

116TH CONGRESS
2D SESSION

S. 4726

To amend the Energy Independence and Security Act of 2007 to require the Secretary of Transportation to develop and carry out a program to improve energy efficiency in transportation.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mrs. SHAHEEN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Energy Independence and Security Act of 2007 to require the Secretary of Transportation to develop and carry out a program to improve energy efficiency in transportation.

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 “Better Utilizing Inno-
5 vative Low-emission Development Strategies Act” or the
6 “BUILDS Act”.

1 **SEC. 2. GRANT PROGRAM TO PROMOTE ENERGY EFFI-**
 2 **CIENCY.**

3 (a) IN GENERAL.—Title XI of the Energy Independ-
 4 ence and Security Act of 2007 (Public Law 110–140; 121
 5 Stat. 1756) is amended by adding at the end the following:

6 **“Subtitle E—Energy Efficiency**

7 **“SEC. 1141. GRANT PROGRAM TO PROMOTE ENERGY EFFI-**
 8 **CIENCY IN TRANSPORTATION.**

9 “(a) DEFINITIONS.—In this subtitle:

10 “(1) DYNAMIC TRANSPORTATION AND DEMAND
 11 MANAGEMENT PROJECT.—The term ‘dynamic trans-
 12 portation and demand management project’ means a
 13 project for the dynamic management, control, and
 14 influence of travel demand, traffic demand, and traf-
 15 fic flow relating to a transportation facility.

16 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
 17 tity’ means—

18 “(A) a State;

19 “(B) a unit of Tribal or local government;

20 and

21 “(C) a public entity with jurisdiction over,
 22 or expertise relating to, infrastructure in a re-
 23 gion, State, or locality (including a transit
 24 agency).

25 “(3) ENERGY EFFICIENT.—The term ‘energy
 26 efficient’, with respect to a mode of transportation,

1 means that the mode of transportation uses a sys-
2 tem of infrastructure and vehicles in transporting in-
3 dividuals or goods that requires a quantity of energy
4 consumption (as measured per person-mile or per
5 ton-mile of freight) equal to less than $\frac{2}{3}$ of the
6 quantity of energy consumed by other modes of
7 transportation in the United States (calculated
8 based on the average person-mile or ton-mile of
9 freight).

10 “(4) RURAL AREA.—The term ‘rural area’
11 means an area located outside of an urbanized area,
12 which urbanized area has a population of more than
13 150,000 residents, as determined by the Bureau of
14 the Census.

15 “(5) RURAL STATE.—The term ‘rural State’
16 means a State with a population density of 50 or
17 fewer residents per square mile, based on the most
18 recent decennial census.

19 “(6) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Transportation.

21 “(b) GRANT PROGRAM.—

22 “(1) ESTABLISHMENT.—The Secretary, in co-
23 ordination with the Secretary of Energy and other
24 appropriate Federal departments and agencies, shall
25 establish a program under which the Secretary shall

1 provide discretionary grants, on a competitive basis,
2 to eligible entities to carry out projects that the Sec-
3 retary determines will promote reductions in trans-
4 portation energy use, accelerate the adoption of new
5 and existing energy efficient technologies for trans-
6 portation applications, and significantly enhance
7 transportation infrastructure in the United States,
8 including by accelerating the application of informa-
9 tion and communications technology to increase the
10 availability and competitiveness of energy efficient
11 modes for transporting passengers or freight.

12 “(2) APPLICATION.—

13 “(A) IN GENERAL.—To be eligible to re-
14 ceive a grant under this subsection, an eligible
15 entity shall submit to the Secretary an applica-
16 tion at such time, in such manner, and con-
17 taining such information as the Secretary deter-
18 mines to be appropriate.

19 “(B) INCLUSION.—An application under
20 this paragraph shall include a description of the
21 means by which the proposed project of an eli-
22 gible entity will, with respect to the area pro-
23 posed to be served by the project—

24 “(i) promote a major reduction in
25 transportation energy use; or

1 “(ii) otherwise enhance energy effi-
2 ciency.

3 “(C) CRITERIA FOR PROJECT EVALUATION
4 AND SELECTION.—

5 “(i) PRIMARY FACTORS FOR CONSID-
6 ERATION.—The Secretary shall evaluate
7 applications submitted under this para-
8 graph primarily—

9 “(I) on the basis of the benefits
10 of the proposed project with respect
11 to—

12 “(aa) enhanced energy effi-
13 ciency;

14 “(bb) economic competitive-
15 ness;

16 “(cc) environmental sustain-
17 ability; and

18 “(dd) such other benefits as
19 the Secretary determines to be
20 appropriate; and

21 “(II) in a manner that ensures,
22 to the maximum extent practicable—

23 “(aa) an equitable geo-
24 graphical distribution of funds;
25 and

1 “(bb) an appropriate bal-
2 ance in addressing the needs of
3 urban and rural areas.

