

116TH CONGRESS
2D SESSION

H. R. 7024

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

MAY 27, 2020

Ms. BARRAGÁN (for herself, Ms. TLAIB, Mr. HUFFMAN, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. LOWENTHAL, Mr. RASKIN, Mr. CASE, Mr. SMITH of Washington, Ms. CLARKE of New York, Ms. VELÁZQUEZ, Mr. ROUDA, Mr. LYNCH, Mr. KENNEDY, Ms. JAYAPAL, Mr. RICHMOND, Ms. BLUNT ROCHESTER, Ms. PINGREE, Mr. HASTINGS, Ms. BONAMICI, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Climate Smart Ports
3 Act”.

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

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

10 (b) USE OF GRANTS.—

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

15 (2) PROHIBITED USE.—

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

22 (B) HUMAN-OPERATED ZERO EMISSIONS
23 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
24 in subparagraph (A) prohibits an eligible entity
25 from using a grant awarded under this section
26 to purchase human-operated zero emissions

1 port equipment and technology or infrastruc-
2 ture that supports such human-operated zero
3 emissions port equipment and technology.

4 (3) COST SHARE.—

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

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

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

22 (ii) such eligible entity is a party to a
23 project labor agreement or requires that
24 each subgrantee of such eligible entity, and
25 any subgrantee thereof at any tier, that

1 performs such installation participate in a
2 project labor agreement.

3 (4) PROJECT LABOR.—An eligible entity that
4 uses a grant awarded under this section to install
5 zero emissions port equipment and technology shall
6 ensure, to the greatest extent practicable, that any
7 subgrantee of such eligible entity, and any sub-
8 grantee thereof at any tier, that carries out such in-
9 stallation employs laborers or mechanics for such in-
10 stallation that—

11 (A) are domiciled not further than 50
12 miles from such installation;

13 (B) are members of the Armed Forces
14 serving on active duty, separated from active
15 duty, or retired from active duty;

16 (C) have been incarcerated or served time
17 in a juvenile detention facility; or

18 (D) have a disability.

19 (c) WAGES.—

20 (1) IN GENERAL.—All laborers and mechanics
21 employed by a subgrantee of an eligible entity, and
22 any subgrantee thereof at any tier, to perform con-
23 struction, alteration, installation, or repair work that
24 is assisted, in whole or in part, by a grant awarded
25 under this section shall be paid wages at rates not

1 less than those prevailing on similar construction, al-
2 teration, installation, or repair work in the locality
3 as determined by the Secretary of Labor in accord-
4 ance with subchapter IV of chapter 31 of title 40,
5 United States Code.

6 (2) LABOR STANDARDS.—With respect to the
7 labor standards in this subsection, the Secretary of
8 Labor shall have the authority and functions set
9 forth in Reorganization Plan Numbered 14 of 1950
10 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
11 title 40, United States Code.

12 (d) APPLICATION.—

13 (1) IN GENERAL.—To be eligible to be awarded
14 a grant under this section, an eligible entity shall
15 submit to the Administrator an application at such
16 time, in such manner, and containing such informa-
17 tion as the Administrator may require.

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

21 (A) The degree to which the proposed use
22 of the grant will—

23 (i) reduce greenhouse gas emissions;

24 (ii) reduce emissions of any criteria
25 pollutant and precursor thereof;

1 (iii) reduce hazardous air pollutant
2 emissions; and

3 (iv) reduce public health disparities in
4 communities that receive a dispro-
5 portionate quantity of air pollution from a
6 port.

7 (B) The amount of matching, non-Federal
8 funds expected to be used by an applicant to
9 purchase, and as applicable install, zero emis-
10 sions port equipment and technology.

11 (C) Whether the applicant will use such
12 grant to purchase, and as applicable install,
13 zero emissions port equipment and technology
14 that is produced in the United States.

15 (D) As applicable, whether the applicant
16 will meet the utilization requirements for reg-
17 istered apprentices established by the Secretary
18 of Labor or a State Apprenticeship Agency.

19 (E) As applicable, whether the applicant
20 will recruit and retain skilled workers through
21 a State-approved joint labor management ap-
22 prenticeship program.

23 (e) OUTREACH.—

24 (1) IN GENERAL.—Not later than 90 days after
25 funds are made available to carry out this section,

1 the Administrator shall develop and carry out an
2 educational outreach program to promote and ex-
3 plain the grant program established under sub-
4 section (a) to prospective grant recipients.

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

8 (A) inform prospective grant recipients
9 how to apply for a grant awarded under this
10 section;

11 (B) describe to prospective grant recipients
12 the benefits of available zero emissions port
13 equipment and technology;

14 (C) explain to prospective grant recipients
15 the benefits of participating in the grant pro-
16 gram established under this section; and

17 (D) facilitate the sharing of best practices
18 and lessons learned between grant recipients
19 and prospective grant recipients with respect to
20 how to apply for and use grants awarded under
21 this section.

22 (f) REPORTS.—

23 (1) REPORT TO ADMINISTRATOR.—Not later
24 than 90 days after the date on which an eligible en-
25 tity uses a grant awarded under this section, such

1 eligible entity shall submit to the Administrator a re-
2 port containing such information as the Adminis-
3 trator shall require.

