 reach to inform States of the availability of capitalization
23 grants under the program.

24 (i) REPORT.—Each State that receives a capitaliza-
25 tion grant under the program shall, not later than 2 years

1 after a grant is received, submit to the Secretary a report
2 that describes—

3 (1) the number of recipients to which the State
4 has distributed—

5 (A) loans for—

6 (i) commercial energy audits under
7 subsection (e)(2)(A);

8 (ii) residential energy audits under
9 subsection (e)(2)(B);

10 (iii) energy upgrades and retrofits
11 under subsection (e)(2)(C); and

12 (B) grants under subsection (e)(3); and

13 (2) the average capital cost of upgrades and
14 retrofits across all commercial energy audits and
15 residential energy audits that were conducted in the
16 State using loans provided by the State under sub-
17 section (e).

18 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out this section \$250,000,000 for fiscal year 2022, to re-
21 main available until expended.

22 **SEC. 5003. ENERGY AUDITOR TRAINING GRANT PROGRAM.**

23 (a) DEFINITIONS.—In this section:

1 (1) COVERED CERTIFICATION.—The term “cov-
2 ered certification” means any of the following certifi-
3 cations:

4 (A) The American Society of Heating, Re-
5 frigerating and Air-Conditioning Engineers
6 Building Energy Assessment Professional cer-
7 tification.

8 (B) The Association of Energy Engineers
9 Certified Energy Auditor certification.

10 (C) The Building Performance Institute
11 Home Energy Professional Energy Auditor cer-
12 tification.

13 (D) The Residential Energy Services Net-
14 work Home Energy Rater certification.

15 (E) Any other third-party certification rec-
16 ognized by the Department.

17 (F) Any third-party certification that the
18 Secretary determines is equivalent to the certifi-
19 cations described in subparagraphs (A) through
20 (E).

21 (2) ELIGIBLE STATE.—The term “eligible
22 State” means a State that—

23 (A) has a demonstrated need for assistance
24 for training energy auditors; and

1 (B) meets any additional criteria deter-
2 mined necessary by the Secretary.

3 (b) ESTABLISHMENT.—Under the State Energy Pro-
4 gram, the Secretary shall establish a competitive grant
5 program under which the Secretary shall award grants to
6 eligible States to train individuals to conduct energy au-
7 dits or surveys of commercial and residential buildings.

8 (c) APPLICATIONS.—

9 (1) IN GENERAL.—A State seeking a grant
10 under subsection (b) shall submit to the Secretary
11 an application at such time, in such manner, and
12 containing such information as the Secretary may
13 require, including the energy auditor training pro-
14 gram plan described in paragraph (2).

15 (2) ENERGY AUDITOR TRAINING PROGRAM
16 PLAN.—An energy auditor training program plan
17 submitted with an application under paragraph (1)
18 shall include—

19 (A)(i) a proposed training curriculum for
20 energy audit trainees; and

21 (ii) an identification of the covered certifi-
22 cation that those trainees will receive on com-
23 pletion of that training curriculum;

24 (B) the expected per-individual cost of
25 training;

1 (C) a plan for connecting trainees with em-
2 ployment opportunities; and

3 (D) any additional information required by
4 the Secretary.

5 (d) AMOUNT OF GRANT.—The amount of a grant
6 awarded to an eligible State under subsection (b)—

7 (1) shall be determined by the Secretary, taking
8 into account the population of the eligible State; and

9 (2) shall not exceed \$2,000,000 for any eligible
10 State.

11 (e) USE OF FUNDS.—

12 (1) IN GENERAL.—An eligible State that re-
13 ceives a grant under subsection (b) shall use the
14 grant funds—

15 (A) to cover any cost associated with indi-
16 viduals being trained or certified to conduct en-
17 ergy audits by—

18 (i) the State; or

19 (ii) a State-certified third party train-
20 ing program; and

21 (B) subject to paragraph (2), to pay the
22 wages of a trainee during the period in which
23 the trainee receives training and certification.

24 (2) LIMITATION.—Not more than 10 percent of
25 grant funds provided under subsection (b) to an eli-

1 gible State may be used for the purpose described in
2 paragraph (1)(B).

3 (f) CONSULTATION.—In carrying out this section, the
4 Secretary shall consult with the Secretary of Labor.

5 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Secretary to carry
7 out this section \$40,000,000 for the period of fiscal years
8 2022 through 2026.

9 **Subtitle B—Buildings**

10 **SEC. 5101. COST-EFFECTIVE CODES IMPLEMENTATION FOR** 11 **EFFICIENCY AND RESILIENCE.**

12 (a) IN GENERAL.—Title III of the Energy Conserva-
13 tion and Production Act (42 U.S.C. 6831 et seq.) is
14 amended by adding at the end the following:

15 **“SEC. 309. COST-EFFECTIVE CODES IMPLEMENTATION FOR** 16 **EFFICIENCY AND RESILIENCE.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a relevant State agency, as deter-
21 mined by the Secretary, such as a State build-
22 ing code agency, State energy office, or Tribal
23 energy office; and

24 “(B) a partnership.

1 “(2) PARTNERSHIP.—The term ‘partnership’
2 means a partnership between an eligible entity de-
3 scribed in paragraph (1)(A) and 1 or more of the
4 following entities:

5 “(A) Local building code agencies.

6 “(B) Codes and standards developers.

7 “(C) Associations of builders and design
8 and construction professionals.

9 “(D) Local and utility energy efficiency
10 programs.

11 “(E) Consumer, energy efficiency, and en-
12 vironmental advocates.

13 “(F) Other entities, as determined by the
14 Secretary.

15 “(3) SECRETARY.—The term ‘Secretary’ means
16 the Secretary of Energy.

17 “(b) ESTABLISHMENT.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish within the Building Technologies Office of the
20 Department of Energy a program under which the
21 Secretary shall award grants on a competitive basis
22 to eligible entities to enable sustained cost-effective
23 implementation of updated building energy codes.

24 “(2) UPDATED BUILDING ENERGY CODE.—An
25 update to a building energy code under this section,

1 including an amendment that results in increased ef-
2 ficiency compared to the previously adopted building
3 energy code, shall include any update made available
4 after the existing building energy code, even if it is
5 not the most recent updated code available.

6 “(c) CRITERIA; PRIORITY.—In awarding grants
7 under subsection (b), the Secretary shall—

8 “(1) consider—

9 “(A) prospective energy savings and plans
10 to measure the savings, including utilizing the
11 Environmental Protection Agency Portfolio
12 Manager, the Home Energy Score rating of the
13 Office of Energy Efficiency and Renewable En-
14 ergy of the Department of Energy, the Energy
15 Star Building rating methodologies of the Envi-
16 ronmental Protection Agency, and other meth-
17 odologies determined appropriate by the Sec-
18 retary;

19 “(B) the long-term sustainability of those
20 measures and savings;

21 “(C) prospective benefits, and plans to as-
22 sess the benefits, including benefits relating
23 to—

24 “(i) resilience and peak load reduc-
25 tion;

1 “(ii) occupant safety and health; and

2 “(iii) environmental performance;

3 “(D) the demonstrated capacity of the eli-
4 gible entity to carry out the proposed project;
5 and

6 “(E) the need of the eligible entity for as-
7 sistance; and

8 “(2) give priority to applications from partner-
9 ships.

10 “(d) ELIGIBLE ACTIVITIES.—

11 “(1) IN GENERAL.—An eligible entity awarded
12 a grant under this section may use the grant
13 funds—

14 “(A) to create or enable State or regional
15 partnerships to provide training and materials
16 to—

17 “(i) builders, contractors and sub-
18 contractors, architects, and other design
19 and construction professionals, relating to
20 meeting updated building energy codes in a
21 cost-effective manner; and

22 “(ii) building code officials, relating to
23 improving implementation of and compli-
24 ance with building energy codes;

1 “(B) to collect and disseminate quan-
2 titative data on construction and codes imple-
3 mentation, including code pathways, perform-
4 ance metrics, and technologies used;

5 “(C) to develop and implement a plan for
6 highly effective codes implementation, including
7 measuring compliance;

8 “(D) to address various implementation
9 needs in rural, suburban, and urban areas; and

10 “(E) to implement updates in energy codes
11 for—

12 “(i) new residential and commercial
13 buildings (including multifamily buildings);
14 and

15 “(ii) additions and alterations to ex-
16 isting residential and commercial buildings
17 (including multifamily buildings).

18 “(2) RELATED TOPICS.—Training and mate-
19 rials provided using a grant under this section may
20 include information on the relationship between en-
21 ergy codes and—

22 “(A) cost-effective, high-performance, and
23 zero-net-energy buildings;

24 “(B) improving resilience, health, and safe-
25 ty;

1 “(C) water savings and other environ-
2 mental impacts; and

3 “(D) the economic impacts of energy
4 codes.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary to carry
7 out this section \$225,000,000 for the period of fiscal years
8 2022 through 2026.”.

9 (b) CONFORMING AMENDMENT.—Section 303 of the
10 Energy Conservation and Production Act (42 U.S.C.
11 6832) is amended, in the matter preceding paragraph (1),
12 by striking “As used in” and inserting “Except as other-
13 wise provided, in”.

14 **SEC. 5102. BUILDING, TRAINING, AND ASSESSMENT CEN-**
15 **TERS.**

16 (a) IN GENERAL.—The Secretary shall provide
17 grants to institutions of higher education (as defined in
18 section 101 of the Higher Education Act of 1965 (20
19 U.S.C. 1001)) and Tribal Colleges or Universities (as de-
20 fined in section 316(b) of that Act (20 U.S.C. 1059c(b)))
21 to establish building training and assessment centers—

22 (1) to identify opportunities for optimizing en-
23 ergy efficiency and environmental performance in
24 buildings;

1 (2) to promote the application of emerging con-
2 cepts and technologies in commercial and institu-
3 tional buildings;

4 (3) to train engineers, architects, building sci-
5 entists, building energy permitting and enforcement
6 officials, and building technicians in energy-efficient
7 design and operation;

8 (4) to assist institutions of higher education
9 and Tribal Colleges or Universities in training build-
10 ing technicians;

11 (5) to promote research and development for
12 the use of alternative energy sources and distributed
13 generation to supply heat and power for buildings,
14 particularly energy-intensive buildings; and

15 (6) to coordinate with and assist State-accred-
16 ited technical training centers, community colleges,
17 Tribal Colleges or Universities, and local offices of
18 the National Institute of Food and Agriculture and
19 ensure appropriate services are provided under this
20 section to each region of the United States.

21 (b) COORDINATION AND NONDUPLICATION.—

22 (1) IN GENERAL.—The Secretary shall coordi-
23 nate the program with the industrial research and
24 assessment centers program under section 457 of
25 the Energy Independence and Security Act of 2007

1 (as added by section 5201(b)) and with other Fed-
2 eral programs to avoid duplication of effort.

3 (2) COLLOCATION.—To the maximum extent
4 practicable, building, training, and assessment cen-
5 ters established under this section shall be collocated
6 with industrial and research assessment centers (as
7 defined in section 5211).

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary to carry
10 out this section \$10,000,000 for fiscal year 2022, to re-
11 main available until expended.

12 **SEC. 5103. CAREER SKILLS TRAINING.**

13 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
14 tion, the term “eligible entity” means a nonprofit partner-
15 ship that—

16 (1) includes the equal participation of industry,
17 including public or private employers, and labor or-
18 ganizations, including joint labor-management train-
19 ing programs;

20 (2) may include workforce investment boards,
21 community-based organizations, qualified service and
22 conservation corps, educational institutions, small
23 businesses, cooperatives, State and local veterans
24 agencies, and veterans service organizations; and

25 (3) demonstrates—

1 (A) experience in implementing and oper-
2 ating worker skills training and education pro-
3 grams;

4 (B) the ability to identify and involve in
5 training programs carried out under this sec-
6 tion, target populations of individuals who
7 would benefit from training and be actively in-
8 volved in activities relating to energy efficiency
9 and renewable energy industries; and

10 (C) the ability to help individuals achieve
11 economic self-sufficiency.

12 (b) ESTABLISHMENT.—The Secretary shall award
13 grants to eligible entities to pay the Federal share of asso-
14 ciated career skills training programs under which stu-
15 dents concurrently receive classroom instruction and on-
16 the-job training for the purpose of obtaining an industry-
17 related certification to install energy efficient buildings
18 technologies.

19 (c) FEDERAL SHARE.—The Federal share of the cost
20 of carrying out a career skills training program described
21 in subsection (b) shall be 50 percent.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary to carry
24 out this section \$10,000,000 for fiscal year 2022, to re-
25 main available until expended.

1 **SEC. 5104. COMMERCIAL BUILDING ENERGY CONSUMPTION**
2 **INFORMATION SHARING.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Energy In-
6 formation Administration.

7 (2) AGREEMENT.—The term “Agreement”
8 means the agreement entered into under subsection
9 (b).

10 (3) SURVEY.—The term “Survey” means the
11 Commercial Building Energy Consumption Survey.

12 (b) AUTHORIZATION OF AGREEMENT.—Not later
13 than 120 days after the date of enactment of this Act,
14 the Administrator and the Administrator of the Environ-
15 mental Protection Agency shall sign, and submit to Con-
16 gress, an information sharing agreement relating to com-
17 mercial building energy consumption data.

18 (c) CONTENT OF AGREEMENT.—The Agreement
19 shall—

20 (1) provide, to the extent permitted by law,
21 that—

22 (A) the Administrator shall have access to
23 building-specific data in the Portfolio Manager
24 database of the Environmental Protection
25 Agency; and

1 (B) the Administrator of the Environ-
2 mental Protection Agency shall have access to
3 building-specific data collected by the Survey;

4 (2) describe the manner in which the Adminis-
5 trator shall use the data described in paragraph (1)
6 and subsection (d);

7 (3) describe and compare—

8 (A) the methodologies that the Energy In-
9 formation Administration, the Environmental
10 Protection Agency, and State and local govern-
11 ment managers use to maximize the quality, re-
12 liability, and integrity of data collected through
13 the Survey, the Portfolio Manager database of
14 the Environmental Protection Agency, and
15 State and local building energy disclosure laws
16 (including regulations), respectively, and the
17 manner in which those methodologies can be
18 improved; and

19 (B) consistencies and variations in data for
20 the same buildings captured in—

21 (i)(I) the 2018 Survey cycle; and

22 (II) each subsequent Survey cycle;

23 and

24 (ii) the Portfolio Manager database of
25 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 The Secretary shall expand the scope of technologies
7 covered by the industrial and research assessment centers
8 of the Department—

9 (1) to include smart manufacturing technologies
10 and practices; and

11 (2) to equip the directors of the industrial and
12 research assessment centers with the training and
13 tools necessary to provide technical assistance in
14 smart manufacturing technologies and practices, in-
15 cluding energy management systems, to manufactur-
16 ers.

17 **SEC. 5213. LEVERAGING SMART MANUFACTURING INFRA-**
18 **STRUCTURE AT NATIONAL LABORATORIES.**

19 (a) STUDY.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Sec-
22 retary shall conduct a study on how the Department
23 can increase access to existing high-performance
24 computing resources in the National Laboratories,
25 particularly for small and medium manufacturers.

1 (2) INCLUSIONS.—In identifying ways to in-
2 crease access to National Laboratories under para-
3 graph (1), the Secretary shall—

4 (A) focus on increasing access to the com-
5 puting facilities of the National Laboratories;
6 and

7 (B) ensure that—

8 (i) the information from the manufac-
9 turer is protected; and

10 (ii) the security of the National Lab-
11 oratory facility is maintained.

12 (3) REPORT.—Not later than 1 year after the
13 date of enactment of this Act, the Secretary shall
14 submit to Congress a report describing the results of
15 the study.

