

AMENDMENT TO
RULES COMMITTEE PRINT 116-63
OFFERED BY MS. BLUNT ROCHESTER OF
DELAWARE

Add at the end of title VI the following:

1 **Subtitle G—Climate Action**
2 **Planning for Ports**

3 **SEC. 6701. GRANTS TO REDUCE GREENHOUSE GAS EMIS-**
4 **SIONS AT PORTS.**

5 (a) GRANTS.—The Administrator of the Environ-
6 mental Protection Agency may award grants to eligible en-
7 tities—

8 (1) to implement plans to reduce greenhouse
9 gas emissions at one or more ports or port facilities
10 within the jurisdictions of the respective eligible enti-
11 ties; and

12 (2) to develop climate action plans described in
13 subsection (b)(2).

14 (b) APPLICATION.—

15 (1) IN GENERAL.—To seek a grant under this
16 section, an eligible entity shall submit an application
17 to the Administrator of the Environmental Protec-
18 tion Agency at such time, in such manner, and con-

1 taining such information and assurances as the Ad-
2 ministrator may require.

3 (2) CLIMATE ACTION PLAN.—At a minimum,
4 each such application shall contain—

5 (A) a detailed and strategic plan, to be
6 known as a climate action plan, that outlines
7 how the eligible entity will develop and imple-
8 ment climate change mitigation or adaptation
9 measures through the grant; or

10 (B) a request pursuant to subsection
11 (a)(2) for funding for the development of a cli-
12 mate action plan.

13 (3) REQUIRED COMPONENTS.—A climate action
14 plan under paragraph (2) shall demonstrate that the
15 measures proposed to be implemented through the
16 grant—

17 (A) will reduce greenhouse gas emissions
18 at the port or port facilities involved pursuant
19 to greenhouse gas emission reduction goals set
20 forth in the climate action plan;

21 (B) will reduce other air pollutants at the
22 port or port facilities involved pursuant to cri-
23 teria pollutant emission reduction goals set
24 forth in the climate action plan;

1 (C) will implement emissions accounting
2 and inventory practices to determine baseline
3 emissions and measure progress; and

4 (D) will ensure labor protections for work-
5 ers employed directly at the port or port facili-
6 ties involved, including by—

7 (i) demonstrating that implementation
8 of the measures proposed to be imple-
9 mented through the grant will not result in
10 a net loss of jobs at the port or port facili-
11 ties involved;

12 (ii) ensuring that laborers and me-
13 chanics employed by contractors and sub-
14 contractors on construction projects to im-
15 plement the plan will be paid wages not
16 less than those prevailing on similar con-
17 struction in the locality, as determined by
18 the Secretary of Labor under sections
19 3141 through 3144, 3146, and 3147 of
20 title 40, United States Code; and

21 (iii) requiring any projects initiated to
22 carry out the plan with total capital costs
23 of \$1,000,000 or greater to utilize a
24 project labor agreement and not impact
25 any preexisting project labor agreement.

1 (4) OTHER COMPONENTS.—In addition to the
2 components required by paragraph (3), a climate ac-
3 tion plan under paragraph (2) shall demonstrate
4 that the measures proposed to be implemented
5 through the grant will do at least 2 of the following:

6 (A) Improve energy efficiency at a port or
7 port facility, including by using—

8 (i) energy-efficient vehicles, such as
9 hybrid, low-emission, or zero-emission vehi-
10 cles;

11 (ii) energy efficient cargo-handling,
12 harbor vessels, or storage facilities such as
13 energy-efficient refrigeration equipment;

14 (iii) energy-efficient lighting;

15 (iv) shore power; or

16 (v) other energy efficiency improve-
17 ments.

18 (B) Deploy technology or processes that
19 reduce idling of vehicles at a port or port facil-
20 ity.

21 (C) Reduce the direct emissions of green-
22 house gases and other air pollutants with a goal
23 of achieving zero emissions, including by replac-
24 ing and retrofitting equipment (including vehi-

1 cles onsite, cargo-handling equipment, or harbor
2 vessels) at a port or port facility.

3 (5) PROHIBITED USE.—An eligible entity may
4 not use a grant provided under this section—

5 (A) to purchase fully automated cargo han-
6 dling equipment;

7 (B) to build, or plan to build, terminal in-
8 frastructure that is designed for fully auto-
9 mated cargo handling equipment;

10 (C) to purchase, test, or develop highly
11 automated trucks, chassis, or any related equip-
12 ment that can be used to transport container-
13 ized freight; or

14 (D) to extend to any independent con-
15 tractor, independent owner, operator, or other
16 entity that is not using employees for the sake
17 of performing work on terminal grounds.

