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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. BARRAGÁN introduced the following bill; which was referred to the
Committee on _____

A BILL

To direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Climate Smart Ports
5 Act”.

1 **SEC. 2. CLIMATE SMART PORTS GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 6 months after
3 the date of enactment of this section, the Administrator
4 shall establish a program to award grants to eligible enti-
5 ties to purchase, and as applicable install, zero emissions
6 port equipment and technology.

7 (b) USE OF GRANTS.—

8 (1) IN GENERAL.—An eligible entity may use a
9 grant awarded under this section to purchase, and
10 as applicable install, zero emissions port equipment
11 and technology.

12 (2) PROHIBITED USE.—

13 (A) IN GENERAL.—An eligible entity may
14 not use a grant awarded under this section to
15 purchase or install fully automated cargo han-
16 dling equipment or terminal infrastructure that
17 is designed for fully automated cargo handling
18 equipment.

19 (B) HUMAN-OPERATED ZERO EMISSIONS
20 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
21 in subparagraph (A) prohibits an eligible entity
22 from using a grant awarded under this section
23 to purchase human-operated zero emissions
24 port equipment and technology or infrastruc-
25 ture that supports such human-operated zero
26 emissions port equipment and technology.

1 (3) COST SHARE.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), an eligible entity may not
4 use a grant awarded under this section to cover
5 more than 70 percent of the cost of purchasing,
6 and as applicable installing, zero emissions port
7 equipment and technology.

8 (B) CERTAIN GRANTS.—With respect to a
9 grant in an amount equal to or greater than
10 \$3,000,000, an eligible entity may use such
11 grant to cover not more than 85 percent of the
12 cost of purchasing and installing zero emissions
13 port equipment and technology if such eligible
14 entity certifies to the Administrator that—

15 (i) such grant will be used, at least in
16 part, to employ laborers or mechanics to
17 install zero emissions port equipment and
18 technology; and

19 (ii) such eligible entity is a party to a
20 project labor agreement or requires that
21 each contractor and subcontractor that
22 performs such installation participate in a
23 project labor agreement.

24 (4) PROJECT LABOR.—An eligible entity that
25 uses a grant awarded under this section to install

1 zero emissions port equipment and technology shall
2 ensure, to the greatest extent practicable, that any
3 contractor, and subcontractor of a contractor, that
4 carries out such installation employs laborers or me-
5 chanics for such installation that—

6 (A) are domiciled not further than 50
7 miles from such installation;

8 (B) are members of the Armed Forces
9 serving on active duty, separated from active
10 duty, or retired from active duty;

11 (C) have been incarcerated or served time
12 in a juvenile detention facility; or

13 (D) have a disability.

14 (c) WAGES.—

15 (1) IN GENERAL.—All laborers and mechanics
16 employed by contractors or subcontractors that per-
17 form construction, alteration, installation, or repair
18 work that is assisted, in whole or in part, by a grant
19 awarded under this section shall be paid wages at
20 rates not less than those prevailing on similar con-
21 struction, alteration, installation, or repair work in
22 the locality as determined by the Secretary of Labor
23 in accordance with subchapter IV of chapter 31 of
24 title 40, United States Code.

1 (2) LABOR STANDARDS.—With respect to the
2 labor standards in this subsection, the Secretary of
3 Labor shall have the authority and functions set
4 forth in Reorganization Plan Numbered 14 of 1950
5 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
6 title 40, United States Code.

7 (d) APPLICATION.—

8 (1) IN GENERAL.—To be eligible to be awarded
9 a grant under this section, an eligible entity shall
10 submit to the Administrator an application at such
11 time, in such manner, and containing such informa-
12 tion as the Administrator may require.

13 (2) PRIORITY.—The Administrator shall
14 prioritize awarding grants under this section to eligi-
15 ble entities based on the following:

16 (A) The degree to which the proposed use
17 of the grant will—

- 18 (i) reduce greenhouse gas emissions;
19 (ii) reduce emissions of any criteria
20 pollutant and precursor thereof;
21 (iii) reduce hazardous air pollutant
22 emissions; and
23 (iv) reduce public health disparities in
24 communities that receive a dispropor-

1 tionate quantity of air pollution from a
2 port.

3 (B) The amount of matching, non-Federal
4 funds expected to be used by an applicant to
5 purchase, and as applicable install, zero emis-
6 sions port equipment and technology.

7 (C) Whether the applicant will use such
8 grant to purchase, and as applicable install,
9 zero emissions port equipment and technology
10 that is produced in the United States.

11 (D) As applicable, whether the applicant
12 will meet the utilization requirements for reg-
13 istered apprentices established by the Secretary
14 of Labor or a State Apprenticeship Agency.

15 (E) As applicable, whether the applicant
16 will recruit and retain skilled workers through
17 a State-approved joint labor management ap-
18 prenticeship program.