16 (b) ACTIONS FOR INCREASED ACCESS.—The Sec-
17 retary shall facilitate access to the National Laboratories
18 studied under subsection (a) for small and medium manu-
19 facturers so that small and medium manufacturers can
20 fully use the high-performance computing resources of the
21 National Laboratories to enhance the manufacturing com-
22 petitiveness of the United States.

23 **SEC. 5214. STATE MANUFACTURING LEADERSHIP.**

24 (a) FINANCIAL ASSISTANCE AUTHORIZED.—The
25 Secretary may provide financial assistance on a competi-

1 tive basis to States for the establishment of programs to
2 be used as models for supporting the implementation of
3 smart manufacturing technologies.

4 (b) APPLICATIONS.—

5 (1) IN GENERAL.—To be eligible to receive fi-
6 nancial assistance under this section, a State shall
7 submit to the Secretary an application at such time,
8 in such manner, and containing such information as
9 the Secretary may require.

10 (2) CRITERIA.—The Secretary shall evaluate an
11 application for financial assistance under this section
12 on the basis of merit using criteria identified by the
13 Secretary, including—

14 (A) technical merit, innovation, and im-
15 pact;

16 (B) research approach, workplan, and
17 deliverables;

18 (C) academic and private sector partners;

19 and

20 (D) alternate sources of funding.

21 (c) REQUIREMENTS.—

22 (1) TERM.—The term of an award of financial
23 assistance under this section shall not exceed 3
24 years.

1 (2) MAXIMUM AMOUNT.—The amount of an
2 award of financial assistance under this section shall
3 be not more than \$2,000,000.

4 (3) MATCHING REQUIREMENT.—Each State
5 that receives financial assistance under this section
6 shall contribute matching funds in an amount equal
7 to not less than 30 percent of the amount of the fi-
8 nancial assistance.

9 (d) USE OF FUNDS.—A State may use financial as-
10 sistance provided under this section—

11 (1) to facilitate access to high-performance
12 computing resources for small and medium manufac-
13 turers; and

14 (2) to provide assistance to small and medium
15 manufacturers to implement smart manufacturing
16 technologies and practices.

17 (e) EVALUATION.—The Secretary shall conduct semi-
18 annual evaluations of each award of financial assistance
19 under this section—

20 (1) to determine the impact and effectiveness of
21 programs funded with the financial assistance; and

22 (2) to provide guidance to States on ways to
23 better execute the program of the State.

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

1 out this section \$50,000,000 for the period of fiscal years
 2 2022 through 2026.

3 **SEC. 5215. REPORT.**

4 The Secretary annually shall submit to Congress and
 5 make publicly available a report on the progress made in
 6 advancing smart manufacturing in the United States.

7 **Subtitle D—Schools and Nonprofits**

8 **SEC. 5301. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
 9 **MENTS AND RENEWABLE ENERGY IMPROVE-**
 10 **MENTS AT PUBLIC SCHOOL FACILITIES.**

11 (a) DEFINITIONS.—In this section:

12 (1) ALTERNATIVE FUELED VEHICLE.—The
 13 term “alternative fueled vehicle” has the meaning
 14 given the term in section 301 of the Energy Policy
 15 Act of 1992 (42 U.S.C. 13211).

16 (2) ALTERNATIVE FUELED VEHICLE INFRA-
 17 STRUCTURE.—The term “alternative fueled vehicle
 18 infrastructure” means infrastructure used to charge
 19 or fuel an alternative fueled vehicle.

20 (3) ELIGIBLE ENTITY.—The term “eligible enti-
 21 ty” means a consortium of—

22 (A) 1 local educational agency; and

23 (B) 1 or more—

24 (i) schools;

1 (ii) nonprofit organizations that have
2 the knowledge and capacity to partner and
3 assist with energy improvements;

4 (iii) for-profit organizations that have
5 the knowledge and capacity to partner and
6 assist with energy improvements; or

7 (iv) community partners that have the
8 knowledge and capacity to partner and as-
9 sist with energy improvements.

10 (4) ENERGY IMPROVEMENT.—The term “en-
11 ergy improvement” means—

12 (A) any improvement, repair, or renovation
13 to a school that results in a direct reduction in
14 school energy costs, including improvements to
15 the envelope, air conditioning system, ventila-
16 tion system, heating system, domestic hot water
17 heating system, compressed air system, dis-
18 tribution system, lighting system, power system,
19 and controls of a building;

20 (B) any improvement, repair, or renovation
21 to, or installation in, a school that—

22 (i) leads to an improvement in teacher
23 and student health, including indoor air
24 quality; and

25 (ii) achieves energy savings;

1 (C) any improvement, repair, or renovation
2 to a school involving the installation of renew-
3 able energy technologies;

4 (D) the installation of alternative fueled
5 vehicle infrastructure on school grounds for—

6 (i) exclusive use of school buses,
7 school fleets, or students; or

8 (ii) the general public; and

9 (E) the purchase or lease of alternative
10 fueled vehicles to be used by a school, including
11 school buses, fleet vehicles, and other oper-
12 ational vehicles.

13 (5) HIGH SCHOOL.—The term “high school”
14 has the meaning given the term in section 8101 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 7801).

17 (6) LOCAL EDUCATIONAL AGENCY.—The term
18 “local educational agency” has the meaning given
19 the term in section 8101 of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C. 7801).

21 (7) NONPROFIT ORGANIZATION.—The term
22 “nonprofit organization” means a nonprofit organi-
23 zation described in section 501(c)(3) of the Internal
24 Revenue Code of 1986 that is exempt from tax
25 under section 501(a) of such Code.

1 (8) PARTNERING LOCAL EDUCATIONAL AGEN-
2 CY.—The term “partnering local educational agen-
3 cy”, with respect to an eligible entity, means the
4 local educational agency participating in the consor-
5 tium of the eligible entity.

6 (b) GRANTS.—The Secretary shall award competitive
7 grants to eligible entities to make energy improvements
8 in accordance with this section.

9 (c) APPLICATIONS.—

10 (1) IN GENERAL.—An eligible entity desiring a
11 grant under this section shall submit to the Sec-
12 retary an application at such time, in such manner,
13 and containing such information as the Secretary
14 may require.

15 (2) CONTENTS.—The application submitted
16 under paragraph (1) shall include each of the fol-
17 lowing:

18 (A) A needs assessment of the current con-
19 dition of the school and school facilities that
20 would receive the energy improvements if the
21 application were approved.

22 (B) A draft work plan of the intended
23 achievements of the eligible entity at the school.

1 (C) A description of the energy improve-
2 ments that the eligible entity would carry out at
3 the school if the application were approved.

4 (D) A description of the capacity of the eli-
5 gible entity to provide services and comprehen-
6 sive support to make the energy improvements
7 referred to in subparagraph (C).

8 (E) An assessment of the expected needs
9 of the eligible entity for operation and mainte-
10 nance training funds, and a plan for use of
11 those funds, if applicable.

12 (F) An assessment of the expected energy
13 efficiency, energy savings, and safety benefits of
14 the energy improvements.

15 (G) A cost estimate of the proposed energy
16 improvements.

17 (H) An identification of other resources
18 that are available to carry out the activities for
19 which grant funds are requested under this sec-
20 tion, including the availability of utility pro-
21 grams and public benefit funds.

22 (d) PRIORITY.—

23 (1) IN GENERAL.—In awarding grants under
24 this section, the Secretary shall give priority to an
25 eligible entity—

1 (A) that has renovation, repair, and im-
2 provement funding needs;

3 (B)(i) that, as determined by the Sec-
4 retary, serves a high percentage of students, in-
5 cluding students in a high school in accordance
6 with paragraph (2), who are eligible for a free
7 or reduced price lunch under the Richard B.
8 Russell National School Lunch Act (42 U.S.C.
9 1751 et seq.); or

10 (ii) the partnering local educational agency
11 of which is designated with a school district lo-
12 cale code of 41, 42, or 43, as determined by the
13 National Center for Education Statistics in con-
14 sultation with the Bureau of the Census; and

15 (C) that leverages private sector invest-
16 ment through energy-related performance con-
17 tracting.

18 (2) HIGH SCHOOL STUDENTS.—In the case of
19 students in a high school, the percentage of students
20 eligible for a free or reduced price lunch described
21 in paragraph (1)(B)(i) shall be calculated using data
22 from the schools that feed into the high school.

23 (e) COMPETITIVE CRITERIA.—The competitive cri-
24 teria used by the Secretary to award grants under this
25 section shall include the following:

1 (1) The extent of the disparity between the fis-
2 cal capacity of the eligible entity to carry out energy
3 improvements at school facilities and the needs of
4 the partnering local educational agency for those en-
5 ergy improvements, including consideration of—

6 (A) the current and historic ability of the
7 partnering local educational agency to raise
8 funds for construction, renovation, moderniza-
9 tion, and major repair projects for schools;

10 (B) the ability of the partnering local edu-
11 cational agency to issue bonds or receive other
12 funds to support the current infrastructure
13 needs of the partnering local educational agency
14 for schools; and

15 (C) the bond rating of the partnering local
16 educational agency.

17 (2) The likelihood that the partnering local edu-
18 cational agency or eligible entity will maintain, in
19 good condition, any school and school facility that is
20 the subject of improvements.

21 (3) The potential energy efficiency and safety
22 benefits from the proposed energy improvements.

23 (f) USE OF GRANT AMOUNTS.—

24 (1) IN GENERAL.—Except as provided in this
25 subsection, an eligible entity receiving a grant under

1 this section shall use the grant amounts only to
2 make the energy improvements described in the ap-
3 plication submitted by the eligible entity under sub-
4 section (c).

5 (2) OPERATION AND MAINTENANCE TRAIN-
6 ING.—An eligible entity receiving a grant under this
7 section may use not more than 5 percent of the
8 grant amounts for operation and maintenance train-
9 ing for energy efficiency and renewable energy im-
10 provements, such as maintenance staff and teacher
11 training, education, and preventative maintenance
12 training.

13 (3) THIRD-PARTY INVESTIGATION AND ANAL-
14 YSIS.—An eligible entity receiving a grant under this
15 section may use a portion of the grant amounts for
16 a third-party investigation and analysis of the en-
17 ergy improvements carried out by the eligible entity,
18 such as energy audits and existing building commis-
19 sioning.

20 (4) CONTINUING EDUCATION.—An eligible enti-
21 ty receiving a grant under this section may use not
22 more than 3 percent of the grant amounts to develop
23 a continuing education curriculum relating to energy
24 improvements.

1 (g) COMPETITION IN CONTRACTING.—If an eligible
2 entity receiving a grant under this section uses grant
3 funds to carry out repair or renovation through a contract,
4 the eligible entity shall be required to ensure that the con-
5 tract process—

6 (1) through full and open competition, ensures
7 the maximum practicable number of qualified bid-
8 ders, including small, minority, and women-owned
9 businesses; and

10 (2) gives priority to businesses located in, or re-
11 sources common to, the State or geographical area
12 in which the repair or renovation under the contract
13 will be carried out.

14 (h) BEST PRACTICES.—The Secretary shall develop
15 and publish guidelines and best practices for activities car-
16 ried out under this section.

17 (i) REPORT BY ELIGIBLE ENTITY.—An eligible entity
18 receiving a grant under this section shall submit to the
19 Secretary, at such time as the Secretary may require, a
20 report describing—

21 (1) the use of the grant funds for energy im-
22 provements;

23 (2) the estimated cost savings realized by those
24 energy improvements;

1 (A) IN GENERAL.—The term “energy-effi-
2 ciency material” means a material (including a
3 product, equipment, or system) the installation
4 of which results in a reduction in use by a non-
5 profit organization of energy or fuel.

6 (B) INCLUSIONS.—The term “energy-effi-
7 ciency material” includes—

8 (i) a roof or lighting system or compo-
9 nent of the system;

10 (ii) a window;

11 (iii) a door, including a security door;

12 and

13 (iv) a heating, ventilation, or air con-
14 ditioning system or component of the sys-
15 tem (including insulation and wiring and
16 plumbing improvements needed to serve a
17 more efficient system).

18 (3) NONPROFIT BUILDING.—The term “non-
19 profit building” means a building operated and
20 owned by an organization that is described in section
21 501(c)(3) of the Internal Revenue Code of 1986 and
22 exempt from tax under section 501(a) of such Code.

23 (b) ESTABLISHMENT.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary shall es-
25 tablish a pilot program to award grants for the purpose

1 of providing nonprofit buildings with energy-efficiency ma-
2 terials.

3 (c) GRANTS.—

4 (1) IN GENERAL.—The Secretary may award
5 grants under the program established under sub-
6 section (b).

7 (2) APPLICATION.—The Secretary may award a
8 grant under paragraph (1) if an applicant submits
9 to the Secretary an application at such time, in such
10 form, and containing such information as the Sec-
11 retary may prescribe.

12 (3) CRITERIA FOR GRANT.—In determining
13 whether to award a grant under paragraph (1), the
14 Secretary shall apply performance-based criteria,
15 which shall give priority to applicants based on—

16 (A) the energy savings achieved;

17 (B) the cost effectiveness of the use of en-
18 ergy-efficiency materials;

19 (C) an effective plan for evaluation, meas-
20 urement, and verification of energy savings; and

21 (D) the financial need of the applicant.

22 (4) LIMITATION ON INDIVIDUAL GRANT
23 AMOUNT.—Each grant awarded under this section
24 shall not exceed \$200,000.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section \$50,000,000 for the period of fiscal years
4 2022 through 2026, to remain available until expended.

5 **Subtitle E—Miscellaneous**

6 **SEC. 5401. WEATHERIZATION ASSISTANCE PROGRAM.**

7 There is authorized to be appropriated to the Sec-
8 retary for the weatherization assistance program estab-
9 lished under part A of title IV of the Energy Conservation
10 and Production Act (42 U.S.C. 6861 et seq.)
11 \$3,500,000,000 for fiscal year 2022, to remain available
12 until expended.

13 **SEC. 5402. ENERGY EFFICIENCY AND CONSERVATION**
14 **BLOCK GRANT PROGRAM.**

15 (a) USE OF FUNDS.—Section 544 of the Energy
16 Independence and Security Act of 2007 (42 U.S.C.
17 17154) is amended—

18 (1) in paragraph (13)(D), by striking “and”
19 after the semicolon;

20 (2) by redesignating paragraph (14) as para-
21 graph (15); and

22 (3) by inserting after paragraph (13) the fol-
23 lowing:

24 “(14) programs for financing energy efficiency,
25 renewable energy, and zero-emission transportation

1 (and associated infrastructure), capital investments,
2 projects, and programs, which may include loan pro-
3 grams and performance contracting programs, for
4 leveraging of additional public and private sector
5 funds, and programs that allow rebates, grants, or
6 other incentives for the purchase and installation of
7 energy efficiency, renewable energy, and zero-emis-
8 sion transportation (and associated infrastructure)
9 measures; and”.

10 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
11 authorized to be appropriated to the Secretary for the En-
12 ergy Efficiency and Conservation Block Grant Program
13 established under section 542(a) of the Energy Independ-
14 ence and Security Act of 2007 (42 U.S.C. 17152(a))
15 \$550,000,000 for fiscal year 2022, to remain available
16 until expended.

17 **SEC. 5403. SURVEY, ANALYSIS, AND REPORT ON EMPLOY-**
18 **MENT AND DEMOGRAPHICS IN THE ENERGY,**
19 **ENERGY EFFICIENCY, AND MOTOR VEHICLE**
20 **SECTORS OF THE UNITED STATES.**

21 (a) **ENERGY JOBS COUNCIL.**—

22 (1) **ESTABLISHMENT.**—The Secretary shall es-
23 tablish a council, to be known as the “Energy Jobs
24 Council” (referred to in this section as the “Coun-
25 cil”).