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

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

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

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

19 (D) an estimate of the impact of such zero
20 emissions port equipment and technology on re-
21 ducing—

22 (i) greenhouse gas emissions;

23 (ii) emissions of criteria pollutants
24 and precursors thereof;

1 (iii) hazardous air pollutant emissions;

2 and

3 (iv) public health disparities; and

4 (E) any other information the Adminis-
5 trator determines necessary to understand the
6 impact of grants awarded under this section.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

18 (h) DEFINITIONS.—In this section:

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

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

1 (3) ALTERNATIVE EMISSIONS CONTROL TECH-
2 NOLOGY.—The term “alternative emissions control
3 technology” means a technology, technique, or meas-
4 ure that—

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

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

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

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

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

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

21 (iii) 0.1 g/kW-hr for reactive organic
22 compounds; and

23 (E) reduces the emissions of the auxiliary
24 engine and boiler of an ocean-going vessel at

1 berth by at least 80 percent of the default emis-
2 sions rate, which is 13.8 g.

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

5 (A) Ground-level ozone.

6 (B) Particulate matter.

7 (C) Carbon monoxide.

8 (D) Lead.

9 (E) Sulfur dioxide.

10 (F) Nitrogen dioxide.

11 (5) DISTRIBUTED ENERGY RESOURCE.—

12 (A) IN GENERAL.—The term “distributed
13 energy resource” means an energy resource
14 that—

15 (i) is located on or near a customer
16 site;

17 (ii) is operated on the customer side
18 of the electric meter; and

19 (iii) is interconnected with the electric
20 grid.

21 (B) INCLUSIONS.—The term “distributed
22 energy resource” includes—

23 (i) clean electric generation;

24 (ii) customer electric efficiency meas-
25 ures;

- 1 (iii) electric demand flexibility; and
2 (iv) energy storage.

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

5 (A) a port authority;

6 (B) a State, regional, local, or Tribal agen-
7 cy that has jurisdiction over a port authority or
8 a port;

9 (C) an air pollution control district or air
10 quality management district; or

11 (D) a private or nonprofit entity, applying
12 for a grant awarded under this section in col-
13 laboration with another entity described in sub-
14 paragraphs (A) through (C), that owns or uses
15 cargo or transportation equipment at a port.

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

19 (A) is capable of absorbing energy, storing
20 energy for a period of time, and dispatching the
21 stored energy; and

22 (B) uses a mechanical, electrical, chemical,
23 electrochemical, or thermal process to store en-
24 ergy that—

1 (i) was generated at an earlier time
2 for use at a later time; or

3 (ii) was generated from a mechanical
4 process, and would otherwise be wasted,
5 for delivery at a later time.

6 (8) FULLY AUTOMATED CARGO HANDLING
7 EQUIPMENT.—The term “fully automated cargo
8 handling equipment” means cargo handling equip-
9 ment that—

10 (A) is remotely operated or remotely mon-
11 itored; and

12 (B) with respect to the use of such equip-
13 ment, does not require the exercise of human
14 intervention or control.

15 (9) NONATTAINMENT AREA.—The term “non-
16 attainment area” has the meaning given such term
17 in section 171 of the Clean Air Act (42 U.S.C.
18 7501).

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

21 (11) PORT AUTHORITY.—The term “port au-
22 thority” means a governmental or quasi-govern-
23 mental authority formed by a legislative body to op-
24 erate a port.

1 (12) PROJECT LABOR AGREEMENT.—The term
2 “project labor agreement” means a pre-hire collec-
3 tive bargaining agreement with one or more labor
4 organization that establishes the terms and condi-
5 tions of employment for a specific construction
6 project and is described in section 8(f) of the Na-
7 tional Labor Relations Act (29 U.S.C. 158(f)).

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

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

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

21 (16) STATE APPRENTICESHIP AGENCY.—The
22 term “State Apprenticeship Agency” has the mean-
23 ing given such term in section 29.2 of title 29, Code
24 of Federal Regulations (as in effect on January 1,
25 2020).

1 (17) ZERO EMISSIONS PORT EQUIPMENT AND
2 TECHNOLOGY.—

3 (A) IN GENERAL.—The term “zero emis-
4 sions port equipment and technology” means
5 equipment and technology, including the equip-
6 ment and technology described in subparagraph
7 (B), that—

8 (i) is used at a port; and

9 (ii)(I) produces zero exhaust emissions
10 of—

11 (aa) any criteria pollutant and
12 precursor thereof; and

13 (bb) any greenhouse gas, other
14 than water vapor; or

15 (II) captures 100 percent of the ex-
16 haust emissions produced by an ocean-
17 going vessel at berth.

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

21 (i) Any equipment that handles cargo.

22 (ii) A drayage truck that transports
23 cargo.

24 (iii) A train that transports cargo.

25 (iv) Port harbor craft.

- 1 (v) A distributed energy resource.
- 2 (vi) An energy storage system.
- 3 (vii) Electrical charging infrastruc-
- 4 ture.
- 5 (viii) Shore power or an alternative
- 6 emissions control technology.
- 7 (ix) An electric transport refrigeration
- 8 unit.

9 **SEC. 3. ENERGY POLICY ACT OF 2005 AUTHORIZATION OF**

10 **APPROPRIATIONS FOR PORT AUTHORITIES.**

11 Section 797 of the Energy Policy Act of 2005 (42

12 U.S.C. 16137) is amended by adding at the end the fol-

13 lowing:

14 “(c) PORT AUTHORITIES.—There is authorized to be

15 appropriated \$50,000,000 for each of fiscal years 2021

16 through 2025 to award grants, rebates, or loans, under

17 section 792, to eligible entities to carry out projects that

18 reduce emissions at ports.”.

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