

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MS. BARRAGÁN OF CALIFORNIA

At the end of title III, add the following:

1 **Subtitle D—Climate Smart Ports**

2 **SEC. 3401. CLIMATE SMART PORTS GRANT PROGRAM.**

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

8 (b) USE OF GRANTS.—

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

13 (2) PROHIBITED USE.—

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

1 (B) HUMAN-OPERATED ZERO EMISSIONS
2 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
3 in subparagraph (A) prohibits an eligible entity
4 from using a grant awarded under this section
5 to purchase human-operated zero emissions
6 port equipment and technology or infrastruc-
7 ture that supports such human-operated zero
8 emissions port equipment and technology.

9 (3) COST SHARE.—

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

16 (B) CERTAIN GRANTS.—With respect to a
17 grant in an amount equal to or greater than
18 \$3,000,000, an eligible entity may use such
19 grant to cover not more than 85 percent of the
20 cost of purchasing and installing zero emissions
21 port equipment and technology if such eligible
22 entity certifies to the Administrator that—

23 (i) such grant will be used, at least in
24 part, to employ laborers or mechanics to

1 install zero emissions port equipment and
2 technology; and

3 (ii) such eligible entity is a party to a
4 project labor agreement or requires that
5 each subgrantee of such eligible entity, and
6 any subgrantee thereof at any tier, that
7 performs such installation participate in a
8 project labor agreement.

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

17 (A) are domiciled not further than 50
18 miles from such installation;

19 (B) are members of the Armed Forces
20 serving on active duty, separated from active
21 duty, or retired from active duty;

22 (C) have been incarcerated or served time
23 in a juvenile detention facility; or

24 (D) have a disability.

25 (c) WAGES.—

1 (1) IN GENERAL.—All laborers and mechanics
2 employed by a subgrantee of an eligible entity, and
3 any subgrantee thereof at any tier, to perform con-
4 struction, alteration, installation, or repair work that
5 is assisted, in whole or in part, by a grant awarded
6 under this section shall be paid wages at rates not
7 less than those prevailing on similar construction, al-
8 teration, installation, or repair work in the locality
9 as determined by the Secretary of Labor in accord-
10 ance with subchapter IV of chapter 31 of title 40,
11 United States Code.

12 (2) LABOR STANDARDS.—With respect to the
13 labor standards in this subsection, the Secretary of
14 Labor shall have the authority and functions set
15 forth in Reorganization Plan Numbered 14 of 1950
16 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
17 title 40, United States Code.

18 (d) APPLICATION.—

19 (1) IN GENERAL.—To be eligible to be awarded
20 a grant under this section, an eligible entity shall
21 submit to the Administrator an application at such
22 time, in such manner, and containing such informa-
23 tion as the Administrator may require.

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

4 (A) The degree to which the proposed use
5 of the grant will—

6 (i) reduce greenhouse gas emissions;

7 (ii) reduce emissions of any criteria
8 pollutant and precursor thereof;

9 (iii) reduce hazardous air pollutant
10 emissions; and

11 (iv) reduce public health disparities in
12 communities that receive a dispropor-
13 tionate quantity of air pollution from a
14 port.

15 (B) The amount of matching, non-Federal
16 funds expected to be used by an applicant to
17 purchase, and as applicable install, zero emis-
18 sions port equipment and technology.

19 (C) Whether the applicant will use such
20 grant to purchase, and as applicable install,
21 zero emissions port equipment and technology
22 that is produced in the United States.

23 (D) As applicable, whether the applicant
24 will meet the utilization requirements for reg-

1 istered apprentices established by the Secretary
2 of Labor or a State Apprenticeship Agency.

3 (E) As applicable, whether the applicant
4 will recruit and retain skilled workers through
5 a State-approved joint labor management ap-
6 prenticeship program.

7 (e) OUTREACH.—

8 (1) IN GENERAL.—Not later than 90 days after
9 funds are made available to carry out this section,
10 the Administrator shall develop and carry out an
11 educational outreach program to promote and ex-
12 plain the grant program established under sub-
13 section (a) to prospective grant recipients.

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

17 (A) inform prospective grant recipients
18 how to apply for a grant awarded under this
19 section;

20 (B) describe to prospective grant recipients
21 the benefits of available zero emissions port
22 equipment and technology;

23 (C) explain to prospective grant recipients
24 the benefits of participating in the grant pro-
25 gram established under this section; and

1 (D) facilitate the sharing of best practices
2 and lessons learned between grant recipients
3 and prospective grant recipients with respect to
4 how to apply for and use grants awarded under
5 this section.

6 (f) REPORTS.—

7 (1) REPORT TO ADMINISTRATOR.—Not later
8 than 90 days after the date on which an eligible en-
9 tity uses a grant awarded under this section, such
10 eligible entity shall submit to the Administrator a re-
11 port containing such information as the Adminis-
12 trator shall require.