1 (2) MEMBERSHIP.—The Council shall be com-
2 prised of—

3 (A) to be appointed by the Secretary—

4 (i) 1 or more representatives of the
5 Energy Information Administration; and

6 (ii) 1 or more representatives of a
7 State energy office that are serving as
8 members of the State Energy Advisory
9 Board established by section 365(g) of the
10 Energy Policy and Conservation Act (42
11 U.S.C. 6325(g));

12 (B) to be appointed by the Secretary of
13 Commerce—

14 (i) 1 or more representatives of the
15 Department of Commerce; and

16 (ii) 1 or more representatives of the
17 Bureau of the Census;

18 (C) 1 or more representatives of the Bu-
19 reau of Labor Statistics, to be appointed by the
20 Secretary of Labor; and

21 (D) 1 or more representatives of any other
22 Federal agency the assistance of which is re-
23 quired to carry out this section, as determined
24 by the Secretary, to be appointed by the head
25 of the applicable agency.

1 (b) SURVEY AND ANALYSIS.—

2 (1) IN GENERAL.—The Council shall—

3 (A) conduct a survey of employers in the
4 energy, energy efficiency, and motor vehicle sec-
5 tors of the economy of the United States; and

6 (B) perform an analysis of the employment
7 figures and demographics in those sectors, in-
8 cluding the number of personnel in each sector
9 who devote a substantial portion of working
10 hours, as determined by the Secretary, to regu-
11 latory compliance matters.

12 (2) METHODOLOGY.—In conducting the survey
13 and analysis under paragraph (1), the Council shall
14 employ a methodology that—

15 (A) was approved in 2016 by the Office of
16 Management and Budget for use in the docu-
17 ment entitled “OMB Control Number 1910–
18 5179”;

19 (B) uses a representative, stratified sam-
20 pling of businesses in the United States; and

21 (C) is designed to elicit a comparable num-
22 ber of responses from businesses in each State
23 and with the same North American Industry
24 Classification System codes as were received for

1 the 2016 and 2017 reports entitled “U.S. En-
2 ergy and Employment Report”.

3 (3) CONSULTATION.—In conducting the survey
4 and analysis under paragraph (1), the Council shall
5 consult with key stakeholders, including—

6 (A) as the Council determines to be appro-
7 priate, the heads of relevant Federal agencies
8 and offices, including—

9 (i) the Secretary of Commerce;

10 (ii) the Secretary of Transportation;

11 (iii) the Director of the Bureau of the
12 Census;

13 (iv) the Commissioner of the Bureau
14 of Labor Statistics; and

15 (v) the Administrator of the Environ-
16 mental Protection Agency;

17 (B) States;

18 (C) the State Energy Advisory Board es-
19 tablished by section 365(g) of the Energy Pol-
20 icy and Conservation Act (42 U.S.C. 6325(g));
21 and

22 (D) energy industry trade associations.

23 (c) REPORT.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, and annually
3 thereafter, the Secretary shall—

4 (A) make publicly available on the website
5 of the Department a report, to be entitled the
6 “U.S. Energy and Employment Report”, de-
7 scribing the employment figures and demo-
8 graphics in the energy, energy efficiency, and
9 motor vehicle sectors of the United States, and
10 the average number of hours devoted to regu-
11 latory compliance, based on the survey and
12 analysis conducted under subsection (b); and

13 (B) subject to the requirements of sub-
14 chapter III of chapter 35 of title 44, United
15 States Code, make the data collected by the
16 Council publicly available on the website of the
17 Department.

18 (2) CONTENTS.—

19 (A) IN GENERAL.—The report under para-
20 graph (1) shall include employment figures and
21 demographic data for—

22 (i) the energy sector of the economy
23 of the United States, including—

24 (I) the electric power generation
25 and fuels sector; and

1 (II) the transmission, storage,
2 and distribution sector;

3 (ii) the energy efficiency sector of the
4 economy of the United States; and

5 (iii) the motor vehicle sector of the
6 economy of the United States.

7 (B) INCLUSION.—With respect to each sec-
8 tor described in subparagraph (A), the report
9 under paragraph (1) shall include employment
10 figures and demographic data sorted by—

11 (i) each technology, subtechnology,
12 and fuel type of those sectors; and

13 (ii) subject to the requirements of the
14 Confidential Information Protection and
15 Statistical Efficiency Act of 2002 (44
16 U.S.C. 3501 note; Public Law 107–347)—

17 (I) each State;

18 (II) each territory of the United
19 States;

20 (III) the District of Columbia;

21 and

22 (IV) each county (or equivalent
23 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 eficial 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;

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 **SEC. 7004. ABANDONED HARDROCK MINE RECLAMATION.**

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

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

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

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

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

7 (d) ELIGIBLE ACTIVITIES.—

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

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

18 (e) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

16 **SEC. 8001. FOREST SERVICE LEGACY ROAD AND TRAIL RE-**
17 **MEDIATION PROGRAM.**

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

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

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

1 ation Program (referred to in this section as the ‘Pro-
2 gram’).

3 “(b) ACTIVITIES.—In carrying out the Program, the
4 Secretary shall, taking into account foreseeable changes
5 in weather and hydrology—

6 “(1) restore passages for fish and other aquatic
7 species by—

8 “(A) improving, repairing, or replacing cul-
9 verts and other infrastructure; and

10 “(B) removing barriers, as the Secretary
11 determines appropriate, from the passages;

12 “(2) decommission unauthorized user-created
13 roads and trails that are not a National Forest Sys-
14 tem road or a National Forest System trail, if the
15 applicable unit of the National Forest System has
16 published—

17 “(A) a Motor Vehicle Use Map and the
18 road is not identified as a National Forest Sys-
19 tem road on that Motor Vehicle Use Map; or

20 “(B) a map depicting the authorized trails
21 in the applicable unit of the National Forest
22 System and the trail is not identified as a Na-
23 tional Forest System trail on that map;

1 “(3) prepare previously closed National Forest
2 System roads for long-term storage, in accordance
3 with subsections (c)(1) and (d), in a manner that—

4 “(A) prevents motor vehicle use, as appro-
5 priate to conform to route designations;

6 “(B) prevents the roads from damaging
7 adjacent resources, including aquatic and wild-
8 life resources;

9 “(C) reduces or eliminates the need for
10 road maintenance; and

11 “(D) preserves the roads for future use;

12 “(4) decommission previously closed National
13 Forest System roads and trails in accordance with
14 subsections (c)(1) and (d);

15 “(5) relocate National Forest System roads and
16 trails—

17 “(A) to increase resilience to extreme
18 weather events, flooding, and other natural dis-
19 asters; and

20 “(B) to respond to changing resource con-
21 ditions and public input;

22 “(6) convert National Forest System roads to
23 National Forest System trails, while allowing for
24 continued use for motorized and nonmotorized recre-

1 ation, to the extent the use is compatible with the
2 management status of the road or trail;

3 “(7) decommission temporary roads—

4 “(A) that were constructed before the date
5 of enactment of this section—

6 “(i) for emergency operations; or

7 “(ii) to facilitate a resource extraction
8 project;

9 “(B) that were designated as a temporary
10 road by the Secretary; and

11 “(C)(i) in violation of section 10(b) of the
12 Forest and Rangeland Renewable Resources
13 Planning Act of 1974 (16 U.S.C. 1608(b)), on
14 which vegetation cover has not been reestab-
15 lished; or

16 “(ii) that have not been fully decommis-
17 sioned; and

18 “(8) carry out projects on National Forest Sys-
19 tem roads, trails, and bridges to improve resilience
20 to extreme weather events, flooding, or other natural
21 disasters.

22 “(c) PROJECT SELECTION.—

23 “(1) PROJECT ELIGIBILITY.—

24 “(A) IN GENERAL.—The Secretary may
25 only fund under the Program a project de-

1 scribed in paragraph (3) or (4) of subsection
2 (b) if the Secretary previously and separately—

3 “(i) solicited public comment for
4 changing the management status of the
5 applicable National Forest System road or
6 trail—

7 “(I) to close the road or trail to
8 access; and

9 “(II) to minimize impacts to nat-
10 ural resources; and

11 “(ii) has closed the road or trail to ac-
12 cess as described in clause (i)(I).

13 “(B) REQUIREMENT.—Each project car-
14 ried out under the Program shall be on a Na-
15 tional Forest System road or trail, except with
16 respect to—

17 “(i) a project described in subsection
18 (b)(2); or

19 “(ii) a project carried out on a water-
20 shed for which the Secretary has entered
21 into a cooperative agreement under section
22 323 of the Department of the Interior and
23 Related Agencies Appropriations Act, 1999
24 (16 U.S.C. 1011a).

1 “(2) ANNUAL SELECTION OF PROJECTS FOR
2 FUNDING.—The Secretary shall—

3 “(A) establish a process for annually se-
4 lecting projects for funding under the Program,
5 consistent with the requirements of this section;

6 “(B) solicit and consider public input re-
7 gionally in the ranking of projects for funding
8 under the Program;

9 “(C) give priority for funding under the
10 Program to projects that would—

11 “(i) protect or improve water quality
12 in public drinking water source areas;

13 “(ii) restore the habitat of a threat-
14 ened, endangered, or sensitive fish or wild-
15 life species; or

16 “(iii) maintain future access to the
17 adjacent area for the public, contractors,
18 permittees, or firefighters; and

19 “(D) publish on the website of the Forest
20 Service—

21 “(i) the selection process established
22 under subparagraph (A); and

23 “(ii) a list that includes a description
24 and the proposed outcome of each project

1 funded under the Program in each fiscal
2 year.

3 “(d) IMPLEMENTATION.—In implementing the Pro-
4 gram, the Secretary shall ensure that—

5 “(1) the system of roads and trails on the ap-
6 plicable unit of the National Forest System—

7 “(A) is adequate to meet any increasing
8 demands for timber, recreation, and other uses;

9 “(B) provides for intensive use, protection,
10 development, and management of the land
11 under principles of multiple use and sustained
12 yield of products and services;

13 “(C) does not damage, degrade, or impair
14 adjacent resources, including aquatic and wild-
15 life resources, to the extent practicable;

16 “(D) reflects long-term funding expecta-
17 tions; and

18 “(E) is adequate for supporting emergency
19 operations, such as evacuation routes during
20 wildfires, floods, and other natural disasters;
21 and

22 “(2) all projects funded under the Program are
23 consistent with any applicable forest plan or travel
24 management plan.

1 “(e) SAVINGS CLAUSE.—A decision to fund a project
2 under the Program shall not affect any determination
3 made previously or to be made in the future by the Sec-
4 retary with regard to road or trail closures.”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Secretary of Agri-
7 culture to carry out section 8 of Public Law 88–657 (com-
8 monly known as the “Forest Roads and Trails Act”)
9 \$250,000,000 for the period of fiscal years 2022 through
10 2026.

11 **SEC. 8002. STUDY AND REPORT ON FEASIBILITY OF RE-**
12 **VEGETATING RECLAIMED MINE SITES.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Secretary of the Inte-
15 rior, acting through the Director of the Office of Surface
16 Mining Reclamation and Enforcement, shall conduct, and
17 submit to Congress a report describing the results of, a
18 study on the feasibility of revegetating reclaimed mined
19 sites.

20 (b) INCLUSIONS.—The report submitted under sub-
21 section (a) shall include—

22 (1) recommendations for how a program could
23 be implemented through the Office of Surface Min-
24 ing Reclamation and Enforcement to revegetate re-
25 claimed mined sites;

1 (2) identifications of reclaimed mine sites that
2 would be suitable for inclusion in such a program,
3 including sites on land that—

4 (A) is subject to title IV of the Surface
5 Mining Control and Reclamation Act of 1977
6 (30 U.S.C. 1231 et seq.); and

7 (B) is not subject to that title;

8 (3) a description of any barriers to implementa-
9 tion of such a program, including whether the pro-
10 gram would potentially interfere with the authorities
11 contained in, or the implementation of, the Surface
12 Mining Control and Reclamation Act of 1977 (30
13 U.S.C. 1201 et seq.), including the Abandoned Mine
14 Reclamation Fund created by section 401 of that
15 Act (30 U.S.C. 1231) and State reclamation pro-
16 grams under section 405 of that Act (30 U.S.C.
17 1235); and

18 (4) a description of the potential for job cre-
19 ation and workforce needs if such a program was
20 implemented.

21 **SEC. 8003. WILDFIRE RISK REDUCTION.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of the Inte-
24 rior and the Secretary of Agriculture, acting through the
25 Chief of the Forest Service, for the activities described in

1 subsection (c), \$3,369,200,000 for the period of fiscal
2 years 2022 through 2026.

3 (b) TREATMENT.—Of the Federal land or Indian for-
4 est land or rangeland that has been identified as having
5 a very high wildfire hazard potential, the Secretary of the
6 Interior and the Secretary of Agriculture, acting through
7 the Chief of the Forest Service, shall, by not later than
8 September 30, 2027, conduct restoration treatments and
9 improve the Fire Regime Condition Class of 10,000,000
10 acres that are located in—

11 (1) the wildland-urban interface; or

12 (2) a public drinking water source area.

13 (c) ACTIVITIES.—Of the amounts made available
14 under subsection (a) for the period of fiscal years 2022
15 through 2026—

16 (1) \$20,000,000 shall be made available for en-
17 tering into an agreement with the Administrator of
18 the National Oceanic and Atmospheric Administra-
19 tion to establish and operate a program that makes
20 use of the Geostationary Operational Environmental
21 Satellite Program to rapidly detect and report wild-
22 fire starts in all areas in which the Secretary of the
23 Interior or the Secretary of Agriculture has financial
24 responsibility for wildland fire protection and pre-
25 vention, of which—

1 (A) \$10,000,000 shall be made available to
2 the Secretary of the Interior; and

3 (B) \$10,000,000 shall be made available to
4 the Secretary of Agriculture;

5 (2) \$600,000,000 shall be made available for
6 the salaries and expenses of Federal wildland fire-
7 fighters in accordance with subsection (d), of
8 which—

9 (A) \$120,000,000 shall be made available
10 to the Secretary of the Interior; and

11 (B) \$480,000,000 shall be made available
12 to the Secretary of Agriculture;

13 (3) \$10,000,000 shall be made available to the
14 Secretary of the Interior to acquire technology and
15 infrastructure for each Type I and Type II incident
16 management team to maintain interoperability with
17 respect to the radio frequencies used by any re-
18 sponding agency;

19 (4) \$30,000,000 shall be made available to the
20 Secretary of Agriculture to provide financial assist-
21 ance to States, Indian Tribes, and units of local gov-
22 ernment to establish and operate Reverse-911 tele-
23 communication systems;

24 (5) \$50,000,000 shall be made available to the
25 Secretary of the Interior to establish and implement

1 a pilot program to provide to local governments fi-
2 nancial assistance for the acquisition of slip-on tank-
3 er units to establish fleets of vehicles that can be
4 quickly converted to be operated as fire engines;

5 (6) \$1,200,000 shall be made available to the
6 Secretary of Agriculture, in coordination with the
7 Secretary of the Interior, to develop and publish, not
8 later than 180 days after the date of enactment of
9 this Act, and every 5 years thereafter, a map depict-
10 ing at-risk communities (as defined in section 101 of
11 the Healthy Forests Restoration Act of 2003 (16
12 U.S.C. 6511)), including Tribal at-risk communities;

13 (7) \$100,000,000 shall be made available to the
14 Secretary of the Interior and the Secretary of Agri-
15 culture—

16 (A) for—

17 (i) preplanning fire response work-
18 shops that develop—

19 (I) potential operational delineations; and
20

21 (II) select potential control loca-
22 tions; and

23 (ii) workforce training for staff, non-
24 Federal firefighters, and Native village fire
25 crews for—

1 (I) wildland firefighting; and

2 (II) increasing the pace and scale
3 of vegetation treatments, including
4 training on how to prepare and imple-
5 ment large landscape treatments; and

6 (B) of which—

7 (i) \$50,000,000 shall be made avail-
8 able to the Secretary of the Interior; and

9 (ii) \$50,000,000 shall be made avail-
10 able to the Secretary of Agriculture;