19 (e) OUTREACH.—

20 (1) IN GENERAL.—Not later than 90 days after
21 funds are made available to carry out this section,
22 the Administrator shall develop and carry out an
23 educational outreach program to promote and ex-
24 plain the grant program established under sub-
25 section (a) to prospective grant recipients.

1 (2) PROGRAM COMPONENTS.—In carrying out
2 the outreach program developed under paragraph
3 (1), the Administrator shall—

4 (A) inform prospective grant recipients
5 how to apply for a grant awarded under this
6 section;

7 (B) describe to prospective grant recipients
8 the benefits of available zero emissions port
9 equipment and technology;

10 (C) explain to prospective grant recipients
11 the benefits of participating in the grant pro-
12 gram established under this section; and

13 (D) facilitate the sharing of best practices
14 and lessons learned between grant recipients
15 and prospective grant recipients with respect to
16 how to apply for and use grants awarded under
17 this section.

18 (f) REPORTS.—

19 (1) REPORT TO ADMINISTRATOR.—Not later
20 than 90 days after the date on which an eligible en-
21 tity uses a grant awarded under this section, such
22 eligible entity shall submit to the Administrator a re-
23 port containing such information as the Adminis-
24 trator shall require.

1 (2) ANNUAL REPORT TO CONGRESS.—Not later
2 than January 31, 2021, and annually thereafter, the
3 Administrator shall submit to Congress and make
4 available on the website of the Environmental Pro-
5 tection Agency a report that includes, with respect
6 to each grant awarded under this section during the
7 preceding calendar year—

8 (A) the name and location of the eligible
9 entity that was awarded such grant;

10 (B) the amount of such grant that the eli-
11 gible entity was awarded;

12 (C) the name and location of the port
13 where the zero emissions port equipment and
14 technology that was purchased, and as applica-
15 ble installed, with such grant is used;

16 (D) an estimate of the impact of such zero
17 emissions port equipment and technology on re-
18 ducing—

19 (i) greenhouse gas emissions;

20 (ii) emissions of criteria pollutants
21 and precursors thereof;

22 (iii) hazardous air pollutant emissions;

23 and

24 (iv) public health disparities; and

1 (E) any other information the Adminis-
2 trator determines necessary to understand the
3 impact of grants awarded under this section.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated to carry out this section
7 \$1,000,000,000 for each of fiscal years 2021
8 through 2030.

9 (2) NONATTAINMENT AREAS.—To the extent
10 practicable, at least 25 percent of amounts made
11 available to carry out this section in each fiscal year
12 shall be used to award grants to eligible entities to
13 provide zero emissions port equipment and tech-
14 nology to ports that are in nonattainment areas.

15 (h) DEFINITIONS.—In this section:

16 (1) ACTIVE DUTY.— The term “active duty”
17 has the meaning given such term in section 101 of
18 title 10, United States Code.

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

22 (3) ALTERNATIVE EMISSIONS CONTROL TECH-
23 NOLOGY.—The term “alternative emissions control
24 technology” means a technology, technique, or meas-
25 ure that—

1 (A) captures the emissions of nitrogen
2 oxide, particulate matter, reactive organic com-
3 pounds, and greenhouse gases from the auxil-
4 iary engine and auxiliary boiler of an ocean-
5 going vessel at berth;

6 (B) is verified or approved by a State or
7 Federal air quality regulatory agency;

8 (C) the use of which achieves at least the
9 equivalent reduction of emissions as the use of
10 shore power for an ocean-going vessel at berth;

11 (D) the use of which results in reducing
12 emissions of the auxiliary engine of an ocean-
13 going vessel at berth to a rate of less than—

14 (i) 2.8 g/kW-hr for nitrogen oxide;

15 (ii) 0.03 g/kW-hr for particulate mat-
16 ter 2.5; and

17 (iii) 0.1 g/kW-hr for reactive organic
18 compounds; and

19 (E) reduces the emissions of the auxiliary
20 engine and boiler of an ocean-going vessel at
21 berth by at least 80 percent of the default emis-
22 sions rate, which is 13.8 g.

23 (4) CRITERIA POLLUTANT.—The term “criteria
24 pollutant” means each of the following:

25 (A) Ground-level ozone.

1 (B) Particulate matter.

2 (C) Carbon monoxide.

3 (D) Lead.

4 (E) Sulfur dioxide.

5 (F) Nitrogen dioxide.

6 (5) DISTRIBUTED ENERGY RESOURCE.—

7 (A) IN GENERAL.—The term “distributed
8 energy resource” means an energy resource
9 that—

10 (i) is located on or near a customer
11 site;

12 (ii) is operated on the customer side
13 of the electric meter; and

14 (iii) is interconnected with the electric
15 grid.

16 (B) INCLUSIONS.—The term “distributed
17 energy resource” includes—

18 (i) clean electric generation;

19 (ii) customer electric efficiency meas-
20 ures;

21 (iii) electric demand flexibility; and

22 (iv) energy storage.