4 “(ii) ADDITIONAL CONSIDER-
5 ATIONS.—In addition to the criteria de-
6 scribed in clause (i), the Secretary shall
7 take into consideration the extent to which
8 a proposed project—

9 “(I) leverages Federal investment
10 by encouraging non-Federal contribu-
11 tions to the project, including con-
12 tributions from public-private partner-
13 ships;

14 “(II) supports the rehabilitation
15 of existing assets;

16 “(III) improves resilience to ex-
17 treme weather events; and

18 “(IV) improves technology inno-
19 vation and the use of information and
20 communication technologies.

21 “(3) USE OF FUNDS.—An eligible entity may
22 use a grant provided under this subsection to carry
23 out a project described in paragraph (1), includ-
24 ing—

1 “(A) a dynamic transportation and de-
2 mand management project to reduce recurring
3 and nonrecurring congestion;

4 “(B) a program based on mobile com-
5 puting to facilitate the use of transit, carshar-
6 ing, ridesharing, or bikesharing;

7 “(C) an improvement to a multimodal
8 freight facility to permit the use of information
9 and communications technology to facilitate
10 shared use of vehicles;

11 “(D) a roadway improvement to permit ve-
12 hicle-to-infrastructure communications that will
13 help to reduce energy consumption;

14 “(E) a public transportation project eligi-
15 ble under chapter 53 of title 49, United States
16 Code (including investment in a project partici-
17 pating in the New Starts or Small Starts pro-
18 grams that will expedite the completion of that
19 project and entry of the project into revenue
20 service);

21 “(F) a passenger or freight rail transpor-
22 tation project;

23 “(G) port infrastructure investment (in-
24 cluding a project that connects a port to an-

1 other mode of transportation and improves the
2 efficiency of freight movement);

3 “(H) the construction or expansion of an
4 electric charging or hydrogen fueling station or
5 other related infrastructure;

6 “(I) an infrastructure project that pro-
7 motes the efficient use of aircraft;

8 “(J) a project that promotes walking, bike
9 transit, and other nonmotorized modes of trans-
10 portation;

11 “(K) a project to deploy automation tech-
12 nology in personal vehicles to achieve a net re-
13 duction in energy consumption; and

14 “(L) such other projects as the Secretary
15 determines to be eligible.

16 “(4) REQUIREMENTS.—

17 “(A) MAXIMUM AMOUNT.—The amount of
18 a grant provided under this subsection shall be
19 not more than \$50,000,000.

20 “(B) TERM.—The term of a grant pro-
21 vided under this subsection shall not exceed 5
22 years.

23 “(C) FEDERAL SHARE.—The Federal
24 share of the cost of a project carried out using

1 a grant provided under this subsection shall be
2 not more than 80 percent.

3 “(D) REPORTS TO SECRETARY.—Not later
4 than the date that is 5 years, 10 years, and 20
5 years after the date of completion of a project
6 for which a grant is provided under this sub-
7 section, the applicable eligible entity shall—

8 “(i) reassess system performance to
9 determine whether the outcomes of the
10 project have met the preconstruction pro-
11 jections for—

12 “(I) reduction in transportation
13 energy use; and

14 “(II) enhancement of energy effi-
15 ciency; and

16 “(ii) submit to the Secretary a report
17 describing those determinations.

18 “(5) STATE LIMITATION.—In selecting projects
19 to receive grants under this subsection, the Sec-
20 retary shall ensure that not more than 20 percent of
21 the funds made available to carry out this subsection
22 may be awarded to projects in a single State.

23 “(6) RURAL PROJECTS.—Not less than 20 per-
24 cent of the amounts made available to carry out this

1 subsection for a fiscal year shall be allocated for
2 projects in rural areas or rural States.

3 “(c) ADMINISTRATIVE EXPENSES.—Of the amounts
4 made available under subsection (d), the Secretary may
5 use not more than 4 percent for administrative expenses
6 of carrying out the program under subsection (b).

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to the Secretary to carry
9 out this section \$300,000,000 for each of fiscal years 2021
10 through 2025.”.

11 (b) TECHNICAL AMENDMENT.—The table of contents
12 of the Energy Independence and Security Act of 2007 (42
13 U.S.C. 17001 note; Public Law 110–140) is amended by
14 adding at the end of the items relating to title XI the fol-
15 lowing:

“Subtitle E—Energy Efficiency

“Sec. 1141. Grant program to promote energy efficiency in transportation.”.

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