11 (8) \$20,000,000 shall be made available to the
12 Secretary of Agriculture to enter into an agreement
13 with a Southwest Ecological Restoration Institute
14 established under the Southwest Forest Health and
15 Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et
16 seq.)—

17 (A) to compile and display existing data,
18 including geographic data, for hazardous fuel
19 reduction or wildfire prevention treatments un-
20 dertaken by the Secretary of the Interior or the
21 Secretary of Agriculture, including treatments
22 undertaken with funding provided under this
23 title;

24 (B) to compile and display existing data,
25 including geographic data, for large wildfires,

1 as defined by the National Wildfire Coordi-
2 nating Group, that occur in the United States;

3 (C) to facilitate coordination and use of ex-
4 isting and future interagency fuel treatment
5 data, including geographic data, for the pur-
6 poses of—

7 (i) assessing and planning cross-
8 boundary fuel treatments; and

9 (ii) monitoring the effects of treat-
10 ments on wildfire outcomes and ecosystem
11 restoration services, using the data com-
12 piled under subparagraphs (A) and (B);

13 (D) to publish a report every 5 years show-
14 ing the extent to which treatments described in
15 subparagraph (A) and previous wildfires affect
16 the boundaries of wildfires, categorized by—

17 (i) Federal land management agency;

18 (ii) region of the United States; and

19 (iii) treatment type; and

20 (E) to carry out other related activities of
21 a Southwest Ecological Restoration Institute, as
22 authorized by the Southwest Forest Health and
23 Wildfire Prevention Act of 2004 (16 U.S.C.
24 6701 et seq.);

1 (9) \$20,000,000 shall be available for activities
2 conducted under the Joint Fire Science Program, of
3 which—

4 (A) \$10,000,000 shall be made available to
5 the Secretary of the Interior; and

6 (B) \$10,000,000 shall be made available to
7 the Secretary of Agriculture;

8 (10) \$100,000,000 shall be made available to
9 the Secretary of Agriculture for collaboration and
10 collaboration-based activities, including facilitation,
11 certification of collaboratives, and planning and im-
12 plementing projects under the Collaborative Forest
13 Landscape Restoration Program established under
14 section 4003 of the Omnibus Public Land Manage-
15 ment Act of 2009 (16 U.S.C. 7303) in accordance
16 with subsection (e);

17 (11) \$500,000,000 shall be made available to
18 the Secretary of the Interior and the Secretary of
19 Agriculture—

20 (A) for—

21 (i) conducting mechanical thinning
22 and timber harvesting in an ecologically
23 appropriate manner that maximizes the re-
24 tention of large trees, as appropriate for

1 the forest type, to the extent that the trees
2 promote fire-resilient stands; or

3 (ii) precommercial thinning in young
4 growth stands for wildlife habitat benefits
5 to provide subsistence resources; and

6 (B) of which—

7 (i) \$100,000,000 shall be made avail-
8 able to the Secretary of the Interior; and

9 (ii) \$400,000,000 shall be made avail-
10 able to the Secretary of Agriculture;

11 (12) \$500,000,000 shall be made available to
12 the Secretary of Agriculture, in cooperation with
13 States, to award community wildfire defense grants
14 to at-risk communities in accordance with subsection
15 (f);

16 (13) \$500,000,000 shall be made available for
17 planning and conducting prescribed fires and related
18 activities, of which—

19 (A) \$250,000,000 shall be made available
20 to the Secretary of the Interior; and

21 (B) \$250,000,000 shall be made available
22 to the Secretary of Agriculture;

23 (14) \$500,000,000 shall be made available for
24 developing or improving potential control locations,
25 in accordance with paragraph (7)(A)(i)(II), includ-

1 ing installing fuelbreaks (including fuelbreaks stud-
2 ied under subsection (i)), with a focus on shaded
3 fuelbreaks when ecologically appropriate, of which—

4 (A) \$250,000,000 shall be made available
5 to the Secretary of the Interior; and

6 (B) \$250,000,000 shall be made available
7 to the Secretary of Agriculture;

8 (15) \$200,000,000 shall be made available for
9 contracting or employing crews of laborers to modify
10 and remove flammable vegetation on Federal land
11 and for using materials from treatments, to the ex-
12 tent practicable, to produce biochar and other inno-
13 vative wood products, including through the use of
14 existing locally based organizations that engage
15 young adults, Native youth, and veterans in service
16 projects, such as youth and conservation corps, of
17 which—

18 (A) \$100,000,000 shall be made available
19 to the Secretary of the Interior; and

20 (B) \$100,000,000 shall be made available
21 to the Secretary of Agriculture;

22 (16) \$200,000,000 shall be made available for
23 post-fire restoration activities that are implemented
24 not later than 3 years after the date that a wildland
25 fire is contained, of which—

1 (A) \$100,000,000 shall be made available
2 to the Secretary of the Interior; and

3 (B) \$100,000,000 shall be made available
4 to the Secretary of Agriculture;

5 (17) \$8,000,000 shall be made available to the
6 Secretary of Agriculture—

7 (A) to provide feedstock to firewood banks;
8 and

9 (B) to provide financial assistance for the
10 operation of firewood banks; and

11 (18) \$10,000,000 shall be available to the Sec-
12 retary of the Interior and the Secretary of Agri-
13 culture for the procurement and placement of wild-
14 fire detection and real-time monitoring equipment,
15 such as sensors, cameras, and other relevant equip-
16 ment, in areas at risk of wildfire or post-burned
17 areas.

18 (d) WILDLAND FIREFIGHTERS.—

19 (1) IN GENERAL.—Subject to the availability of
20 appropriations, not later than 180 days after the
21 date of enactment of this Act, the Secretary of the
22 Interior and the Secretary of Agriculture shall, using
23 the amounts made available under subsection (c)(2),
24 coordinate with the Director of the Office of Per-

1 sonnel Management to develop a distinct “wildland
2 firefighter” occupational series.

3 (2) HAZARDOUS DUTY DIFFERENTIAL NOT AF-
4 FECTED.—Section 5545(d)(1) of title 5, United
5 States Code, is amended by striking “except” and all
6 that follows through “and” at the end and inserting
7 the following: “except—

8 “(A) an employee in an occupational series
9 covering positions for which the primary duties
10 involve the prevention, control, suppression, or
11 management of wildland fires, as determined by
12 the Office; and

13 “(B) in such other circumstances as the
14 Office may by regulation prescribe; and”.

15 (3) CURRENT EMPLOYEES.—Any individual em-
16 ployed as a wildland firefighter on the date on which
17 the occupational series established under paragraph
18 (1) takes effect may elect—

19 (A) to remain in the occupational series in
20 which the individual is employed; or

21 (B) to be included in the “wildland fire-
22 fighter” occupational series established under
23 that paragraph.

24 (4) PERMANENT EMPLOYEES; INCREASE IN
25 SALARY.—Using the amounts made available under

1 subsection (c)(2), beginning October 1, 2021, the
2 Secretary of the Interior and the Secretary of Agri-
3 culture shall—

4 (A) seek to convert not fewer than 1,000
5 seasonal wildland firefighters to wildland fire-
6 fighters that—

7 (i) are full-time, permanent, year-
8 round Federal employees; and

9 (ii) reduce hazardous fuels on Federal
10 land not fewer than 800 hours per year;
11 and

12 (B) increase the base salary of a Federal
13 wildland firefighter by the lesser of an amount
14 that is commensurate with an increase of
15 \$20,000 per year or an amount equal to 50 per-
16 cent of the base salary, if the Secretary con-
17 cerned, in coordination with the Director of the
18 Office of Personnel Management, makes a writ-
19 ten determination that the position of the Fed-
20 eral wildland firefighter is located within a
21 specified geographic area in which it is difficult
22 to recruit or retain a Federal wildland fire-
23 fighter.

24 (5) NATIONAL WILDFIRE COORDINATING
25 GROUP.—Using the amounts made available under

1 subsection (c)(2), not later than October 1, 2022,
2 the Secretary of the Interior and the Secretary of
3 Agriculture shall—

4 (A) develop and adhere to recommenda-
5 tions for mitigation strategies for wildland fire-
6 fighters to minimize exposure due to line-of-
7 duty environmental hazards; and

8 (B) establish programs for permanent,
9 temporary, seasonal, and year-round wildland
10 firefighters to recognize and address mental
11 health needs, including post-traumatic stress
12 disorder care.

13 (e) COLLABORATIVE FOREST LANDSCAPE RESTORA-
14 TION PROGRAM.—Subject to the availability of appropria-
15 tions, not later than 180 days after the date of enactment
16 of this Act, the Secretary of Agriculture shall, using the
17 amounts made available under subsection (c)(10)—

18 (1) solicit new project proposals under the Col-
19 laborative Forest Landscape Restoration Program
20 established under section 4003 of the Omnibus Pub-
21 lic Land Management Act of 2009 (16 U.S.C. 7303)
22 (referred to in this subsection as the “Program”);

23 (2) provide up to 5 years of additional funding
24 of any proposal originally selected for funding under
25 the Program prior to September 30, 2018—

1 (A) that has been approved for an exten-
2 sion of funding by the Secretary of Agriculture
3 prior to the date of enactment of this Act; or

4 (B) that has been recommended for an ex-
5 tension of funding by the advisory panel estab-
6 lished under section 4003(e) of the Omnibus
7 Public Land Management Act of 2009 (16
8 U.S.C. 7303(e)) prior to the date of enactment
9 of this Act that the Secretary of Agriculture
10 subsequently approves; and

11 (3) select project proposals for funding under
12 the Program in a manner that—

13 (A) gives priority to a project proposal that
14 will treat acres that—

15 (i) have been identified as having very
16 high wildfire hazard potential; and

17 (ii) are located in—

18 (I) the wildland-urban interface;

19 or

20 (II) a public drinking water
21 source area;

22 (B) takes into consideration—

23 (i) the cost per acre of Federal land
24 or Indian forest land or rangeland acres

1 described in subparagraph (A) to be treat-
2 ed; and

3 (ii) the number of acres described in
4 subparagraph (A) to be treated;

5 (C) gives priority to a project proposal that
6 is proposed by a collaborative that has success-
7 fully accomplished treatments consistent with a
8 written plan that included a proposed schedule
9 of completing those treatments, which is not
10 limited to an earlier proposal funded under the
11 Program; and

12 (D) discontinues funding for a project that
13 fails to achieve the results included in a project
14 proposal submitted under paragraph (1) for
15 more than 2 consecutive years.

16 (f) COMMUNITY WILDFIRE DEFENSE GRANT PRO-
17 GRAM.—

18 (1) ESTABLISHMENT.—Subject to the avail-
19 ability of appropriations, not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary of Agriculture shall, using amounts made
22 available under subsection (c)(12), establish a pro-
23 gram, which shall be separate from the program es-
24 tablished under section 203 of the Robert T. Staf-
25 ford Disaster Relief and Emergency Assistance Act

1 (42 U.S.C. 5133), under which the Secretary of Ag-
2 riculture, in cooperation with the States, shall award
3 grants to at-risk communities, including Indian
4 Tribes—

5 (A) to develop or revise a community wild-
6 fire protection plan; and

7 (B) to carry out projects described in a
8 community wildfire protection plan that is not
9 more than 10 years old.

10 (2) PRIORITY.—In awarding grants under the
11 program described in paragraph (1), the Secretary
12 of Agriculture shall give priority to an at-risk com-
13 munity that is—

14 (A) in an area identified by the Secretary
15 of Agriculture as having high or very high wild-
16 fire hazard potential;

17 (B) a low-income community; or

18 (C) a community impacted by a severe dis-
19 aster.

20 (3) COMMUNITY WILDFIRE DEFENSE
21 GRANTS.—

22 (A) GRANT AMOUNTS.—A grant—

23 (i) awarded under paragraph (1)(A)
24 shall be for not more than \$250,000; and

1 (ii) awarded under paragraph (1)(B)
2 shall be for not more than \$10,000,000.

3 (B) COST SHARING REQUIREMENT.—

4 (i) IN GENERAL.—Expect as provided
5 in clause (ii), the non-Federal cost (includ-
6 ing the administrative cost) of carrying out
7 a project using funds from a grant award-
8 ed under the program described in para-
9 graph (1) shall be—

10 (I) not less than 10 percent for a
11 grant awarded under paragraph
12 (1)(A); and

13 (II) not less than 25 percent for
14 a grant awarded under paragraph
15 (1)(B).

16 (ii) WAIVER.—The Secretary of Agri-
17 culture may waive the cost-sharing require-
18 ment under clause (i) for a project that
19 serves an underserved community.

20 (C) ELIGIBILITY.—The Secretary of Agri-
21 culture shall not award a grant under para-
22 graph (1) to an at-risk community that is lo-
23 cated in a county or community that—

24 (i) is located in the continental United
25 States; and

1 (ii) has not adopted an ordinance or
2 regulation that requires the construction of
3 new roofs on buildings to adhere to stand-
4 ards that are similar to, or more stringent
5 than—

6 (I) the roof construction stand-
7 ards established by the National Fire
8 Protection Association; or

9 (II) an applicable model building
10 code established by the International
11 Code Council.

12 (g) PRIORITIES.—In carrying out projects using
13 amounts made available under this section, the Secretary
14 of the Interior or the Secretary of Agriculture, acting
15 through the Chief of the Forest Service, as applicable,
16 shall prioritize funding for projects—

17 (1) for which any applicable processes under
18 the National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.) have been completed on the
20 date of enactment of this Act;

21 (2) that reduce the likelihood of experiencing
22 uncharacteristically severe effects from a potential
23 wildfire by focusing on areas strategically important
24 for reducing the risks associated with wildfires;

1 (3) that maximize the retention of large trees,
2 as appropriate for the forest type, to the extent that
3 the trees promote fire-resilient stands;

4 (4) that do not include the establishment of
5 permanent roads;

6 (5) for which funding would be committed to
7 decommission all temporary roads constructed to
8 carry out the project; and

9 (6) that fully maintain or contribute toward the
10 restoration of the structure and composition of old
11 growth stands consistent with the characteristics of
12 that forest type, taking into account the contribution
13 of the old growth stand to landscape fire adaption
14 and watershed health, unless the old growth stand is
15 part of a science-based ecological restoration project
16 authorized by the Secretary concerned that meets
17 applicable protection and old growth enhancement
18 objectives, as determined by the Secretary con-
19 cerned.

20 (h) REPORTS.— The Secretary of the Interior and
21 the Secretary of Agriculture, acting through the Chief of
22 the Forest Service, shall complete and submit to the Com-
23 mittee on Energy and Natural Resources of the Senate
24 and the Committee on Natural Resources of the House
25 of Representatives an annual report describing the num-

1 ber of acres of land on which projects carried out using
2 funds made available under this section improved the Fire
3 Regime Condition Class of the land described in sub-
4 section (b).

5 (i) WILDFIRE PREVENTION STUDY.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this Act, the Sec-
8 retary of Agriculture shall initiate a study of the
9 construction and maintenance of a system of strate-
10 gically placed fuelbreaks to control wildfires in west-
11 ern States.

12 (2) REVIEW.—The study under paragraph (1)
13 shall review—

14 (A) a full suite of manual, chemical, and
15 mechanical treatments; and

16 (B) the effectiveness of the system de-
17 scribed in that paragraph in reducing wildfire
18 risk and protecting communities.

19 (3) DETERMINATION.—Not later than 90 days
20 after the date of completion of the study under para-
21 graph (1), the Secretary of Agriculture shall deter-
22 mine whether to initiate the preparation of a pro-
23 grammatic environmental impact statement imple-
24 menting the system described in that paragraph in
25 appropriate locations.