23 (6) ELIGIBLE ENTITY.—The term “eligible enti-
24 ty” means—

25 (A) a port authority;

1 (B) a State, regional, local, or Tribal agen-
2 cy that has jurisdiction over a port authority or
3 a port;

4 (C) an air pollution control district or air
5 quality management district; or

6 (D) a private or nonprofit entity, applying
7 for a grant awarded under this section in col-
8 laboration with another entity described in sub-
9 paragraphs (A) through (C), that owns or uses
10 cargo or transportation equipment at a port.

11 (7) ENERGY STORAGE SYSTEM.—The term “en-
12 ergy storage system” means a system, equipment,
13 facility, or technology that—

14 (A) is capable of absorbing energy, storing
15 energy for a period of time, and dispatching the
16 stored energy; and

17 (B) uses a mechanical, electrical, chemical,
18 electrochemical, or thermal process to store en-
19 ergy that—

20 (i) was generated at an earlier time
21 for use at a later time; or

22 (ii) was generated from a mechanical
23 process, and would otherwise be wasted,
24 for delivery at a later time.

1 (8) FULLY AUTOMATED CARGO HANDLING
2 EQUIPMENT.—The term “fully automated cargo
3 handling equipment” means cargo handling equip-
4 ment that—

5 (A) is remotely operated or remotely mon-
6 itored; and

7 (B) with respect to the use of such equip-
8 ment, does not require the exercise of human
9 intervention or control.

10 (9) NONATTAINMENT AREA.—The term “non-
11 attainment area” has the meaning given such term
12 in section 171 of the Clean Air Act (42 U.S.C.
13 7501).

14 (10) PORT.—The term “port” includes a mari-
15 time port and an inland port.

16 (11) PORT AUTHORITY.—The term “port au-
17 thority” means a governmental or quasi-govern-
18 mental authority formed by a legislative body to op-
19 erate a port.

20 (12) PROJECT LABOR AGREEMENT.—The term
21 “project labor agreement” means a pre-hire collec-
22 tive bargaining agreement with one or more labor
23 organization that establishes the terms and condi-
24 tions of employment for a specific construction

1 project and is described in section 8(f) of the Na-
2 tional Labor Relations Act (29 U.S.C. 158(f)).

3 (13) REGISTERED APPRENTICE.—The term
4 “registered apprentice” means a person who is par-
5 ticipating in a registered apprenticeship program.

6 (14) REGISTERED APPRENTICESHIP PRO-
7 GRAM.—The term “registered apprenticeship pro-
8 gram” means a program registered pursuant to the
9 Act of August 16, 1937 (commonly known as the
10 “National Apprenticeship Act”; 50 Stat. 664, chap-
11 ter 663; 29 U.S.C. 50 et seq.).

12 (15) SHORE POWER.—The term “shore power”
13 means the provision of shoreside electrical power to
14 a ship at berth that has shut down main and auxil-
15 iary engines.

16 (16) STATE APPRENTICESHIP AGENCY.—The
17 term “State Apprenticeship Agency” has the mean-
18 ing given such term in section 29.2 of title 29, Code
19 of Federal Regulations (as in effect on January 1,
20 2020).

21 (17) ZERO EMISSIONS PORT EQUIPMENT AND
22 TECHNOLOGY.—

23 (A) IN GENERAL.—The term “zero emis-
24 sions port equipment and technology” means
25 equipment and technology, including the equip-

1 ment and technology described in subparagraph
2 (B), that—

3 (i) is used at a port; and

4 (ii) (I) produces zero exhaust emis-
5 sions of—

6 (aa) any criteria pollutant
7 and precursor thereof; and

8 (bb) any greenhouse gas,
9 other than water vapor; or

10 (II) captures 100 percent of the
11 exhaust emissions produced by an
12 ocean-going vessel at berth.

13 (B) EQUIPMENT AND TECHNOLOGY DE-
14 SCRIBED.—The equipment and technology de-
15 scribed in this subparagraph is the following:

16 (i) Any equipment that handles cargo.

17 (ii) A drayage truck that transports
18 cargo.

19 (iii) A train that transports cargo.

20 (iv) Port harbor craft.

21 (v) A distributed energy resource.

22 (vi) An energy storage system.

23 (vii) Electrical charging infrastruc-
24 ture.

1 (viii) Shore power or an alternative
2 emissions control technology.

3 (ix) An electric transport refrigeration
4 unit.

5 **SEC. 3. ENERGY POLICY ACT OF 2005 AUTHORIZATION OF**
6 **APPROPRIATIONS FOR PORT AUTHORITIES.**

7 Section 797 of the Energy Policy Act of 2005 (42
8 U.S.C. 16137) is amended by adding at the end the fol-
9 lowing:

10 “(c) PORT AUTHORITIES.—There is authorized to be
11 appropriated \$50,000,000 for each of fiscal years 2021
12 through 2025 to award grants, rebates, or loans, under
13 section 792, to eligible entities to carry out projects that
14 reduce emissions at ports.”.