18 (6) COORDINATION WITH STAKEHOLDERS.—In
19 developing a climate action plan under paragraph
20 (2), an eligible entity shall—

21 (A) identify and collaborate with stake-
22 holders who may be affected by the plan, in-
23 cluding local environmental justice communities
24 and other near-port communities;

1 (B) address the potential cumulative ef-
2 fects of the plan on stakeholders when those ef-
3 fects may have a community-level impact; and

4 (C) ensure effective advance communica-
5 tion with stakeholders to avoid and minimize
6 conflicts.

7 (c) PRIORITY.—In awarding grants under this sec-
8 tion, the Administrator of the Environmental Protection
9 Agency shall give priority to applicants proposing—

10 (1) to strive for zero emissions as a key strat-
11 egy within the grantee’s climate action plan under
12 paragraph (2);

13 (2) to take a regional approach to reducing
14 greenhouse gas emissions at ports;

15 (3) to collaborate with near-port communities to
16 identify and implement mutual solutions to reduce
17 air pollutants at ports or port facilities affecting
18 such communities, with emphasis given to implemen-
19 tation of such solutions in near-port communities
20 that are environmental justice communities;

21 (4) to implement activities with off-site benefits,
22 such as by reducing air pollutants from vehicles,
23 equipment, and vessels at sites other than the port
24 or port facilities involved; and

1 (5) to reduce localized health risk pursuant to
2 health risk reduction goals that are set within the
3 grantee's climate action plan under paragraph (2).

4 (d) MODEL METHODOLOGIES.—The Administrator
5 of the Environmental Protection Agency shall—

6 (1) develop model methodologies which grantees
7 under this section may choose to use for emissions
8 accounting and inventory practices referred to in
9 subsection (b)(3)(C); and

10 (2) ensure that such methodologies are designed
11 to measure progress in reducing air pollution at
12 near-port communities.

13 (e) DEFINITIONS.—In this section:

14 (1) The term “Administrator” means the Ad-
15 ministrator of the Environmental Protection Agency.

16 (2) The term “cargo-handling equipment” in-
17 cludes—

18 (A) ship-to-shore container cranes and
19 other cranes;

20 (B) container-handling equipment; and

21 (C) equipment for moving or handling
22 cargo, including trucks, reachstackers,
23 toploaders, and forklifts.

24 (3) The term “eligible entity” 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

5 (D) a private entity (including any non-
6 profit organization) that—

7 (i) applies for a grant under this sec-
8 tion in collaboration with an entity de-
9 scribed in subparagraph (A), (B), or (C) ;
10 and

11 (ii) owns, operates, or uses a port fa-
12 cility, cargo equipment, transportation
13 equipment, related technology, or a ware-
14 house facility at a port or port facility.

15 (4) The term “environmental justice commu-
16 nity” means a community with significant represen-
17 tation of communities of color, low-income commu-
18 nities, or Tribal and indigenous communities, that
19 experiences, or is at risk of experiencing, higher or
20 more adverse human health or environmental effects.

21 (5) The term “harbor vessel” includes a ship,
22 boat, lighter, or maritime vessel designed for service
23 at and around harbors and ports.

24 (6) The term “inland port” means a logistics or
25 distribution hub that is located inland from navi-

1 gable waters, where cargo, such as break-bulk cargo
2 or cargo in shipping containers, is processed, stored,
3 and transferred between trucks, rail cars, or air-
4 craft.

5 (7) The term “port” includes an inland port.

6 (8) The term “stakeholder” means residents,
7 community groups, businesses, business owners,
8 labor unions, commission members, or groups from
9 which a near-port community draws its resources
10 that—

11 (A) have interest in the climate action plan
12 of a grantee under this section; or

13 (B) can affect or be affected by the objec-
14 tives and policies of such a climate action plan.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—To carry out this subtitle,
17 there is authorized to be appropriated \$250,000,000
18 for each of fiscal years 2021 through 2025.

19 (2) DEVELOPMENT OF CLIMATE ACTION
20 PLANS.—In addition to the authorization of appro-
21 priations in paragraph (1), there is authorized to be
22 appropriated for grants pursuant to subsection
23 (a)(2) to develop climate action plans \$50,000,000

1 for fiscal year 2021, to remain available until ex-
2 pended.