1 (j) MONITORING, MAINTENANCE, AND TREATMENT
2 PLAN AND STRATEGY.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of enactment of this Act, the Sec-
5 retary of Agriculture and the Secretary of the Inte-
6 rior shall establish a 5-year monitoring, mainte-
7 nance, and treatment plan that—

8 (A) describes activities under subsection
9 (c) that the Secretary of Agriculture and the
10 Secretary of the Interior will take to reduce the
11 risk of wildfire by conducting restoration treat-
12 ments and improving the Fire Regime Condi-
13 tion Class of 10,000,000 acres of Federal land
14 or Tribal Forest land or rangeland that is iden-
15 tified as having very high wildfire hazard poten-
16 tial, not including annual treatments otherwise
17 scheduled;

18 (B) establishes a process for prioritizing
19 treatments in areas and communities at the
20 highest risk of catastrophic wildfires;

21 (C) includes an innovative plan and proc-
22 ess—

23 (i) to leverage public-private partner-
24 ships and resources, shared stewardship

1 agreements, good neighbor agreements,
2 and similar contracting authorities;

3 (ii) to prioritize projects for which any
4 applicable processes under the National
5 Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) have been completed
7 as of the date of enactment of this Act;

8 (iii) to streamline subsequent projects
9 based on existing statutory or regulatory
10 authorities; and

11 (iv) to develop interagency teams to
12 increase coordination and efficiency under
13 the National Environmental Policy Act of
14 1969 (42 U.S.C. 4321); and

15 (D) establishes a process for coordinating
16 prioritization and treatment with State and
17 local entities and affected stakeholders.

18 (2) STRATEGY.—Not later than 5 years after
19 the date of enactment of this Act, the Secretary of
20 Agriculture and the Secretary of the Interior, in co-
21 ordination with State and local governments, shall
22 publish a long-term, outcome-based monitoring,
23 maintenance, and treatment strategy—

1 (A) to maintain forest health improve-
2 ments and wildfire risk reduction accomplished
3 under this section;

4 (B) to continue treatment at levels nec-
5 essary to address the 20,000,000 acres needing
6 priority treatment over the 10-year period be-
7 ginning on the date of publication of the strat-
8 egy; and

9 (C) to proactively conduct treatment at a
10 level necessary to minimize the risk of wildfire
11 to surrounding at-risk communities.

12 (k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—
13 A project carried out using funding authorized under
14 paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall
15 be considered an authorized hazardous fuel reduction
16 project pursuant to section 102 of the Healthy Forests
17 Restoration Act of 2003 (16 U.S.C. 6512).

18 **SEC. 8004. ECOSYSTEM RESTORATION.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary of the Inte-
21 rior and the Secretary of Agriculture, acting through the
22 Chief of the Forest Service, for the activities described in
23 subsection (b), \$2,130,000,000 for the period of fiscal
24 years 2022 through 2026.

1 (b) ACTIVITIES.—Of the amounts made available
2 under subsection (a) for the period of fiscal years 2022
3 through 2026—

4 (1) \$300,000,000 shall be made available, in
5 accordance with subsection (c), to the Secretary of
6 the Interior and the Secretary of Agriculture—

7 (A) for—

8 (i) entering into contracts, including
9 stewardship contracts or agreements, the
10 purpose of each of which shall be to restore
11 ecological health on not fewer than 10,000
12 acres of Federal land, including Indian for-
13 est land or rangeland, and for salaries and
14 expenses associated with preparing and
15 executing those contracts; and

16 (ii) establishing a Working Capital
17 Fund that may be accessed by the Sec-
18 retary of the Interior or the Secretary of
19 Agriculture to fund requirements of con-
20 tracts described in clause (i), including
21 cancellation and termination costs, con-
22 sistent with section 604(h) of the Healthy
23 Forests Restoration Act of 2003 (16
24 U.S.C. 6591e(h)), and periodic payments
25 over the span of the contract period; and

1 (B) of which—

2 (i) \$50,000,000 shall be made avail-
3 able to the Secretary of the Interior to
4 enter into contracts described in subpara-
5 graph (A)(i);

6 (ii) \$150,000,000 shall be made avail-
7 able to the Secretary of Agriculture to
8 enter into contracts described in subpara-
9 graph (A)(i); and

10 (iii) \$100,000,000 shall be made
11 available until expended to the Secretary of
12 the Interior, notwithstanding any other
13 provision of this Act, to establish the
14 Working Capital Fund described in sub-
15 paragraph (A)(ii);

16 (2) \$200,000,000 shall be made available to
17 provide to States and Indian Tribes for imple-
18 menting restoration projects on Federal land pursu-
19 ant to good neighbor agreements entered into under
20 section 8206 of the Agricultural Act of 2014 (16
21 U.S.C. 2113a) or agreements entered into under sec-
22 tion 2(b) of the Tribal Forest Protection Act of
23 2004 (25 U.S.C. 3115a(b)), of which—

24 (A) \$40,000,000 shall be made available to
25 the Secretary of the Interior; and

1 (B) \$160,000,000 shall be made available
2 to the Secretary of Agriculture;

3 (3) \$400,000,000 shall be made available to the
4 Secretary of Agriculture to provide financial assist-
5 ance to facilities that purchase and process byprod-
6 ucts from ecosystem restoration projects in accord-
7 ance with subsection (d);

8 (4) \$400,000,000 shall be made available to the
9 Secretary of the Interior to provide grants to States,
10 territories of the United States, and Indian Tribes
11 for implementing voluntary ecosystem restoration
12 projects on private or public land, in consultation
13 with the Secretary of Agriculture, that—

14 (A) prioritizes funding cross-boundary
15 projects; and

16 (B) requires matching funding from the
17 State, territory of the United States, or Indian
18 Tribe to be eligible to receive the funding;

19 (5) \$50,000,000 shall be made available to the
20 Secretary of Agriculture to award grants to States
21 and Indian Tribes to establish rental programs for
22 portable skidder bridges, bridge mats, or other tem-
23 porary water crossing structures, to minimize stream
24 bed disturbance on non-Federal land and Federal
25 land;

1 (6) \$200,000,000 shall be made available for
2 invasive species detection, prevention, and eradi-
3 cation, including conducting research and providing
4 resources to facilitate detection of invasive species at
5 points of entry and awarding grants for eradication
6 of invasive species on non-Federal land and on Fed-
7 eral land, of which—

8 (A) \$100,000,000 shall be made available
9 to the Secretary of the Interior; and

10 (B) \$100,000,000 shall be made available
11 to the Secretary of Agriculture;

12 (7) \$100,000,000 shall be made available to re-
13 store, prepare, or adapt recreation sites on Federal
14 land, including Indian forest land or rangeland, in
15 accordance with subsection (e);

16 (8) \$200,000,000 shall be made available to re-
17 store native vegetation and mitigate environmental
18 hazards on mined land on Federal and non-Federal
19 land, of which—

20 (A) \$100,000,000 shall be made available
21 to the Secretary of the Interior; and

22 (B) \$100,000,000 shall be made available
23 to the Secretary of Agriculture;

24 (9) \$200,000,000 shall be made available to es-
25 tablish and implement a national revegetation effort

1 on Federal and non-Federal land, including to im-
2 plement the National Seed Strategy for Rehabilita-
3 tion and Restoration, of which—

4 (A) \$70,000,000 shall be made available to
5 the Secretary of the Interior; and

6 (B) \$130,000,000 shall be made available
7 to the Secretary of Agriculture; and

8 (10) \$80,000,000 shall be made available to the
9 Secretary of Agriculture, in coordination with the
10 Secretary of the Interior, to establish a collaborative-
11 based, landscape-scale restoration program to re-
12 store water quality or fish passage on Federal land,
13 including Indian forest land or rangeland, in accord-
14 ance with subsection (f).

15 (c) ECOLOGICAL HEALTH RESTORATION CON-
16 TRACTS.—

17 (1) SUBMISSION OF LIST OF PROJECTS TO CON-
18 GRESS.—Until the date on which all of the amounts
19 made available to carry out subsection (b)(1)(A)(i)
20 are expended, not later than 90 days before the end
21 of each fiscal year, the Secretary of the Interior and
22 the Secretary of Agriculture shall submit to the
23 Committee on Energy and Natural Resources and
24 the Committee on Appropriations of the Senate and
25 the Committee on Natural Resources and the Com-

1 committee on Appropriations of the House of Represent-
2 atives a list of projects to be funded under that sub-
3 section in the subsequent fiscal year, including—

4 (A) a detailed description of each project;

5 and

6 (B) an estimate of the cost, including sala-
7 ries and expenses, for the project.

8 (2) ALTERNATE ALLOCATION.—Appropriations
9 Acts may provide for alternate allocation of amounts
10 made available under subsection (b)(1), consistent
11 with the allocations under subparagraph (B) of that
12 subsection.

13 (3) LACK OF ALTERNATE ALLOCATIONS.—If
14 Congress has not enacted legislation establishing al-
15 ternate allocations described in paragraph (2) by the
16 date on which the Act making full-year appropria-
17 tions for the Department of the Interior, Environ-
18 ment, and Related Agencies for the applicable fiscal
19 year is enacted into law, amounts made available
20 under subsection (b)(1)(B) shall be allocated by the
21 President.

22 (d) WOOD PRODUCTS INFRASTRUCTURE.—The Sec-
23 retary of Agriculture, in coordination with the Secretary
24 of the Interior, shall—

1 (1) develop a ranking system that categorizes
2 units of Federal land, including Indian forest land
3 or rangeland, with regard to treating areas at risk
4 of unnaturally severe wildfire or insect or disease in-
5 festation, as being—

6 (A) very low priority for ecological restora-
7 tion involving vegetation removal;

8 (B) low priority for ecological restoration
9 involving vegetation removal;

10 (C) medium priority for ecological restora-
11 tion involving vegetation removal;

12 (D) high priority for ecological restoration
13 involving vegetation removal; or

14 (E) very high priority for ecological res-
15 toration involving vegetation removal;

16 (2) determine, for a unit identified under para-
17 graph (1) as being high or very high priority for eco-
18 logical restoration involving vegetation removal, if—

19 (A) a sawmill or other wood-processing fa-
20 cility exists in close proximity to, or a forest
21 worker is seeking to conduct restoration treat-
22 ment work on or in close proximity to, the unit;
23 and

24 (B) the presence of a sawmill or other
25 wood-processing facility would substantially de-

1 crease or does substantially decrease the cost of
2 conducting ecological restoration projects in-
3 volving vegetation removal;

4 (3) in accordance with any conditions the Sec-
5 retary of Agriculture determines to be necessary,
6 using the amounts made available under subsection
7 (b)(3), provide financial assistance, including a low-
8 interest loan or a loan guarantee, to an entity seek-
9 ing to establish, reopen, retrofit, expand, or improve
10 a sawmill or other wood-processing facility in close
11 proximity to a unit of Federal land that has been
12 identified under paragraph (1) as high or very high
13 priority for ecological restoration, if the presence of
14 a sawmill or other wood-processing facility would
15 substantially decrease or does substantially decrease
16 the cost of conducting ecological restoration projects
17 involving vegetation removal on the unit of Federal
18 land, including Indian forest land or rangeland, as
19 determined under paragraph (2)(B); and

20 (4) to the extent practicable, when allocating
21 funding to units of Federal land for ecological res-
22 toration projects involving vegetation removal, give
23 priority to a unit of Federal land that—

24 (A) has been identified under paragraph
25 (1) as being high or very high priority for eco-

1 logical restoration involving vegetation removal;
2 and

3 (B) has a sawmill or other wood-processing
4 facility—

5 (i) that, as determined under para-
6 graph (2)—

7 (I) exists in close proximity to
8 the unit; and

9 (II) does substantially decrease
10 the cost of conducting ecological res-
11 toration projects involving vegetation
12 removal on the unit; or

13 (ii) that has received financial assist-
14 ance under paragraph (3).

15 (e) RECREATION SITES.—

16 (1) SITE RESTORATION AND IMPROVEMENTS.—

17 Of the amounts made available under subsection
18 (b)(7), \$45,000,000 shall be made available to the
19 Secretary of the Interior and \$35,000,000 shall be
20 made available the Secretary of Agriculture to re-
21 store, prepare, or adapt recreation sites on Federal
22 land, including Indian forest land or rangeland, that
23 have experienced or may likely experience visitation
24 and use beyond the carrying capacity of the sites.

25 (2) PUBLIC USE RECREATION CABINS.—

1 (A) IN GENERAL.—Of the amounts made
2 available under subsection (b)(7), \$20,000,000
3 shall be made available to the Secretary of Ag-
4 riculture for—

5 (i) the operation, repair, reconstruc-
6 tion, and construction of public use recre-
7 ation cabins on National Forest System
8 land; and

9 (ii) to the extent necessary, the repair
10 or reconstruction of historic buildings that
11 are to be outleased under section 306121
12 of title 54, United States Code.

13 (B) INCLUSION.—Of the amount described
14 in subparagraph (A), \$5,000,000 shall be made
15 available to the Secretary of Agriculture for as-
16 sociated salaries and expenses in carrying out
17 that subparagraph.

18 (C) AGREEMENTS.—The Secretary of Ag-
19 riculture may enter into a lease or cooperative
20 agreement with a State, Indian Tribe, local gov-
21 ernment, or private entity—

22 (i) to carry out the activities described
23 in subparagraph (A); or

1 (ii) to manage the renting of a cabin
2 or building described in subparagraph (A)
3 to the public.

4 (3) EXCLUSION.—A project shall not be eligible
5 for funding under this subsection if—

6 (A) funding for the project would be used
7 for deferred maintenance, as defined by Federal
8 Accounting Standards Advisory Board; and

9 (B) the Secretary of the Interior or the
10 Secretary of Agriculture has identified the
11 project for funding from the National Parks
12 and Public Land Legacy Restoration Fund es-
13 tablished by section 200402(a) of title 54,
14 United States Code.

15 (f) COLLABORATIVE-BASED, AQUATIC-FOCUSED,
16 LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to
17 the availability of appropriations, not later than 180 days
18 after the date of enactment of this Act, the Secretary of
19 Agriculture shall, in coordination with the Secretary of the
20 Interior and using the amounts made available under sub-
21 section (b)(10)—

22 (1) solicit collaboratively developed proposals
23 that—

24 (A) are for 5-year projects to restore fish
25 passage or water quality on Federal land and

1 non-Federal land to the extent allowed under
2 section 323(a) of the Department of the Inte-
3 rior and Related Agencies Appropriations Act,
4 1999 (16 U.S.C. 1011a(a)), including Indian
5 forest land or rangeland;

6 (B) contain proposed accomplishments and
7 proposed non-Federal funding; and

8 (C) request not more than \$5,000,000 in
9 funding made available under subsection
10 (b)(10);

11 (2) select project proposals for funding in a
12 manner that—

13 (A) gives priority to a project proposal that
14 would result in the most miles of streams being
15 restored for the lowest amount of Federal fund-
16 ing; and

17 (B) discontinues funding for a project that
18 fails to achieve the results included in a pro-
19 posal submitted under paragraph (1) for more
20 than 2 consecutive years; and

21 (3) publish a list of—

22 (A) all of the priority watersheds on Na-
23 tional Forest System land;

24 (B) the condition of each priority water-
25 shed on the date of enactment of this Act; and

1 (C) the condition of each priority water-
2 shed on the date that is 5 years after the date
3 of enactment of this Act.

4 **SEC. 8005. GAO STUDY.**

5 (a) STUDY.—Not later than 6 years after the date
6 of enactment of this Act, the Comptroller General of the
7 United States shall—

8 (1) conduct a study on the implementation of
9 this title and the amendments made by this title, in-
10 cluding whether this title and the amendments made
11 by this title have—

12 (A) effectively reduced wildfire risk, includ-
13 ing the extent to which the wildfire hazard on
14 Federal land has changed; and

15 (B) restored ecosystems on Federal and
16 non-Federal land; and

17 (2) submit to Congress a report that describes
18 the results of the study under paragraph (1).

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Comptroller General
21 of the United States for the activities described in sub-
22 section (a) \$800,000.