13 (2) ANNUAL REPORT TO CONGRESS.—Not later
14 than January 31, 2021, and annually thereafter, the
15 Administrator shall submit to Congress and make
16 available on the website of the Environmental Pro-
17 tection Agency a report that includes, with respect
18 to each grant awarded under this section during the
19 preceding calendar year—

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

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

24 (C) the name and location of the port
25 where the zero emissions port equipment and

1 technology that was purchased, and as applica-
2 ble installed, with such grant is used;

3 (D) an estimate of the impact of such zero
4 emissions port equipment and technology on re-
5 ducing—

6 (i) greenhouse gas emissions;

7 (ii) emissions of criteria pollutants
8 and precursors thereof;

9 (iii) hazardous air pollutant emissions;

10 and

11 (iv) public health disparities; and

12 (E) any other information the Adminis-
13 trator determines necessary to understand the
14 impact of grants awarded under this section.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section
18 \$1,000,000,000 for each of fiscal years 2021
19 through 2030.

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

1 (h) DEFINITIONS.—In this section:

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

5 (2) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (3) ALTERNATIVE EMISSIONS CONTROL TECH-
9 NOLOGY.—The term “alternative emissions control
10 technology” means a technology, technique, or meas-
11 ure that—

12 (A) captures the emissions of nitrogen
13 oxide, particulate matter, reactive organic com-
14 pounds, and greenhouse gases from the auxil-
15 iary engine and auxiliary boiler of an ocean-
16 going vessel at berth;

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

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

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

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

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

3 (iii) 0.1 g/kW-hr for reactive organic
4 compounds; and

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

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

11 (A) Ground-level ozone.

12 (B) Particulate matter.

13 (C) Carbon monoxide.

14 (D) Lead.

15 (E) Sulfur dioxide.

16 (F) Nitrogen dioxide.

17 (5) DISTRIBUTED ENERGY RESOURCE.—

18 (A) IN GENERAL.—The term “distributed
19 energy resource” means an energy resource
20 that—

21 (i) is located on or near a customer
22 site;

23 (ii) is operated on the customer side
24 of the electric meter; and

1 (iii) is interconnected with the electric
2 grid.

3 (B) INCLUSIONS.—The term “distributed
4 energy resource” includes—

5 (i) clean electric generation;

6 (ii) customer electric efficiency meas-
7 ures;

8 (iii) electric demand flexibility; and

9 (iv) energy storage.

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

12 (A) a port authority;

13 (B) a State, regional, local, or Tribal agen-
14 cy that has jurisdiction over a port authority or
15 a port;

16 (C) an air pollution control district or air
17 quality management district; or

18 (D) a private or nonprofit entity, applying
19 for a grant awarded under this section in col-
20 laboration with another entity described in sub-
21 paragraphs (A) through (C), that owns or uses
22 cargo or transportation equipment at a port.

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

1 (A) is capable of absorbing energy, storing
2 energy for a period of time, and dispatching the
3 stored energy; and

4 (B) uses a mechanical, electrical, chemical,
5 electrochemical, or thermal process to store en-
6 ergy that—

7 (i) was generated at an earlier time
8 for use at a later time; or

9 (ii) was generated from a mechanical
10 process, and would otherwise be wasted,
11 for delivery at a later time.

12 (8) FULLY AUTOMATED CARGO HANDLING
13 EQUIPMENT.—The term “fully automated cargo
14 handling equipment” means cargo handling equip-
15 ment that—

16 (A) is remotely operated or remotely mon-
17 itored; and

18 (B) with respect to the use of such equip-
19 ment, does not require the exercise of human
20 intervention or control.

21 (9) NONATTAINMENT AREA.—The term “non-
22 attainment area” has the meaning given such term
23 in section 171 of the Clean Air Act (42 U.S.C.
24 7501).

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

3 (11) PORT AUTHORITY.—The term “port au-
4 thority” means a governmental or quasi-govern-
5 mental authority formed by a legislative body to op-
6 erate a port.

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

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

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

23 (15) SHORE POWER.—The term “shore power”
24 means the provision of shoreside electrical power to

1 a ship at berth that has shut down main and auxil-
2 iary engines.

3 (16) STATE APPRENTICESHIP AGENCY.—The
4 term “State Apprenticeship Agency” has the mean-
5 ing given such term in section 29.2 of title 29, Code
6 of Federal Regulations (as in effect on January 1,
7 2020).

8 (17) ZERO EMISSIONS PORT EQUIPMENT AND
9 TECHNOLOGY.—

10 (A) IN GENERAL.—The term “zero emis-
11 sions port equipment and technology” means
12 equipment and technology, including the equip-
13 ment and technology described in subparagraph
14 (B), that—

15 (i) is used at a port; and

16 (ii) (I) produces zero exhaust emis-
17 sions of—

18 (aa) any criteria pollutant
19 and precursor thereof; and

20 (bb) any greenhouse gas,
21 other than water vapor; or

22 (II) captures 100 percent of the
23 exhaust emissions produced by an
24 ocean-going vessel at berth.

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

4 (i) Any equipment that handles cargo.

5 (ii) A drayage truck that transports
6 cargo.

7 (iii) A train that transports cargo.

8 (iv) Port harbor craft.

9 (v) A distributed energy resource.

10 (vi) An energy storage system.

11 (vii) Electrical charging infrastruc-
12 ture.

13 (viii) Shore power or an alternative
14 emissions control technology.

15 (ix) An electric transport refrigeration
16 unit.