1 **SEC. 8006. ESTABLISHMENT OF FUEL BREAKS IN FORESTS**
2 **AND OTHER WILDLAND VEGETATION.**

3 (a) DEFINITION OF SECRETARY CONCERNED.—In
4 this section, the term “Secretary concerned” means—

5 (1) the Secretary of Agriculture, with respect to
6 National Forest System land; and

7 (2) the Secretary of the Interior, with respect
8 to public lands (as defined in section 103 of the
9 Federal Land Policy and Management Act of 1976
10 (43 U.S.C. 1702)) administered by the Bureau of
11 Land Management.

12 (b) CATEGORICAL EXCLUSION ESTABLISHED.—For-
13 est management activities described in subsection (c) are
14 a category of actions designated as being categorically ex-
15 cluded from the preparation of an environmental assess-
16 ment or an environmental impact statement under the Na-
17 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
18 et seq.) if the categorical exclusion is documented through
19 a supporting record and decision memorandum.

20 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED
21 FOR CATEGORICAL EXCLUSION.—

22 (1) IN GENERAL.—The category of forest man-
23 agement activities designated under subsection (b)
24 for a categorical exclusion are forest management
25 activities described in paragraph (2) that are carried
26 out by the Secretary concerned on public lands (as

1 defined in section 103 of the Federal Land Policy
2 and Management Act of 1976 (43 U.S.C. 1702)) ad-
3 ministered by the Bureau of Land Management or
4 National Forest System land the primary purpose of
5 which is to establish and maintain linear fuel breaks
6 that are—

7 (A) up to 1,000 feet in width contiguous
8 with or incorporating existing linear features,
9 such as roads, water infrastructure, trans-
10 mission and distribution lines, and pipelines of
11 any length on Federal land; and

12 (B) intended to reduce the risk of
13 uncharacteristic wildfire on Federal land or cat-
14 astrophic wildfire for an adjacent at-risk com-
15 munity.

16 (2) ACTIVITIES.—Subject to paragraph (3), the
17 forest management activities that may be carried out
18 pursuant to the categorical exclusion established
19 under subsection (b) are—

20 (A) mowing or masticating;

21 (B) thinning by manual and mechanical
22 cutting;

23 (C) piling, yarding, and removal of slash or
24 hazardous fuels;

- 1 (D) selling of vegetation products, includ-
2 ing timber, firewood, biomass, slash, and fence-
3 posts;
- 4 (E) targeted grazing;
- 5 (F) application of—
- 6 (i) pesticide;
- 7 (ii) biopesticide; or
- 8 (iii) herbicide;
- 9 (G) seeding of native species;
- 10 (H) controlled burns and broadcast burn-
11 ing; and
- 12 (I) burning of piles, including jackpot
13 piles.
- 14 (3) EXCLUDED ACTIVITIES.—A forest manage-
15 ment activity described in paragraph (2) may not be
16 carried out pursuant to the categorical exclusion es-
17 tablished under subsection (b) if the activity is con-
18 ducted—
- 19 (A) in a component of the National Wilder-
20 ness Preservation System;
- 21 (B) on Federal land on which the removal
22 of vegetation is prohibited or restricted by Act
23 of Congress, Presidential proclamation (includ-
24 ing the applicable implementation plan), or reg-
25 ulation;

1 (C) in a wilderness study area; or

2 (D) in an area in which carrying out the
3 activity would be inconsistent with the applica-
4 ble land management plan or resource manage-
5 ment plan.

6 (4) EXTRAORDINARY CIRCUMSTANCES.—The
7 Secretary concerned shall apply the extraordinary
8 circumstances procedures under section 220.6 of
9 title 36, Code of Federal Regulations (or a successor
10 regulation), in determining whether to use a categor-
11 ical exclusion under subsection (b).

12 (d) ACREAGE AND LOCATION LIMITATIONS.—Treat-
13 ments of vegetation in linear fuel breaks covered by the
14 categorical exclusion established under subsection (b)—

15 (1) may not contain treatment units in excess
16 of 3,000 acres;

17 (2) shall be located primarily in—

18 (A) the wildland-urban interface or a pub-
19 lic drinking water source area;

20 (B) if located outside the wildland-urban
21 interface or a public drinking water source
22 area, an area within Condition Class 2 or 3 in
23 Fire Regime Group I, II, or III that contains
24 very high wildfire hazard potential; or

1 (C) an insect or disease area designated by
2 the Secretary concerned as of the date of enact-
3 ment of this Act; and

4 (3) shall consider the best available scientific
5 information.

6 (e) ROADS.—

7 (1) PERMANENT ROADS.—A project under this
8 section shall not include the establishment of perma-
9 nent roads.

10 (2) EXISTING ROADS.—The Secretary con-
11 cerned may carry out necessary maintenance and re-
12 pairs on existing permanent roads for the purposes
13 of this section.

14 (3) TEMPORARY ROADS.—The Secretary con-
15 cerned shall decommission any temporary road con-
16 structed under a project under this section not later
17 than 3 years after the date on which the project is
18 completed.

19 (f) PUBLIC COLLABORATION.—To encourage mean-
20 ingful public participation during the preparation of a
21 project under this section, the Secretary concerned shall
22 facilitate, during the preparation of each project—

23 (1) collaboration among State and local govern-
24 ments and Indian Tribes; and

25 (2) participation of interested persons.

1 **SEC. 8007. EMERGENCY ACTIONS.**

2 (a) DEFINITIONS.—In this section:

3 (1) AUTHORIZED EMERGENCY ACTION.—The
4 term “authorized emergency action” means an ac-
5 tion carried out pursuant to an emergency situation
6 determination to mitigate the harm to life, property,
7 or important natural or cultural resources on Na-
8 tional Forest System land or adjacent land.

9 (2) EMERGENCY SITUATION.—The term “emer-
10 gency situation” means a situation on National For-
11 est System land for which immediate implementation
12 of 1 or more authorized emergency actions is nec-
13 essary to achieve 1 or more of the following results:

14 (A) Relief from hazards threatening
15 human health and safety.

16 (B) Mitigation of threats to natural re-
17 sources on National Forest System land or ad-
18 jacent land.

19 (3) EMERGENCY SITUATION DETERMINATION.—
20 The term “emergency situation determination”
21 means a determination made by the Secretary under
22 subsection (b)(1)(A).

23 (4) LAND AND RESOURCE MANAGEMENT
24 PLAN.—The term “land and resource management
25 plan” means a plan developed under section 6 of the

1 Forest and Rangeland Renewable Resources Plan-
2 ning Act of 1974 (16 U.S.C. 1604).

3 (5) NATIONAL FOREST SYSTEM LAND.—The
4 term “National Forest System land” means land of
5 the National Forest System (as defined in section
6 11(a) of the Forest and Rangeland Renewable Re-
7 sources Planning Act of 1974 (16 U.S.C 1609(a))).

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 (b) AUTHORIZED EMERGENCY ACTIONS TO RESPOND
11 TO EMERGENCY SITUATIONS.—

12 (1) DETERMINATION.—

13 (A) IN GENERAL.—The Secretary may
14 make a determination that an emergency situa-
15 tion exists with respect to National Forest Sys-
16 tem land.

17 (B) REVIEW.—An emergency situation de-
18 termination shall not be subject to objection
19 under the predecisional administrative review
20 processes under part 218 of title 36, Code of
21 Federal Regulations (or successor regulations).

22 (C) APPLICABILITY.—An emergency situa-
23 tion determination shall not be subject to the
24 National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) or any other applicable
2 law.

3 (2) AUTHORIZED EMERGENCY ACTIONS.—After
4 making an emergency situation determination with
5 respect to National Forest System land, the Sec-
6 retary may carry out authorized emergency actions
7 on that National Forest System land, including
8 through—

9 (A) the salvage of dead or dying trees;

10 (B) the harvest of trees damaged by wind
11 or ice;

12 (C) the commercial and noncommercial
13 sanitation harvest of trees to control insects or
14 disease, including trees already infested with in-
15 sects or disease;

16 (D) the reforestation or replanting of fire-
17 impacted areas through planting, control of
18 competing vegetation, or other activities that
19 enhance natural regeneration and restore forest
20 species;

21 (E) the removal of hazardous trees in close
22 proximity to roads and trails;

23 (F) the removal of hazardous fuels;

24 (G) the restoration of water sources or in-
25 frastructure;

1 (H) the reconstruction of existing utility
2 lines; and

3 (I) the replacement of underground cables.

4 (3) RELATION TO LAND AND RESOURCE MAN-
5 AGEMENT PLANS.—To the maximum extent prac-
6 ticable, any authorized emergency action carried out
7 under paragraph (2) shall be conducted consistent
8 with the land and resource management plan.

9 (4) ACREAGE LIMITATIONS.—A treatment area
10 covered by an emergency situation determination on
11 which an authorized emergency action is carried out
12 pursuant to paragraph (2) shall consist of not more
13 than 10,000 acres of National Forest System land.

14 (c) ENVIRONMENTAL ANALYSIS.—

15 (1) ENVIRONMENTAL ASSESSMENT OR ENVI-
16 RONMENTAL IMPACT STATEMENT.—If the Secretary
17 determines that an authorized emergency action re-
18 quires an environmental assessment or an environ-
19 mental impact statement pursuant to section 102(2)
20 of the National Environmental Policy Act of 1969
21 (42 U.S.C. 4332(2)), the Secretary shall study, de-
22 velop, and describe only—

23 (A) the proposed agency action; and

24 (B) the alternative of no action.

1 (2) PUBLIC NOTICE.—The Secretary shall pro-
2 vide notice of each authorized emergency action that
3 the Secretary determines requires an environmental
4 assessment or environmental impact statement
5 under paragraph (1), in accordance with applicable
6 regulations and administrative guidelines.

7 (3) PUBLIC COMMENT.—The Secretary shall
8 provide an opportunity for public comment during
9 the preparation of any environmental assessment or
10 environmental impact statement under paragraph
11 (1).

12 (4) SAVINGS CLAUSE.—Nothing in this sub-
13 section prohibits the Secretary from making an
14 emergency situation determination, including a de-
15 termination that an emergency exists pursuant to
16 section 218.21(a) or 220.4(b) of title 36, Code of
17 Federal Regulations (or successor regulations), that
18 makes it necessary to take an emergency action be-
19 fore preparing an environmental assessment or envi-
20 ronmental impact statement under the National En-
21 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.).

23 (d) ADMINISTRATIVE REVIEW OF AUTHORIZED
24 EMERGENCY ACTIONS.—An authorized emergency action
25 carried out under this section shall not be subject to objec-

1 tion under the predecisional administrative review pro-
2 cesses established under section 105 of the Healthy Forests
3 Restoration Act of 2003 (16 U.S.C. 6515) and section 428
4 of the Department of the Interior, Environment, and Re-
5 lated Agencies Appropriations Act, 2012 (16 U.S.C. 6515
6 note; Public Law 112–74).

7 (e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—

8 (1) IN GENERAL.—Section 106 of the Healthy
9 Forests Restoration Act of 2003 (16 U.S.C. 6516)
10 shall apply to an authorized emergency action car-
11 ried out under this section.

12 (2) REQUIREMENT FOR INJUNCTION.—A court
13 shall not enjoin an authorized emergency action
14 under this section if the court determines that the
15 plaintiff is unable to demonstrate that the claim of
16 the plaintiff is likely to succeed on the merits.

17 (f) NOTIFICATION AND GUIDANCE.—The Secretary
18 shall provide notification and guidance to each local field
19 office of the Forest Service to ensure awareness of, compli-
20 ance with, and appropriate use of the authorized emer-
21 gency action authority under this section.

1 **TITLE IX—WESTERN WATER**
2 **INFRASTRUCTURE**

3 **SEC. 9001. AUTHORIZATIONS OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of the Interior, acting through the Commissioner
6 of Reclamation (referred to in this title as the “Sec-
7 retary”), for the period of fiscal years 2022 through
8 2026—

9 (1) \$1,150,000,000 for water storage, ground-
10 water storage, and conveyance projects in accord-
11 ance with section 9002, of which \$100,000,000 shall
12 be made available to provide grants to plan and con-
13 struct small surface water and groundwater storage
14 projects in accordance with section 9003;

15 (2) \$3,200,000,000 for the Aging Infrastruc-
16 ture Account established by subsection (d)(1) of sec-
17 tion 9603 of the Omnibus Public Land Management
18 Act of 2009 (43 U.S.C. 510b), to be made available
19 for activities in accordance with that subsection, in-
20 cluding major rehabilitation and replacement activi-
21 ties, as identified in the Asset Management Report
22 of the Bureau of Reclamation dated April 2021, of
23 which—

24 (A) \$100,000,000 shall be made available
25 for Bureau of Reclamation reserved or trans-

1 ferred works that have suffered a critical fail-
2 ure, in accordance with section 9004(a); and

3 (B) \$100,000,000 shall be made available
4 for the rehabilitation, reconstruction, or re-
5 placement of a dam in accordance with
6 9004(b);

7 (3) \$1,000,000,000 for rural water projects
8 that have been authorized by an Act of Congress be-
9 fore July 1, 2021, in accordance with the Reclama-
10 tion Rural Water Supply Act of 2006 (43 U.S.C.
11 2401 et seq.);

12 (4) \$1,000,000,000 for water recycling and
13 reuse projects, of which—

14 (A) \$550,000,000 shall be made available
15 for water recycling and reuse projects author-
16 ized in accordance with the Reclamation Waste-
17 water and Groundwater Study and Facilities
18 Act (43 U.S.C. 390h et seq.) that are—

19 (i) authorized or approved for con-
20 struction funding by an Act of Congress
21 before the date of enactment of this Act;
22 or

23 (ii) selected for funding under the
24 competitive grant program authorized pur-
25 suant to section 1602(f) of the Reclama-

1 tion Wastewater and Groundwater Study
2 and Facilities Act (43 U.S.C. 390h(f)),
3 with funding under this subparagraph to
4 be provided in accordance with that sec-
5 tion, notwithstanding section 4013 of the
6 Water Infrastructure Improvements for the
7 Nation Act (43 U.S.C. 390b note; Public
8 Law 114–322), except that section
9 1602(g)(2) of the Reclamation Wastewater
10 and Groundwater Study and Facilities Act
11 (43 U.S.C. 390h(g)(2)) shall not apply to
12 amounts made available under this sub-
13 paragraph; and

14 (B) \$450,000,000 shall be made available
15 for large-scale water recycling and reuse
16 projects in accordance with section 9005;

17 (5) \$250,000,000 for water desalination
18 projects and studies authorized in accordance with
19 the Water Desalination Act of 1996 (42 U.S.C.
20 10301 note; Public Law 104–298) that are—

21 (A) authorized or approved for construc-
22 tion funding by an Act of Congress before July
23 1, 2021; or

24 (B) selected for funding under the pro-
25 gram authorized pursuant to section 4(a) of the

1 Water Desalination Act of 1996 (42 U.S.C.
2 10301 note; Public Law 104–298), with fund-
3 ing to be made available under this paragraph
4 in accordance with that subsection, notwith-
5 standing section 4013 of the Water Infrastruc-
6 ture Improvements for the Nation Act (43
7 U.S.C. 390b note; Public Law 114–322), except
8 that paragraph (2)(F) of section 4(a) of the
9 Water Desalination Act of 1996 (42 U.S.C.
10 10301 note; Public Law 104–298) (as redesign-
11 nated by section 9008) shall not apply to
12 amounts made available under this paragraph;
13 (6) \$500,000,000 for the safety of dams pro-
14 gram, in accordance with the Reclamation Safety of
15 Dams Act of 1978 (43 U.S.C. 506 et seq.);
16 (7) \$400,000,000 for WaterSMART grants in
17 accordance with section 9504 of the Omnibus Public
18 Land Management Act of 2009 (42 U.S.C. 10364),
19 of which \$100,000,000 shall be made available for
20 projects that would improve the condition of a nat-
21 ural feature or nature-based feature (as those terms
22 are defined in section 9502 of the Omnibus Public
23 Land Management Act of 2009 (42 U.S.C. 10362));
24 (8) subject to section 9006, \$300,000,000 for
25 implementing the Colorado River Basin Drought

1 Contingency Plan, consistent with the obligations of
2 the Secretary under the Colorado River Drought
3 Contingency Plan Authorization Act (Public Law
4 116–14; 133 Stat. 850) and related agreements, of
5 which \$50,000,000 shall be made available for use
6 in accordance with the Drought Contingency Plan
7 for the Upper Colorado River Basin;

8 (9) \$100,000,000 to provide financial assistance
9 for watershed management projects in accordance
10 with subtitle A of title VI of the Omnibus Public
11 Land Management Act of 2009 (16 U.S.C. 1015 et
12 seq.);

13 (10) \$250,000,000 for design, study, and con-
14 struction of aquatic ecosystem restoration and pro-
15 tection projects in accordance with section 1109 of
16 division FF of the Consolidated Appropriations Act,
17 2021 (Public Law 116–260);

18 (11) \$100,000,000 for multi-benefit projects to
19 improve watershed health in accordance with section
20 9007; and

21 (12) \$50,000,000 for endangered species recov-
22 ery and conservation programs in the Colorado River
23 Basin in accordance with—

24 (A) Public Law 106–392 (114 Stat. 1602);

1 (B) the Grand Canyon Protection Act of
2 1992 (Public Law 102–575; 106 Stat. 4669);
3 and

4 (C) subtitle E of title IX of the Omnibus
5 Public Land Management Act of 2009 (Public
6 Law 111–11; 123 Stat. 1327).

7 **SEC. 9002. WATER STORAGE, GROUNDWATER STORAGE,**
8 **AND CONVEYANCE PROJECTS.**

9 (a) **ELIGIBILITY FOR FUNDING.—**

10 (1) **FEASIBILITY STUDIES.—**

11 (A) **IN GENERAL.—**A feasibility study shall
12 only be eligible for funding under section
13 9001(1) if—

14 (i) the feasibility study has been au-
15 thorized by an Act of Congress before the
16 date of enactment of this Act;

17 (ii) Congress has approved funding
18 for the feasibility study in accordance with
19 section 4007 of the Water Infrastructure
20 Improvements for the Nation Act (43
21 U.S.C. 390b note; Public Law 114–322)
22 before the date of enactment of this Act;
23 or

24 (iii) the feasibility study is authorized
25 under subparagraph (B).

1 (B) FEASIBILITY STUDY AUTHORIZA-
2 TIONS.—The Secretary may carry out feasibility
3 studies for the following projects:

4 (i) The Verde Reservoirs Sediment
5 Mitigation Project in the State of Arizona.

6 (ii) The Tualatin River Basin Project
7 in the State of Oregon.

8 (2) CONSTRUCTION.—A project shall only be el-
9 igible for construction funding under section
10 9001(1) if—

11 (A) an Act of Congress enacted before the
12 date of enactment of this Act authorizes con-
13 struction of the project;

14 (B) Congress has approved funding for
15 construction of the project in accordance with
16 section 4007 of the Water Infrastructure Im-
17 provements for the Nation Act (43 U.S.C. 390b
18 note; Public Law 114–322) before the date of
19 enactment of this Act, except for any project
20 for which—

21 (i) Congress did not approve the rec-
22 ommendation of the Secretary for funding
23 under subsection (h)(2) of that section for
24 at least 1 fiscal year before the date of en-
25 actment of this Act; or

1 (ii) State funding for the project was
2 rescinded by the State before the date of
3 enactment of this Act; or

4 (C)(i) Congress has authorized or approved
5 funding for a feasibility study for the project in
6 accordance with clause (i) or (ii) of paragraph
7 (1)(A) (except that projects described in clauses
8 (i) and (ii) of subparagraph (B) shall not be eli-
9 gible); and

10 (ii) on completion of the feasibility study
11 for the project, the Secretary—

12 (I) finds the project to be technically
13 and financially feasible in accordance with
14 the reclamation laws;

15 (II) determines that sufficient non-
16 Federal funding is available for the non-
17 Federal cost share of the project; and

18 (III)(aa) finds the project to be in the
19 public interest; and

20 (bb) recommends the project for con-
21 struction.

22 (b) COST-SHARING REQUIREMENT.—

23 (1) IN GENERAL.—The Federal share—

1 (A) for a project authorized by an Act of
2 Congress shall be determined in accordance
3 with that Act;

4 (B) for a project approved by Congress in
5 accordance with section 4007 of the Water In-
6 frastructure Improvements for the Nation Act
7 (43 U.S.C. 390b note; Public Law 114–322)
8 (including construction resulting from a feasi-
9 bility study authorized under that Act) shall be
10 as provided in that Act; and

11 (C) for a project not described in subpara-
12 graph (A) or (B)—

13 (i) in the case of a federally owned
14 project, shall not exceed 50 percent of the
15 total cost of the project; and

16 (ii) in the case of a non-Federal
17 project, shall not exceed 25 percent of the
18 total cost of the project.

19 (2) FEDERAL BENEFITS.—Before funding a
20 project under this section, the Secretary shall deter-
21 mine that, in return for the Federal investment in
22 the project, at least a proportionate share of the
23 benefits are Federal benefits.

1 (3) REIMBURSABILITY.—The reimbursability of
2 Federal funding of projects under this section shall
3 be in accordance with the reclamation laws.

4 (c) ENVIRONMENTAL LAWS.—In providing funding
5 for a project under this section, the Secretary shall comply
6 with all applicable environmental laws, including the Na-
7 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
8 et seq.).

9 **SEC. 9003. SMALL WATER STORAGE AND GROUNDWATER**
10 **STORAGE PROJECTS.**

11 (a) ESTABLISHMENT OF A COMPETITIVE GRANT
12 PROGRAM FOR SMALL WATER STORAGE AND GROUND-
13 WATER STORAGE PROJECTS.—The Secretary shall estab-
14 lish a competitive grant program, under which the non-
15 Federal project sponsor of any project in a Reclamation
16 State, including the State of Alaska or Hawaii, determined
17 by the Secretary to be feasible under subsection (b)(2)(B)
18 shall be eligible to apply for funding for the planning, de-
19 sign, and construction of the project.

20 (b) ELIGIBILITY AND SELECTION.—

21 (1) SUBMISSION TO THE SECRETARY.—

22 (A) IN GENERAL.—A non-Federal project
23 sponsor described in subsection (a) may submit
24 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 shall 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 **SEC. 9010. FEDERAL ASSISTANCE FOR GROUNDWATER RE-**
2 **CHARGE, AQUIFER STORAGE, AND WATER**
3 **SOURCE SUBSTITUTION PROJECTS.**

4 (a) IN GENERAL.—The Secretary, in coordination
5 with affected Indian Tribes, States (including subdivisions
6 and departments of a State), or a public agency organized
7 pursuant to State law, may provide technical or financial
8 assistance for, participate in, and enter into agreements
9 (including agreements with irrigation entities) for—

- 10 (1) groundwater recharge projects;
11 (2) aquifer storage and recovery projects; and
12 (3) water source substitution for aquifer protec-
13 tion projects.

14 (b) LIMITATION.—Nothing in this section authorizes
15 additional technical or financial assistance for a surface
16 water storage facility constructed after the date of enact-
17 ment of this Act.

18 **TITLE X—AUTHORIZATION OF**
19 **APPROPRIATIONS FOR EN-**
20 **ERGY ACT OF 2020**

21 **SEC. 10001. ENERGY STORAGE DEMONSTRATION**
22 **PROJECTS.**

23 (a) ENERGY STORAGE DEMONSTRATION PROJECTS;
24 PILOT GRANT PROGRAM.—There is authorized to be ap-
25 propriated to the Secretary to carry out activities under
26 section 3201(c) of the Energy Act of 2020 (42 U.S.C.

1 17232(c)) \$355,000,000 for the period of fiscal years
2 2022 through 2025.

3 (b) LONG-DURATION DEMONSTRATION INITIATIVE
4 AND JOINT PROGRAM.—There is authorized to be appro-
5 priated to the Secretary to carry out activities under sec-
6 tion 3201(d) of the Energy Act of 2020 (42 U.S.C.
7 17232(d)) \$150,000,000 for the period of fiscal years
8 2022 through 2025.

9 **SEC. 10002. ADVANCED REACTOR DEMONSTRATION PRO-**
10 **GRAM.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Secretary to carry
13 out activities under section 959A of the Energy Policy Act
14 of 2005 (42 U.S.C. 16279a) pursuant to the funding op-
15 portunity announcement of the Department numbered
16 DE–FOA–0002271 for Pathway 1, Advanced Reactor
17 Demonstrations—

18 (1) \$511,000,000 for fiscal year 2022;

19 (2) \$506,000,000 for fiscal year 2023;

20 (3) \$636,000,000 for fiscal year 2024;

21 (4) \$824,000,000 for fiscal year 2025;

22 (5) \$453,000,000 for fiscal year 2026; and

23 (6) \$281,000,000 for fiscal year 2027.

24 (b) TECHNICAL CORRECTIONS.—

1 (1) DEFINITION OF ADVANCED NUCLEAR REAC-
2 TOR.—Section 951(b)(1) of the Energy Policy Act of
3 2005 (42 U.S.C. 16271(b)(1)) is amended—

4 (A) in subparagraph (A)(xi), by striking “;
5 and” and inserting a semicolon;

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

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

9 “(C) a radioisotope power system that uti-
10 lizes heat from radioactive decay to generate
11 energy.”.

12 (2) NUCLEAR ENERGY UNIVERSITY PROGRAM
13 FUNDING.—Section 954(a)(6) of the Energy Policy
14 Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by
15 inserting “, excluding funds appropriated for the Ad-
16 vanced Reactor Demonstration Program of the De-
17 partment,” after “annually”.

18 **SEC. 10003. MINERAL SECURITY PROJECTS.**

19 (a) NATIONAL GEOLOGICAL AND GEOPHYSICAL
20 DATA PRESERVATION PROGRAM.—There are authorized
21 to be appropriated to the Secretary of the Interior to carry
22 out activities under section 351 of the Energy Policy Act
23 of 2005 (42 U.S.C. 15908)—

24 (1) \$8,668,000 for fiscal year 2022; and

1 (2) \$5,000,000 for each of fiscal years 2023
2 through 2025.

3 (b) RARE EARTH MINERAL SECURITY.—There are
4 authorized to be appropriated to the Secretary to carry
5 out activities under section 7001(a) of the Energy Act of
6 2020 (42 U.S.C. 13344(a))—

7 (1) \$23,000,000 for fiscal year 2022;

8 (2) \$24,200,000 for fiscal year 2023;

9 (3) \$25,400,000 for fiscal year 2024;

10 (4) \$26,600,000 for fiscal year 2025; and

11 (5) \$27,800,000 for fiscal year 2026.

12 (c) CRITICAL MATERIAL INNOVATION, EFFICIENCY,
13 AND ALTERNATIVES.—There are authorized to be appro-
14 priated to the Secretary to carry out activities under sec-
15 tion 7002(g) of the Energy Act of 2020 (30 U.S.C.
16 1606(g))—

17 (1) \$230,000,000 for fiscal year 2022;

18 (2) \$100,000,000 for fiscal year 2023; and

19 (3) \$135,000,000 for each of fiscal years 2024
20 and 2025.

21 (d) CRITICAL MATERIAL SUPPLY CHAIN RESEARCH
22 FACILITY.—There are authorized to be appropriated to
23 the Secretary to carry out activities under section 7002(h)
24 of the Energy Act of 2020 (30 U.S.C. 1606(h))—

25 (1) \$40,000,000 for fiscal year 2022; and

1 (2) \$35,000,000 for fiscal year 2023.

2 **SEC. 10004. CARBON CAPTURE DEMONSTRATION AND**
3 **PILOT PROGRAMS.**

4 (a) CARBON CAPTURE LARGE-SCALE PILOT
5 PROJECTS.—There are authorized to be appropriated to
6 the Secretary to carry out activities under section
7 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C.
8 16292(b)(2)(B))—

9 (1) \$387,000,000 for fiscal year 2022;

10 (2) \$200,000,000 for fiscal year 2023;

11 (3) \$200,000,000 for fiscal year 2024; and

12 (4) \$150,000,000 for fiscal year 2025.

13 (b) CARBON CAPTURE DEMONSTRATION PROJECTS
14 PROGRAM.—There are authorized to be appropriated to
15 the Secretary to carry out activities under section
16 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C.
17 16292(b)(2)(C))—

18 (1) \$937,000,000 for fiscal year 2022;

19 (2) \$500,000,000 for each of fiscal years 2023
20 and 2024; and

21 (3) \$600,000,000 for fiscal year 2025.

22 **SEC. 10005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE**
23 **COMPETITIONS.**

24 (a) PRECOMMERCIAL.—There is authorized to be ap-
25 propriated to the Secretary to carry out activities under

1 section 969D(e)(2)(A) of the Energy Policy Act of 2005
2 (42 U.S.C. 16298d(e)(2)(A)) \$15,000,000 for fiscal year
3 2022.

4 (b) COMMERCIAL.—There is authorized to be appro-
5 priated to the Secretary to carry out activities under sec-
6 tion 969D(e)(2)(B) of the Energy Policy Act of 2005 (42
7 U.S.C. 16298d(e)(2)(B)) \$100,000,000 for fiscal year
8 2022.

9 **SEC. 10006. WATER POWER PROJECTS.**

10 (a) HYDROPOWER AND MARINE ENERGY.—There
11 are authorized to be appropriated to the Secretary—

12 (1) to carry out activities under section 634 of
13 the Energy Independence and Security Act of 2007
14 (42 U.S.C. 17213), \$36,000,000 for the period of
15 fiscal years 2022 through 2025; and

16 (2) to carry out activities under section 635 of
17 the Energy Independence and Security Act of 2007
18 (42 U.S.C. 17214), \$70,400,000 for the period of
19 fiscal years 2022 through 2025.

20 (b) NATIONAL MARINE ENERGY CENTERS.—There is
21 authorized to be appropriated to the Secretary to carry
22 out activities under section 636 of the Energy Independ-
23 ence and Security Act of 2007 (42 U.S.C. 17215)
24 \$40,000,000 for the period of fiscal years 2022 through
25 2025.

1 **SEC. 10007. RENEWABLE ENERGY PROJECTS.**

2 (a) GEOTHERMAL ENERGY.—There is authorized to
3 be appropriated to the Secretary to carry out activities
4 under section 615(d) of the Energy Independence and Se-
5 curity Act of 2007 (42 U.S.C. 17194(d)) \$84,000,000 for
6 the period of fiscal years 2022 through 2025.

7 (b) WIND ENERGY.—There are authorized to be ap-
8 propriated to the Secretary—

9 (1) to carry out activities under section
10 3003(b)(2) of the Energy Act of 2020 (42 U.S.C.
11 16237(b)(2)), \$60,000,000 for the period of fiscal
12 years 2022 through 2025; and

13 (2) to carry out activities under section
14 3003(b)(4) of the Energy Act of 2020 (42 U.S.C.
15 16237(b)(4)), \$40,000,000 for the period of fiscal
16 years 2022 through 2025.

17 (c) SOLAR ENERGY.—There are authorized to be ap-
18 propriated to the Secretary—

19 (1) to carry out activities under section
20 3004(b)(2) of the Energy Act of 2020 (42 U.S.C.
21 16238(b)(2)), \$40,000,000 for the period of fiscal
22 years 2022 through 2025;

23 (2) to carry out activities under section
24 3004(b)(3) of the Energy Act of 2020 (42 U.S.C.
25 16238(b)(3)), \$20,000,000 for the period of fiscal
26 years 2022 through 2025; and

1 (3) to carry out activities under section
 2 3004(b)(4) of the Energy Act of 2020 (42 U.S.C.
 3 16238(b)(4)), \$20,000,000 for the period of fiscal
 4 years 2022 through 2025.

5 (d) CLARIFICATION.—Amounts authorized to be ap-
 6 propriated under subsection (b) are authorized to be a
 7 part of, and not in addition to, any amounts authorized
 8 to be appropriated by section 3003(b)(7) of the Energy
 9 Act of 2020 (42 U.S.C. 16237(b)(7)).

10 **SEC. 10008. INDUSTRIAL EMISSIONS DEMONSTRATION**
 11 **PROJECTS.**

12 There are authorized to be appropriated to the Sec-
 13 retary to carry out activities under section 454(d)(3) of
 14 the Energy Independence and Security Act of 2007 (42
 15 U.S.C. 17113(d)(3))—

16 (1) \$100,000,000 for each of fiscal years 2022
 17 and 2023; and

18 (2) \$150,000,000 for each of fiscal years 2024
 19 and 2025.

20 **TITLE XI—WAGE RATE**
 21 **REQUIREMENTS**

22 **SEC. 11001. WAGE RATE REQUIREMENTS.**

23 (a) DAVIS-BACON.—All laborers and mechanics em-
 24 ployed by contractors or subcontractors in the perform-
 25 ance of construction, alteration, or repair work on a

1 project assisted in whole or in part by funding made avail-
 2 able under this Act or an amendment made by this Act
 3 shall be paid wages at rates not less than those prevailing
 4 on similar projects in the locality, as determined by the
 5 Secretary of Labor in accordance with subchapter IV of
 6 chapter 31 of title 40, United States Code (commonly re-
 7 ferred to as the “Davis-Bacon Act”).

8 (b) AUTHORITY.—With respect to the labor stand-
 9 ards specified in subsection (a), the Secretary of Labor
 10 shall have the authority and functions set forth in Reorga-
 11 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5
 12 U.S.C. App.) and section 3145 of title 40, United States
 13 Code.

14 **TITLE XII—MISCELLANEOUS**

15 **SEC. 12001. OFFICE OF CLEAN ENERGY DEMONSTRATIONS.**

16 (a) DEFINITIONS.—In this section:

17 (1) COVERED PROJECT.—The term “covered
 18 project” means a demonstration project of the De-
 19 partment that—

20 (A) receives or is eligible to receive funding
 21 from the Secretary; and

22 (B) is authorized under—

23 (i) this Act; or

24 (ii) the Energy Act of 2020 (Public
 25 Law 116–260; 134 Stat. 1182).

1 (2) PROGRAM.—The term “program” means
2 the program established under subsection (b).

3 (b) ESTABLISHMENT.—The Secretary, in coordina-
4 tion with the heads of relevant program offices of the De-
5 partment, shall establish a program to conduct project
6 management and oversight of covered projects, including
7 by—

8 (1) conducting evaluations of proposals for cov-
9 ered projects before the selection of a covered project
10 for funding;

11 (2) conducting independent oversight of the
12 execution of a covered project after funding has been
13 awarded for that covered project; and

14 (3) ensuring a balanced portfolio of investments
15 in covered projects.

16 (c) DUTIES.—The Secretary shall appoint a head of
17 the program who shall, in coordination with the heads of
18 relevant program offices of the Department—

19 (1) evaluate proposals for covered projects, in-
20 cluding scope, technical specifications, maturity of
21 design, funding profile, estimated costs, proposed
22 schedule, proposed technical and financial mile-
23 stones, and potential for commercial success based
24 on economic and policy projections;

1 (2) develop independent cost estimates for a
2 proposal for a covered project, if appropriate;

3 (3) recommend to the head of a program office
4 of the Department, as appropriate, whether to fund
5 a proposal for a covered project;

6 (4) oversee the execution of covered projects
7 that receive funding from the Secretary, including
8 reconciling estimated costs as compared to actual
9 costs;

10 (5) conduct reviews of ongoing covered projects,
11 including—

12 (A) evaluating the progress of a covered
13 project based on the proposed schedule and
14 technical and financial milestones; and

15 (B) providing the evaluations under sub-
16 paragraph (A) to the Secretary; and

17 (6) assess the lessons learned in overseeing cov-
18 ered projects and implement improvements in the
19 process of evaluating and overseeing covered
20 projects.

21 (d) EMPLOYEES.—To carry out the program, the
22 Secretary may hire appropriate personnel to perform the
23 duties of the program.

24 (e) COORDINATION.—In carrying out the program,
25 the head of the program shall coordinate with—

1 (1) project management and acquisition man-
2 agement entities with the Department, including the
3 Office of Project Management; and

4 (2) professional organizations in project man-
5 agement, construction, cost estimation, and other
6 relevant fields.

7 (f) REPORTS.—

8 (1) REPORT BY SECRETARY.—The Secretary
9 shall include in each updated technology transfer
10 execution plan submitted under subsection (h)(2) of
11 section 1001 of the Energy Policy Act of 2005 (42
12 U.S.C. 16391) information on the implementation of
13 and progress made under the program, including,
14 for the year covered by the report—

15 (A) the covered projects under the purview
16 of the program; and

17 (B) the review of each covered project car-
18 ried out under subsection (c)(5).

19 (2) REPORT BY COMPTROLLER GENERAL.—Not
20 later than 3 years after the date of enactment of
21 this Act, the Comptroller General of the United
22 States shall submit to the Committee on Energy and
23 Natural Resources of the Senate and the Committee
24 on Science, Space, and Technology of the House of

1 Representatives a report evaluating the operation of
2 the program, including—

3 (A) a description of the processes and pro-
4 cedures used by the program to evaluate pro-
5 posals of covered projects and the oversight of
6 covered projects; and

7 (B) any recommended changes in the pro-
8 gram, including changes to—

9 (i) the processes and procedures de-
10 scribed in subparagraph (A); and

11 (ii) the structure of the program, for
12 the purpose of better carrying out the pro-
13 gram.

14 (g) **TECHNICAL AMENDMENT.**—Section 1001 of the
15 Energy Policy Act of 2005 (42 U.S.C. 16391) is amended
16 by redesignating the second subsections (f) (relating to
17 planning and reporting) and (g) (relating to additional
18 technology transfer programs) as subsections (h) and (i),
19 respectively.

20 **SEC. 12002. EXTENSION OF SECURE RURAL SCHOOLS AND**
21 **COMMUNITY SELF-DETERMINATION ACT OF**
22 **2000.**

23 (a) **DEFINITION OF FULL FUNDING AMOUNT.**—Sec-
24 tion 3(11) of the Secure Rural Schools and Community
25 Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is

1 amended by striking subparagraphs (D) and (E) and in-
2 serting the following:

3 “(D) for fiscal year 2017, the amount that
4 is equal to 95 percent of the full funding
5 amount for fiscal year 2015;

6 “(E) for each of fiscal years 2018 through
7 2020, the amount that is equal to 95 percent
8 of the full funding amount for the preceding fis-
9 cal year; and

10 “(F) for fiscal year 2021 and each fiscal
11 year thereafter, the amount that is equal to the
12 full funding amount for fiscal year 2017.”.

13 (b) SECURE PAYMENTS FOR STATES AND COUNTIES
14 CONTAINING FEDERAL LAND.—

15 (1) SECURE PAYMENTS.—Section 101 of the
16 Secure Rural Schools and Community Self-Deter-
17 mination Act of 2000 (16 U.S.C. 7111) is amended,
18 in subsections (a) and (b), by striking “2015, 2017,
19 2018, 2019, and 2020” each place it appears and
20 inserting “2015 and 2017 through 2023”.

21 (2) DISTRIBUTION OF PAYMENTS TO ELIGIBLE
22 COUNTIES.—Section 103(d)(2) of the Secure Rural
23 Schools and Community Self-Determination Act of
24 2000 (16 U.S.C. 7113(d)(2)) is amended by striking
25 “2020” and inserting “2023”.

1 (c) PILOT PROGRAM TO STREAMLINE NOMINATION
2 OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.—
3 Section 205 of the Secure Rural Schools and Community
4 Self-Determination Act of 2000 (16 U.S.C. 7125) is
5 amended by striking subsection (g) and inserting the fol-
6 lowing:

7 “(g) RESOURCE ADVISORY COMMITTEE APPOINT-
8 MENT PILOT PROGRAMS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) APPLICABLE DESIGNEE.—The term
11 ‘applicable designee’ means the applicable re-
12 gional forester.

13 “(B) NATIONAL PILOT PROGRAM.—The
14 term ‘national pilot program’ means the na-
15 tional pilot program established under para-
16 graph (4)(A).

17 “(C) REGIONAL PILOT PROGRAM.—The
18 term ‘regional pilot program’ means the re-
19 gional pilot program established under para-
20 graph (3)(A).

21 “(2) ESTABLISHMENT OF PILOT PROGRAMS.—
22 In accordance with paragraphs (3) and (4), the Sec-
23 retary concerned shall carry out 2 pilot programs to
24 appoint members of resource advisory committees.

25 “(3) REGIONAL PILOT PROGRAM.—

1 “(A) IN GENERAL.—The Secretary con-
2 cerned shall carry out a regional pilot program
3 to allow an applicable designee to appoint mem-
4 bers of resource advisory committees.

5 “(B) GEOGRAPHIC LIMITATION.—The re-
6 gional pilot program shall only apply to re-
7 source advisory committees chartered in—

8 “(i) the State of Montana; and

9 “(ii) the State of Arizona.

10 “(C) RESPONSIBILITIES OF APPLICABLE
11 DESIGNEE.—

12 “(i) REVIEW.—Before appointing a
13 member of a resource advisory committee
14 under the regional pilot program, an appli-
15 cable designee shall conduct the review and
16 analysis that would otherwise be conducted
17 for an appointment to a resource advisory
18 committee if the regional pilot program
19 was not in effect, including any review and
20 analysis with respect to civil rights and
21 budgetary requirements.

22 “(ii) SAVINGS CLAUSE.—Nothing in
23 this paragraph relieves an applicable des-
24 ignee from any requirement developed by
25 the Secretary concerned for making an ap-

1 pointment to a resource advisory com-
2 mittee that is in effect on December 20,
3 2018, including any requirement for adver-
4 tising a vacancy.

5 “(4) NATIONAL PILOT PROGRAM.—

6 “(A) IN GENERAL.—The Secretary con-
7 cerned shall carry out a national pilot program
8 to allow the Chief of the Forest Service or the
9 Director of the Bureau of Land Management,
10 as applicable, to submit to the Secretary con-
11 cerned nominations of individuals for appoint-
12 ment as members of resource advisory commit-
13 tees.

14 “(B) APPOINTMENT.—Under the national
15 pilot program, subject to subparagraph (C), not
16 later than 30 days after the date on which a
17 nomination is transmitted to the Secretary con-
18 cerned under subparagraph (A), the Secretary
19 concerned shall—

20 “(i) appoint the nominee to the appli-
21 cable resource advisory committee; or

22 “(ii) reject the nomination.

23 “(C) AUTOMATIC APPOINTMENT.—If the
24 Secretary concerned does not act on a nomina-
25 tion in accordance with subparagraph (B) by

1 the date described in that subparagraph, the
2 nominee shall be deemed appointed to the appli-
3 cable resource advisory committee.

4 “(D) GEOGRAPHIC LIMITATION.—The na-
5 tional pilot program shall apply to a resource
6 advisory committee chartered in any State other
7 than—

8 “(i) the State of Montana; or

9 “(ii) the State of Arizona.

10 “(E) SAVINGS CLAUSE.—Nothing in this
11 paragraph relieves the Secretary concerned
12 from any requirement relating to an appoint-
13 ment to a resource advisory committee, includ-
14 ing any requirement with respect to civil rights
15 or advertising a vacancy.

16 “(5) TERMINATION OF EFFECTIVENESS.—The
17 authority provided under this subsection terminates
18 on October 1, 2023.

19 “(6) REPORT TO CONGRESS.—Not later 180
20 days after the date described in paragraph (5), the
21 Secretary concerned shall submit to Congress a re-
22 port that includes—

23 “(A) with respect to appointments made
24 under the regional pilot program compared to

1 appointments made under the national pilot
2 program, a description of the extent to which—

3 “(i) appointments were faster or slow-
4 er; and

5 “(ii) the requirements described in
6 paragraph (3)(C)(i) differ; and

7 “(B) a recommendation with respect to
8 whether Congress should terminate, continue,
9 modify, or expand the pilot programs.”.

10 (d) EXTENSION OF AUTHORITY TO CONDUCT SPE-
11 CIAL PROJECTS ON FEDERAL LAND.—

12 (1) EXISTING ADVISORY COMMITTEES.—Section
13 205(a)(4) of the Secure Rural Schools and Commu-
14 nity Self-Determination Act of 2000 (16 U.S.C.
15 7125(a)(4)) is amended by striking “December 20,
16 2021” each place it appears and inserting “Decem-
17 ber 20, 2023”.

18 (2) EXTENSION OF AUTHORITY.—Section 208
19 of the Secure Rural Schools and Community Self-
20 Determination Act of 2000 (16 U.S.C. 7128) is
21 amended—

22 (A) in subsection (a), by striking “2022”
23 and inserting “2025”; and

24 (B) in subsection (b), by striking “2023”
25 and inserting “2026”.

1 (e) ACCESS TO BROADBAND AND OTHER TECH-
2 NOLOGY.—Section 302(a) of the Secure Rural Schools and
3 Community Self-Determination Act of 2000 (16 U.S.C.
4 7142(a)) is amended—

5 (1) in paragraph (3), by striking “and” at the
6 end;

7 (2) in paragraph (4), by striking the period at
8 the end and inserting “; and”; and

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

10 “(5) to provide or expand access to—

11 “(A) broadband telecommunications serv-
12 ices at local schools; or

13 “(B) the technology and connectivity nec-
14 essary for students to use a digital learning tool
15 at or outside of a local school campus.”.

16 (f) EXTENSION OF AUTHORITY TO EXPEND COUNTY
17 FUNDS.—Section 304 of the Secure Rural Schools and
18 Community Self-Determination Act of 2000 (16 U.S.C.
19 7144) is amended—

20 (1) in subsection (a), by striking “2022” and
21 inserting “2025”; and

22 (2) in subsection (b), by striking “2023” and
23 inserting “2026”.

24 (g) AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-
25 TION ON USE OF FUNDS.—Title III of the Secure Rural

1 Schools and Community Self-Determination Act of 2000
2 (16 U.S.C. 7141 et seq.) is amended—

3 (1) by redesignating section 304 as section 305;

4 and

5 (2) by inserting after section 303 the following:

6 **“SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-**
7 **TION ON USE OF FUNDS.**

8 “(a) AMOUNTS OBLIGATED BUT UNSPENT.—Any
9 county funds that were obligated by the applicable partici-
10 pating county before October 1, 2017, but are unspent on
11 October 1, 2020—

12 “(1) may, at the option of the participating
13 county, be deemed to have been reserved by the par-
14 ticipating county on October 1, 2020, for expendi-
15 ture in accordance with this title; and

16 “(2)(A) may be used by the participating coun-
17 ty for any authorized use under section 302(a); and

18 “(B) on a determination by the participating
19 county under subparagraph (A) to use the county
20 funds, shall be available for projects initiated after
21 October 1, 2020, subject to section 305.

22 “(b) PROHIBITION ON USE OF FUNDS.—Notwith-
23 standing any other provision of law, effective beginning
24 on the date of enactment of the Energy Infrastructure
25 Act, no county funds made available under this title may

1 be used by any participating county for any lobbying activ-
2 ity, regardless of the purpose for which the funds are obli-
3 gated on or before that date.”.

Calendar No. 104

117TH CONGRESS
1ST Session

S. 2377

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.

JULY 19, 2021

Read twice and placed on the calendar